



Oregon Agricultural Heritage Program
Rulemaking Advisory Committee (RAC)

RAC Meeting #6 Agenda

Thursday, November 7, 2024

8:30 am – 9:15 am

Hybrid meeting: [RECORDING](#)

8:30 – 8:40 Welcome and Introductions

8:40 – 8:55 Review Rules Updates to Division 5, 10, 15, 20 & 25.

8:55 – 9:00 Public Comment (Please join at least 30 minutes before comment period as this item may be moved up if the meeting is running ahead of schedule)

9:00 – 9:15 Vote to Recommend Rule Revisions

Oregon Agricultural Heritage Program - Chapter 698

Division 5

Oregon Agricultural Heritage Program Administration

698-005-0010

Purpose

These rules guide the Oregon Agricultural Heritage Commission and the Oregon Watershed Enhancement Board in fulfilling their duties in administering the Oregon Agricultural Heritage Program (OAHP) under the provisions of ORS 541.977-ORS 541.989. The OAHP includes grants for Conservation Management Plans, working land conservation covenants and easements, technical assistance, and succession planning.

The purpose of OAHP is to contribute to the public benefits of:

- (1) Increased economic viability of Oregon's agricultural operations and economic sector;
- (2) Reduced conversion and fragmentation of Oregon's working land; and
- (3) The maintenance or enhancement of fish or wildlife habitat, water quality, and other natural resources on Oregon's working land.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-005-0020

Definitions

- (1) "Agricultural Landowner 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) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.900.
- (3) "Carbon Sequestration" means the process of capturing and storing atmospheric carbon dioxide.
- (4) "Carbon Storage" means the storage of carbon in plants, soils, geological formations, and the ocean.
- (5) "Commission" means the Oregon Agricultural Heritage Commission created under ORS 541.986.
- (6) "Conservation Management Plan" means specific actions planned for working lands to improve or maintain the agricultural and natural resource values. A Conservation Management Plan is independent of a working lands covenant or easement.
- (7) "Conversion":
 - (a) "Conversion" means:
 - (A) Cessation of accepted farming practices;
 - (B) Construction of dwellings not occupied by farm operators or workers or other structures not related to agriculture;
 - (C) Removal of infrastructure required for accepted farming practices unless necessary to accommodate a change in accepted farming practices; or
 - (D) Cancelling or transferring rights to use water for irrigation in a manner that reduces the long-term viability of agriculture on the working land.
 - (b) As used in this definition, "accepted farming practices" shall have the meaning set forth in ORS 215.203(2)(c)

- (8) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.
- (9) "Durable Adaptation and Resilience for Ecosystems" means the extent to which a project is expected to help an ecosystem, including human communities, adjust to, respond to, or recover from the effects of a changing climate.
- (10) "Farming and Ranching" means "farm use" as defined in ORS 215.203(2).
- (11) "Fragmentation" means the division of a working farm or ranch, or the isolation of a farm or ranch from other agricultural operations and/or from the agricultural infrastructure necessary to bring farm products to their appropriate markets.
- (12) "Grant Agreement" means the legally binding contract between the Board and the grant recipient in which the Board is not substantially involved in the funded program or activity other than involvement associated with monitoring compliance with the grant conditions. It consists of the conditions specified in these rules, the notice of grant award, special conditions to the agreement, a certification to comply with applicable state and federal regulations, the project budget and the approved application for funding the project.
- (13) "Grantee" means an organization or individual that is awarded a grant under one or more of OAHP's grant programs.
- (14) "Limited Resource Farmer or Rancher" means an applicant with direct or indirect gross farm sales that are not more than the current indexed value in each of the previous 2 years, and who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years. An entity or joint operation can be a Limited Resource Farmer or Rancher if all individual members independently qualify.
- (15) "Local Communities Disproportionately Impacted by Climate Change" includes communities such as Native American tribes, communities of color, rural communities, coastal communities, communities experiencing lower incomes, and other communities traditionally underrepresented in public processes, including seniors, youth, and persons with disabilities.
- (16) "OWEB" means the Oregon Watershed Enhancement Board state agency.
- (17) "Socially Disadvantaged Farmer or Rancher" means an Agricultural Landowner or Operator who is a member of a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. Those groups include African Americans, American Indians or Alaskan natives, Hispanics, and Asians or Pacific Islanders.
- (18) "Technical Committee" means a team of individuals who have expertise relevant to the ranking of OAHP grants, or other issues before the Commission.
- (19) "Veteran Farmer or Rancher" means a person who served in United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof, and who was discharged or released therefrom under conditions other than dishonorable.
- (20) "Working Land" means 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 "farm use" as defined in ORS 541.977(2).
- (21) "Working Land Conservation Covenant" means a nonpossessory interest in working land for a fixed term that imposes limitations or affirmative obligations for the purposes that support the use of the land for agricultural production and for the maintenance or enhancement of fish or wildlife habitat, water quality or other natural resource values and must provide for carrying out a purpose of a conservation easement, as defined in ORS 271.715.

(22) "Working Land Conservation Easement" means a permanent nonpossessory interest in working land that imposes limitations or affirmative obligations for purposes that support the use of the land for agricultural production and for the maintenance or enhancements of fish or wildlife habitat, water quality or other natural resource values and must provide for carrying out a purpose of a conservation easement, as defined in ORS 271.715.

(23) "Young or Beginning Farmer or Rancher" means someone who has been an Agricultural Landowner or Operator for 10 consecutive years or fewer, or an Agricultural Landowner or Operator who is 35 years old or younger.

Statutory/Other Authority: ORS 541.979, ORS 541.988, ORS 541.984

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHF 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-005-0030

Application Requirements

(1) Applications must be submitted on the most current format required by OWEB. An explanation must accompany the application if any of the information required on the application cannot be provided.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHF 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-005-0040

Application Processing

(1) Project applications will be reviewed based on application completeness and the evaluation criteria adopted by the Board for each grant type in these rules.

(2) Applications will be considered complete as submitted. Clarification of information may be sought from the applicant during the evaluation process, but additional, new information will not be accepted after the application deadline.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHF 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-005-0045

Climate-Related Evaluation Criteria

In addition to the evaluation criteria for Conservation Management Plans (OAR 698-010-0090), Working Land Conservation Covenants and Easements (OAR 698-015-0090), Working Land Technical Assistance Grants (OAR 698-020-0160), and Succession Planning Grants (OAR 698-025-0060), grant applications shall also be evaluated, whenever possible, on:

(1) How engagement with, and input from, local communities disproportionately impacted by climate change has informed or will inform the project.

