



Oregon Agricultural Heritage Commission Meeting Agenda

Thursday, April 5, 2018

Room 1868

152 NW 4th Street

Prineville, OR 97754

Directions: <https://goo.gl/maps/VTzC9K84hWK2>

For each agenda item, the time listed is approximate. The commission may also elect to take an item out of order in certain circumstances. During the public comment period at 11:30 a.m., anyone wishing to speak to the commission about the Oregon Agricultural Heritage Program (OAHP) is asked to fill out a comment request sheet (available at the information table). This helps the commission know how many individuals would like to speak and to schedule accordingly. Persons are requested to limit their comments to 3 to 5 minutes. Written comments will also be accepted on any item before the commission. Written comments from persons not attending the meeting should be sent to Nellie McAdams, nellie.mcadams@oregon.gov.

Welcome, Housekeeping, and Introductions (8:00 a.m.)

Chair Doug Krahmer and OWEB Executive Director Meta Loftsgaarden will welcome the commission and public. *Information item.*

Review and Approval of Minutes (approximately 8:10 a.m.)

The minutes of the March 8, 2018 meeting will be presented for approval. *Action item.*

Farm and Ranch Succession Planning (approximately 8:15 a.m.)

OAHP Coordinator Nellie McAdams will present revisions to draft rules resulting from the commission's discussion at its March 8, 2018 meeting.

Conservation Management Plan (CMP) (approximately 8:30 a.m.)

OAHP Coordinator Nellie McAdams will present revisions to draft rules resulting from the commission's discussion at its March 8, 2018 meeting.

Conservation Management Plan (CMP) Ranking Criteria (approximately 9:00 a.m.)

The commission will discuss and refine ranking criteria from the commission's discussion at its March 8, 2018.

Easements and Covenants Ranking Criteria (approximately 9:45 a.m. to 3:30 p.m.)

OWEB staff will introduce easement and covenants ranking, and the Context and Easement/Covenant Technical Committees will present to the commission and receive questions from the commission.

Context Technical Committee members in attendance (tentative):

- **Kelley Beamer:** Executive Director of the [Coalition of Oregon Land Trusts \(COLT\)](#) and OAHP work group member
- **Dylan Kruse:** Policy Director at [Sustainable Northwest](#) and OAHP work group member
- **Laura Masterson:** Oregon Board of Agriculture member, OWEB Board member, [East Multnomah Soil & Water Conservation District](#) Director, and farmer at 47th Avenue Farm
- **Jerome Rosa:** Executive Director of the [Oregon Cattlemen's Association](#) and OAHP work group member
- **Jay Udelhoven:** Executive Director of [East Multnomah Soil and Water Conservation District](#)

Easement/Covenant Technical Committee members in attendance:

- **Kelley Beamer:** Executive Director of the [Coalition of Oregon Land Trusts \(COLT\)](#) and OAHP work group member
- **Katherine Daniels:** former Farm and Forest Lands Specialist at [Department of Land Conservation and Development](#)
- **Laura Masterson:** Oregon Board of Agriculture member, OWEB Board member, [East Multnomah Soil & Water Conservation District](#) Director, and farmer at 47th Avenue Farm
- **Dan Roix:** Conservation Director at [Columbia Land Trust](#)
- **Loren Unruh:** Assistant State Conservationist – Programs – at [NRCS](#)
- **Bari Williams:** Easement Program Specialist at [NRCS](#)

For the remainder of the morning and afternoon, commission members will discuss the ranking criteria for easements and covenants.

Public Comment (11:30 a.m.)

Members of the public who have signed up to give public comment will speak to the commission about OAHP.

Lunch (12:00 p.m.)

Summary of Commission's Discussions, Location in the Process, and Next Meeting (3:00 p.m.)
OAHC Facilitator Liz Redon will help the commission summarize the day's discussion and identify additional broad subjects that were not discussed today and are not on the agenda for the following meeting.

The commission's next meeting on Thursday, April 26, 2018. *Information item.*



Oregon Agricultural Heritage Commission Meeting Minutes

Oregon Agricultural Heritage Commission (OAHC) Meeting
Thursday, March 8, 2018
Room 1868
152 NW 4th Street
Prineville, OR 97754

MINUTES

OAHC Members Present

Allen, Chad
Angima, Sam
Bailey, Ken
Bennett, Mark
Jackson, Nathan
Johnson, Derek
Krahmer, Doug
Loop, Lois
Neuhauser, Will
Taylor, Bruce
Wahl, Mary
Wolfe, Woody

OWEB Staff Present

Loftsgaarden, Meta
McAdams, Nellie
Redon, Liz
Williams, Eric

Others Present

Cooper, Mary Anne
Masterson, Laura
Moberg, Dean
Salzer, Tom

The meeting was called to order at 8:05AM.

Welcome, Housekeeping, and Introductions

OWEB Executive Director Meta Loftsgaarden welcomed commission members. Meeting facilitator and OWEB Staff, Liz Redon, explained housekeeping measures, and outlined the process the commission will follow throughout the spring for rule-making. All those in attendance introduced themselves and their affiliation.

Minutes

Commission members reviewed the minutes from the February 22 meeting. Ken Bailey noted that these minutes did not mention public comment received at the meeting. The commission agreed to refer to public comment in the minutes, and Nathan Jackson moved to adopt the revised minutes, with a second from Lois Loop. Minutes were approved unanimously.

Succession Planning

OAHP Coordinator Nellie McAdams and Liz Redon led the commission in a point-by-point discussion of the 'redline' document of the draft succession planning rules, available in the [materials for the commission's third meeting](#) on March 8. A summary of the discussion follows.

General

The words “farmers” and “ranchers” were removed from the program title. Definitions in the statute referred to applicants by the statutory phrase of “owner of working land,” for which Commission members requested a definition. Several definitions had been drafted, including one for a “person advising owners of working land.” Commissioners requested a definition for “fragmentation” that could be used throughout OAH rules. Finally, the purpose of the succession planning program was expanded to include language from the statutory ‘Whereas’ statements. This purpose is referred to in the evaluation criteria and grant reporting requirements.

Eligible Entities

The draft rule added Tribes and listed general categories of entities as eligible applicants to the program. The commission decided to add agricultural co-operatives to the list and agreed that individual owners of working land and persons advising them should not be eligible to apply directly.

Eligible Activities

The commission added two criteria to evaluate the eligibility of grant activities: the applicant’s capacity and the success of their prior projects related to succession planning. The commission asked OWEB staff to review the entire rule to ensure that the revised version did not create a preference for train-the-trainer projects, but rather added such activities as one option. The commission recommended guidance to clarify that training should result in the ultimate objective of helping owners of working land develop succession plans.

Evaluation Criteria

Commission members discussed adding evaluation criteria that included an applicant’s capacity and their prior experience delivering successful programs. They also requested that references to the purpose statement identify where the purpose statement is in rule.

Match

Commissioners stated that match was not required for either applicants to or participants in grant-funded activities.

Commission members suggested a set of specific changes to the draft rules. Those are contained in the [Draft Succession Planning Rules document](#) in the meeting materials for the April 5th commission meeting, and will be provided to the commission for review at this meeting.

Conservation Management Plans

OWEB staff discussed with the commission the importance of approaching this rule-making by considering how the program will work regardless of other funding sources and other similar programs. At future meetings, staff and commission will discuss how the program the commission designs will coordinate with other state or federal programs. Staff asked for individuals to help set up this conversation appropriately for a future commission meeting. Ken Bailey and Mary Wahl volunteered.

Nellie McAdams presented the conservation management plan (CMP) draft rules, listed under the meeting [materials for this meeting](#), and led the commission in discussing the rules sections with the greatest policy considerations: plan components, mutual modification, and monitoring. The commission's recommendations from this meeting are captured in the "red line" draft conservation management plan rules in the materials for [the April 5 meeting](#) and summarized below.

General

The commission decided that the rules should tie the overall purpose of OAH into the purpose of CMPs, recognizing fragmentation of working land as an ecological risk to the landscape.

Eligibility

The commission clarified that in order to be eligible to hold a CMP under section (a), it need not actually hold easements, but rather need only be authorized to do so.

Term

The commission discussed whether the rules should set specific, permissible term lengths for CMPs between 20 and 50 years, as is required for working land conservation covenants. The commission decided to revisit this topic when discussing the term lengths for covenants.

Plan Components

The commission decided to add the term (or duration) of the CMP and the expected conservation, social, and economic outcomes to the list of plan components. They also decided to require the implementation plan to include a budget, and clarified that the landowner's goals might include short- and long-term social, economic, and conservation goals.

Mutual Modification

The commission decided that, although change in ownership, cropping systems, and other changes listed under section 4 of this rule should only result in mutual modifications to the CMP if the change will impact either implementation of the conservation management plan or its expected outcomes, the landowner should still inform the grantee of these changes. In the case of changes to grazing and cropping that are not identified in the plan, the landowner should inform the grantee before the changes occur.

The commission discussed allowing mutual modification to account for changes in the cost of implementing the CMP. This item is included under sub-section (4)(d), "Other challenges that are outside the agricultural owner or operator's control."

It was clarified that grantees and landowners are only required to comply with the mutual modification process described in rule if they receive funding to implement, and not just create, the plan. Subsection 6 (types of modifications) was also modified to mirror subsection 4 (notification of changes).

Monitoring

The commission agreed to require annual meetings of agricultural owners or operators and grantees, which may be virtual. They decided that site visits should occur at least once every three years, or earlier if required by a match funder. It was noted that if the CMP is attached to

an easement, that annual monitoring is required. Finally, it was clarified that the CMP is between the agricultural owner or operator and the grantee, not OWEB.

Payment

Following up on an initial conversation at the February 22, 2018 commission meeting, commission members discussed factors for payment of conservation management plans, including:

- Cost of action + economics of acreage
- Public Benefit Value
- Should we consider payments differently if protected by easement or not?
- Should we consider the cost associated with wildlife impact?
- Water Quality – Clean Water Services. What is the value of clean water?
- Ex. Giving up development rights – methods of compensation that are not payment
 - Could landowner contribute portion of value for charitable contribution
- Urgency- Can we factor in since high rate of ag lands loss?
- How can we pay for near term, while you earn in long-term compensation for service?
- Ex. Open space tax credit – can use tax benefit for long term
- Indexing for future \$ value
- Feasibility tests of how payments work
- Paying for practices
 - Filling gaps from other programs
 - Paying for “not messing things up”

OWEB staff recommended to the commission that, although excellent information was gathered from the commission’s discussions today and on February 22, the issue of payment would benefit from further research and discussion. They asked commissioners if anyone would like to join a CMP payment committee, and Chad Allen, Lois Loop, Chad Allen, and Doug Kraemer volunteered.

