



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Item I

**Program Updates and
Initial Recommendations
Land Acquisition Grant Program**

Board Meeting July 28-29, 2026



Oregon

Tina Kotek, Governor



OREGON
WATERSHED
ENHANCEMENT BOARD

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July 28-29, 2026 OWEB Board Meeting

Staff report – Agenda Item I. Land Acquisition Modernization Update and Initial Recommendations

MEMORANDUM

To: Oregon Watershed Enhancement Board

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Supports OWEB's Strategic Plan priority # 6: Take bold and innovative action toward funding projects that advance climate resilience.

I. Introduction

OWEB's Measure 76 (M76) Land Acquisition grant program implements key statutory components including "Securing long-term protection for lands and waters that provide significant habitats for native fish and wildlife" (Oregon Revised Statute [ORS] 541.941) and "Acquiring from willing owners interests in land or water that will protect or restore native fish or wildlife habitats" (ORS 541.956). This staff report describes preliminary recommendations from the land acquisition grant program modernization process, in preparation for initial input from the board at the July meeting and formal direction from board to staff in October. The report also outlines refinements that can be incorporated into program guidance and process by staff in stages to ensure land acquisition grant solicitations continue in a timely fashion while providing the necessary time for board deliberation and decisions regarding program direction.

II. Background

OWEB's first land acquisition grants were awarded under the Governor's Watershed Enhancement Board, the precursor to OWEB. Administrative rules for the OWEB land acquisition grant program were first adopted in 2005. Since that time, three additional rulemaking processes have been completed to update and refine program rules. In addition to those rulemaking processes, at least five separate processes involving surveys, work groups, and/or facilitated processes have occurred. The intent of these processes — among other topics — was to identify challenges and opportunities to ensure the land acquisition grant program was well utilized to advance conservation outcomes.

The current land acquisition modernization process was launched in early 2025 in response to both direction from Governor Kotek and interest from Executive Director

O'Brien in creating more sustainable staffing for the agency, a more integrated program structure, and a more accessible grantee experience across all OWEB grant programs. The modernization process approach is informed by touchpoints with applicants, grantees, and interested parties, including listening sessions co-convened by OWEB and the Coalition of Oregon Land Trusts (COLT) to obtain feedback about persisting issues and concerns related to the land acquisition grant program and multiple coordination points with federally recognized Tribes.

The modernization process aims to address ongoing concerns and challenges and identify refinements and alternative approaches to solve problems and improve program utilization. The process aims to address feedback sorted into three general categories associated with the land acquisition grant program: philosophical (or “foundational questions/issues”), cultural, and process. Modernization work includes four workstreams that were described at previous meetings; updates about each are described below.

III. Land Acquisition Modernization Workstreams

The modernization process includes two primary workstreams: 1) the Acquisitions, Restoration, and Emerging Topics (ARE) committee, and 2) the Tribal workstream.

The ARE workstream involves the committee and, ultimately, the full OWEB board. It focuses on four foundational issues: 1) use of conservation easements by OWEB to meet the statutory requirement for a title restriction; 2) significant habitat and future conditions; 3) other uses such as recreational, cultural uses, and working lands; and 4) risk tolerance (which connects to the cultural and process categories noted above). The ARE committee heard extensive input from and engaged in dialogue with representatives from the land trust community and federally recognized Tribes, in addition to feedback from other interested parties via staff outreach. Over the last year plus, the committee has addressed all four foundational topics. All committee meeting agendas, materials, and recordings can be found on [OWEB's website](#). At the June 2026 ARE meeting, the committee reviewed and provided feedback on staff recommendations for program changes. The recommendations are discussed in Section IV of this staff report.

The Tribal workstream specifically focuses on substantive and process issues of concern to Tribes. It builds on multiple past touchpoints—beginning in 2021—with federally recognized Tribes about challenges and opportunities they experience across OWEB's grant programs and, in particular, with land acquisitions. Work included development of a memo to Oregon's nine federally recognized Tribes and the Nez Perce Tribe that lays out legal options available to OWEB for land acquisition grants and possible policy options that could help address barriers to Tribal government access to the land acquisitions program; a Tribal panel at the December 2025 ARE committee meeting; and research by staff into the concept of Tribal-specific documents for use with the program. Next steps for the Tribal workstream are discussed in Section IV of this staff report.