(2) How changing climate conditions are incorporated into the project and how the project will contribute to durable adaptation and resilience for ecosystems, including human communities.

(3) How consideration of greenhouse gas emissions or long-term carbon sequestration or storage has informed the project.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History:

[698-005-0050](#)

Grant Agreement Conditions

(1) OWEB will enter into new Grant Agreements with prior grantees only if all reporting obligations under earlier agreements have been met.

(2) If the Grant Agreement has not been fully executed by all the parties within one year of Board approval, funding shall be terminated. The money allocated to the grant shall be available for reallocation by the Board for purposes of the Oregon Agricultural Heritage Program.

(3) The Director shall establish Grant Agreement conditions for each grant type. Grantees shall comply with all Grant Agreement conditions.

(4) The grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be completed under the agreement.

(5) Upon notice to the grantee in writing, the Director may terminate funding for projects not completed in the prescribed time and manner. The money allocated to the project but not used will be available for reallocation by the Board for purposes of the Oregon Agricultural Heritage Program.

(6) The grantee will obtain all necessary permits and licenses from local, state or federal agencies or governing bodies and provide a copy of each permit or license to the OWEB.

(7) OWEB may place additional conditions in the Grant Agreement as necessary to carry out the purpose of the program, including:

(a) An enforceable agreement by the Agricultural Landowner or Operator for continued access by OWEB and its designees for monitoring the project after completion;

(b) An enforceable agreement by the grantee to maintain the project for a period of time commensurate with the project approved by the Board;

(c) An enforceable agreement to supply future reports on the project as required; and

(d) Such other conditions as OWEB deems appropriate to the particular circumstances of the project.

(8) Rules and conditions in place at the time the grant is awarded shall govern throughout the term of the project unless changes are mutually agreeable to all parties.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-005-0060](#)

Use of Restricted Funding

The Board may accept contributions to the Oregon Agricultural Heritage Fund from any public or private source and may agree to any conditions for the expenditure of those contributions that are consistent with the purpose of the fund as specified in ORS 541.977 – ORS 541.989.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-005-0070](#)

Distribution of Funds

- (1) The Director may withhold payments to a grantee if there are significant and persistent difficulties with satisfying OWEB requirements.
- (2) Funds will be released upon receipt of a completed request, as prescribed by OWEB, accompanied by documents as determined by the Director, and proof of completion of specific work elements of the project as identified in the Grant Agreement.
- (3) Advance funds may be released upon presentation of a detailed estimate of expenses for up to 120 days. Within 120 days of the date of the advance check, receipts or invoices for the advance must be submitted, a justification to extend the advance must be approved, or the unexpended advance funds must be returned to OWEB. Additional funds will not be released until receipts for expenditures of previous fund releases are submitted, or an estimate of expenditures is approved by the Director.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-005-0080](#)

Technical Committees

In addition to Technical Committees established by the Commission to rank and evaluate grant applications, the Commission may establish any Technical Committees it considers necessary to aid and advise the Commission in the performance of its functions, in compliance with ORS 541.988(2).

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-005-0090](#)

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 5 unless required by statute, when doing so will result in more efficient or effective implementation of the Oregon Agricultural Heritage Program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission at the next meeting. The administrative rules for the OAHP shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

Oregon Agricultural Heritage Program - Chapter 698

Division 10

Conservation Management Plans

698-010-0010

Purpose

This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for Conservation Management Plan Grant Program.

The purpose of a Conservation Management Plan as defined in OAR 698-005-0020(6) is to develop and implement conservation measures or other protections for maintaining or enhancing fish or wildlife habitat, water quality or other natural resource values in a manner consistent with the social and economic interests and abilities of the Agricultural Landowner 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.

The Conservation Management Plan Grant Program funds the development, implementation, and monitoring of Conservation Management Plans (plans) entered into by agricultural landowners or operators and Conservation Management Plan holders to manage working land in a manner that contributes to the purpose of the OAHP as defined in OAR 698-005-0010.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0020

Definitions

(1) "Mutual Modification" means a change to a Conservation Management Plan that is:

- (a) Material to the plan as defined in 698-010-0120(5); and
- (b) Agreed to by the Agricultural Landowner or Operator implementing the plan and the Conservation Management Plan holder.

(2) "Project" means the aggregate of activities included in 698-010-0060 that comprise an application.

(3) "Conservation Management Plan Holder" means an entity that is eligible to hold a Conservation Management Plan that is or would be responsible for developing, implementing, monitoring or enforcing the agreement under an OAHP Grant Agreement.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0030

Eligible Applicants

(1) Eligible applicants for Conservation Management Plan Grants are:

- (a) Entities eligible to hold a conservation easement as defined in ORS 271.715, other than a state agency;
- (b) Watershed councils; and
- (c) Tax exempt organizations under section 501(c)(3) of the Internal Revenue Code.

(2) Individual agricultural landowners or operators are not eligible to apply for a Conservation Management Plan Grant.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-010-0040](#)

Eligible Properties

(1) Eligible properties for Conservation Management Plan Grants are working lands as defined in ORS 541.977(2).

[698-010-0050](#)

Match Contributions

- (1) All applicants shall demonstrate that some portion of the application is being sought as match.
- (2) The following funds and activities qualify as match:
 - (a) In-kind contributions to activities listed under OAR 698-010-0060; and
 - (b) Funding commitments made by others as a result of grant applicant efforts.
- (3) The Director retains the discretion to determine whether specific proposed matching costs not specifically identified above can be recognized as qualifying matching costs.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-010-0060](#)

Use of Funds

Funding may be utilized to develop, implement, carry out or monitor Conservation Management Plans.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-010-0070](#)

Term of Payment for Conservation Management Plan Implementation

- (1) If an Agricultural Landowner or Operator is reimbursed for the implementation of a Conservation Management Plan, the plan must be for a term of at least 20 years and no more than 50 years.
- (2) If a plan is associated with a Working Land Conservation Covenant that would also be funded by OAHP, the term of the plan must be the same as the term of the covenant.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-010-0080](#)

Conservation Management Plan Components

At a minimum, Conservation Management Plans must include:

- (1) A summary describing how the Conservation Management Plan meets the purpose of the OAHP as defined in OAR 698-005-0010;

- (2) The contact and location information for the Agricultural Landowner or Operator and Conservation Management Plan holder;
- (3) Relevant background and context of the working land and operation;
- (4) Short- and long-term social, economic, and conservation goals of the Agricultural Landowner or Operator;
- (5) Resource analysis and identification of resource and management concerns;
- (6) Identification of potential plan activities and a justification for the activities that were selected for implementation;
- (7) The implementation plan, including a budget;
- (8) If applicable, a maintenance plan for infrastructure associated with the plan that may affect neighboring lands if not maintained over time;
- (9) The expected agricultural, fish or wildlife, water quality or other natural resource outcomes, and related social outcomes of the plan once implemented;
- (10) How the Conservation Management Plan will be monitored and managed;
- (11) Provisions that provide for flexibility and allow for mutual modification as necessary to reflect changes in practices or circumstances;
- (12) A conflict resolution protocol for the Agricultural Landowner or Operator and the Conservation Management Plan holder if the grant program would fund the implementation of the plan; and
- (13) The duration or terminating event for the plan.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0090

Evaluation Criteria

Conservation Management Plan Grant applications will be evaluated on:

- (1) The significance of the agricultural, natural resource, and related social values of the working land subject to the Conservation Management Plan(s), including:
 - (a) The potential viability of the property for agriculture, including but not limited to soil types, suitability for producing different types of crops, and water availability;
 - (b) The land's contribution to long-term conservation of the region's agricultural land base;
 - (c) The regional significance of the agricultural operation based on location, its associated infrastructure, and other relevant factors including supporting agricultural values important to the region; and
 - (d) Supporting implementation of local, regional, state, federal or Tribal priorities and plans that support fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation Strategy and; Oregon's Agricultural Water Quality Management Program.
- (2) The extent to which implementation of the plan(s) would protect, maintain, or enhance farming or ranching on working land, including how implementation of the plan(s) would:
 - (a) Maintain or improve the economic viability of the operation; and
 - (b) Reduce the potential for future conversion or fragmentation of the property and surrounding working land.

- (3) The extent to which implementation of the plan would protect, maintain, or enhance significant fish or wildlife habitat, water quality, or other natural resource values including:
- (a) Protecting, maintaining, or improving the quality and connectivity of plant or wildlife habitat on and around the working land; and
 - (b) Utilizing land stewardship practices that maintain or enhance soil health.
- (4) The extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect agricultural outcomes or benefits from other related investments.
- (5) The capacity and competence of the prospective Conservation Management Plan holder to enter into and (if implementation funding is awarded) monitor and carry out implementation of a Conservation Management Plan, including:
- (a) The financial capability to manage the plan(s) over time;
 - (b) The demonstrated relevant commitment, expertise, and track record to successfully develop, implement, carry out, and monitor plan(s); and
- (6) The extent to which the benefit to the state may be maximized, based on:
- (a) The ability to leverage grant moneys from other funding sources; and
 - (b) The duration and extent of the Conservation Management Plan.
- (7) The extent and nature of the plan impacts on owners or operators of neighboring lands.
- (8) The extent to which the project will benefit the local area, as evidenced by engagement with and support from the local community and Tribes.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0100

Technical Review and Funding Process

- (1) The Commission shall appoint one or more Technical Committees to evaluate and rank applications for grants for Conservation Management Plans. To fulfil this responsibility, the Commission shall coordinate with OWEB on Technical Committee appointments.
- (2) Applications shall be evaluated according to criteria described in OAR 698-010-0090 and 698-005-0045.
- (3) OWEB shall convene the Technical Committee(s) to evaluate and rank applications for grants. Those rankings will be provided to OWEB. OWEB will provide Technical Committee rankings to the Commission, along with a funding recommendation.
- (4) The ranking system shall provide for the ranking of Conservation Management Plans alone and not as part of an application that includes a Working Land Conservation Covenant or Working Land Conservation Easement.
- (5) The Commission shall review and consider the Technical Committee(s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications.
- (6) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund.
- (7) The Board awards Conservation Management Plan Grants. The Board may fund a grant application in whole or in part.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0110

Grant Agreement Conditions

- (1) All Conservation Management Plan Grant Agreements for Conservation Management Plan development authorized by the Board shall have a clause that requires the retention of up to 10 percent of project funds until the final report, as required in the Grant Agreement, has been approved. Any unexpended project funds must be returned to the Commission.
- (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 amendments are submitted and approved by the Director prior to the beginning of any work proposed in the amendment.
- (3) 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) All changes to the Conservation Management Plan must be reflected in writing and provided to the Commission.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0120

Conservation Management Plan Mutual Modification

If funding is provided for Conservation Management Plan implementation:

- (1) The Conservation Management Plan holder and the Agricultural Landowner or Operator must review the Conservation Management Plan at least annually and may mutually modify the Conservation Management Plan if necessary.
- (2) Any changes to Conservation Management Plans must achieve the same or greater level of benefits as the original plan and be consistent with OAR 698-010-0090.
- (3) Any change in the Conservation Management Plan must be mutually agreed to by both the Agricultural Landowner or Operator, the Conservation Management Plan holder, and OWEB.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0130

Conservation Management Plan Monitoring

If funding is provided for Conservation Management Plan implementation:

- (1) The Conservation Management Plan holder must conduct at least one site visit to the property every year, to document the implementation of the Conservation Management Plan.

(2) OWEB or its designees may conduct spot checks to ensure Conservation Management Plan implementation as identified in the plan and associated reporting. The Agricultural Landowner or Operator shall allow site access to OWEB, or their contractors or representatives upon reasonable notification by OWEB.

(3) The Commission may also provide guidance to OWEB for the development of monitoring protocols to evaluate the outcomes of Conservation Management Plan implementation on a programmatic level.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0140

Grant Reporting Requirements

(1) For grants that include funding for Conservation Management Plan implementation:

(a) At least once per year, the Conservation Management Plan holder must meet with the Agricultural Landowner or Operator and provide OWEB with a written report of the Conservation Management Plan activities completed that year on a form approved by OWEB. OWEB may require reports include photo points or other methods that appropriately track plan implementation.

(b) Annual reporting must identify any mutual modifications to the Conservation Management Plan.

(c) Reports must be submitted to OWEB on a date set by OWEB.