Guidance

The commission discussed placing in guidance the recommendation that CMPs integrate with area-specific programs, such as Greater Sage-grouse Candidate Conservation Agreements with Assurances.

Public Comment

No members of the public submitted public comment.

Ranking Criteria for Conservation Management Plan Grants

Meta Loftsgaarden and Liz Redon provided the commission with a big picture context of the ranking of CMPs. Nellie McAdams walked the commission through the OAH [work group's letter of recommendation on CMPs](#) including ranking considerations, with the assistance of OAH Context Technical Committee members:

- **Mary Anne Cooper:** Public Policy Council at Oregon Farm Bureau and OAH work group member
- **Laura Masterson:** Oregon Board of Agriculture member, OWEB Board member, East Multnomah Soil & Water Conservation District Director, and farmer at 47th Avenue Farm

The commission's discussion on this letter and CMP ranking included:

- Are OWEB's ranking criteria applicable?
- **Criterion b** – the commission discussed whether plans should pay to meet standards, exceed standards or both, and whether ranking should be different in each case.
- **Criterion c** – the commission discussed whether additional plans should be added, as well as discussing how to create good criteria for community benefit
- **Criterion d** - Capacity- how strong is the organization? (e.g. Board)
- **Criterion f** could include investment in neighboring properties. Specify if positive impacts on neighbors. Prioritize geographic grouping of CMPs in criterion f or in leveraging other investments (e)

The commission then divided into three small groups to discuss how to interpret the 6 statutory criteria and whether other criteria are needed. The notes from these break-out groups are as follows:

Nellie's Group

Criterion a - The extent to which the plan, covenant or easement would protect, maintain or enhance farming or ranching on working land

- Business helps preserve the land. Business is not an end in itself? Or management with co-benefits? Financial benefit as a goal in itself too? Fragmentation affects both conservation and financial benefit.
- Criterion (a) Doesn't specify fragmentation. Understand that economic viability decreases as fragmentation increases in the long term, but don't ask grantee to prove this
- Increased **carrying capacity** or **productivity**
- **Reduced inputs**
- Increased **management efficiency**

Criterion b - The extent to which the plan, covenant or easement would protect, maintain or enhance fish or wildlife habitat, improve water quality or support other natural resource values

- You can meet regulations in different ways – Some are more effective/ expensive
- Might maintain one feature but get more uplift in another – a focused holistic natural resource progress

- Not losing existing resource is uplift in itself. Articulate that you get credit for “protect and maintain.” Maintenance is easier than creation - Humpty Dumpty’s rule
- Work lands provide corridors
- Invasives → here and criterion f also?
- Listed species – higher ranking? Guidance? Leveraging other \$ or federal/ state plan/ strategy
- Point source and non-point source water quality
 - Water quantity – including seasonal flows
 - Soil management → water quantity
- Carbon sequestration

Criterion c - The extent to which the plan, covenant or easement would protect agricultural outcomes, benefits or other investment gains

- Succession **or** long-term viability secure property for whoever owns it to be farmland in the future
- Prevent other restoration projects on land that prevent it from being farmable
- **Community** (also in (f)?) preserve community, **identity, economic viability** as related to ag
- Decreased inputs protects investment in land
- Water rights – maintains viability of operation. Keep ability to use enough to run operation into the future
- Utilization of innovative conservation techniques – water and more (leverage of other grant \$)

Criterion d – The capacity of the organization that filed the application to enter into a conservation management plan, accept a working land conservation covenant or working land conservation easement, and the competence of the organization

Have experts on conservation and ag innovative solutions. Straightforward. More important for a covenant/ easement

Criterion e – The extent to which the benefit to the state from the investment may be maximized, based on the ability to leverage grant moneys with other funding sources and on the duration and extent of the conservation management plan, working land conservation covenant or working land conservation easement

Duration might not be as important as outcomes for CMP

Criterion f – The extent and nature of plan, covenant or easement impacts on owners or operators of neighboring lands

Include positive impacts leveraging outcomes, not just \$. Infrastructure maintenance

Eric’s Group

- OAHC targeted strategic priorities
 - (Projects) – Targeted solicitation
 - May be different for CMP with easement
- Cost/ Benefit (including public benefit) – Plan should address (project criteria)
- Equitability – ensure geographic distance and serving underserved populations (project and grantee)

- Land leases – How does plan address lessees? (project)
- Long-term viability of investment – What factors might detract from investment (project)
- Capacity – ensure that grantee board includes a diversity of interests, including owner/ operator (look at FSA requirements)
- Fish/ Wildlife – Include benefits to groundwater recharge/ water quantity
- Capacity – how will organization (grantee) ensure financial capability and staff training to manage investment over long term ~ stewardship endowment
- Leveraging complimentary investments, such as FIP, RCPP, larger geographies (project criteria)

Liz's Group

Do existing criteria capture breadth of ranking needs?

- **Socio** – Farms can be a place to gather (e.g. events)
- How would project benefit underserved populations/ landowners (could go under community bullet)
- How do we craft criteria that includes, not includes?
- Try to keep applications anonymous
- Flag opportunity – may have higher risk
 - Risk/ reward rating
- Consider as investment portfolio
 - Most likely to succeed—to→ risk but potential gains
 - So do not only choose sophisticated applicants, not exclude people with opportunity but less tech.

Gaps in existing

- Lifecycle of farming in criteria
 - E.g. expense to get started
 - Fit into socio/ economic
- Should there be connection with succession plan?
- Keep (how) to necessary criteria – avoid being too onerous?

Which existing criteria need more detail?

- C – How do you measure? E.g. how does farm benefit economy
- F – “neighboring lands” – who’s perspective to determine this?
- Metrics for review team to use to help stay objective
- Add enhancement after protect©
 - Understand outcomes
- F – Should explain why they think it is positive
- E – “prior” – Are there limits of universe to consider?
 - Balancing need measure vs. history of success
 - Guard against double dipping
 - Explicit whether \$ vs. work

Integration with other programs

OWEB staff asked the commission if anyone would like to volunteer to participate in a committee, including one or two calls, to discuss how to integrate CMPs with other grant programs. Ken Bailey and Mary Wahl volunteered.

OWEB staff informed the commission that they would edit the draft Succession Planning rules and CMP rules and draft new CMP ranking rules for the commission's review by their next meeting on April 5.

Items in the commission's "refrigerator" list for future discussions were:

- How to ensure site visit is performed by qualified person? "Qualified" planner? "Define qualified" – familiar with plan & methods used
- Serving underserved areas
- How do we help people before application to be successful competing with more experienced applicants?
- How do we make it simple/not unnecessarily onerous? Keep to necessary?

The meeting was adjourned at 3:00 p.m.

Division XXX
Succession Planning Grants

XXX-XXX-XX01

Purpose

The Oregon Agricultural Heritage Commission (commission) shall provide funding recommendations to the Legislative Assembly, or recommendations for grant funding to the Oregon Watershed Enhancement Board (OWEB board), to provide training and support to owners of working land, or persons advising owners of working land, regarding succession planning for the lands. The purpose of this program is to contribute to the public benefits of:

- (1) Increased economic viability of Oregon agricultural operations and economic sector,
- (2) Reduced fragmentation of Oregon's working land,
- (3) Reduced conversion of Oregon's working land to nonfarm uses, and
- (4) Enhanced fish and wildlife habitat and other natural resources on Oregon's working land.

XXX-XXX-XX02

Definitions

(1) "Agricultural cooperative" means a cooperative corporation formed in accordance with the Oregon Cooperative Corporation Act for the benefit of agricultural owners or operators.

(2) "Agricultural owner or operator" means a landowner, operator, manager or other person having responsibility for exercising control over the day-to-day operation of a farm or ranch.

~~(1)(3)~~ "Owner of working land" means an "agricultural owner or operator" as defined in statute.

(4) "Person advising owners of working land agricultural owner or operator" means a person or an organization that provides training and resources to persons who provide succession planning services to owners of working land.

~~(2)~~(5) "Fragmentation" is the division of a working farm or ranch into smaller parcels.

~~(3)~~(6) "Succession planning" means an ongoing process for ensuring the continuation and economic viability of a business. It may include strategies to identify, develop, and empower the next generation of agricultural owners and operators, a plan to divide business and family assets, and arrangements for each generation's retirement and long-term care. Succession plans are fluid and may be reviewed and updated throughout the existence of the business.

~~(4)~~(7) Additional definitions to be determined.

Comment [ML1]: Since in the previous definition, you had owner of working land mean owner or operator, it just seemed more simple to make the wording the same everywhere

XXX-XXX-XX03

Succession Planning Priorities

The commission may establish priorities for Succession Planning Grants in guidance, which may be used to solicit and rank program grant proposals and make recommendations to the legislature. The commission may modify these priorities from time to time at its discretion.

XXX-XXX-XX04

Applicant Eligibility

- (1) Eligible applicants for Succession Planning Grants are:
 - (i) Public institutions of higher learning,
 - (ii) Not-for-profit organizations,
 - (iii) Units of local government, ~~and~~
 - (iv) Tribes, ~~and~~
 - ~~(iv)(v)~~ Agricultural cooperatives
- (2) Individual ~~owners of working lands~~ agricultural owners or operators and individual persons advising ~~owners of working land~~ them are not eligible to apply for a -Succession Planning Grant.

XXX-XXX-XX05

Application Requirements

Succession Planning Grant applications shall:

- (1) Be consistent with general program guidance {similar to ORS XXX Division 005}.
- (2) Not require match contributions.
- (3) Be submitted on the most current form and process prescribed by the commission.
- (4) *Other application requirement in general administrative section.*

XXX-XXX-XX06

Eligible Activities

The following activities benefitting ~~owners of working land~~ agricultural owners and operators in Oregon and the persons who advise them are eligible for Succession Planning Grants:

- (1) Education and outreach about the importance of succession planning and available resources,
- (2) Trainings on topics related to succession planning,
- (3) Development and distribution of educational materials and curriculum related to succession planning, and
- (4) Advising ~~owners of working land~~ agricultural owners and operators on succession planning.

