

- 32 (a) Reforestation of forestland;
- 33 (b) Road construction and maintenance;
- 34 (c) Harvesting of forest tree species;
- 35 (d) Application of chemicals;
- 36 (e) Disposal of slash; and
- 37 (f) Removal of woody biomass.
- 38 ~~{(15)}~~ **(8)** "[Regular] Grant" means a funding opportunity through competitive solicitation.
- 39 (7) **(9)**"Grantee" means an applicant that enters into an agreement with the Department to
40 accomplish a project.
- 41 (8) **(10)** "HCP" means the anticipated Oregon Private Forest Accord Aquatic Habitat
42 Conservation Plan to be submitted by the State Board of Forestry to the National Marine
43 Fisheries Service and the United States Fish and Wildlife Service consistent with requirements of
44 Oregon Laws, Chapter 33, Section 11(1)".
- 45 (9) **(11)** ~~["MAC" means the Private Forest Accord Mitigation Advisory Committee.]~~ **"PFA**
46 **Advisory Committee"** means the Private Forest Accord Mitigation Advisory Committee
47 **which is an advisory committee to the State Fish and Wildlife Commission and the State**
48 **Department of Fish and Wildlife for the Private Forest Accord Grant Program.**
- 49 ~~(10) (12) ["Mitigation" for the purposes of the PFA Mitigation Grant Program is defined as~~
50 ~~implementing measures that offset and compensate for impacts of covered forest practices on~~
51 ~~HCP covered species, based on the biological needs of the covered species.]~~ **"Mitigation" for**
52 **the purposes of the PFA Grant Program is defined as implementing measures that provide**
53 **conservation benefit to covered species.**
- 54 ~~(11) ["[Mitigation] Fund" means the Private Forest Accord [Mitigation] Fund established in~~
55 ~~Oregon Laws 2022, Chapter 33, Section 28:]"~~
- 56 ~~(12)~~ **(13)** "PFA" means the Private Forest Accord.
- 57 ~~(13)~~ **(14)** "PFA Grant Program" is the program authorized by Oregon Laws 2022, chapter 33,
58 section 32 for the purpose of funding projects that ~~[mitigate impacts of forest practices.]~~ **provide**
59 **conservation benefits to covered species.**
- 60 ~~(14)~~ **(15)** "Quorum" means a majority of the ~~[MAC]~~ **PFA Advisory Committee** voting
61 members.
- 62 (16) "Solicitation" is a notice that invites entities to apply for funding to the Private Forest
63 Accord ~~[Mitigation]~~ Grant **P**rogram. The solicitation will outline the goals of the grant program,

64 activities eligible (or ineligible) to be performed as part of the grant program, and application
65 requirements, amongst other essential details.

66 (17) "Review Team" is a team of designated persons with interdisciplinary expertise drawn from
67 entities deemed appropriate by the Department to evaluate grant applications based on evaluation
68 criteria.

69 [(18) "Urgent Grant" means a time-sensitive, high-priority project in need of funding more
70 quickly than available via a Regular Grant.]

71 **(18) "Tribe" means a federally recognized Indian tribe in Oregon. "Tribe(s)" means a**
72 **federally recognized Indian tribe(s).**

73 **(19) "Local government" has the meaning given that term in ORS 174.116.**

74 **(20) "Local organization" means an organization that:**

75
76 **(a) Is a special government body as defined in ORS 174.117, a federally recognized Indian tribe,**
77 **a nonprofit organization or other organization identified by a provider of water project support**
78 **by rule as eligible to receive water project support; and**

79
80 **(b) Operates in an area affected by a water project.**

81

82 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
83 Sections 30-32

84 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
85

86 **635-097-0020**

87 **Private Forest Accord Grant Program [~~Mitigation Fund~~]**

88 (1) The Private Forest Accord Mitigation Subaccount (hereafter referred to as "PFA [~~Mitigation~~]
89 Fund" or "Fund") shall consist of all moneys appropriated to the Department for deposit in the
90 Fund or otherwise transferred to the Fund, and gifts, grants, contributions or other donations that
91 are received by the Department from any public or private source and caused to be deposited and
92 credited to the Fund.