(2) Upon development of a Conservation Management Plan or completion of Conservation Management Plan implementation, the grantee will provide OWEB with a copy of the project completion report.

(3) Upon receipt of the final report, OWEB shall approve the completed report or notify the grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved, the final payment shall be promptly processed.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-010-0150

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 10 unless required by statute, when doing so will result in more efficient or effective implementation of the Conservation Management Plan Grant Program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission at the next meeting. The administrative rules for Conservation Management Planning Grants shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

Oregon Agricultural Heritage Program - Chapter 698

Division 15

Working Land Conservation Covenants and Easements

698-015-0010

Purpose

This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for the Working Land Conservation Covenants and Easements Grant Program.

A Working Land Conservation Covenant or Working Land Conservation Easement must 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.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History:

[OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0020

Definitions

(1) "Project" means the aggregate of eligible activities included in sections 698-015-0060 and 698-015-0070 that comprise an application.

(2) "Stewardship" means the management of the Working Land Conservation Covenant or Working Land Conservation Easement after its acquisition, including: monitoring, recordkeeping, processing amendments and landowner correspondence, managing stewardship funds, resolution of violations, enforcement actions, and defense.

(3) "Stewardship Fund" means a fund that is used to cover the holder's long-term costs for stewardship of the Working Land Conservation Covenant or Working Land Conservation Easement. If the funding source allows investment of Stewardship Funds, funds may be used for investment management costs.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0030

Eligible Applicants

Eligible applicants for Working Land Conservation Covenant and Easement Grants are holders as defined in ORS 271.715 other than state agencies. Individual owners of working land are not eligible to apply for a Working Land Conservation Covenant and Easement Grant.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0040](#)

Eligible Properties

Eligible properties for Working Land Conservation Covenant and Easement Grants are working lands as defined in ORS 541.977(2).

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0050](#)

Application Requirements

(1) In accordance with ORS 541.977(3) and (4), OWEB may consider Working Land Conservation Covenant and Easement Grant applications to acquire a nonpossessory interest in working land for a permanent or fixed term that imposes limitations or affirmative obligations.

(2) Working Land Conservation Covenant and Easement Grant applications shall:

- (a) Be consistent with OAR 698-005;
- (b) Be submitted on the most current format that conforms with the process prescribed by OWEB.
- (c) State the amount and type of match contribution; and
- (d) If the application is for a Working Land Conservation Covenant, include the duration of the covenant.

(3) The Commission may consider proposals that are received for a Working Land Conservation Covenant or Working Land Conservation Easement that were acquired by the applicant after the previous application deadline.

(4) Applications requesting grant funds that would apply to an OAHP Working Land Conservation Covenant or Working Land Conservation Easement Project with an open OAHP Working Land Conservation Covenant or Working Land Conservation Easement grant will not be considered.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0060](#)

Matching Contributions

(1) All applicants shall demonstrate that at least 25% match is being sought, based on the total OAHP grant request for a Working Land Conservation Covenant or Working Land Conservation Easement project.

(2) The following funds and activities qualify as match:(a) In-kind contributions to activities listed under OAR 698-015-0070;

- (b) Funding commitments toward the Project made by others as a result of grant applicant efforts;
- (c) A donated portion of the sale of the Working Land Conservation Covenant or Working Land Conservation Easement; and
- (d) Funds deposited in a Stewardship Fund before the time that OWEB funds are released for acquisition of the Working Land Conservation Covenant or Working Land Conservation Easement.

(3) The Director retains the discretion to determine whether specific proposed match contributions not specifically identified above can be recognized as qualifying match.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0070

Use of Grant Funds

Working Land Conservation Covenant and Easement Grant funds may be applied towards costs related to purchasing, implementing, holding, monitoring, stewarding, or enforcing the Working Land Conservation Covenant or Working Land Conservation Easement, including:

- (1) The purchase price and the purchase option fees associated with the Working Land Conservation Covenant or Working Land Conservation Easement. The purchase price for A Working Land Conservation Covenant or Working Land Conservation Easement shall be based on an appraisal and review appraisal completed in accordance with applicable appraisal standards, including the Uniform Standards of Professional Appraisal Practice, and if required by other funding sources or the Internal Revenue Service, the Uniform Appraisal Standards for Federal Land Acquisitions.
- (2) The interest on bridge loans needed to secure closure on the Working Land Conservation Covenant or Working Land Conservation Easement prior to when funding will be available for distribution through the program;
- (3) The staff costs incurred as part of the Working Land Conservation Covenant or Working Land Conservation Easement acquisition process related to the property;
- (4) The cost of due diligence activities, including appraisal, environmental site assessment, survey, title review, and other customary due diligence activities;
- (5) The cost of baseline inventory preparation;
- (6) The legal fees incurred by the grantee related to the proposed transaction;
- (7) The closing fees, including recording and title insurance costs;
- (8) Up to 50% match for stewardship funding necessary for stewardship of the Working Land Conservation Covenant or Working Land Conservation Easement, but program funds contributed to a Stewardship Fund may not exceed 5% of the total appraised value of the Working Land Conservation Covenant or Working Land Conservation Easement.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0080

Terms of Covenants and Easements

- (1) A Working Land Conservation Easement shall last in perpetuity.
- (2) A Working Land Conservation Covenant shall last for a term of no less than twenty and no more than fifty years.
- (3) The Working Land Conservation Covenant term shall be set at 12-month increments only and not partial years.

- (4) The first day of the term of a Working Land Conservation Covenant shall be the date that both of these events have occurred:
- (a) The Working Land Conservation Covenant holder and the owner of working land conveying the covenant sign the agreement; and
 - (b) The owner of Working Land has received Working Land Conservation Covenant and Easement Grant funding from this program for the Working Land Conservation Covenant.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0090](#)

Evaluation Criteria

Working Land Covenant and Easement Grant applications will be evaluated on:

- (1) The regional significance of the agricultural, natural resource, and related social values of the working land that will be subject to the Working Land Conservation Covenant or Working Land Conservation Easement, including:
 - (a) The potential viability of the property for agriculture, including but not limited to soil types, suitability for producing different types of crops, and water availability, including;
 - (b) The land's contribution to long-term conservation of the region's agricultural land base;
 - (c) The regional significance of the agricultural operation based on location, its associated infrastructure, and other relevant factors including supporting agricultural values important to the region; and
 - (d) Supporting implementation of local, regional, state, federal or Tribal priorities and plans that support fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation Strategy and Oregon's Agricultural Water Quality Management Program.
- (2) The extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect, maintain, or enhance farming or ranching on the working land, including:
 - (a) Reducing the potential for future conversion or fragmentation of the property and surrounding working land; and
 - (b) Maintaining or enhancing the ability of the land to be in productive agricultural use that supports a viable agricultural operation.
- (3) The extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect, maintain or enhance significant fish or wildlife habitat, water quality or other natural resource values, including:
 - (a) Protecting, maintaining, or improving the quality and connectivity of plant or wildlife habitat on and around the working land; and
 - (b) Utilizing land stewardship practices that maintain or enhance soil health.
- (4) The extent to which the project supports the integrated management, maintenance or enhancement of the agricultural and natural resource values on the working land.
- (5) The extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect agricultural outcomes or benefits from other related investments.
- (6) The capacity and competence of the applicant and the proposed Working Land Conservation Covenant or Working Land Conservation Easement holder to purchase, accept, implement, hold, monitor, steward, and enforce a Working Land Conservation Covenant or Working Land Conservation Easement, including:
 - (a) Accreditation from the Land Trust Accreditation Commission, or implementation of standards and practices that are similar to an organization that is eligible for accreditation;

- (b) Inclusion of working land preservation in the organization's mission, vision or other organizational documents;
 - (c) The financial capability of the organization to steward conservation Working Land Conservation Covenants or Working Land Conservation Easements over time; and
 - (d) Demonstrated relevant commitment, ability, expertise, and track record to purchase, accept, implement, hold, monitor, steward, and enforce Working Land Conservation Covenant or Working Land Conservation Easement or other relevant projects.
- (7) The extent to which the benefit to the state from the investment may be maximized, based on:
- (a) The ability to leverage grant moneys with other funding sources;
 - (b) The duration and extent of the agreement, with a preference for longer term agreements;
 - (c) The cumulative effect of similar conservation or agricultural investments in the community, including other OAHF funded plans, covenants, or easements; and
 - (d) Consistency with local comprehensive plans and statewide planning goals.
- (8) The extent and nature of the impacts of the Working Land Conservation Covenant or Working Land Conservation Easement on owners or operators of neighboring lands.
- (9) The extent to which project will benefit the local area, as evidenced by engagement with and support from the local community and Tribes.
- (10) The level of threat of conversion or fragmentation of the working land.
- (11) The soundness of the legal and financial terms of the proposed real estate transaction.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History:

[OAHF 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0100

Technical Review and Funding Process

- (1) The Commission shall appoint one or more Technical Committees to evaluate and rank applications for grants for Working Land Conservation Covenant or Working Land Conservation Easement. To fulfil this responsibility, the Commission shall coordinate with OWEB on Technical Committee appointments.
- (2) Applications shall be evaluated according to criteria described in OAR 698-015-0090 and 698-005-0045.
- (3) OWEB shall convene the Technical Committee(s) to evaluate and rank applications for grants. Those rankings will be provided to OWEB. OWEB will provide Technical Committee rankings to the Commission, along with a funding recommendation.
- (4) The Commission shall review and consider the Technical Committee(s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications.
- (5) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund.
- (6) The Board awards Working Land Conservation Covenant and Easement Grants. The Board may fund a grant application in whole or in part.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History:

[OAH 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0110

Board Approval and Delegation of Authority

- (1) The Commission shall recommend, and the Board shall approve grants in accordance with this OAR Chapter 698, Division 15.
- (2) The Director is delegated the responsibility of ensuring that funding conditions required by the Board are fully satisfied by the grantee.
- (3) Conditionally approved grant funds shall be encumbered for disbursement only after all conditions are fulfilled. The encumbered funds may be made available for other uses by OWEB for purposes of the OAH 1 if all conditions required by the Board are not satisfied within 24 months of the conditional Board approval, unless recommended by the Commission and approved by the OWEB Board.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History:

[OAH 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0120

Public Involvement

The public shall be provided with meaningful opportunities to comment on grant applications being considered by the Board or Commission. In a manner consistent with this requirement, the governing bodies of cities and counties with jurisdiction in the area of the proposed Working Land Conservation Covenant or Working Land Conservation Easement acquisition, as well as affected governmental agencies and Tribes, will be provided with written notice of the Board's or Commission's intent to consider:

- (1) Written comments received prior to the Board or Commission meeting at which the Board or Commission will consider the application;
- (2) Comments made at public hearings held and publicized in accordance with ORS 271.735; and
- (3) Comments made at the Board or Commission meeting at which the grant application is considered.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAH 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0130

Director Funding Approval and Distribution of Funds

- (1) The Director may approve the distribution of grant funds. Funds may be distributed throughout the time between approval by the Board and the Working Land Conservation Covenant or Working Land Conservation Easement closing when the following conditions are met:
 - (a) The funding conditions, if any, imposed by the Board are satisfied to the full satisfaction of the Director;
 - (b) The legal and financial terms of the proposed real estate transaction are approved by the Director;
 - (c) The Working Land Conservation Covenant or Working Land Conservation Easement deed is approved by the Director;

- (d) The Director has reconciled conditionally approved funding with actual project costs;
- (e) The grantee has satisfied the match requirements under OAR 698-015-0060;
- (f) The Board is notified in writing if the Director intends to hold or recover the grant funds, pending Board consideration under OAR 698-015-0140(1).

(2) For grants established under these rules, the Director is authorized to reimburse the grantee for allowable costs identified in OAR 698-015-0070 and to recognize match contributions under OAR 698-015-0060 that were incurred no earlier than 18 months before the applicable grant application deadline.

(3) Notwithstanding OAR 698-015-0130(1)(a)-(f), funds may be distributed prior the full satisfaction of all funding conditions and the transaction closing for due diligence activities specified in OAR 698-015-0070(4) and included in the application budget.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0140](#)

Compliance and Enforcement

(1) The ongoing use of the property encumbered by a Working Land Conservation Covenant or Working Land Conservation Easement that received funding from the Working Land Conservation Covenant and Easement Grant Program shall be consistent with the purposes specified in ORS 541.977-ORS 541.989. If significant compliance issues cannot be resolved to the full satisfaction of the Director, the Director, after informing the Commission and the Board and providing reasonable written notice to the Grantee, may in their discretion initiate any and all legal remedies available to OWEB, including recovery of the OAHP grant funds that were used to purchase the covenant or easement, and reasonable interest and penalties at the option of the Director.