The land acquisition modernization process includes two additional workstreams: 1) initial streamlining prior to the 2025 grant offering, and 2) potential rulemaking. Regarding #1, program refinements that occurred during initial streamlining were possible due to existing discretion that staff has. For all OWEB programs, staff have some degree of discretion regarding topics such as application content, certain aspects of the direction provided to

applicants in program materials, details of the review process, the structure of funding recommendations to the board, etc. Staff capitalized on this discretion to make initial program refinements in parallel with the ARE and Tribal workstreams to begin addressing direction from Governor Kotek and Executive Director O'Brien about streamlining the land acquisition program process and making it more accessible and customer friendly. This streamlining effort did not venture into considerations — such as those outlined in the foundational issues above — that require guidance and direction from the board to staff. Regarding #2, a decision about potential rulemaking is pending until direction is provided from the board about scale, order, and timeline of program refinements it desires.

IV. Preliminary Recommendations from the ARE Committee about Foundational Issues

During the March ARE meeting, the committee requested that staff prepare [draft recommendations](#) for the committee's consideration, based on the extensive input received from partners and feedback from the committee during the modernization process thus far. At the June meeting, ARE members provided feedback to staff about both the final foundational issue, 'Other Uses', and the draft recommendations.

Following the June ARE meeting, staff revised and adapted recommendations as needed to develop an initial set of recommendations from the ARE Committee to the full Board. The revisions included developing additional recommendations based on the committee's discussion of the 'Other Uses' topic. Overall, the recommendations reflect committee conversations that indicate the agency should increase its risk tolerance in the context of land acquisition projects. Initial ARE recommendations are listed in Attachment A, and divided into two categories:

- Preferred recommendations revised to reflect ARE input, being presented to the board in July for possible approval; and
- Preferred recommendations revised to reflect ARE input, but that require more work to be presented for deliberation by the board in October.

Recommendations in the second category require more time to explore details and legal considerations about how the proposed change would work in practice, hence no official board action will be requested on these until the October 2026 meeting.

Following final direction from the board in October, staff will begin planning for larger scale program changes in advance of the 2027 grant cycle. This process will include convening of an internal-external work group of representative applicants to scope changes to program materials and processes that then will be implemented by the agency.

V. Proposed Recommendations for Tribal Workstream

The Tribal workstream has connections to the ARE workstream, but is separate from this, given Tribal sovereignty and the importance of having an open dialogue with Tribes to develop an ultimate plan based on their feedback and priorities. Staff presented proposed next steps for the Tribal workstream to the ARE committee in June.

Similar to the initial recommendations outlined in Section IV, recommendations for the Tribal workstream are divided into two categories: 1) recommendations being presented to the board in July for possible approval and 2) potential recommendations that require more work prior to an update to and/or deliberation by the board at one or more future meetings. Both categories of recommendations are listed in Attachment B.

Based on consultation with the Tribal representative on the board and the board co-chairs, staff propose to meet with Oregon's federally recognized Tribes to discuss the potential recommendations in Category 2. These meetings will provide an opportunity for each Tribe to share their feedback about priorities for follow-up work. Staff will keep the ARE committee and the board updated about the outcome of these meetings, and how this will inform revised Tribal workstream recommendations to the Board for consideration. Ultimately, a Tribal work group may be convened, but a decision about this will occur after the Tribal meetings and an update to the Board.

VI. Timing Considerations and Staged Refinements for 2026 Grant Cycle

As noted above, for all OWEB programs, staff have some degree of discretion about nuts-and-bolts implementation of the agency's grantmaking, as long as this aligns with direction from statute and the Board-adopted administrative rules. This discretion provides an excellent opportunity to continue to streamline the land acquisition program process and make it more accessible and customer friendly for areas and issues that do not require Board direction, as staff did in advance of the 2025 grant solicitation.