XXX-XXX-XX07

Evaluation Criteria

Succession Planning Grant applications will be evaluated on:

- (1) The extent to which the proposed project would help achieve the purpose of this grant program as identified in OAR XXX-XXX-XX01,
- ~~(2)~~ The capacity of the applicant to deliver the proposed program.
- ~~(3)~~ The applicant's background and experience in delivering successful succession planning programs, including both prior programs funded through this grant program and projects funded outside this grant program.
- ~~(2)~~ The success of the applicant's prior projects funded through this grant program,
- ~~(3)~~(4) _____ The cost-effectiveness of the proposed project,
- ~~(4)~~(5) _____ The extent to which the application reaches diverse audiences, including: producers of diverse commodities, owners of working lands agricultural owners or operators in diverse geographic locations in Oregon and participants in diverse stages of succession planning. The commission may also consider the extent to which a suite of approved grant projects will combine to reflect this diversity.
- ~~(6)~~ _____ The extent to which the project introduces participants to conservation tools as resources for succession planning.

XXX-XXX-XX08

Succession Planning Grant Application Technical Review and Funding Process

- (1) The commission may fund projects submitted through an open solicitation for proposals, or by requesting proposals from a specific eligible entity or eligible entities.
- (2) Technical review of Succession Planning Grant applications shall occur based on information provided in the grant application.
- (3) Applications shall be evaluated according to criteria described in OAR XXX-XXX-XXXX.
- (4) The commission may use technical committees to evaluate Succession Planning Grant applications.
- (5) If a technical committee is used, the technical committee shall provide ranking recommendations to OWEB staff. OWEB staff will review technical committee recommendations and provide recommendations to the commission.
- (6) The commission may rank projects and shall provide funding recommendations to the board.
- (7) The board may fund a grant application in whole or in part.

XXX-XXX-XX09

Grant Agreement Conditions

- (1) The grantee must submit a report at completion of the project describing the work completed as described in OAR XXX-XXX-XXXX.
- (2) The grantee must agree to complete the project as approved by the board and within the timeframe specified in the grant agreement unless proposed modifications are

submitted and approved by the director prior to the beginning of any work proposed in the modification.

- (3) The director will consider project modifications, including expansion of funded projects with moneys remaining from the original project allocation, if the purpose and intent of the amendment remains the same as the original project.

XXX-XXX-XX10

Grant Reporting Requirements

- (1) Upon project completion, the grantee will provide the commission and OWEB's Board with a copy of the project completion report. Final project accounting and reporting are due no later than 60 days following the project completion date.
- (2) The project completion report and annual reports shall demonstrate how the grantee's funded project(s) demonstrated clear succession planning benefits to Oregon owners of working land agricultural owners and operators and their service providers. Evidence of this may include, but is not limited to:
 - (i) The number of people who participated in the program,
 - (ii) The geographic, commodity, and other demographic diversity of participants in the program;
 - (iii) Documented improved understanding of succession planning by program participants; Documented measurable changes in behavior of participants, including the percentage or number of owners of working lands who take the next step toward succession planning, complete a plan, and implement the plan;
 - (iv) Documented improved understanding by participants of tools to prevent fragmentation of working land, reduce conversion of working land to nonfarm uses and promote economic viability and ecological sustainability of agricultural operations; and
 - (v) Other documentation of the project's success in contributing to achieve the purpose of this grant program.
- (3) The OWEB Director or the commission may authorize an independent performance audit of any Succession Planning Grantee, and if the director determines the grantee is not complying with the rules of the Farm and Ranch Succession Planning Grant program, may restrict future grant funds.
- (4) In addition to project evaluations, the commission may conduct program evaluations that may include changes in USDA Census of Agriculture or similar data that would indicate a change in adoption of succession planning, surveys of owners of working land agricultural owners and operators on the status of succession plans, and other trends in farmland-working land ownership and use.

XXX-XXX-XX11

Waiver and Periodic Review of Rules

The director may waive the requirements of Division XXX unless required by statute, when doing so will result in more efficient or effective implementation of the [Farm and Ranch](#) Succession Planning Grant program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the commission within a reasonable time. The administrative rules for [Farm and Ranch](#) Succession Planning Grants shall be periodically reviewed by the commission and revised as necessary and appropriate.

DRAFT

Division XXX Conservation Management Plans

XXX-XXX-XX01

Purpose

The purpose of this program is to contribute to the public benefits of:

- (1) Increased economic viability of Oregon agricultural operations,
- (2) Reduced fragmentation of Oregon's working land,
- (3) Reduced conversion of Oregon's working land to nonfarm uses, and
- (4) Enhanced fish and wildlife habitat and other natural resources on Oregon's working land.

An agricultural owner or operator may enter into a conservation management plan with an organization for working land to be managed in a manner that supports one or more natural resource values. Conservation management plans must be for the purpose of developing and implementing conservation measures or other protections for maintaining or enhancing fish or wildlife habitat, improving water quality or supporting other natural resource values in a manner consistent with the social and economic interests and abilities of the agricultural owner or operator. The plan may include provisions for addressing particular priorities related to natural resource values, including but not limited to soil, water, plants, animals, energy and human need considerations.

XXX-XXX-XX02

Definitions

- (1) "Agricultural owner or operator" means a landowner, operator, manager or other person having responsibility for exercising control over the day-to-day operation of a farm or ranch.
- (2) *Definitions to be determined.*

XXX-XXX-XX03

Eligibility

Eligible applicants for Conservation Management Plan Grants include:

- (a) An entity eligible to hold a conservation easement ~~or covenant holder~~, as defined in ORS 271.715, other than a state agency;
- (b) A watershed council; or
- (c) An entity who is tax exempt under section 501(c)(3) of the Internal Revenue Code

XXX-XXX-XX04

Application Requirements

Conservation Management Plan Grant applications shall:

- (1) Be consistent with general program guidance *{similar to OAR XXX Division 005}*;

- (2) Be submitted on the most current form and process prescribed by the commission;
- (3) Include the duration or terminating event for the plan; and
- (4) *Other application requirements included in general administrative section.*

XXX-XXX-XX05
Eligible Activities

Funding can be utilized to purchase, implement and monitor conservation management plans.
(Additional information to be developed as a part of payment conversation.)

Comment [ML1]: This language may change in a technical statutory fix

XXX-XXX-XX06
Term of Payment for Conservation Management Plan Implementation

If an agricultural owner or operator is reimbursed for the implementation of a conservation management plan, the plan must be for a term of between twenty and fifty years. If a plan is associated with a working land conservation covenant, the term of the plan must be the same as the term of the covenant.

XXX-XXX-XX07
Conservation Management Plan Components

At minimum, conservation management plans will include:

- (1) A summary describing how the conservation management plan meets OAHF's purpose;
- (2) Contact and location information for the operator agricultural owner or operator;
- (3) Relevant background and context;
- (4) Inventory, including site characteristics and current management;
- (5) Short- and long-term social, economic, and conservation goals of the agricultural owner(s) or operator(s);
- (6) Resource analysis and identification of resource and management concerns;
- (7) Alternative identification and selection;
- (8) The implementation plan, including a budget; and
- (9) The conservation, social and economic outcomes of the plan once implemented;
- (10) How the conservation management plan will be evaluated and adaptively managed;
and-
- (11) The term of the plan.

XXX-XXX-XX08
Evaluation Criteria

To be determined by commission

XXX-XXX-XX09

Conservation Management Plan Technical Review and Funding Process

- (1) Technical review of Conservation Management Plan Grant applications shall occur based on information provided in the grant application.
- (2) Applications shall be evaluated according to criteria described in OAR XXX-XXX-XX08.
- (3) The commission may use technical committees to evaluate Conservation Management Plan grant applications.
- (4) If a technical committee is used, the technical committee shall provide ranking recommendations to OWEB staff. OWEB staff will review technical committee recommendations and provide funding recommendations to the commission.
- (5) The commission may rank projects and shall provide funding recommendations to OWEB's Board.
- (6) The board may fund a grant application in whole or in part.

XXX-XXX-XX10

Grant Agreement Conditions

- (1) For grants that fund conservation management plan implementation, the grantee must receive and provide to the commission at least annual reports from the agricultural owner or operator regarding plan implementation.
- (2) The grantee must submit a report at completion of the project describing the work completed. Monitoring must be completed as described in OAR XXX-XXX-XXXX.
- (3) The grantee must agree to complete the project as approved by the board and within the timeframe specified in the grant agreement unless proposed modifications amendments are submitted and approved by the Director prior to the beginning of any work proposed in the modificationamendment.
- (4) The director will consider project amendments, including expansion of funded projects with moneys remaining from the original project allocation, if the purpose and intent of the amendment remains the same as the original project.

~~(4)~~(5) All changes to the conservation management plan must be reflected in writing and provided to the Oregon Agricultural Heritage Commission.

Comment [ML2]: NELLIE/LIZ – I had a note that this should be 'moved separately'. I think it meant to move it here, but wanted to check with you guys

XXX-XXX-XX11

Conservation Management Plan Mutual Modification

If funding is provided for conservation management plan implementation:

- (1) Conservation management plans must include provisions that provide for flexibility and allow for mutual modification as necessary to reflect changes in practices or circumstances.
- (2) Any change must be mutually agreed to by both the agricultural owner or operator and the grantee.

~~(3)(1) All changes must be reflected in writing and provided to the Oregon Agricultural Heritage Commission.~~

~~(4)(3)~~ To ensure consistent review of all conservation management plans, the grantee and the agricultural owner or operator must review the conservation management plan at least annually and may mutually modify the conservation management plan if necessary.

~~(5)(4)~~ The agricultural owner or operator must contact the grantee at any time if any of the following changes occur that will impact either implementation of the conservation management plan or its expected outcomes:

~~(a) Changes in management or ownership of the property;~~

~~(b) Changes in the grazing/cropping system(s) not identified in the plan. For changes in grazing/cropping systems, the landowner must notify the grantee in advance.~~

~~(c)~~ A natural disaster occurs that will impact implementation of the conservation management plan; or

~~(b) Changes occur in the grazing/cropping system(s) not identified in the plan;~~

~~(c) Changes occur in management or ownership of the property; or~~

(d) Other changes ~~occur~~ that are outside the agricultural owner's or operator's control.

~~(6)(5)~~ The grantee must contact the agricultural owner or operator if changes in science significantly affect the effectiveness of conservation management plan implementation.