93 (2) The Department shall fund projects approved by the Commission with funds from the PFA
94 [~~Mitigation~~] **Fund** consistent with advice from the PFA [~~MAC~~] **Advisory Committee** and these
95 PFA Grant rules.

96 (3) The Department shall expend moneys in the PFA [~~Mitigation~~] Fund only for:

97 (a) Projects recommended by the [~~MAC~~] **PFA Advisory Committee** to the Department, and
98 approved by the Commission that meet eligibility requirements in OAR 635-097-~~[0070]~~**0050**,

99 (b) Projects that conduct outreach to further the purpose of PFA Grant Program, and

100 (c) Administrative costs associated with the PFA Grant Program.

101 (4) The Department and ~~[MAC]~~ **PFA Advisory Committee** shall submit a joint biennial report
102 to the Legislature on the expenditure of funds for the PFA ~~[Mitigation Fund]~~ **Grant Program**
103 and the status of funded projects.

104 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
105 Sections 30-32

106 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
107

108

109

110 **635-097-0030**

111 ~~[Private Forest Accord (PFA) [Mitigation] Advisory Committee (MAC)]~~ **PFA Advisory**
112 **Committee Purpose and Duties**

113 (1) The purpose and duties of the ~~[MAC]~~ **PFA Advisory Committee** are to:

114 (a) Review Department policies regarding the use of moneys deposited in the PFA ~~[Mitigation~~
115 ~~Fund]~~ **Grant Program** and make recommendations to the Department and Commission
116 regarding the use of the moneys in the Fund, and

117 (b) Solicit and review grant applications under the PFA Grant Program as described in OAR
118 635-097-0040.

119 (2) The ~~[MAC]~~ **PFA Advisory Committee** shall consist of seven voting members and up to five
120 nonvoting members. The composition of the ~~[MAC]~~ **PFA Advisory Committee** is as follows:

121 (a) Voting Members:

122 (A) Six voting members are appointed by the Governor, which shall include three members who
123 represent the timber industry, and three members who represent nongovernmental organizations
124 promoting freshwater aquatic habitat conservation.

125 (B) One voting member is appointed by the Oregon Conservation and Recreation Advisory
126 Committee from among themselves.

127 (C) The term of a voting member is four years. Voting members may be reappointed but may not
128 serve more than two full terms.

129 (b) Nonvoting members: The Department shall appoint up to five nonvoting members
130 representing and as recommended by each of the following agencies:

131 (A) The State Department of Forestry,

132 (B) The Oregon Watershed Enhancement Board,

- 133 (C) The State Department of Fish and Wildlife,
- 134 (D) The United States Fish and Wildlife Service, and
- 135 (E) The National Marine Fisheries Service.

136 **(3)** ~~(e)~~ The [MAC] **PFA Advisory Committee** shall select officers for such terms and with
137 such duties and powers it considers necessary to carry out the responsibilities of the [MAC] **PFA**
138 **Advisory Committee**. In addition, the members of the [MAC] **PFA Advisory Committee** shall
139 choose a temporary officer in the absence of the officers.

140 **(4)** ~~(3)~~ In undertaking the duties described in section (1) of this rule, the [MAC] **PFA Advisory**
141 **Committee** may solicit and consider project recommendations from other grant programs such
142 as the Oregon Conservation and Recreation Fund.

143 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
144 Sections 30-32
145 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
146

147 **635-097-0040**
148 **Private Forest Accord Grant Program**

149 ~~(1) The Commission may award grant funding to projects throughout the State of Oregon that~~
150 ~~mitigate impacts of covered activities on HCP covered species, with advice from the Department~~
151 ~~and the MAC.~~

152 ~~(2) The Department, in collaboration with the MAC, may offer two pathways for funding~~
153 ~~projects:~~

154 ~~(a) The Department shall offer a Regular Grant funding opportunity through competitive~~
155 ~~solicitation no less than once yearly. The Regular Grant funding opportunity shall be the primary~~
156 ~~pathway for applicants seeking funding from the PFA Mitigation Fund.~~