An incredibly important consideration relates to timing of land acquisition grant solicitations. The 2025 grant cycle demonstrated more demand than has occurred in more than a decade, so OWEB is committed to being responsive to this increased interest in and engagement with the program. Typically, annual land acquisition grant cycles open late summer/early fall to ensure time for the review process to occur, with staff recommendations presented to the board the following April.

The ARE recommendations that require more work will not be ready for board consideration until October 2026. Following the board's decisions, staff will need time to make the necessary revisions and changes to all program documents, which would result in a significant delay to the next land acquisition grant cycle that is undesirable given interest and demand.

Based on this, staff propose another round of near-term refinements and program changes that fall within the space of staff discretion, in order to continue being responsive to direction from Governor Kotek and Executive Director O'Brien. Staff have tracked learnings from implementation of the 2025 streamlining to help inform additional program refinements. Finally, there may be an opportunity to incorporate some of the initial recommendations in Attachments A and B, depending on board action in July.

Time will be of the essence to complete these program changes prior to launching the 2026 cycle, so staff already have begun to identify changes based on learnings from 2025 and potential refinements in response to initial recommendations. While changes will be manageable in scope, given time constraints, they are anticipated to be a meaningful step forward and may/will include revisions to guidance documents, application content,

review processes, and structure of funding recommendations (e.g., grant agreement conditions). Following any direction received from the board in July, staff will finalize the list of near-term changes for the 2026 grant cycle, proactively communicate with applicants, and prepare to open the solicitation in September 2026.

VII. Recommendation

Staff request the board signal support for a) the Table 1 recommendations in Attachment A and b) the Category 1 recommendations in Attachment B.

VIII. Attachments

- A. Recommendations from the June 2026 ARE Committee Meeting
- B. Tribal Workstream Recommendations

Attachment A – Recommendations from June 2026 ARE Committee Meeting

See [memo](#) for detailed recommendations and information presented to the ARE Committee on June 11, 2026. The following tables present a summarized version of the selected recommendations.

Table 1. Revised Recommendations for Possible Deliberation at July 2026 Board Meeting

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
1-A	Application evaluation: Ensures that applications recommended for funding are in line with the purpose of the program.	Application evaluation includes: 1. Soundness review by contractors, staff, and DOJ. 2. Organizational capacity review by contractors and OWEB staff. 3. Ecological review by review team members (based on agreements during a past land acquisition process, half of reviewers are selected by OWEB and half are nominated by applicant). 4. Synthesis, evaluation write-up, rankings, and funding recommendations by small group of OWEB staff and management.	1. Soundness: keep as-is. 2. Organizational capacity: keep as-is. 3. Ecological review: Implement statewide technical review team (TRT) selected by OWEB with geographic, subject matter, and organizational diversity. Remove option of applicant nominations for eco reviewers and not-utilized loopback process. Request TRT members help access additional site-specific expertise as needed (e.g. agency field staff). 4. Synthesis, evaluation, rankings: OWEB staff communicate soundness and organizational capacity reviews to TRT to inform their evaluations and rankings. 5. Funding recommendations: based on TRT rankings and funding availability, with discretion for OWEB staff and leadership to adjust if extraordinary circumstances emerge.
1-B	Management plan (MP) implementation as part of Organizational Capacity evaluation for Grant Applications: MPs are developed to have realistic and attainable actions geared toward protecting and maintaining conservation purposes; successful implementation can be a measure of an organization’s capacity to complete long-term stewardship.	Over the program's history, MP implementation for past projects has periodically, yet inconsistently been considered as part of a grantee's capacity evaluation in future grant applications.	Place less weight on MP implementation for past projects in the capacity evaluation in future applications, because there are often extenuating circumstances that impacted one project but would not impact a future one.