~~(7)(6)~~ Modifications may include:

(a) Addition of new conservation practices, measures or conservation benefits;

(b) Changes in practices, measures or benefits based on:

a. changes in science;

~~b. Changes in practices, measures or benefits based on~~ changes to farm property management or ownership;

~~b-c. management changes in~~ grazing/cropping systems; ~~or~~

d. Changes in practices, measures or benefits based on natural disasters; or

~~c-e. Other changes outside the agricultural owner's or operator's control.~~

~~(8) Conservation management plan modifications are not required if both the agricultural owner or operator and the grantee determine the new conservation measures proposed will achieve the same conservation outcomes as identified in the conservation management plan.~~

Comment [ML3]: Reordered so 11(4) and 11(6) match

XXX-XXX-XX12

Conservation Management Plan Monitoring

If funding is provided for conservation management plan implementation:

- (1) The agricultural owner or operator must meet annually with the grantee and provide a written report of conservation management plan activities completed each year to the grantee on a form approved by the commission. Reports may also include photo points or other methods that appropriately track plan implementation.

- (2) Annual reporting must identify any mutual modifications to the conservation management plan.
- (3) ~~Notwithstanding (4), s~~Site visits by the grantee to the property must occur ~~at least~~ every ~~three years, or as prescribed by a match funder if their interval for site visits is shorter than three years, to document the components of the conservation management plan.~~
- (4) The agricultural owner or operator and the grantee may agree to establish specific monitoring protocols ~~and site visit intervals~~ to identify trends in habitat, water quality or other natural resource values, ~~or if a modification of the conservation management plan results in specific monitoring or site visit needs.~~ Protocols must be in writing and agreed to by both the agricultural owner or operator and the grantee. The commission may provide guidance for consistent monitoring protocols.
- (5) ~~If funding is provided for conservation management plan implementation,~~ the commission may conduct spot checks to ensure management plan implementation as identified in the plan and associated reporting.
- (6) The commission may also develop monitoring protocols to evaluate the outcomes of conservation management plan implementation on a programmatic level.

XXX-XXX-XX13

Grant Reporting Requirements

Upon development of a conservation management plan or completion of conservation management plan implementation, the grantee will provide the commission and OWEB's Board with a copy of the project completion report. Final project accounting and reporting are due no later than 60 days following the project completion date.

Comment [ML4]: Possibly move to the OAHF administrative rules that apply to all of the various programs and leave it out of this specific division.

XXX-XXX-XX14

Waiver and Periodic Review of Rules

The director may waive the requirements of Division XXX unless required by statute, when doing so will result in more efficient or effective implementation of the Conservation Management Plan Grant. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the commission within a reasonable time. The administrative rules for Conservation Management Planning Grants shall be periodically reviewed by the Commission and revised as necessary and appropriate.

Comment [NM5]: Might also belong in OAHF Administrative Rules section

Draft Conservation Management Plan Evaluation Criteria Rules

XXX-XXX-XX08

Evaluation Criteria

Conservation Management Plan Grant applications will be evaluated on:

- 1) The extent to which the application ~~proposes to develop~~would result in plans for multiple agricultural owners or operators in an identified area;
- 2) The extent to which the plan(s) would protect, maintain or enhance farming or ranching on working land, including:
 - a) Whether the plan(s) would improve the economic viability of the operation;
 - b) Whether the agricultural owner(s) or operator(s) have a succession plan;
 - c) The cost-benefit of plan implementation; and
 - d) The extent to which implementation of the plan(s) would reduce the potential for fragmentation of working lands.
- 3) The extent to which the plan would protect, maintain or enhance fish or wildlife habitat, improve water quality or support other natural resource values, including:
 - a) Whether the plan(s) holistically address(es) natural resource priorities applicable to the land, including soil, water, plants, animals, energy and human needs considerations;
 - b) Whether the plan(s) support(s) implementation of state, federal or tribal conservation or recovery plans;
- 4) The extent to which the plan(s) would protect agricultural outcomes, benefits or other investment gains, including the extent to which the working lands on which the plan(s) is/are developed are an integral part of the local community or economy;
- 5) The capacity of the organization that filed the application to enter into a conservation management plan, and the competence of the organization, including:
 - a) The financial capability of the organization to manage the plan(s) over time;
 - b) Demonstrated relevant expertise to develop and implement plan(s);
- 6) The extent to which the benefit to the state from the investment may be maximized, based on the ability to leverage grant moneys with other funding sources, and on the duration and extent of the conservation management plan;
- 7) The extent and nature of the plan(s)'s impacts on owners or operators of neighboring lands, including:

Comment [NM1]: So that the application itself need not propose multiple plans, but can be one application as part of a regional strategy

Comment [ML2]: Guidance would include:

- Increased productivity or carrying capacity of the land
- Reduced use of inputs like fertilizer, pesticides, energy use
- Increased management efficiency
- Ensuring water rights sufficient to support farming on the land

Comment [ML3]: Guidance would include:

- Increased soil health
- Increased carbon sequestration
- Increased water quality

Comment [ML4]: Guidance would include:

- Establishment of habitat corridors or blocks
- Presence of listed species or associated habitat
- Addresses priorities in local area plans for the state's agriculture water quality program

Comment [ML5]: Guidance would include:

- Employer in community
- Hiring underserved populations
- Purchasing or selling locally
- Supplier for local processing
- Testing innovative approaches or technologies

Comment [ML6]: Guidance would include:

- Board balance including landowner members;
- Staff training and years of experience
- Specifically identified staff who will be working with landowners

Comment [ML7]: Guidance would include:

- Long-term impacts of investment;
- Specific duration doesn't matter

Draft Conservation Management Plan Evaluation Criteria Rules

a) Benefits of the plan(s)'s development and implementation on neighbors;

b) Negative impacts of the plan(s)'s implementation on neighbors;

~~b)c)~~ Communication with neighboring landowners to discuss how to mitigate any negative impacts;

~~c)d)~~ The extent to which the plan(s) include(s) a maintenance plan or plans for infrastructure that may impact neighboring lands if not maintained over time.

Comment [ML8]: Other items for discussion:

- Include working with underserved populations in the TA grants portion of the program rather than here
- Does commission want to reference risk/reward in rule or just as a part of your deliberations?
- Life-cycle of farming – was referenced, not sure how to incorporate

Recommendations of the Oregon Agricultural Heritage Program (OAHP) Work Group to the Oregon Agricultural Heritage Commission Regarding Working Land Conservation Covenants and Easements

Background

During its 2017 session, the Oregon Legislature passed HB 3249: legislation that creates the Oregon Agricultural Heritage Program (OAHP). This legislation was developed with the input of a work group of agricultural and conservation organizations and representatives. The work group's conversations about the ranking of working land conservation covenants ("covenants"), working land conservation easements ("easements"), and conservation management plans resulted in the 6 statutory criteria listed in Section 6(3) of HB 3249.

The work group re-convened after HB 3249 was passed to write this document, which gives context to those criteria and offers recommendations for how those criteria could be defined in rules. The following recommendations are provided with the intent of aiding the Oregon Agricultural Heritage Commission ("the Commission") in their decision making on **working land conservation covenants and easements**. A letter containing the work group's recommendations on conservation management plans was included in the materials of the commission's March 8 meeting.

It is fully understood by the work group that the Commission and ultimately the OWEB Board have complete decision-making authority over OAHP's rules and administration, and that the final decisions may vary from what is recommended here.

1. Match Recommendation

The work group offers these general recommendations for the Commission's consideration:

- Requiring a minimum match contribution of 25% of the total project costs for OAHP grants for working land conservation covenants and easements.
- Allowing eligible match contributions for a covenant or easement grant to be entirely in-kind, which could include landowner donation of easement value.
- Defining project costs to include both purchase price and acquisition-related non-purchase costs for the purpose of calculating match. Non-purchase costs include staff time spent negotiating, conducting an appraisal and other due diligence, and attorney fees.
- Not ranking projects on the amount or type of match, since it is already required.
- Ensuring that the total combined covenant and easement payments from OAHP for a property never exceed the appraised value of a permanent easement. The purpose of this provision was to prevent "double-dipping" by paying more than the value of an easement through multiple agreements (potentially including one or more covenants

and an easement), adjusted to present day value. Some work group members thought the concept may not be appropriate unless covenants are structured as “lease-to-own” arrangements that predictably lead to permanent easements. Their thought was, without such lease-to-own arrangements, expired termed covenants would have no effect on the present-day value of a future perpetual easement on the same property. In that case, “double dipping” only exists where a covenant and an easement overlap in time, and the approach may dis-incentivize a landowner to convey an easement after a covenant’s term had ended.

2. Recommendations for Ranking Criteria

The work group recommends limiting the ranking criteria to the 6 outlined in statute, and potentially clarifying these criteria in rules and guidance.

For most of the 6 statutory ranking criteria, the work group recommends refining them with qualitative sub-criteria that applicants may describe using factors that are applicable to the project. If this approach is used, these factors would be optional and customizable to each project, giving applicants flexibility in their narrative response. The work group felt that this flexible approach would best reflect the diversity of Oregon agriculture, landscapes, and landowners. The work group recommends locating these factors in rule, rather than only in guidance or the application, because rules receive public comment and are less likely to change over time.

3. Recommendations for Each Ranking Criterion

Statutory Criterion a

The extent to which the plan, covenant or easement would protect, maintain or enhance farming or ranching on working land

The work group suggests that the Commission consider the project's ability to address or ameliorate the threats of development, fragmentation, or conversion from agricultural to non-agricultural uses. In their narrative responses, applicants could discuss various factors including but not limited to: the property’s attributes (important soils, connectivity to other agricultural land, zoning, etc.); the county’s agricultural landscape (data from agricultural census, population trends, etc.); or other threats to the property remaining in agriculture.

Statutory Criterion b

The extent to which the plan, covenant or easement would protect, maintain or enhance fish or wildlife habitat, improve water quality or support other natural resource values

The work group suggests that the Commission consider:

- Whether the project is in alignment with federal, state, tribal and/or county natural resource/conservation plans or strategies.

- Whether the applicant is compliant with, or will be implementing actions to meet or exceed, applicable point source and non-point source laws and regulations including applicable requirements such as USDA’s highly erodible/wetland determinations, Oregon Agricultural Water Quality Act, Confined Animal Feeding Operation permits, etc.
- The extent to which the project protects, maintains, or enhances fish and wildlife habitat, water quality, and other natural resource values, which could be demonstrated through factors including but not limited to the applicant’s plans to maintain or restore habitat; the size of habitat and its connectivity to adjacent habitat corridors; conservation practices to improve water quality or reduce water use; or other benefits to fish, wildlife or water quality.