157 ~~(b) The Department may offer Urgent Grant funding opportunities to time sensitive, high-~~
158 ~~priority projects outside of the Regular Grant funding opportunity. Projects seeking Urgent Grant~~
159 ~~funding shall demonstrate the time sensitive need to occur outside of the Regular Grant~~
160 ~~solicitation. In addition, they must demonstrate a meaningful conservation benefit for HCP-~~
161 ~~covered species as recommended by the MAC and as determined by the Commission.~~

162 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
163 Sections 30-32
164 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
165

166 **635-097-0050**
167 **Private Forest Accord [~~Mitigation Fund Regular Grants~~] Grant Program Solicitation**

168 The Department, ~~[-at the discretion of]~~ **in collaboration with** the [MAC] **PFA Advisory**
169 **Committee**, shall offer [~~Regular~~] Grant funding solicitations for proposals pursuant to the
170 following:

171 (1) [~~Regular~~] Grant funding proposals shall be solicited no less than once per year through a
172 request for proposals.

173 (2) Interested applicants shall submit a project application to the Department by the deadline
174 described in the solicitation.

175 (3) The Department, in collaboration with the [MAC] **PFA Advisory Committee** and review
176 teams, shall review all [~~Regular~~] Grant funding applications against the Evaluation Criteria in
177 OAR 635-097-0090 and any other requirements deemed appropriate by the Department which
178 will be made available in the current solicitation.

179 (4) Project match may not be required for [~~Regular~~] Grants but may be considered during the
180 review process.

181 (5) Project monitoring may be required with conditions made available in the current solicitation.

182 (6) The [MAC] **PFA Advisory Committee** may request that an applicant amend a project
183 application's scope of work and budget to meet program priorities, and Department staff may
184 assist with such amendments.

185 **(7) The Commission may award grant funding to projects throughout the State of Oregon**
186 **that provide conservation benefits to covered species, with advice from the Department**
187 **and the PFA Advisory Committee.**

188 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
189 Sections 30-32

190 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
191

192 **~~[635-097-0060~~**

193 **~~Private Forest Accord Mitigation Fund Urgent Grants~~**

194 ~~The Department, at the discretion of the MAC, may offer an Urgent Grant funding opportunity~~
195 ~~for critical need projects that are time sensitive and high priority projects that need funding~~
196 ~~outside of the Regular Grant funding opportunity. All Urgent Grant funding project requests~~
197 ~~shall submit applications pursuant to OAR 635-097-0070 through OAR 635-097-0090, in~~
198 ~~addition to the criteria below:~~

199 ~~(1) All proposed projects for Urgent Grant funding may be required to:~~

200 ~~(a) Provide a one page pre-application to ODFW staff and a full application upon request,~~

201 ~~(b) Attend a pre-application conference with ODFW staff,~~

202 ~~(c) Present to the MAC on the proposed project prior to an award,~~

- 203 ~~(d) Perform project monitoring,~~
204 ~~(e) Have secured all project permitting or provide proof of submission,~~
205 ~~(f) Have secured all landowner access agreements, and~~
206 ~~(g) Be ready to implement upon award.~~
- 207 ~~(2) Urgent Grants may be required to provide up to a 25% project match.~~
208 ~~(3) Urgent Grants may be considered on a rolling basis, year round, to eligible applicants.~~
209 ~~(4) The timing of consideration of Urgent Grant funding requests shall be at the discretion of the~~
210 ~~MAC, considering available funds and other business.~~
- 211 ~~(5) The MAC shall review all Urgent Grant funding applications against the eligibility~~
212 ~~requirements, application requirements and evaluation criteria pursuant to OAR 635-097-0070~~
213 ~~through OAR 635-097-0090, and any other requirements deemed appropriate by the Department~~
214 ~~in collaboration with the MAC.~~
- 215 ~~(6) The MAC may request that an applicant amend a project application's scope of work and~~
216 ~~budget to meet program priorities, and Department staff may assist with such amendments.~~

217 ~~Statutory/Other Authority: ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,~~
218 ~~Sections 30-32~~

219 ~~Statutes/Other Implemented: ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32~~
220

221 **635-097-0070**

222 **Private Forest Accord [~~Mitigation Fund~~] Grant Program Project Eligibility and**
223 **Authorized Use of Grant Funds**

224 (1) Eligible Applicants are any local, State of Oregon, or federal agency, Tribe(s), political
225 subdivision of this state, college or university, non-profit or private corporation, or limited
226 liability corporation. Individuals may partner with an eligible entity.