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
1-C	<i>Due diligence information review at application in the context of project soundness:</i> OWEB review of due diligence, soundness considerations, and ecological outcomes at application stage includes review and identification of inherent risk and possible issues for resolution. Due diligence information is requested if present at time of application, with title information required. It is evaluated from a readiness perspective and for possible conflicts with conservation objectives.	Evaluated by staff, contractors, and DOJ (project soundness) and ecological reviewers (ecological outcomes). Risk associated with circumstances presented by application materials is described in the project evaluation. Issues are identified that would need to be further investigated for consistency of project design elements with identified outcomes and the purpose of the program.	Increase level of risk agency is willing to incur at application stage; doing so results in the agency giving grantees space to resolve issues during due diligence period of grant award through a collaborative communication process grounded in joint problem solving. Specific steps include: • Be clear in program guidance about higher priority/concern soundness issues that should be addressed in applications. • Include application questions that ask about soundness as it relates to ecological outcomes and legal sufficiency. • Encourage applicants to openly share information about identified soundness issues, potential stewardship or restoration challenges, etc., and then propose solutions to identified and potential issues. • Reduce number and detail of funding conditions.
1-D	<i>Due diligence review after a grant is awarded:</i> Properties that OWEB invests in must be acquired through a technically sound manner to ensure the property interest endures over time.	OWEB reviews all due diligence for technical proficiency and acceptable outcomes. Among due-diligence topics: Title review must result in accurate legal descriptions, and ownership and encumbrances information. Title must be clear of encumbrances that jeopardize ownership interest and ability to achieve conservation outcomes. Sufficient legal and physical access must be demonstrated. Property must be demonstrated to be clear of environmental contamination. Water rights must be fully understood, etc.	Carrying forward from Row 1-C, explicitly identify due diligence issues that must be addressed/resolved (e.g., access considerations, impacts of utilities, third-party access rights, warranties in/lacking in Purchase and Sale Agreements, potential of conflicting uses, etc.). During 18-month due diligence period during grant award, allow for space for grantees to propose alternative solutions, and approach review from the perspective of "how can this work." Be clear about which requested corrections or adjustments are "must have" vs. "nice to have."

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
1-E	<i>Constitutional and statutory reference to "significant habitats for native fish and wildlife":</i> Expectation for OWEB Land Acquisition investments to "secure long-term protection for lands... that provide significant habitats for native fish and wildlife."	In 2004, the OWEB Board adopted conservation principles and priorities in the "OWEB Ecological Priorities for Land Acquisition by Basin." The document describes priority habitat and species types and conservation principles that "should be supported by acquisition projects." Since then, the document has served as a guidepost for the agency's evaluation of grant applications, including for significance of habitats and ecological outcomes of proposed land acquisition projects.	Continue to utilize the Conservation Principles section in OWEB Ecological Priorities for Land Acquisition. Implement change to stop using Priority Habitats and Species from that document and instead rely on habitats and species priorities identified in the recently revised State Wildlife Action Plan (SWAP; 2026). Because "significant habitat" is not defined in the Constitution, ORS, OAR, or OWEB Ecological Priorities for Land Acquisition, to more clearly describe what is intended by significant habitat, applications will be reviewed for consistency with Conservation Principles in OWEB Ecological Priorities for Land Acquisition, and the 2026 SWAP conservation priorities, as well as conservation priorities in other local, regional, Tribal, and federal conservation plans. "The significance of the projected ecological outcomes" evaluation criterion will be assessed by considering the conservation outcomes of the proposed project in relation to conservation principles, priorities, and needs in the aforementioned documents. <i>See Row 2-I in Table 2 for a separate recommendation about rulemaking for key definitions.</i>

