



Attention: Oregon Agricultural Heritage Commission

RE: OAHP Rulemaking – August 7, 2024
OAR 698 Division 15 Rules

Members of the Commission:

The Oregon Association of Conservation Districts commented earlier in the rulemaking process regarding the conservation management plans and practices section. These comments are specific to Division 15, conservation easements. A number of Soil and Water Conservation Districts hold conservation easements and have programs supporting district acquisition of easements and provision of monitoring services. Districts also work within partnerships with land trusts in securing easements.

Management Plans for Conservation Easements OAR 698-015-0090

Criteria #4 in Division 15 evaluates applications on the basis of development and implementation of a management plan with certain attributes. Easement applications were not required within the original statute to include management plans, nor were those plans required in the original rules. As a result, we would encourage removal of criteria #4.

Stewardship Definition OAR 698-015-0020 Subsection (3)

We support changing the definition of “stewardship” to just “monitoring and enforcement and associated costs,” removing the remainder of subsection (3).

Stewardship Fund OAR 698-015-0020 Subsection (4)

Proceeds from the stewardship fund should be eligible to pay for indirect/overhead for stewardship activities. These funds are pooled by land trusts and funds are not designated to specific projects. Other funds in those pools can be used for indirect/overhead expenditures. That would make it impractical for land trusts to designate a specific pool for OAHP stewardship funds that cannot be used for overhead and indirect expenses.

Thank you for the opportunity to comment.

Jan Lee, President
Oregon Association of Conservation Districts

From: [Nellie McAdams](#)
To: [MEACHER Robin M * OWEB](#); [LARSON Taylor * OWEB](#); [BETTINARDI Nicole * OWEB](#)
Subject: Comments for Wednesday OAHP RAC
Date: Monday, August 5, 2024 3:30:22 PM

Dear Nicole, Taylor, and Robin,

I hope you're all well and look forward to the Wednesday RAC meeting. I wanted to share in this email OAT's comments on the draft rules to be shared in the packet.

1) We recommend removing management plans from the easement/covenant rules. They are not required in easements in statute. Statute only refers to conservation management plans as part of that grant. Yet instead of removing them from being a subcriteria of #3, the proposed rules elevate the presence of a management plan to its own grant criteria as #4. From the prior RAC meeting, it had seemed to me that the RAC wished to remove this criteria altogether, and we would recommend doing so.

2 a & b) The definition of **Stewardship** for the purposes of easements and covenants should not include "maintaining, managing, and improving land protected by an easement or covenant, including providing signage, controlling access,..." In LTA terms, stewardship is not about land management, but just about monitoring and enforcement. This is also the common understanding of the word stewardship in "Stewardship Fund." This is especially important because "stewardship" is referred to in the definition of "management plan." We also recommend that the **management** plan definition remove not only stewardship (as defined in the rules) but also monitoring, since this is usually described in the easement and baseline agreement. Management plans are just descriptive of the practices on the property, not proscriptive, and should not require extra activities by the landowner or land trust that are not included in the easement terms.

3) We recommend that OWEB remove the prohibition on the use of stewardship funds for indirect costs of monitoring and enforcement. I do not believe this restriction is needed for financial prudence, since indirect costs are costs of monitoring and enforcement and are usually minimal. And since land trusts generally pool all stewardship funds for use across all protected properties, adding a limitation like this will require us to have separate donor-restricted pots within our general fund that cannot be used for indirect costs.

4) Our peers would appreciate the ability to request funds for due diligence (e.g. appraisals) in advance, since these are especially difficult for small land trusts to afford.

5) We also recommend using objective numeric criteria for scoring to provide consistency.

Thank you for the opportunity to comment and for your work on this process.

Best regards,
Nellie

Nellie McAdams | Executive Director



July 8th, 2024

Oregon Agricultural Heritage Commission

Chair Krahmer, Vice Chair Taylor, and Members of the Commission:

On behalf of the Coalition of Oregon Land Trusts (COLT), thank you for the opportunity to provide public comment for the July Oregon Agricultural Heritage Commission meeting. Our statewide coalition and the many partners that work to protect our valuable farm and ranch lands thank you for your service on the OAHF Commission.