227 (2) An applicant may be deemed ineligible by the Department if they have had a previous project
228 revoked for reasons listed in OAR 635-097-0100.

229 (3) A Grantee may only expend monies granted from the PFA [~~Mitigation Fund~~] **Grant**
230 **Program** as authorized by a signed agreement with the Department for a purpose(s) authorized
231 by these rules.

232 (4) Funding from the PFA [~~Mitigation Fund~~] **Grant Program** shall not be used for any prior or
233 current compensatory mitigation obligations. Habitat projects funded by the PFA [~~Mitigation~~
234 ~~Fund~~] **Grant Program** cannot be used for the purpose of generating compensatory mitigation
235 credits to offset **or account for** other compensatory mitigation obligations.

236 (5) Eligible projects include, but are not limited to:

- 237 (a) Removing structures that block the passage of aquatic organisms or repairing the structures to
238 promote the passage of aquatic organisms,
- 239 (b) Placing logs or other wood-based material in streams to promote natural stream functions,
- 240 (c) Conserving, recruiting, restoring, or reintroducing beavers and their habitats for the benefit of
241 [~~HCP-~~]covered species,
- 242 (d) Developing or sustaining healthy watersheds including riparian corridors, wet meadow
243 complexes and forested uplands thereby reducing burn intensity during fires and protecting
244 streams from excess sediment discharge after a wildfire,
- 245 (e) Applying restoration treatments to stands of trees to enhance or restore historic species
246 diversity that benefits riparian function,
- 247 (f) [~~Supporting acquisition of land, and interests in land including conservation easements, to~~
248 ~~protect, enhance, or restore riparian areas or other critical habitat functions for HCP covered~~
249 ~~species;]~~ **Supporting establishment of conservation easements on land other than forestland**
250 **to protect riparian areas.**
- 251 (g) [~~Acquisitions which result in legally protected instream flow to maintain or restore~~
252 ~~streamflows for the benefit of habitat for HCP covered species;]~~ **Supporting acquisition of an**
253 **existing water right for conversion to an in-stream water right, as described in ORS**
254 **537.348, to improve in-stream flow conditions.**
- 255 (h) Installing fencing or otherwise excluding grazing in riparian areas or around seeps or springs
256 for [~~HCP-~~]covered species,
- 257 (i) Installing off-stream stockwater systems or hardened watering gaps to reduce the effects of
258 grazing on aquatic organisms,
- 259 (j) Undertaking other measures that effectively conserve or restore habitat for **covered species.**
260 [~~species covered by the HCP that is consistent with the Private Forest Accord Report dated~~
261 ~~February 2, 2022, and published by the State Forestry Department on February 7, 2022.]~~
- 262 (k) Projects may include funding requests for monitoring, maintenance, and permit
263 administrative costs. Applicants may request reimbursement of pre-project costs if directly
264 associated with the proposed activities in the grant.
- 265 **(l) Supporting the restoration of instream flows to improve conditions for covered species**
266 **through a variety of methods including those described in ORS 537.348 and other**
267 **transaction-based and infrastructure upgrade-based approaches to restoring streamflow.**
- 268 (6) Funds from the PFA Grant Program may be allocated to projects outside the standard grant
269 solicitation process, based on criteria established by OAR 635-097-0070, 635-097-0080, 635-
270 097-0090 and 635-097-0110.
- 271 **(7) When development or implementation of community engagement plans are funded as**
272 **part of a project, a recipient of water project support that is a local organization or local**
273 **government must use the Best Practices for Community Engagement around Water**

274 **Projects (10 Best Practices in Community Engagement around Water Project.pdf) to invite**
275 **and support meaningful involvement by representatives of disproportionately impacted**
276 **communities in water projects funded through the PFA.**

277 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
278 Sections 30-32
279 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
280

281 **635-097-0080**
282 **Private Forest Accord [~~Mitigation Fund~~] Grant Program Application**

283 Project applications for [~~both~~] Regular [~~and Urgent~~] Grants must be submitted on the most
284 current form prescribed by the [~~MAC~~] **PFA Advisory Committee**. In addition, applicants must
285 provide a written explanation if they cannot provide any of the information required in the
286 application.