(2) OWEB and its designees will be provided sufficient legal access to property encumbered by a Working Land Conservation Covenant or Working Land Conservation Easement acquired with OAHP funds, given reasonable notice, for the purpose of completing Working Land Conservation Covenant or Working Land Conservation Easement inspections.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0150](#)

Grant Reporting Requirements for Working Land Conservation Covenants

Upon completion of the term of a Working Land Conservation Covenant, the Grantee will provide OWEB with a copy of the project completion report in the manner prescribed by OWEB.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-015-0160](#)

Payment Relationship Between Covenants and Easements

If a Working Land Conservation Covenant is funded through the OAHP and a later application is submitted to the Commission for the same property for a Working Land Conservation Easement:

(1) If the term of the covenant has not expired, the fair market value of the easement will be reduced by a proportion equivalent to the time remaining on the covenant.

(2) If the term of the covenant has expired, no reduction of fair market value will be taken for the subsequent easement.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0170

Subsequent Conveyances

If a covenant or easement acquired with OAHP funds is subsequently transferred, it must:

(1) Be made subject to prior approval by the Commission and the Board; and

(2) Strictly comply with the requirements of ORS 541.977–ORS 541.989 and OAR 698-015.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-015-0180

Waiver and Periodic Review of Rules

The Director may waive the requirements of OAR Chapter 698, Division 15 unless required by statute, when doing so will result in more efficient or effective implementation of the Working Land Conservation Covenant and Easement Grant. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission by the next meeting. The administrative rules for Working Land Conservation Covenant and Easement Grants shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

Oregon Agricultural Heritage Program - Chapter 698

Division 20

Working Land Technical Assistance Grants

698-020-0010

Purpose

This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for the Working Land Technical Assistance Grant Program.

The purpose of Technical Assistance Grants is to provide assistance to organizations that are eligible to enter into agreements resulting in Conservation Management Plans, or that acquire or propose to acquire Working Land Conservation Covenants or Working Land Conservation Easements. Grant funding must support the public benefits in OAR 698-005-0010.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0020

Definitions

(1) "Technical Assistance" means supporting the development of working land projects or programs as described in ORS 541-981 and Division 10 (Conservation Management Plans) and ORS 541-982 and Division 15 (Working Land Conservation Covenants and Easements).

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0030

Eligible Applicants

(1) Eligible applicants for Technical Assistance Grants are entities that are eligible to enter into agreements resulting in a Conservation Management Plan under Division 10 or acquire a Working Land Conservation Covenant or Easement under Division 15.

(2) Individual Agricultural Landowners or Operators are not eligible to apply for a Technical Assistance Grant.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0040

Technical Assistance Activities

(1) Technical Assistance Grant funding cannot be used to fund specific Conservation Management Plans, Working Land Conservation Covenants, or Working Land Conservation Easements.

(2) The Commission will only consider Technical Assistance projects that will lead to or are likely to lead to the development of Conservation Management Plans, Working Land Conservation Covenants, or Working Land Conservation Easements.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0050

Evaluation Criteria

Working Land Technical Assistance Grant applications will be evaluated on:

- (1) The extent to which the proposed project will improve upon the ability of the entity or its partners to enter into Conservation Management Plans or acquire Working Land Conservation Covenants or Easements.
- (2) The extent to which the outcomes of the Technical Assistance project would lead to activities that:
 - (a) Protect, maintain, or enhance farming or ranching on Working Land;
 - (b) Protect, maintain, or enhance significant fish or wildlife habitat, water quality, or other natural resource values;
 - (c) Protect, maintain, or enhance significant agricultural outcomes, benefits, or other investment gains; and
 - (d) Maximize the benefit to the state based on the ability to leverage grant moneys.
- (3) The extent to which the applicant demonstrates a plan to engage one or more underserved populations, including Young or Beginning Farmers or Ranchers, Socially Disadvantaged Farmers or Ranchers, Veteran Farmers or Ranchers, or Limited Resource Farmers or Ranchers.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0060

Technical Review and Funding Process

- (1) Applications shall be evaluated according to criteria described in OAR 698-020-0050 and 698-005-0045.
- (2) The Commission shall appoint one or more Technical Committees to evaluate and rank applications for grants for technical assistance. To fulfil this responsibility, the Commission shall coordinate with OWEB on Technical Committee appointments.
- (3) OWEB shall convene the Technical Committee(s) to evaluate and rank applications for grants. Those rankings will be provided to OWEB. OWEB will provide Technical Committee rankings to the Commission, along with a funding recommendation.
- (4) The Commission shall review and consider the Technical Committee(s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications.
- (5) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund.
- (6) The Board awards Technical Assistance Grants.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0070

Grant Agreement Conditions

- (1) All Grant Agreements for technical assistance authorized by the Board shall have a clause that requires the retention of up to 10 percent of project funds until the final report, as required in the Grant Agreement, has been approved. Any unexpended project funds must be returned to the Commission.
- (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 may 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 and the proposed activity is within the same geographic area.
- (4) The Director may authorize minor changes within the scope of the original project plan.
- (5) The grantee must submit a report at completion of the project in accordance with reporting requirements described in the Grant Agreement.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-020-0080

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 20 unless required by statute, when doing so will result in more efficient or effective implementation of the Technical Assistance Grant program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission by the next meeting. The administrative rules for Technical Assistance Grants shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

Oregon Agricultural Heritage Program - Chapter 698

Division 25

Succession Planning Grants

698-025-0010

Purpose

This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for the Succession Planning Grant Program.

The purpose of the Succession Planning Grant Program is to help ensure the continued use of Working Lands for agricultural purposes when the land changes ownership. The Oregon Agricultural Heritage Commission may provide funding recommendations to the Oregon Legislative Assembly, or recommendations for grant funding to the Oregon Watershed Enhancement Board, to provide training and support to agricultural landowners or operators or persons advising them regarding succession planning for the lands. Recommendations and grant funding must support the program purpose in OAR 698-005-0010.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History:

[OAHF 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-025-0020

Definitions

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

(2) "Succession Planning" means an ongoing process for ensuring the continuation and economic viability of a business over generations of owners or operators. It may include strategies to identify, develop, and empower the next generation of owners or operators, a plan to transfer 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.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHF 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-025-0030

Applicant Eligibility

(1) Eligible applicants for Succession Planning Grants are:(a) Public institutions of higher learning,
(b) Nonprofit entities,
(c) Political subdivisions of the state that are not state agencies,
(d) Tribes, and
(e) Agricultural Cooperatives.