COLT is a nonprofit membership organization that serves and strengthens the land trust community in Oregon by building connections and advancing policies that help protect our natural world – including our working lands. We represent 31 members across the state, including land trusts, soil and water conservation districts, and statewide conservation organizations that work closely with private landowners to protect farm and ranch lands from fragmentation and conversion.

We appreciate all of the time and effort that has gone into this rulemaking process from the OWEB staff and OAH Commission members. Following conversations with our land trust members that have applied to or are applying to this grant program, we would like to share the following comments on the Division 5 and Division 15 proposed changes:

Division 5 & 15 Changes

We thank the OWEB staff and Commission for the work involved in updating these rules.



24 MEMBER ORGANIZATIONS: Blue Mountain Land Trust • Center for Natural Lands Management • Columbia Land Trust
Deschutes Land Trust • Ducks Unlimited • Forest Park Conservancy • Friends of the Columbia Gorge Land Trust
Greenbelt Land Trust • Klamath Lake Land Trust • Lower Nehalem Community Trust • McKenzie River Trust
North Coast Land Conservancy • Northwest Rangeland Trust • Oregon Agricultural Trust • Oregon Desert Land Trust
Pacific Forest Trust • Southern Oregon Land Conservancy • The Conservation Fund • The Nature Conservancy in Oregon
The Trust for Public Land • The Wetlands Conservancy • Wallowa Land Trust • Western Rivers Conservancy • Wild Rivers Land Trust

8 ASSOCIATE MEMBER ORGANIZATIONS: Black Oregon Land Trust • Cerro Gordo Land Conservancy • Clackamas Soil & Water
Conservation District • East Multnomah Soil & Water Conservation District • Helvetia Community Association
Tualatin Soil & Water Conservation District • View the Future • Yamhill Soil & Water Conservation District

However, it was incredibly difficult to review and therefore provide comment on the version of the rules included in the meeting materials. There are many sections throughout this document where changes are suggested and where it is unclear to which section a particular comment is referring. While we appreciate the opportunity to weigh in, it is difficult to understand which suggestions are true suggestions and which have been accepted changes in this document. It would be much easier to review these changes if the true changes were incorporated into the rules and OWEB staff could highlight or add a strikethrough line for what has been added or deleted.

Evaluation Criteria

1. Community engagement: Our community appreciates and understands the value of engaging the local community, including impacted landowners and communities that are disproportionately impacted by climate change. Land trust restoration and acquisition projects are often rooted in the goals, vision, and engagement of the local communities they serve.

However, land trusts are not statutorily required to hold a public meeting when facilitating a conservation easement with a private landowner and the statute (ORS 271.735) is silent on whether public entities funding conservation easements must hold public meetings. A farmer and rancher deciding to sell a conservation easement is a private property decision, and placing extensive public engagement requirements on these transactions could be detrimental to a project's success.

It would be beneficial to have clarity around what the agency expects from a land trust regarding engagement with 1) local communities disproportionately impacted by climate change and 2) owners and operators of neighboring lands, especially considering the current rules only require public meetings in accordance with the statute for soil and water conservation districts (SWCDs), counties, and cities ORS (698-015-0120).

2. Stewardship funds: We find that the definition of stewardship funds within ORS 698-015-0020 is overly prescriptive and limiting. "Restricted" funds have a limitation on their purposes and use, and OWEB placing further restrictions on if they can cover overhead or indirect costs is too restrictive, especially if the land trust can secure stewardship funds through fundraising and other sources. Overhead is a real cost associated with stewardship of protected lands, and there should be consideration for that use if the land trust acquires stewardship funding from non-OWEB sources.



3. Management plans: Within the evaluation criteria there is a proposed addition in section 698-015-0090(4) “whether the project includes the development and implementation of a management plan that supports the integrated maintenance or enhancement of the agricultural and natural resource values on the working land.”

It is difficult to tell because of all of the comments and suggestions if this section is being included or if there is a note to “consider revising,” but given there is not a requirement for a management plan to fund an easement or covenant at the time of applying, we do not believe it should be a criterion evaluated in the application. The previous language within ORS 698-015-0090 was “Implementing a management plan that is likely to sustain ecological values, as evidenced by a management plan, easement or covenant terms, or inherent site condition.”