Statutory Criterion c

The extent to which the plan, covenant or easement would protect agricultural outcomes, benefits or other investment gains

The work group suggests that the Commission consider:

- How the project aligns with federal, state, tribal and/or county natural resource/conservation plans or strategies that protect agricultural lands, where applicable.
- The community benefits that would result from the project, including but not limited to those related to jobs and agricultural land use, such as how the farm contributes to the local economy, the farm’s long-term viability, sufficient water rights, or other relevant information.

Statutory Criterion d

The capacity of the organization that filed the application to enter into a conservation management plan, accept a working land conservation covenant or working land conservation easement, and the competence of the organization

The work group suggests that the Commission consider:

- If the organization has the legal authority to purchase and hold covenants or easements, where applicable (perhaps as an eligibility criterion).
- Whether the applicant or organization holding a working land conservation covenant or easement has language in its mission statement, vision statement, strategic plan, and/or organizational goals indicating its dedication to protecting agricultural land and related conservation values by limiting conversion of agricultural land to nonagricultural uses.

- Whether the applicant organization has the capacity to acquire, manage, monitor, enforce, and steward the project. This could include information about the number of working land conservation covenants or easements the organization has; their staff or other capacity; how they fund long-term monitoring and enforcement; or other organizational capacity.

Statutory Criterion e

The extent to which the benefit to the state from the investment may be maximized, based on the ability to leverage grant moneys with other funding sources and on the duration and extent of the conservation management plan, working land conservation covenant or working land conservation easement

The work group suggests that the Commission consider:

- Whether, all other ranking considerations being equal, the ranking of covenants and easements, with or without associated conservation management plans (CMP), should be in this order:
 1. Easement with a CMP,
 2. Covenant with a CMP; covenants with longer terms ranking higher,
 3. Easement without a CMP,
 4. Covenant without a CMP; covenants with longer terms ranking higher,
- Whether the project leverages or builds off of prior public, private, or voluntary investments in the property, which may be demonstrated through factors including but not limited to participation in soil, water, habitat, or other natural resource conservation programs.

Statutory Criterion f

The extent and nature of plan, covenant or easement impacts on owners or operators of neighboring lands

The work group suggests that the Commission ask applicants:

1. What impacts (positive and negative) the proposed conservation project is likely to have on project neighbors. Examples of impacts could include changes to hydrology, e.g. too much (flooding), or too little (diversion or reduced flows), and whether these changes may also lead to changing wildlife impacts; or increased weed or other pest pressures.
2. The Commission should also ask applicants to share the extent of their interaction with neighbors regarding these impacts, and what will be done to mitigate any negative impacts



Issue Brief: State Conservation Easement Program Eligibility Requirements, Evaluation Criteria, and Easement Requirements

Background

There is a wide variation in state grant programs to preserve working lands through the use of conservation easements, including eligibility requirements, ranking criteria and easement requirements. All of the state programs investigated herein share a common goal of preventing the loss of farm and ranch land through conversion to non-agricultural uses. This is accomplished through acquisition of some or all of the development rights on the farm or ranch and in some states placing additional restrictions on things like subdivision, area of impervious surfaces and building envelopes, and retention of water rights. In addition to preventing the loss of agricultural lands, some states also have goals regarding conservation of natural resources such as fish and wildlife habitat and water quality. The states discussed in this paper were selected to illustrate a variety of approaches to working land preservation.

Minimum requirements to apply for a working land conservation easement

The legislation creating the Oregon Agricultural Heritage Program (OAHP), HB 3249, states that the purpose of a conservation or covenant is to ensure “the continued use of the land for agricultural purposes while maintaining or enhancing fish or wildlife habitat, improving water quality or supporting other natural resource values on the land.” Easements or covenants must be for working land, defined as “land that is actively used by an agricultural owner or operator for an agricultural operation that includes, but need not be limited to, active engagement in farming or ranching,” leaving the decision to the OAH Commission whether and how to define the terms farming, ranching, and eligible lands and whether to designate permitted or prohibited activities on those lands.

California

The goals of the [California Farmland Conservancy Program*](#) are to protect farms and ranches from non-farm and non-ranch land uses and to encourage long-term conservation of productive agricultural lands. To be eligible, the proposed parcel must be viable for future agricultural production (size, markets, infrastructure), likely to be converted to non-agricultural uses in the near future, and in a city or county with a long-term agricultural conservation plan.

Delaware

The goal of the [Delaware Agricultural Lands Preservation Program*](#) is to preserve farmland through the acquisition of development rights. The program, established in 1991, allows landowners to voluntarily preserve their farms through a 2-phase process. The first phase, which does not include any payment to the landowner, is a 10-year, voluntary agreement where landowners agree to continue to use their land for agricultural purposes only. This agreement runs with the land and is effectively a term or temporary conservation easement, described as a “covenant” in OAHP. In phase 2, the landowner is paid to sell their farm’s

development rights. To be eligible, farms must have entered into the 10-year agreement and must receive a score of 170 or greater in the [Land Evaluation and Site Assessment \(LESA\)*](#) which addresses many factors associated with long term agricultural viability.¹

Pennsylvania

The [Pennsylvania Agricultural Conservation Easement Purchase Program's*](#) goals are to “strengthen Pennsylvania’s agricultural economy and protect prime farmland.” To be eligible for grants, farms must be in a county with a certified farmland protection program, exceed a minimum size, have a minimum soil capability and have an approved conservation plan.

Texas

The [Texas Farm and Ranch Lands Conservation Program*](#) was established by the Texas Legislature in 2005 “for the purpose of conserving working lands with high values for water, fish and wildlife, and agricultural production, especially lands at risk of development.” Funds are awarded to “assist with the acquisition of conservation easements on working lands that conserve important natural resources.” To be eligible for a grant, a farm or ranch must meet the requirements for a property tax reduction—a requirement that even very small farms can meet. However, the program targets large “heritage farms and ranches” that have been owned by multiple family generations and are likely to be so in the future.

Washington State

The goal of the [Washington State Farmland Preservation Program*](#) is to “buy development rights on farmlands to ensure the lands remain available for farming in the future.” Grant

¹ **Land Evaluation and Site Assessment (LESA)** is an analytical tool developed by Natural Resource Conservation Service (NRCS) to facilitate identification and protection of important agricultural land and assist in implementing farmland protection policies. The tool is designed to be tailored to local or state-wide needs and provides a systematic and transparent method to rate and rank sites for agricultural importance.

The land evaluation part of LESA includes one or more factors addressing soil quality, including soil productivity, soil potential and land capability.

The site assessment (SA) portion of LESA addresses non-soil conditions:

- SA-1 measures **limitations on farm productivity** such as the size and shape of the site, availability of support services, stewardship, environmental limitations, and availability of water;
- SA-2 measures **development pressure or likelihood of land conversion** and addresses factors such as zoning and nearby urban development; and
- SA-3 measures **other public values** such as historic, cultural, environmental, and scenic.

The factors to be included in the assessment, ideally developed with stakeholder input at a local or state level, are each assigned a range of points (for example 0-10) and then assigned weights (for example, how much to weight habitat value compared to agricultural potential) and the results combined to produce a final score.

* The electronic version of this document contains a link to this item.

Oregon Agricultural Heritage Commission: State Conservation Easement Programs

recipients also can use grant funds to develop stewardship plans and restore ecological functions of the preserved farmland. To be eligible for a grant, a farm or ranch must qualify for a property tax reduction under the state's Open Space Tax Act, which defines what is meant by farmland and addresses minimum acreage and gross income.

Grant Evaluation and Ranking Criteria

Oregon Agricultural Heritage Program

Oregon evaluation criteria from Section 6(3) of HB 3249 are:

- a) Protection, maintenance or enhancement of farming/ranching;
- b) Protection, maintenance or enhancement of natural resource values;
- c) Protection of agricultural outcomes, benefits or other investment gains;
- d) Capacity of the organization to accept a covenant or easement and the competence of the organization;
- e) Ability to leverage grant moneys with other funding sources and the duration and extent of the covenant or easement;
- f) Impacts on neighboring lands;

HB3249 allows the OAH Commission to develop additional criteria.

California Farmland Conservancy Program

- Quality of the land, including productivity, land capability
- Meets multiple natural resource conservation objectives, including habitat and scenic open space
- City or county long-term commitment to agricultural land conservation
- Technical capability of applicant
- Cost
- Match

Delaware Agricultural Lands Preservation Program

Ranking is determined only by the percent discount a landowner offers from the appraised value of the conservation easement (sometimes called a "reverse auction"). There are no other ranking criteria.

Pennsylvania Agricultural Conservation Easement Purchase Program

Ranking systems are adopted by counties using LESA, including the evaluation of:

- Soils
- Likelihood of conversion
- Clustering potential, including proximity to other eased properties and protected land
- Stewardship

Texas Farm and Ranch Lands Conservation Program

- Threat
- Value (cost, cost effectiveness, additional sources of funding)
- Watershed value

Oregon Agricultural Heritage Commission: State Conservation Easement Programs

- Fish and wildlife value
- Contribution to a conservation landscape
- Easement terms (easement is perpetual, prevents fragmentation, and encourages stewardship)
- Holder's accreditation and stability

Washington State Farmland Preservation Program

- Agricultural viability (soil, suitability, water)
- Threat of conversion
- Access to markets
- On-site infrastructure
- Building envelope
- Stewardship practices in place
- Benefits to the community
- Match
- Easement duration (perpetual or term); term easements score so low that they are not competitive

Required provisions of the conservation easement

Oregon Agricultural Heritage Program

- "Ensures the continued use of the land for agricultural purposes"
- "Maintains or enhances fish or wildlife habitat, improving water quality or supporting other natural resource values on the land"
- Details to be established by the OAH Commission

California Farmland Conservancy Program

- Prohibits activities that would diminish productivity
- Prohibits activities that would diminish scenic, historic, and natural resource values
- No subdivision

Delaware Agricultural Lands Preservation Program

- Only addresses acquisition of development rights
- Subdivision and additional residential units are allowed if farmed

Pennsylvania Agricultural Conservation Easement Purchase Program

- Requires that all agricultural practices be conducted in accordance with an approved conservation plan
- Must be used solely for agricultural production
- Limits buildings and envelopes
- May allow subdivision if it does not harm the economic viability for agricultural production
- May allow one additional residential structure for the landowner or immediate family member

Oregon Agricultural Heritage Commission: State Conservation Easement Programs

Texas Farm and Ranch Lands Conservation Program

Most grants are awarded to land trusts that develop the conservation easement. Examples include:

- No subdivision
- Limits to building envelopes and impervious surfaces
- Must remain available for agriculture, livestock
- Requirement to develop and use a wildlife and range management plan

Washington State Farmland Preservation Program

- Number of buildings and area of building envelopes
- Impervious surface area
- Subdivision and additional residential units are allowed if farmed

Oregon HB 3249 Working Land Conservation Covenants and Easements Grants

Minimum Requirements

Land is actively used for an agricultural operation that includes, but need not be limited to, active engagement in farming or ranching.