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
1-F	TRIBAL WORKSTREAM <i>Tribal/Indigenous Cultural Uses when federally recognized Tribes are the grantee, intended long-term holder, or have an official agreement with the grantee/long-term holder:</i> Cultural uses, such as the harvest of culturally significant plants, hunting, fishing, and holding ceremonies, are an important element of Tribal and Indigenous relationships with the land and can support ecological stewardship.	OWEB's current practice for approving Tribal/Indigenous cultural uses is to require a description of the cultural use in the management plan. Where details about the uses need to be limited to address confidentiality concerns, program guidance states that the plan should describe the grantee's role in ensuring that the uses comply with the OWEB CE.	Change current practice to rely on a trust-based relationship with federally recognized Tribes because of their sovereign status. Allow Tribes to manage cultural uses and take on responsibility of ensuring alignment with M76. If Tribes choose, they can include cultural uses in their MP and would be encouraged (but not required) to report on benefits and impacts of the cultural uses in the 5-year progress report to OWEB so that the agency can better understand the interaction of cultural uses and habitat on OWEB-funded properties. <i>Note that staff will inform Tribes of this recommendation in the Tribal Workstream, but do not expect adjustments will be needed since it is consistent with previous feedback from multiple Tribes.</i>
1-G	TRIBAL WORKSTREAM <i>Tribal/Indigenous Cultural Uses for all other organizations (e.g., land trusts, other nonprofits, local governments):</i> Cultural uses, such as the harvest of culturally significant plants, hunting, fishing, and holding ceremonies, are an important element of Tribal and Indigenous relationships with the land and can support ecological stewardship. Non-Tribal organizations often have relationships with Tribes and Indigenous communities to allow for cultural use on their properties.	Same as above.	Continue to allow Tribal/Indigenous cultural uses when specifically included in the MP, as is current practice, with an explanation of how different priority species and habitats may be affected to ensure alignment with M76. Update program guidance and materials to clarify allowance for cultural uses. Reporting on benefits and impacts will be required of grantees in 5-year progress report to OWEB so the agency can better understand the interaction of cultural uses and habitat protection or improvement on OWEB-funded properties. <i>Note that staff will ask Tribes for feedback on this recommendation during the Tribal Workstream follow-up.</i>

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
1-H	TRIBAL WORKSTREAM Infrastructure to support Tribal/Indigenous cultural uses such as parking lots, bathrooms, and seating areas: These allow for accessibility and ease of use for elders, children, and others.	Currently, the type and degree/scope of infrastructure that is not allowed is not well defined. However, general guidance available in some program documents (e.g., per current OWEB Management Plan guidance, “Infrastructure such as parking lots, bathrooms, pavilions, and extensive or non-native-surface trail networks are not considered low-impact uses of OWEB-funded property.”)	Work with interested Tribes within the Tribal Workstream to create greater flexibility for this infrastructure while considering potential impacts to species and habitats in the context of the entire property. <i>After settling on an outcome with Tribes for this topic of infrastructure to support Tribal/Indigenous cultural uses, then work to apply it to properties owned by other grantees with respect to cultural uses.</i>
1-I	Decision process for Other Uses: Also referred to as “multiple uses”, these are uses that are not primarily focused on protecting, restoring, or stewarding a conservation property. Some can provide additional benefits to the conservation purpose while others may have detrimental impacts.	Currently, use proposals—whether at time of grant application, during the 18-month due diligence period, or during the post-closing/stewardship stage of a project—are addressed on a case-by-case basis. The evaluation of use proposals focuses on whether the proposal is consistent with the protection of habitat for native fish and wildlife species.	Applicants/grantees should do sufficient research on use proposals and potential impacts to fish and wildlife prior to bringing them forward to OWEB staff. Invite participation from an independent third-party expert, such as colleagues from state or federal agencies with subject matter expertise on wildlife ecology and the impacts of human presence, to inform the decision about allowable levels of other uses. <i>See Row 2-L in Table 2 for a request to the Board to provide direction on what should be considered and when.</i>
1-J	Term “Other Uses”: other uses refer to non-conservation uses on an OWEB-funded property.	OWEB has referred to uses that are not focused on M76 conservation purposes as “Other Uses”.	Per partner recommendations, change term to “Multiple Uses”.
1-K	Risk Tolerance: Strike a balance among program accountability, accessibility, and outcomes from OWEB land acquisition grant investments.	OWEB’s land acquisition grant-making processes have been designed with a strong risk-minimization lens, responding to a combination of staff’s understanding that Constitutional language was intended to provide highly secure, long-term protections for significant habitat and challenges experienced with some past investments under both M66 and M76.	Consider the various types of risks included in the risk matrix (initially presented at the September 2025 ARE Committee meeting) and the likelihood/probability of a particular situation happening, the severity of risk if the situation occurs, and the subsequent cost/impact of that risk. Recognize that not all risks are equal. Apply a risk management lens that is more consistent with other OWEB programs.