287 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
288 Sections 30-32
289 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32
290

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295 **635-097-0090**
296 **Evaluation Criteria for Proposed Private Forest Accord [~~Mitigation Fund~~] Grant Program**
297 **Projects**

298 All project requests shall be reviewed by the [~~MAC~~] **PFA Advisory Committee**, the
299 Department, and additional review team(s) as deemed appropriate by the Department and [~~MAC~~]
300 **PFA Advisory Committee**. Any project recommended for funding to the Commission shall, at
301 the minimum, meet the following conditions:

302 (1) All project applications will be evaluated based on the following evaluation criteria:

303 (a) Clarity, technical soundness, cost-effectiveness, addressing the biological needs of [~~HCP~~]
304 covered species, addressing conservation strategies [~~identified by the PFA HCP,~~] **in a** watershed
305 context, readiness, measurability, available funding, capacity of the applicant, and any other
306 metric deemed appropriate by the [~~MAC~~] **PFA Advisory Committee** or the Department.

307 (2) Project applications shall provide, at a minimum, the following:

308 (a) Well-defined and measurable goals,

- 309 (b) Measures to achieve project goals,
- 310 (c) A list of project proponents and collaborating and participating partners,
- 311 (d) The location and duration of the project, including the beginning and the ending date,
- 312 (e) Estimated project costs, including the amount to be funded by the PFA [~~Mitigation Fund~~]
313 **Grant Program** and sources of other funding,
- 314 (f) A description of other conservation or natural resource benefits, if any, that may be supported
315 by the proposed project,
- 316 (g) A monitoring plan to measure performance of the implemented project, and
- 317 (h) A list of necessary project permits and copies of collected permits, or the anticipated actions
318 to collect the required permits. All Grantees bear sole responsibility to seek and obtain all
319 necessary permits or authorizations that may be required to carry out such projects.
- 320 (3) The Department, at direction of the [~~MAC~~] **PFA Advisory Committee**, shall not recommend
321 a project for funding to the Commission if the Department determines the project to be:
- 322 (a) Inconsistent with the intent of Oregon Laws 2022, Chapter 33, Section 11, and the Private
323 Forest Accord Report dated February 2, 2022, and published by the State of Oregon Forestry
324 Department on February 7, 2022,
- 325 (b) Contrary to sound biological, scientific, and engineering principles,
- 326 (c) Proposing inappropriate measures or methods to accomplish the project objectives,
- 327 (d) Inconsistent with local, regional, and statewide laws, including land use planning goals, and
328 governments' acknowledged land use plans, or
- 329 (e) Violating Department or State of Oregon goals, policies, administrative rules, or management
330 plans approved or adopted by the Commission.
- 331 (4) Projects recommended for funding shall use the best available science and management
332 practices, as determined by the Department, including but not limited to the following:
- 333 (a) Demonstrating sound principles of watershed and/or species management,
- 334 (b) Using methods adapted to the project locale,
- 335 (c) Complying with state land use planning goals and is compatible with acknowledged
336 comprehensive plans as required under ORS 197.180, and
- 337 (d) Following professionally accepted practices resulting in ecological or watershed benefits.
- 338 (5) The Department may reject incomplete project applications.

339 (6) All projects must provide a benefit to one or more [HCP] covered species.

340 (7) The Department, the [MAC] **PFA Advisory Committee**, or the Commission may require
341 additional information to evaluate the project.