What change is the revised language attempting to achieve in this section?

4. Finally, we agree that 698-015-0090 7(e) should be removed, as this seems like a difficult criterion to evaluate or quantify.

Thank you again for your work through this rulemaking process to improve the delivery and success of the Oregon Agricultural Heritage Program (OAHP). During our testimony for the March OAHC Meeting, we suggested to improve program delivery through application and program execution workshops between the agency, the Commission, and program applicants. Proactive consultation rather than relying on reactions to an edited document would certainly lead to collective solutions that have applicant buy-in and support.

Thank you again for your time, consideration, and service on the Oregon Agricultural Heritage Commission. We look forward to continuing to work together in partnership to build and execute the OAHP.

Thank you,

Karsyn Kendrick
Conservation Program Manager
Coalition of Oregon Land Trusts





August 5th, 2024

Oregon Agricultural Heritage Commission

Chair Krahmer, Vice Chair Taylor, and Members of the Commission:

On behalf of the Coalition of Oregon Land Trusts (COLT), thank you for the opportunity to provide public comment for the August Agricultural Heritage Commission meeting. Our statewide coalition and the many partners that work to protect our valuable farm and ranch lands appreciate all of the time and effort that has gone into this rulemaking process from the OWEB staff and OAH Commission members.

Division 15

Management Plans: After listening to the last RAC meeting, we are not clear where the conversation landed regarding the inclusion of management plans as an evaluation criterion. Given there is not a requirement for a management plan to fund an easement or covenant at the time of applying, we do not believe it should be a criterion evaluated in the application. OWEB oversight of management plans impeding landowner interest in the program is also a concern for our coalition and the many land trusts that want to utilize this program to protect working lands.

Stewardship Fund: The definition of stewardship funds within ORS 698-015-0020 is overly prescriptive and limiting. “Restricted” funds have a limitation on their purposes and use, and OWEB placing further restrictions on if they can cover overhead or indirect costs is too restrictive, especially if the land trust can secure stewardship funds through fundraising and other sources. Overhead is a real cost associated with stewardship of protected lands, and there should be consideration for that use if the land trust acquires stewardship funding from non-OWEB sources.



24 MEMBER ORGANIZATIONS: Blue Mountain Land Trust • Center for Natural Lands Management • Columbia Land Trust
Deschutes Land Trust • Ducks Unlimited • Forest Park Conservancy • Friends of the Columbia Gorge Land Trust
Greenbelt Land Trust • Klamath Lake Land Trust • Lower Nehalem Community Trust • McKenzie River Trust
North Coast Land Conservancy • Northwest Rangeland Trust • Oregon Agricultural Trust • Oregon Desert Land Trust
Pacific Forest Trust • Southern Oregon Land Conservancy • The Conservation Fund • The Nature Conservancy in Oregon
The Trust for Public Land • The Wetlands Conservancy • Wallowa Land Trust • Western Rivers Conservancy • Wild Rivers Land Trust

8 ASSOCIATE MEMBER ORGANIZATIONS: Black Oregon Land Trust • Cerro Gordo Land Conservancy • Clackamas Soil & Water
Conservation District • East Multnomah Soil & Water Conservation District • Helvetia Community Association
Tualatin Soil & Water Conservation District • View the Future • Yamhill Soil & Water Conservation District

Thank you again for your work through this rulemaking process to improve the delivery and success of the Oregon Agricultural Heritage Program (OAHP). During our testimony for the March OAHC Meeting, we suggested to improve program delivery through application and program execution workshops between the agency, the Commission, and program applicants. Proactive consultation rather than relying on reactions to an edited document would certainly lead to collective solutions that have applicant buy-in and support.

Thank you again for your time, consideration, and service on the Oregon Agricultural Heritage Commission. We look forward to continuing to work together in partnership to build and execute the OAHP.

Thank you,

Karsyn Kendrick
Conservation Director
Coalition of Oregon Land Trusts