(2) Individual Agricultural Landowners or Operators and individual persons or business entities not listed above that are advising them are not eligible to apply for a Succession Planning Grant.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-025-0040](#)

Application Requirements

Succession Planning Grant applications shall:

- (1) Not require match contributions; and
- (2) Comply with OAHP general grant application requirements in OAR 698-005.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-025-0050](#)

Eligible Activities

The following activities benefitting agricultural landowners or 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 Agricultural Landowners or Operators on Succession Planning.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-025-0060](#)

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 698-005-0010;
- (2) The capacity and competence of the applicant to deliver the proposed project;
- (3) The applicant's relevant background and experience in delivering successful Succession Planning programs, including prior projects funded through this or other grant programs;
- (4) The cost-effectiveness of the proposed project;
- (5) The extent to which the proposed project reaches diverse audiences, including: producers of diverse commodities, Agricultural Landowners or Operators in diverse geographic locations in Oregon, Young or Beginning Farmers or Ranchers, Socially Disadvantaged Farmers or Ranchers, Veteran Farmer or Ranchers, Limited Resource Farmers or Ranchers, and participants in diverse stages of Succession Planning; and
- (6) The extent to which the project introduces participants to conservation tools as resources for Succession Planning.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-025-0070

Technical Review and Funding Process

- (1) Applications shall be evaluated according to criteria in OAR 698-025-0060 and 698-005-0045.
- (2) The Commission shall appoint one or more Technical Committees to evaluate and rank applications for grants for working land conservation covenants and easements. To fulfill this responsibility, the Commission shall coordinate with OWEB on Technical Committee appointments.
- (3) OWEB shall convene the Technical Committee(s) to evaluate and rank applications for grants. Those rankings will be provided to OWEB. OWEB will provide Technical Committee rankings to the Commission, along with a funding recommendation.
- (4) The Commission shall review and consider the Technical Committee(s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications.
- (5) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund.
- (6) The Board awards Succession Planning Grants.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-025-0080

Grant Agreement Conditions

- (1) All Grant Agreements for succession planning authorized by the Board shall have a clause that requires the retention of up to 10 percent of project funds until the final report, as required in the Grant Agreement, has been approved. Any unexpended project funds must be returned to the Commission.
- (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.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
Statutes/Other Implemented: ORS 541.977-541.989
History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

698-025-0100

Grant Reporting Requirements

- (1) Upon project completion, the grantee will provide OWEB with a copy of the project completion report.

(2) The project completion report shall demonstrate how the grantee's funded project(s) demonstrated clear succession planning benefits to Oregon agricultural landowners or operators and their service providers. Evidence of this may include, but is not limited to:

- (a) The number of people who participated in the project;
- (b) The geographic, commodity, and other demographic indicators of participation in the project;
- (c) Documented improved understanding of Succession Planning by project participants;
- (d) Documented measurable changes in behavior of participants, including the percentage or number of agricultural landowners or operators who take the next step toward Succession Planning, complete a plan, and implement the plan;
- (e) Documented improved understanding by participants of tools to reduce conversion or prevent fragmentation of working land, and promote economic viability and ecological sustainability of agricultural operations; and
- (f) Other documentation of the project's success in contributing to achieve the purpose of this grant program.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

[698-025-0110](#)

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 25 unless required by statute, when doing so will result in more efficient or effective implementation of the 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 by the next meeting. The administrative rules for Succession Planning Grants shall be periodically reviewed by the Commission and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989

Statutes/Other Implemented: ORS 541.977-541.989

History: [OAHP 1-2019, adopt filed 01/28/2019, effective 02/01/2019](#)

DRAFT

Summary of 2024 OAHP Rule Updates

DIVISION 5 – OAHP ADMINISTRATION

698-005-0010

Purpose

- (3) Updated to include statutory language “maintenance or enhancement” instead of just “enhancement”

698-005-0020

Definitions

- Inserted definitions associated with the overall OWEB Div. 5 climate criteria
- Moved definition of CMP holder to Div. 10

698-005-0030

Application Requirements

- Removed most of this section in order to reduce confusion among the four distinct grant programs

698-005-0040

Application Processing

- Removed (2) and replaced with new language

698-005-0045

Climate-Related Evaluation Criteria

- Inserted Climate-Related Evaluation Criteria

698-005-0050

Grant Agreement Conditions

- (2) & (5) added “...for the purposes of the Oregon Agricultural Heritage Program.”
- Removed (6) because this level of detail is unnecessary for rule and will be addressed in the grant agreement and program guidance

698-005-0070

Distribution of Funds

- Cleaned up (2)
- (3) Clarified roles of OWEB and Commission

698-005-0080

Funding Decision Reconsideration by Board

- Removed this section to reduce ambiguity

698-005-0080

Technical Committees

- Simplified and clarified language around the establishment of technical committees for all four OAHF grant types

DIVISION 10 – CONSERVATION MANAGEMENT PLANS

698-010-0010

Purpose

- Changed rule reference to reflect reordering of definitions in Div. 5

698-010-0020

Definitions

- Inserted “Conservation Management Plan holder” definition moved from Div. 5

698-010-0030

Eligible Applicants

- 1(c) Clarified that tax exempt organizations must be a 501(c)(3) to be consistent with ORS

698-010-0040

Eligible Properties

- Inserted this section to be consistent with other divisions and ORS
- Removed previous Section 0040 titled “Application” and moved (2) to 0080

698-010-0060

Use of Funds

- Changed name of section from “Conservation Management Plan Activities”
- Deleted (2) because the issue of agricultural water quality plans is better addressed elsewhere

698-010-0080

Conservation Management Plan Components

- Deleted (4) “Inventory, including site characteristics and current management” because content is duplicative with another component (sub 5)
- Added (11) from 0120
- Added (13) “The duration or terminating event for the plan” moved from 0040

698-010-0090

Evaluation Criteria

- See table in Evaluation Criteria section of Div. 15 for discussion
- Removed Criteria (8) “The level of threat of conversion or fragmentation of the working land”