342 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
343 Sections 30-32

344 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

345

346 **635-097-0100**

347 **Revocation of Private Forest Accord [~~Mitigation Fund~~] Grant Program Application**
348 **Project Approvals**

349 The Department may revoke an approved project if it determines that:

350 (1) Implementation of the project is inconsistent with the approved project scope of work,

351 (2) The Department does not receive funding at the levels necessary to completely fund the
352 Project,

353 (3) Any of the design, permitting, or construction of the Project is not pursued with due diligence
354 as determined by the Department,

355 (4) The construction of the Project is not permissible under state, federal, or local law, or the
356 Project is inconsistent with current State of Oregon and Department goals, policies, management
357 plans, laws, guidelines, and regulations, as determined by the Department,

358 (5) The Grantee does not abide by the nondiscrimination and affirmative action provisions of this
359 [~~A~~] agreement,

360 (6) The Grantee otherwise commits any material breach or default of any covenant, warranty,
361 obligation, certification or agreement under the project agreement,

362 (7) The Grantee has violated any term or condition imposed on the project agreement,

363 (8) The project does not meet its proposed objectives, or

364 (9) The project is inconsistent with current State of Oregon and Department goals, policies,
365 management plans, laws, guidelines, and regulations.

366 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
367 Sections 30-32

368 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

369

370 **635-097-0110**

371 **Agreements**

372 **(1) Upon Commission approval, the Department may issue a work authorization letter to a**
373 **Grantee authorizing the Grantee to commence project work and begin incurring expenses**
374 **on a specified date that is before a fully executed agreement with the Department. To be**
375 **eligible for reimbursement of expenses incurred before entering into an agreement with the**
376 **Department, a Grantee shall meet the following conditions:**

377 **(a) Enter into an agreement with the Department for a project funded by the PFA Fund;**

378 **(b) Complete any reporting requirements outlined in these rules,**

379 **(c) Acknowledge and agree that any expenses incurred, or actions taken, prior to the**
380 **execution of an agreement between the Department and the Grantee, are at the**
381 **Grantee's own risk and expense.**
382

383 [~~(1) The Grantee shall enter into an agreement with the Department before initiating the project.~~]

384 [~~(2) The Department shall distribute no funds under a reimbursement agreement until the~~
385 ~~agreement is fully executed. All requests for reimbursement of funds must be accompanied by a~~
386 ~~progress report unless the agreement authorizes advance payments as described below.~~]

387 ~~(3)~~ **(2)** The Department may award advanced payments at its discretion as specified in a fully
388 executed agreement. The Department shall not make advanced payments unless the agreement
389 explicitly provides for it.

390 ~~(4)~~ **(3)** The Department [~~shall~~] **may** retain a minimum of 10 percent of project funds until it
391 receives the required close of project report and evaluates the project for completion and
392 compliance with the agreement.

393 ~~(5)~~ **(4)** If [~~the Grantee~~] **all the parties** [~~have~~] **has** not fully executed the agreement [~~with the~~
394 ~~Department~~] according to the timeline in an approved proposal, the Department may [~~rescind the~~
395 ~~award~~] **terminate funding**, unless the applicant requests, and the Department approves, an
396 extension.

397 ~~(6)~~ **(5)** Following project completion, equipment purchased with project funds [~~shall remain with~~
398 ~~the Grantee or another approved entity. Equipment~~] with a value above five-thousand dollars
399 shall adhere to any additional post-project requirements stipulated by the Department, **and**
400 **equipment with a value of five-thousand dollars or less shall remain with the Grantee or**
401 **another approved entity.**

402 ~~(7)~~ **(6)** The Commission may award Grantee post-project monitoring and maintenance funding.

403 ~~(8)~~ **(7)** All agreements between the Grantee and the Department shall have a project expiration
404 date.

405 **(8) The Department shall have the authority to distribute to Grantee additional funds not**
406 **to exceed 10 percent of the approved budget to provide for administrative corrections that**
407 **the Department determines necessary.**

408 **(9) The Department may consider approval of project modifications or amendments,**
409 **including expansion of funded projects, with moneys remaining from the original project**

410 **allocation if the purpose and intent of the amendment remains the same as the original**
411 **project and the proposed activity is within the same watershed.**

412 **(10) The Grantee must complete all required report elements described in the grant**
413 **agreement.**

414 **(11) The Grantee will allow the PFA Advisory Committee, Department members, or**
415 **designated representatives access to the project area at a mutually agreeable time to**
416 **monitor and evaluate the project.**

417 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,
418 Sections 30-32

419 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

420