Table 2. Revised Recommendations for Requiring More Work in Advance of Deliberation at October 2026 Board Meeting

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
2-A	Conservation easement (CE) as instrument to meet ORS 541.960: Legal protection to ensure durability of program constitutional and statutory requirements	OWEB had to choose a title restriction instrument and settled on CEs due to greatest assurance given its existence in separate ORS and ability to withstand legal challenge to date. (OAR 695-045-0206 indirectly references this decision by stating, "...for the purpose of monitoring and enforcing OWEB's Conservation Easement rights" but does not elaborate on the agency's policy decision to use CEs to meet the title restriction requirement.) A "streamlined" template was created as part of a past Land Acquisition process.	Explore revisions to CE template to identify where terms could be modified to be more flexible for grantees (e.g., changes to "prohibited uses" to better enable stewardship that aligns with conservation values and intent of the grant funding).
2-B	OWEB administrative rights in CE: OWEB CE includes agency rights for enforcement, monitoring, access, and funds recovery.	These administrative requirements are included in the CE language because CEs are perpetual and recorded in the public records, whereas project documents such as the grant agreement (GA) eventually terminate.	Evaluate OWEB administrative language requirements in the CE to determine how language can better facilitate consistency with match funders and reduce administrative burden on agency and grantees.
2-C	CE's description of conservation values: Conservation Values are the driving force behind CEs and should be a concise summary of the characteristics of the property that have been identified for protection and the rationale for protecting them.	OWEB required CE content includes conservation values as existing at the time of the grant <i>and those likely to exist in the future</i> . Management plans incorporated into the CE include Desired Future Conditions (DFCs), which are forward-looking. (From CE template: "Those ecological features, whether currently existing, or likely to exist in the future, are referred to as the "Conservation Values" herein.")	Remove reference and/or requirements within CE language that speak to future conditions. Instead, focus CEs on existing conditions, and in the instances where restoration is intended, a reference that the property provides <i>the opportunity</i> to do that work and create those enhanced conditions. This change would remove specific restoration and enhancement outcomes from the CE and put less focus on "compliance" of the CE in relation to the DFCs in the management plan.

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
2-D	Description of Restored Conditions (DRCs) at time of grant agreement and in CE: Mechanism for ensuring that properties in need of significant restoration to accomplish ecological goals that are identified in grant applications are stated and completed--through the use of DRCs in the grant agreement and CE--with the intent of ensuring the project meets expectations that were the foundation of the agency/Board's funding.	For highly altered properties, DRCs are documented in the baseline and incorporated into CEs. DRCs require the grantee to accomplish restoration for highly altered properties as described in funding conditions developed for restoration requirements at time of Board award. The OWEB CE document states that the baseline includes a description of the conditions that, once achieved, will become part of the conservation values protected by the CE. The baseline is explicitly incorporated into the CE, which makes the baseline (and DRCs) a part of the overall agreement.	Include a statement in the CE that restored conditions are intended/expected, generally in keeping with the description in the grant application on file with OWEB. Also state that the management plan, agreed to by grantee and OWEB, will guide the restoration work. Remove reference and/or requirements within CE language that speak to DRCs incorporated into the baseline. Explore options for capturing information about restored conditions upon completion of significant restoration (e.g., appending baseline, etc.) to ensure these conditions are protected under the CE.
2-E	Management plan (MP) incorporated into CE: Allows less prescriptive restrictions in CE by qualifying prohibited uses to allow activities.	The CE establishes prohibited and allowable uses. The MP accomplishes the structuring of specific uses to ensure that they are consistent with the purpose of the program. Older OWEB CEs referenced MPs but did not explicitly connect Measure 76 funding intentions for Conservation Values in the CE as being delivered through implementation of the OWEB-approved MP. Older CEs also included more detailed lists of prohibited activities than the current CE template, which created situations in which property management options were permanently limited rather than conditionally allowed. A streamlined OWEB CE template was created more than a decade ago to address these challenges.	Revisit and revise as necessary the CE template to ensure that it does not overly depend on MP to provide protection of conservation values and unnecessarily burden management and stewardship decisions. For example, revisions may include changes to how MP is referenced in the CE (such that the MP documents a shared understanding between OWEB and the grantee but is not enforceable akin to the CE). <i>See Rows 2-F, 2-G, and 2-H for additional recommendations about MPs that should be considered together.</i>