698-010-0100

Technical Review and Funding Process

- Revised content to better align with actual process

698-010-0110

Grant Agreement Conditions

- Deleted (2) to remove redundant documentation
- Reworded (3) to say all Conservation Management Plan changes must be provided to OWEB, not the Commission

698-010-0120

Conservation Management Plan Mutual Modification

- Inserted new (1) "The conservation management plan holder and the agricultural landowner or operator must review the conservation management plan at least annually and may mutually modify the conservation management plan, if necessary," which previously was (4)
- Moved (2) to 0080
- Deleted (5)-(7) to create more flexibility for holders and landowners as they work together on CMP implementation

698-010-0130

Conservation Management Plan Monitoring

- (1) removed to lessen ambiguity around frequency of monitoring; if annual payment \$ is being requested, an annual site visit is required
- Deleted (2) to remove directive monitoring
- Clarified roles of OWEB and Commission in (3) and (4)

698-010-0140

Grant Reporting Requirements

- (1)(a) revised to put reporting responsibility on plan holder, instead of landowner or land manager
- All sections included edits to clarify role of OWEB the agency, the Commission, and the OWEB board

DIVISION 15 – WORKING LAND CONSERVATION COVENANTS AND EASEMENTS

698-015-0010

Purpose

- Changed language to match ORS

698-015-0020

Definitions

- (2) and (3) updated definition of "Stewardship" to better align w/ Land Trust Alliance and industry practice related to conservation easement stewardship

698-015-0050

Application Requirements

- Renamed section from “Application”
- Clarified roles of OWEB vs Commission
- Removed all reference to Conservation Management Plans
- Removed qualifier at the beginning of (3) that stated “if there is a stream on the project...”
- Added Criteria (5), “Applications requesting grant funds that would apply to an OAHP conservation covenant or easement Project with an open OAHP conservation covenant or easement grant will not be considered.”

698-015-0070

Use of Grant Funds

- Removed (1)(b) and combined with 1(a)
- Deleted (8), “The cost of securing and maintaining the agriculture and conservation values associated with the property in accordance with the application or a conservation management plan approved by the Director.”

698-015-0090

Evaluation Criteria

OAR	Issue	Short Summary of Proposed Rule Change
698-015-0090(1)	Clarify “significance”	Specified regional significance as the context for the working land property, and added content to further provide specific examples of parameters for regional significance
698-015-0090(2)	Clarify considerations for the extent the proposed easement or covenant will protect farming or ranching	Adjusted considerations to include reduction of conversion and fragmentation, and supporting ongoing use of property for agriculture
698-015-0090(3)	Clarify considerations for the extent the proposed easement will protect natural resources, fish and wildlife habitat, water quality	Removed reference to management plans in evaluation criteria; added reference to stewardship practices that maintain soil health; moved consideration of certain plans into 698-015-0090(1) regarding significance of the property
698-015-0090(4)	Added criteria to refer to integrated management of habitat, natural resources, water quality	Removed reference to existence and/or utilization of management plans and conservation management plans as a criterion for evaluation and instead focused on the project as a whole supporting integrated management
698-015-0090(5)	Clarified agricultural outcomes and investment gains	Moved language regarding contribution of the parcel to the agricultural land base and the significance of the parcels associated operation to the significance section. Reducing sub-criteria in this evaluation consideration leaves the applicant more space to

		describe the importance of the project for maintaining investments
698-015-0090(6)	Clarify role of “effective governance” as evaluation criterion under capacity and competence	Removed “effective governance” as part of the evaluation considerations
698-015-0090(7)	Clarify “potential for setting an example” as evaluation criterion	Removed as an evaluation criterion
698-015-0090(7)	Clarify relationship between conservation management plans and CE grants	Removed “existence and implementation of a Conservation Management Plan” as a criterion
698-015-0090(8)	Clarify “impacts... on... neighboring lands” as an evaluation criterion	Adjusted criteria language to match statutory language. Now asks about the existence and extent of impacts of only the easement (removed reference to corresponding conservation management plan) on neighboring landowners or operators
698-015-0090(9)	Clarify and consider community support for the proposed project	Added criteria for evaluating the proposed project’s impact on the local community, including a reference to Tribal engagement

698-015-0100

Technical Review and Funding Process

- Changed section to better align with actual process and language in statute

698-015-0110

Board Approval and Delegation of Authority

- In (3), changed the timeline to meet all grant agreement conditions from 18 to 24 months

698-015-0130

Director Funding Approval and Distribution of Funds

- Added new rule (3) that allows for disbursement of funds prior to all conditions being fulfilled for certain due diligence items under certain circumstances

698-015-0150

Grant Reporting Requirements for Covenants

- Revised language to give more flexibility

698-015-0170

Subsequent Conveyances

- (1) Added “and the Board”

DIVISION 20 – WORKING LAND TECHNICAL ASSISTANCE GRANTS

698-020-0030

Eligible Applicants

- Changed title of section from “Eligibility” to be consistent with full OAHP ruleset

698-020-0040

Application Requirements

- Removed this section as it was redundant w/ Div. 5

698-020-0050

Evaluation Criteria

- (1)(b) Removed “appropriate seasonal water flows, appropriate water retention” to remain consistent with rest of ruleset and ORS
- Removed (2)(e) due to uncertainty around who would qualify as a neighboring landowner

698-020-0060

Technical Review and Funding Process

- Adjusted section to match process in Divisions 10 and 15

698-020-0070

Grant Agreement Conditions

- Inserted (1) to require up to 10% of grant funds until final report submitted
- Removed (5), “Rules and conditions in place at the time funding for the Technical Assistance Grant is formally approved shall govern throughout the term of the project unless changes are mutually agreeable to both parties.” This language is not included in other divisions of OAHP rules and does not provide clarity

DIVISION 25 – SUCCESSION PLANNING GRANTS

698-025-0070

Technical Review and Funding Process

- Adjusted section to match process in other OAHP rule divisions

698-025-0080

Grant Agreement Conditions

- Inserted (1) to require up to 10% of grant funds until final report submitted

- Deleted section titled “Grant Funding Conditions” and moved “(2) Final reports are due within 60 days of project completion. Any unexpended OAHP funds must be returned to the Commission with the final report.” into this section

698-025-0100 Grant Reporting Requirement

- Clarified roles between OWEB and the Commission
- Deleted (3) and (4) to reduce ambiguity