+?

Evaluation Criteria

- Protection, maintenance or enhancement of farming/ranching
- Protection, maintenance or enhancement of natural resource values
- Protection of agricultural outcomes, benefits or other investment gains
- Capacity of the organization to accept a covenant or easement and the competence of the organization
- Ability to leverage grant moneys with other funding sources and the duration and extent of the covenant or easement
- Impacts on neighboring lands
- +?

Eligible Costs

Acquisition and conservation

Easement

- “Ensures the continued use of the land for agricultural purposes”
- “Maintains or enhances fish or wildlife habitat, improving water quality or supporting other natural resource values on the land”
- Details to be established by the OAH Commission

California Farmland Conservancy Program

Minimum Requirements

- Viable for future agricultural production (size, markets, infrastructure)
- Likely to be converted to non-agricultural uses in the near future
- In a city or county with a long-term agricultural conservation plan

Evaluation Criteria

- Quality of the land, including productivity, land capability
- Meets multiple natural resource conservation objectives, including habitat and scenic open space
- City or county long-term commitment to agricultural land conservation
- Technical capability of applicant
- Cost
- Match

Oregon Agricultural Heritage Commission: State Conservation Easement Programs

Eligible Costs

Acquisition and conservation

Easement

- Prohibits activities that would diminish productivity
- Prohibits activities that would diminish scenic, historic, and natural resource values
- No subdivision

Delaware Agricultural Lands Preservation Program

Minimum Requirements

- Enrollment in a 10-year agreement to maintain their farm (for no \$)
- Land Evaluation and Site Assessment (LESA) score of ≥ 170 (long term viability)
- minimum acreage and annual sales

Evaluation Criteria

% discount from appraised value of the conservation easement.

Eligible Costs

Acquisition only

Easement

Only addresses acquisition of development rights; subdivision allowed if farmed.

Pennsylvania Agricultural Conservation Easement Purchase Program

Minimum Requirements

- Minimum size
- Minimum soil capability
- In a county with a certified program
- Approved conservation plan

Evaluation Criteria

Ranking systems are adopted by county. Ranked using the Land Evaluation and Site Assessment (LESA):

- Soils
- Likelihood of conversion
- Clustering potential, including proximity to other eased properties
- Stewardship

Eligible Costs

Acquisition only

Oregon Agricultural Heritage Commission: State Conservation Easement Programs

Easement

- Requires that all agricultural practices be conducted in accordance with an approved conservation plan
- Must be used solely for agricultural production
- Limits buildings and envelopes
- May allow subdivision if it does not harm the economic viability for agricultural production
- May allow one additional residential structure for the landowner or immediate family member

Texas Farm and Ranch Lands Conservation Program

Minimum Requirements

Land is under ad valorem tax valuation for farming, ranching, timber or conservation.

Evaluation Criteria

- Threat
- Value (cost, cost effectiveness, additional sources of funding)
- Watershed value
- Fish and wildlife value
- Contribution to a conservation landscape
- Easement terms (easement is perpetual, prevents fragmentation, and encourages stewardship)
- Holder's accreditation and stability

Eligible Costs

Acquisition only

Easement

Unique to holder: EX. No subdivision; limits building areas, impervious surfaces; remain available for ag and livestock; requires creation and use of a wildlife and range management plan.

Washington State Farmland Preservation Program

Minimum Requirements

Qualifies as a farm under the Open Space Tax Act (minimum acreage, gross income).

Evaluation Criteria

- Agricultural viability (soil, suitability, water)
- Threat of conversion
- Access to markets
- On-site infrastructure
- Building envelope
- Stewardship practices in place
- Benefits to the community
- Match
- Easement duration (perpetual or term); term easements score so low that they are not competitive

Eligible Costs

Acquisition, stewardship plan development and restoration.

Restoration costs may not be more than half of the total acquisition costs, including match toward acquisition.

Easement

- Number of buildings
- Building envelopes
- Area of impervious surfaces
- Subdivision allowed if farmed



Issue Brief: State Conservation Easement Program Eligibility Requirements, Evaluation Criteria and Easement Requirements

State	Minimum Requirements	Evaluation Criteria	Eligible Costs	Easement
Oregon HB 3249 Working Land Conservation Covenants and Easements Grants	Land is actively used for an agricultural operation that includes, but need not be limited to, active engagement in farming or ranching. +?	<ul style="list-style-type: none"> • Protection, maintenance or enhancement of farming/ranching • Protection, maintenance or enhancement of natural resource values • Protection of agricultural outcomes, benefits or other investment gains • Capacity of the organization to accept a covenant or easement and the competence of the organization • Ability to leverage grant moneys with other funding sources and the duration and extent of the covenant or easement • Impacts on neighboring lands • +? 	Acquisition and conservation.	<ul style="list-style-type: none"> • “Ensures the continued use of the land for agricultural purposes” • “Maintains or enhances fish or wildlife habitat, improving water quality or supporting other natural resource values on the land” • Details to be established by the OAH Commission
California Farmland Conservancy Program	<ul style="list-style-type: none"> • Viable for future agricultural production (size, markets, infrastructure) • Likely to be converted to non-agricultural uses in the near future • In a city or county with a long-term agricultural 	<ul style="list-style-type: none"> • Quality of the land, including productivity, land capability • Meets multiple natural resource conservation objectives, including habitat and scenic open space • City or county long-term commitment to agricultural land conservation • Technical capability of applicant • Cost 	Acquisition and conservation.	<ul style="list-style-type: none"> • Prohibits activities that would diminish productivity • Prohibits activities that would diminish scenic, historic, and natural resource values • No subdivision

OAHP Issue Brief: State Conservation Easement Program Eligibility Requirements, Evaluation Criteria and Easement Requirements

State	Minimum Requirements	Evaluation Criteria	Eligible Costs	Easement
	<p>conservation plan</p>	<ul style="list-style-type: none"> • Match 		
<p>Delaware Agricultural Lands Preservation Program</p>	<ul style="list-style-type: none"> • Enrollment in a 10-year agreement to maintain their farm (for no \$) • Land Evaluation and Site Assessment (LESA) score of ≥ 170 (long term viability) • minimum acreage and annual sales 	<p>% discount from appraised value of the conservation easement.</p>	<p>Acquisition only</p>	<p>Only addresses acquisition of development rights; subdivision allowed if farmed.</p>
<p>Pennsylvania Agricultural Conservation Easement Purchase Program</p>	<ul style="list-style-type: none"> • Minimum size • Minimum soil capability • In a county with a certified program • Approved conservation plan 	<p>Ranking systems are adopted by county. Ranked using the Land Evaluation and Site Assessment (LESA):</p> <ul style="list-style-type: none"> • Soils • Likelihood of conversion • Clustering potential, including proximity to other eased properties • Stewardship 	<p>Acquisition only</p>	<ul style="list-style-type: none"> • Requires that all agricultural practices be conducted in accordance with an approved conservation plan • Must be used solely for agricultural production • Limits buildings and envelopes • May allow subdivision if it does not harm the

OAHP Issue Brief: State Conservation Easement Program Eligibility Requirements, Evaluation Criteria and Easement Requirements

State	Minimum Requirements	Evaluation Criteria	Eligible Costs	Easement
				economic viability for agricultural production • May allow one additional residential structure for the landowner or immediate family member
Texas Farm and Ranch Lands Conservation Program	Land is under ad valorem tax valuation for farming, ranching, timber or conservation.	<ul style="list-style-type: none"> • Threat • Value (cost, cost effectiveness, additional sources of funding) • Watershed value • Fish and wildlife value • Contribution to a conservation landscape • Easement terms (easement is perpetual, prevents fragmentation, and encourages stewardship) • Holder’s accreditation and stability 	Acquisition only	Unique to holder: EX. No subdivision; limits building areas, impervious surfaces; remain available for ag and livestock; requires creation and use of a wildlife and range management plan.
Washington State Farmland Preservation Program	Qualifies as a farm under the Open Space Tax Act (minimum acreage, gross income).	<ul style="list-style-type: none"> • Agricultural viability (soil, suitability, water) • Threat of conversion • Access to markets • On-site infrastructure • Building envelope • Stewardship practices in place • Benefits to the community • Match • Easement duration (perpetual or term); term easements score so low 	Acquisition, stewardship plan development and restoration. Restoration costs may not be more than half of the total	<ul style="list-style-type: none"> • Number of buildings • Building envelopes • Area of impervious surfaces • Subdivision allowed if farmed

OAHP Issue Brief: State Conservation Easement Program Eligibility Requirements, Evaluation Criteria and Easement Requirements

State	Minimum Requirements	Evaluation Criteria	Eligible Costs	Easement
		that they are not competitive	acquisition costs, including match toward acquisition.	



Issue Brief: Appraisal of Working Land Conservation Easements in Oregon

Associated with every parcel of land is what is often called a “bundle” of property rights. These include the right of the landowner to use the land; sell, lease or bequeath it; control access; and to develop it. A **working land conservation easement**—a deed restriction that landowners voluntarily place on their property to protect resources such as productive farm or ranch land, ground and surface water, wildlife habitat, historic or cultural sites and scenic views—conveys some of the property rights to the easement holder, for example to a nonprofit land trust or soil and water conservation district. One example, intended to prevent loss of agricultural land to non-agricultural uses, separates the right to convert the property to more intensive uses (“**development rights**”) from the other property rights through the landowner selling or gifting the rights to the easement holder. The easement would limit or prohibit subdivision and prohibit non-agricultural uses.¹

Working land conservation easements can address more than development rights. For example, many working land easements also restrict the number and location of buildings, size of building envelopes, the area of impervious surfaces, and areas where farming is or is not allowed. In addition to prohibited uses, easements may also specify **permitted uses**, such as the ability to farm so long as it does not negatively affect conservation farm infrastructure (barns, storage facilities), farming in specific areas, farming so as not to negatively impact conservation values, conservation practices, and one or more residential structures. A conservation easement can also include actions required of the landowner, called **affirmative obligations**. Common examples include the requirement to continue agricultural activities (potentially in accordance with an approved conservation plan), to develop and implement a conservation plan, and to farm in a way that retains organic certification.