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
2-F	<i>Expectations for Desired Future Conditions (DFCs):</i> MP includes expectations for describing goals and actions for maintaining current conditions and accomplishing any restoration objectives, along with time horizons. DFCs describe what the property is expected to look like at the end of the MP's term. DFCs may involve maintaining current conditions or restoring conditions, depending on what is appropriate for the property.	OWEB requires an MP to be developed, to ensure stewardship through time and a plan and timeline for any restoration identified. Except in the case of highly altered properties for which restoration is required to achieve significant habitat, DFCs do not overlap with DRCs. MPs are incorporated by reference into CEs. OWEB requires review and approval authority for plans and revisions to ensure that DFCs remain consistent with the expected ecological outcomes in the application. DFCs can include restoration if restoration is necessary, but conversely, can be a description of property conditions that will be maintained through stewardship.	Reconsider level of required detail regarding DFCs in MPs and interaction between DFCs and CE obligations. In addition, consider adjusting expectations for achieving DFCs, given that OWEB does not guarantee stewardship or restoration funding at time of a funded land acquisition grant. Allow for aspirational considerations that can evolve over time if reality becomes different due to complications with permitting/funding/etc.
2-G	<i>Management plan development, review, and approval:</i> MPs are a tool for guiding property management decisions and uses where specific uses may conflict with the conservation purposes of the property. MPs can be used to mitigate the impacts of a potentially conflicting use, ensuring the use is done in a manner compatible with the protection of the conservation values.	The MP guidance outlines required minimum content. The required MP can be amended at any time with OWEB approval, to include new or different actions and timelines for accomplishing them. The MP guidance encourages adaptive management. OWEB approves MPs to ensure that uses of property are consistent with the purpose of the program. The process is central to fee projects, where the CE is streamlined for flexibility. Currently, the CE template completely and outright prohibits a relatively small number of uses. Other uses are considered prohibited per the language of the CE template unless authorized in the MP.	Adjust terms in CE that require most uses to be done only "as authorized in the management plan" to reduce administrative reviews of actions for the purpose of stewardship and restoration. Explore alignment with Land Trust Alliance requirements for MPs on property owned in fee by land trusts to address concerns related to cumbersome content requirements. Allow MP content to be grantee driven. Utilize an iterative, collaborative process for review and acknowledgement by OWEB.
2-H	<i>Management plan implementation as part of CE Compliance:</i> MPs are developed to have realistic and attainable actions geared toward protecting, maintaining, and restoring (where applicable) conservation values.	MP implementation is a component of CE compliance.	Following previously noted program changes regarding conservation values, DRCs, DFCs, qualification of prohibited uses in the CE, and MP development and review process, decouple MP implementation from CE "compliance" considerations.