Conservation easements are typically appraised using the “**before and after**” method. First, the fair market value of the property is determined based on highest and best use. Then the value of the property without the rights conveyed in the easement is determined. The difference between the two appraisals is the value of the property rights conveyed in the easement. Two common appraisal standards used in the United States are the Uniform Standards for Professional Appraisal Practice (USPAP) and the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), usually referred to as the “Yellow Book.” The Yellow Book standards are more rigorous and are generally required by federal agencies such as the Natural Resource Conservation Service when federal dollars are used for the acquisition of property rights.

¹ This issue brief is based on the report *Appraisals for Working Land Easements: Considerations in Oregon*, by Tom Morgan (2017) found at <https://static1.squarespace.com/static/55f645a6e4b0818e9744a34f/t/5a0b27dee4966b79a740644c/1510680551957/Appraisals+for+working+land+easements+in+Oregon+-+final.pdf>

The value of the property rights conveyed in an easement is highly dependent on a number of factors, especially the highest and best use of the property. For example, if the highest and best use of a hypothetical 40-acre farm is for agriculture and the zoning requires a parcel size to be 40 acres or greater, the value of the easement could be fairly small. However, if the highest and best use is residential development in quarter-acre lots, the value of an easement that proposes to purchase those development rights could be significant.

Although Oregon's land use program limits the non-farm or forest uses on land outside of Urban Growth Boundaries, it is still possible to place structures and non-farm uses on these working lands. This includes vested Measure 37/49 Home Site Authorizations, accessory or "farm help" dwellings, dwellings on properties where owners meet certain farm income requirements, mining of aggregate, community centers, schools, and more. These property rights, or the legal ability to apply to the county planning department to exercise these property rights, have varying degrees of appraisable value, depending on the possibility and financial feasibility of the use and whether it contributes to the highest value of the property.

In addition to the appraisable property rights listed above, there are other property attributes associated with land that potentially have value to the landowner and the public but do not have accepted appraisal methods to value them. These include historic, cultural and ecological values. For example, setting aside a riparian buffer from crop production (the cost of which can be calculated) also provides ecosystem services such as reducing nutrient, sediment and pesticide transport to the stream and producing shade that reduces water temperature. These ecosystem services have economic value, but in most cases have no accepted way to appraise them.



Oregon Agricultural Heritage Commission

Thursday, April 5, 2018

Materials for Today's Meeting

- ▶ Agenda
- ▶ Minutes
- ▶ Draft Rules for Succession Planning
- ▶ Draft Rules for Conservation Management Plan - everything but ranking
- ▶ Draft Rules for Conservation Management Plan - ranking criteria
- ▶ Recommendation Letter from OAHP Work Group
- ▶ Whitepaper on ranking criteria from other states & table
- ▶ Whitepaper on appraisal of property rights

Succession Planning Rules

Definitions

- ▶ “Agricultural cooperative” - also added to eligible applicants under XX04
- ▶ “Agricultural owner or operator” same as elsewhere in statute
- ▶ “Fragmentation” - the division of a farm or ranch into smaller parcels

Succession Planning Rules

Evaluation Criteria

- ▶ The capacity of the applicant to delivery the proposed program
- ▶ The applicant's background and experience in delivering successful succession planning programs, including both
 - ▶ prior programs funded through this grant program and
 - ▶ projects funded outside this grant program.

Conservation Management Plan Rules

- ▶ **Purpose (XX01)** - from statute's whereas statements
- ▶ **Eligibility (XX03)** - the organization need not *actually* hold easements, but just be eligible to
- ▶ **Term (XX06)** - to be decided after covenant term determined whether there should be limited, permissible term lengths and if so, what they should be

Conservation Management Plan Rules

CMP Components (XX07)

- ▶ Add term
- ▶ Add expected conservation, social, and economic outcomes
- ▶ Short- and long-term conservation, social, and economic goals of the agricultural owner or operator
- ▶ Add budget to implementation plan

Conservation Management Plan Rules

Mutual Modification (XX11): Triggering conditions for notice made consistent with modifications

Monitoring (XX12)

- ▶ Annual meeting and report from agricultural owner or operator with grantee
- ▶ Three years (or fewer if required by other grant) site visits

Conservation Management Plan Ranking

Six statutory criteria - Section 6(3)

1. protect, maintain or enhance *farming or ranching* on working land
2. protect, maintain or enhance fish or wildlife *habitat*, improve *water quality* or support other *natural resource values*
3. protect *agricultural outcomes*, benefits or other investment gains
4. the *capacity* of the organization that filed the application
5. Maximize public benefit with *leveraged funds* and *duration/extent*
6. impacts on owners or operators of *neighboring lands*.

Potentially refine in rules

Conservation Management Plan Ranking Criteria

- 1) The extent to which the application would result in plans for multiple agricultural owners or operators in an identified area;
- 2) The extent to which the plan(s) would protect, maintain or enhance farming or ranching on working land, including:
 - a) Whether the plan(s) would improve the economic viability of the operation;
 - b) Whether the agricultural owner(s) or operator(s) have a succession plan;
 - c) The cost-benefit of plan implementation; and
 - d) The extent to which implementation of the plan(s) would reduce the potential for fragmentation of working lands.

Conservation Management Plan Ranking Criteria

3) The extent to which the plan would protect, maintain or enhance fish or wildlife habitat, improve water quality or support other natural resource values, including:

a) Whether the plan(s) holistically address(es) natural resource priorities applicable to the land, including soil, water, plants, animals, energy and human needs considerations;

b) Whether the plan(s) support(s) implementation of state, federal or tribal conservation or recovery plans;

4) The extent to which the plan(s) would protect agricultural outcomes, benefits or other investment gains, including the extent to which the working lands on which the plan(s) is/are developed are an integral part of the local community or economy;

Conservation Management Plan Ranking Criteria

3) The extent to which the plan would protect, maintain or enhance fish or wildlife habitat, improve water quality or support other natural resource values, including:

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4) The extent to which the plan(s) would protect agricultural outcomes, benefits or other investment gains, including the extent to which the working lands on which the plan(s) is/are developed are an integral part of the local community or economy;

Conservation Management Plan Ranking Criteria

5) The capacity of the organization that filed the application to enter into a conservation management plan, and the competence of the organization, including:

a) The financial capability of the organization to manage the plan(s) over time;

b) Demonstrated relevant expertise to develop and implement plan(s);

6) The extent to which the benefit to the state from the investment may be maximized, based on the ability to leverage grant moneys with other funding sources, and on the duration and extent of the conservation management plan;

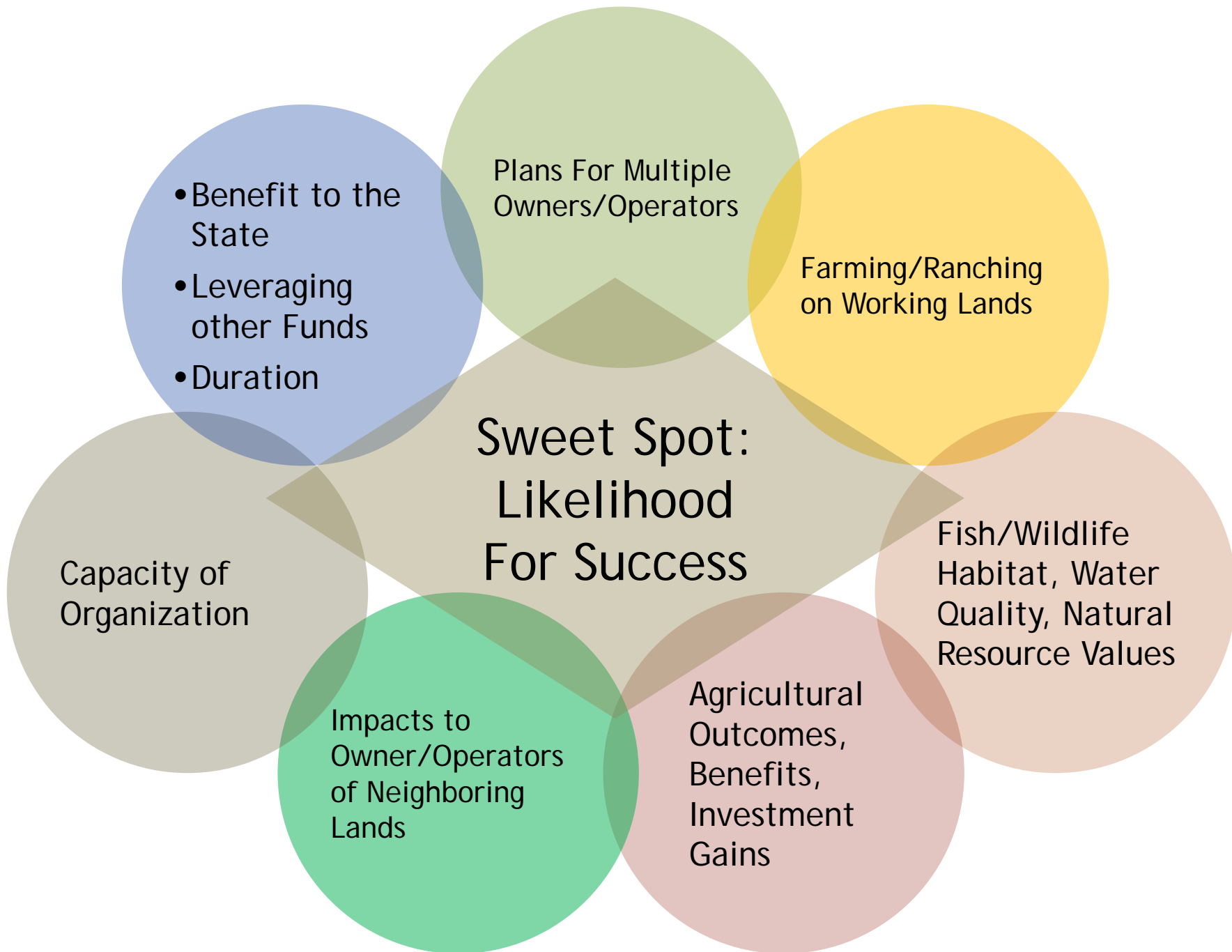
Conservation Management Plan Ranking Criteria

7) The extent and nature of the plan(s)'s impacts on owners or operators of neighboring lands, including:

a) Benefits of the plan(s)'s development and implementation on neighbors;

b) Negative impacts of the plan(s)'s implementation on neighbors; c) Communication with neighboring landowners to discuss how to mitigate any negative impacts;

d) The extent to which the plan(s) include(s) a maintenance plan or plans for infrastructure that may impact neighboring lands if not maintained over time.



Easement/Covenant Technical Committee

- ▶ **Katherine Daniels:** former Farm and Forest Lands Specialist at Department of Land Conservation and Development
- ▶ **Bari Williams:** Easement Program Specialist at NRCS
- ▶ **Kelley Beamer:** Executive Director of the Coalition of Oregon Land Trusts (COLT) and OAHP work group member
- ▶ **Nelson Mathews:** Trust for Public Lands
- ▶ **Laura Masterson:** Oregon Board of Agriculture member, OWEB Board member, East Multnomah Soil & Water Conservation District Director, and farmer at 47th Avenue Farm

Easement Ranking Criteria and Threats to Agricultural Land

Katherine Daniels

April 5, 2018

Primary Threats to Agricultural Land

- ▶ UGB Expansions
 - ▶ Block path of growth in most productive direction
- ▶ Conflicting Non-Farm Uses
 - ▶ Monetize aggregate M37, M49, and non-farm dwellings
- ▶ Fragmentation/Land Divisions
 - ▶ Prioritize larger properties

Ranking Criteria Recommendations

- ▶ More Specific or Measurable = More Transparent
 - ▶ Look to NRCS ACEP and East Multnomah County SWCD criteria
 - ▶ Priority easement acquisition areas
- ▶ Eligibility Criteria
 - ▶ Only outside UGBs and urban reserves
- ▶ Verify Applicant Information

Ranking Criteria Recommendations (cont.)

▶ Additional Criteria

- ▶ Minimum parcel size - at least 2x the mls
- ▶ Minimum proportion of income from agriculture
- ▶ Contributes significantly to local, regional, or state economy
- ▶ Provides significant support to local or regional agricultural infrastructure

▶ Easement Restrictions

- ▶ Farm-related uses only; no land divisions
- ▶ No transfer of water rights

Balance Agricultural Land and Other Natural Resource Values

- ▶ Require Alignment of Projects with State and Local Land Use Plans
- ▶ Rank Easements without CMPs at least as high as covenants with CMPs

Easement Ranking Criteria and Threats to Agricultural Land

Katherine Daniels April 5, 2018

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(cont.)

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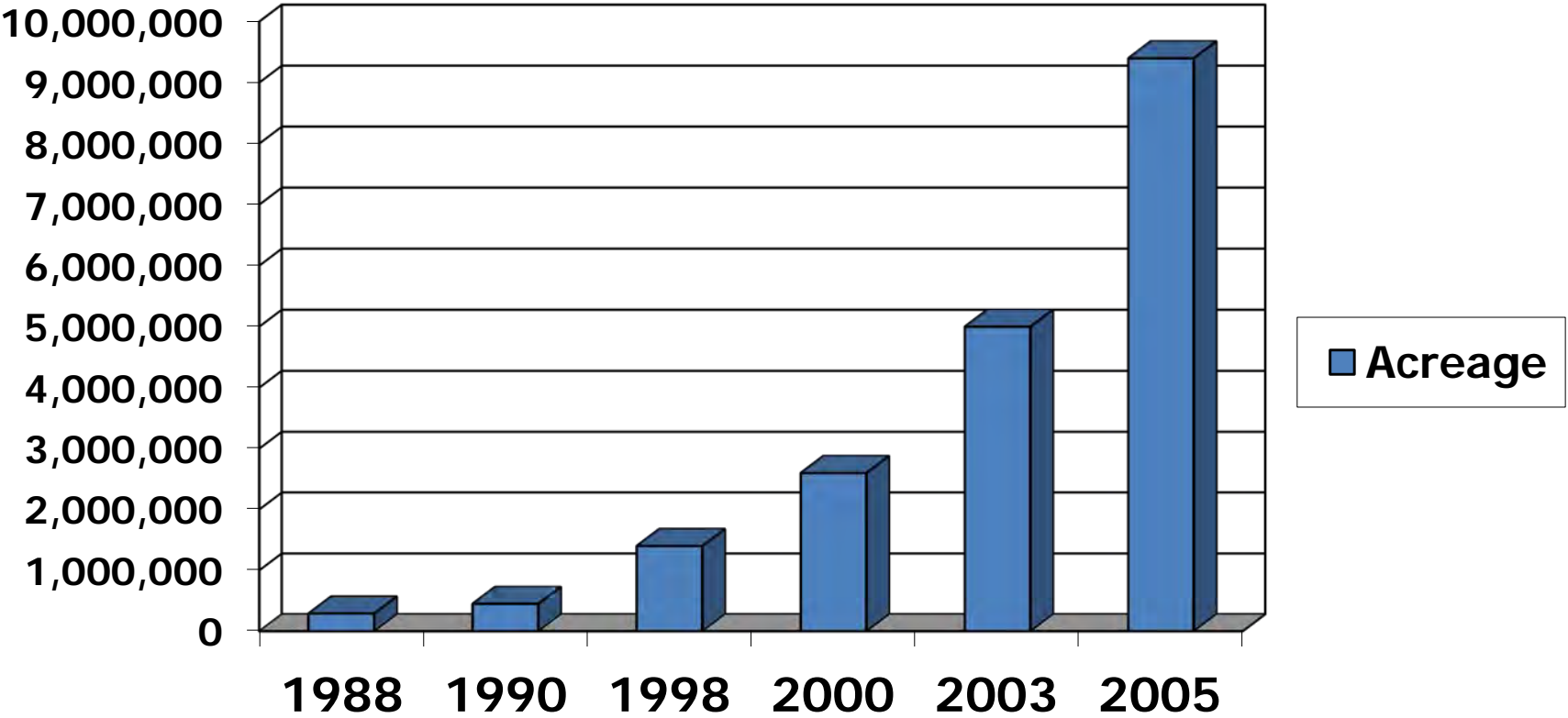
- Require Alignment of Projects with State & Local Land Use Plans
- Rank Easements without CMPs at least as high as covenants with CMPs

History of Conservation Easements

- Developed in the late 1800s
- Limited use until 1950s
- 16 states had statutes enabling private acquisition and retention of conservation easements by mid 1970s
- In 1980, Congress enacted I.R.C. § 170(h)
 - Deductions for donated conservation easements granted in perpetuity to qualified charitable organizations
- Pension Protection Act of 2006 - expanded deduction limit and timeline for reporting the deduction



Growth in Number of Easements Nationwide



The Basics

What is a Conservation Easement (CE)?

- A voluntary legal agreement that restricts uses allowed on property in order to protect land's conservation values
- Granted in perpetuity
- Requires a third party "Holder" – typically a land trust or governmental agency

The Basics

What Conservation Easements do:

- Permanently protect land's conservation values
 - Natural resources
 - Agricultural uses
- Limit uses allowed on property
- Partnership between CE holder & landowner
- May provide income or tax savings to landowners

How They Protect Land

- Restrict intensity of use or development of land
- Give holder the right to enforce restrictions
- Flexible: can be drafted to accomplish holder and landowner goals

Why Grant a Conservation Easement?

- Leaves property in private ownership
- Income and estate tax benefits
- Flexible
- Permanent

Fee vs. Easement

Financial Benefits

- Sale of CE = cash or land
- Donation of CE = tax savings
- Tax credit in some states

“Qualified” Organization- ORS 271.715

- a) **Indian tribe**
- b) **charitable corporation-** purposes include protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest.....
- c) **The state, any county, metropolitan service district, soil and water conservation district, city or park and recreation district** or a county service district established under ORS 451.410 to 451.610



What Are the Grantee's Responsibilities?

- Enforcing the restrictions
- Monitoring the property

OAHP Ranking criteria section 6 (3)

a. Keep in production

- Prevent development, fragmentation, conversion

b. Fish and wildlife habitat- protect, maintain, enhance

- aligns with state, federal, tribal plans
- supports good management- operating in compliance with state and federal laws
- fish and wildlife habitat

c. Protects agricultural outcomes and investment gains

- aligns with plans to protect agricultural outcomes
- supports local economy, is viable long-term

d. Capacity of organization

- has legal authority to hold an easement (statute)
- has language in mission statement/plan
- capacity: staff, demonstrated success, board

e. Investment is maximized based on leveraging other \$

- biggest bang for buck

f. Impact neighbors

- demonstrate outreach to neighboring landowners



Land Trusts Protecting Working Lands



Southern Oregon Land Conservancy



Southern Oregon

LAND

CONSERVANCY

“Our Conservation Plan is driven by two key goals: (1) **to conserve areas of high agricultural**, ecological, and community importance, and (2) to conserve lands in key locations across the region.”- 2012-2020 Conservation Plan

Focus on suitability of soils: Land Capability Classes I-IV remaining in Josephine and Jackson counties



C2 Ranch Cattle Ranch, Jackson County





Wild Rivers Land Trust

*Protecting Lands that Enrich our Lives—
our Heritage Forests, Farms, Ranches*



Land Trust Alliance

Together, conserving the places you love



Wild Rivers Land Trust Conservation Strategy

1. Headwater Lands Projects

Securing the refuge: Protecting our best examples of watershed health.

2. Working Lands Projects

Defending our heritage forests, ranches, and family farms.

3. Community Lands Projects

Heightening awareness of our natural heritage.





Wallowa Land Trust

THE
CONSERVATION FUND



ORT

OREGON RANGELAND TRUST



The Audacity of Perpetuity



To Ease or Not to Ease...

Organizational:

- Does the easement **advance the organization's or funder's mission** and goals?
- Does the organization have staff and/or volunteer capacity to monitor and enforce the easement?
- How will ongoing easement responsibilities be funded?