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
2-I	<i>Constitutional and statutory reference to "significant habitats for native fish and wildlife":</i> Expectation for OWEB Land Acquisition investments to "secure long-term protection for lands... that provide significant habitats for native fish and wildlife."	OWEB currently lacks formal definitions for “significant habitat” and “significance of the project ecological outcomes”.	During the agency's next Division 45 rulemaking, explore with the Board and a Rules Advisory Committee the need for developing a definition for terms such as "significant habitat" and/or "significance of the projected ecological outcomes”.
2-J	<i>Areas of impact on portion(s) of the protected property:</i> Focusing small portions of the property as areas impacted/not providing significant habitat (e.g., utility line, trails, parking lots) could help to isolate impacts and allow for conservation of important fish and wildlife habitat on the rest of the property.	Evaluated on a project-by-project basis, recognizing that it is desirable for projects to accomplish as much protection of significant habitat as possible, but that some projects can produce strong outcomes without the entire property functioning as significant habitat.	Develop CE language that is better equipped to manage circumstances where an “area of impact” that experiences chronic issues, but otherwise the property continues to enable conservation of important fish and wildlife habitat.
2-K	<i>Degree or extent of ecological function for properties proposed for acquisition:</i> Determine program acceptance of "lower function" habitats and better define expectations the Board may have for demonstration of a plan, trajectory, timeline, etc. for more “impacted” or "lower function" habitats as they are being proposed to and evaluated by the Land Acquisition grant program.	Currently, if a property isn't highly altered (requiring DRCs) yet is only somewhat functional from an ecological standpoint, reviewers look to the grant application to understand what the applicant intends to accomplish to improve conditions. The grant application becomes part of the grant agreement, with the expectation (but not an explicit requirement in the CE) that the grantee will create a throughline, from the grant application to actions in the MP.	Confirm with the Board if they have any lower threshold of acceptable level/extent of ecological function for a project to be proposed to the program that should be proactively stated to applicants. In addition, confirm if—for more impacted properties—the board has expectations about level of certainty regarding planning, timeline, and resources for enhancement activities. Otherwise, applicants will be directed to review and consider fit of their project with program expectations described in guidance materials, and the review process will consider each application relative to the evaluation criteria and rank applications against others in the pool for a given grant cycle. The board must be comfortable with the results of their decision during times of both high and low demand in grant cycles.

Row	Topic and Conservation Principle	Current Practice and Context	Recommendation
2-L	<i>Decision process for Other Uses:</i> Also referred to as “multiple uses”, these are uses that are not primarily focused on protecting, restoring, or stewarding a conservation property. Some can provide additional benefits to the conservation purpose while others may have detrimental impacts.	Currently, use proposals—whether at time of grant application, during the 18-month due diligence period, or during the post-closing/stewardship stage of a project—are addressed on a case-by-case basis. The evaluation of use proposals focuses on whether the proposal is consistent with the protection of habitat for native fish and wildlife species.	Staff request input from the board about the proposed process for consistent analysis and decision-making about acceptability of proposed uses that outlines: What should be considered when making the decision about allowable levels of other uses, and when the primary decision should be made on what level of other uses is allowed. <i>Note: See Row 1-I in Table 1 for a related recommendation.</i>

Attachment B. Tribal Workstream Recommendations

Category 1. Recommendations for Possible Deliberation at July 2026 Board Meeting

1. Cultural uses – Update program guidance to reflect trust-based relationship. (See *Attachment A for more detail.*)
2. Infrastructure – Clarify acceptability of infrastructure to support cultural uses. (See *Attachment A for more detail.*)
3. Follow up with each Tribe individually – Discuss preferences and feedback on topics such as grant agreements, language around co-management, conservation easements, use of other instruments to meet title restriction requirement, transfer-to-trust concerns, interest in legislative change, and other topics of interest to the individual Tribes. Use insight gained from these meetings to inform next steps.
4. Management plans – Determine what Tribal-specific management plan guidance is warranted based on the above items.
5. Notification process, including Tribal notification – Based on feedback about Tribal notification for 2025 cycle, adjust Tribal notification language as needed to make steps/deadlines clearer.

Category 2. Recommendations Requiring More Work in Advance of an Update to and/or Deliberation by the OWEB Board at Future Meetings

1. Depending on outcomes from meetings with individual Tribes, consider convening a Tribal workgroup to scope changes to the items listed in #3 above.
2. Complete necessary, additional legal research regarding such topics as potential revisions to the land acquisition grant program's legal documents, considerations regarding transfer-to-trust, etc.
3. Depending on outcomes of Tribal follow-up meetings and legal research, consider next steps such as initiating rulemaking to address Tribal-specific issues, exploration of statutory changes, etc.