Oregon Agricultural Heritage Commission

Agenda: Aug 5, 2022

Business Meeting–9:00-11:00 am

How to Attend

The August 5th commission meeting will be held virtually.

The public is welcome to dial in to the meeting at 669-444-9171. When prompted, enter ID number 853-073-8422#.

Or watch via YouTube
YouTube Streaming**:** https://www.youtube.com/channel/UC0dl-TOwLt4Sp--i1KEa_OA
Please note that there may be a slight delay when streaming the meeting content.

Public comment

OWEB encourages written or verbal public comment on any agenda item. All comment requests should be sent to April Mack at April.mack@OWEB.oregon.gov no later than the 4:00 p.m. Wednesday **August 3.**

Written comments

- Provided to the commission in advance of the meeting

Verbal comments

- Limited to three minutes
- Will be heard in the public comment period **(Agenda Items C).**
- Provide the following information:
    - Your first and last name,
    - The topic of your comment, and
    - The phone number you will be using when calling the meeting. Also, note if the phone is a landline and you prefer to be scheduled for public comment early to avoid long-distance phone call charges.

Agenda

A. Welcome and Introductions, and Commissioner Updates (9:00 a.m.)

Chair Doug Krahmer will welcome the commission and public. *Information item*

B. Review and Approval of Minutes (approximately 9:10 a.m.)

The minutes of the April 19, 2022 meeting will be presented for approval. *Action item.*

C. Public Comment (approximately 9:15 a.m.)

The public may comment via telephone. Comments are limited to 3 minutes.

D. Program Updates and Timeline Review (approximately 9:30 a.m.)

OAHP Coordinator Taylor Larson will provide the Commission a brief overview of ongoing work and walk through a timeline for the upcoming grant solicitations. *Information item*

E. Overview of Planned Solicitation (approximately 9:45 p.m.)

OAHP Coordinator Taylor Larson will guide the Commission through a discussion on the format and content of the draft Conservation Easement/Covenant and Conservation Management Plan grant applications as well as the evaluation process. *Information item*

F. Other Business/Next Meeting (approximately 10:45 p.m.)

STAFF REPORT

Oregon Agricultural Heritage Program

Kate Brown, Governor

August, 05, 2022 OAHP Commission Meeting

ITEM D – Program Updates and Timeline Review

To: Oregon Agricultural Heritage Commission
From: Taylor Larson, Oregon Agricultural Heritage Program Coordinator
taylor.larson@oweb.oregon.gov 971-701-3248

Introduction

Staff will update the commission on the activities carried out since the commission approved a spending plan at their previous meeting on April 19th, 2022. Staff will also present the commission with a proposed timeline for the 2022 solicitation of Conservation Easement/Covenant and Conservation Management Plan Grants. *Information item only*

Background

On April 19th, 2022 the commission adopted a proposed spending plan allocating $150,000 to fund Conservation Management Planning grants and $4,314,553 to fund Conservation Easement/Covenant Grants. This report provides the commission with an update on program development and the upcoming solicitation timeline.

Program Updates

On June 1st, OAHP hired Taylor Larson to coordinate the program. On August 1st, Nicole Bettinardi was also hired as a half time Grant Support Specialist and we are currently in the process of hiring a Conservation Easement Specialist. Staff have been working to create grant applications for the upcoming solicitation of Conservation Easement/Covenant Grants and well as Conservation Management Planning Grants and will present those to the commission during agenda item E.

Staff are working with partners to make them aware of the upcoming solicitation and familiarizing potential applicants with commission adopted program rules, grant offerings and evaluation criteria. This work has included attending partner meetings, conferences, field tours and presenting about OAHP where appropriate--an example of this is a recent webinar presented by OAHP Coordinator, Taylor Larson (link to webinar).

Review team recruitment for the two upcoming grant offerings is ongoing. The goal is to ensure we have expertise in place to review the significance of agricultural and wildlife habitat values in accordance with administrative rules.

2022 Solicitation Timeline

Staff aim to have both conservation management planning grants and conservation easement grants follow the timeline below:

June-July: Develop applications, guidance material, and evaluation criteria.

August 5, 2022: Commission meets to review CMP and CE application templates

August 15, 2022: Staff opens solicitation window for CMP and CE grant applications

October 31, 2022: Application deadline for CMP and CE grant applications.

February 15, 2023: Complete external expert review

March 15, 2023: Commission meets to make funding recommendations to OWEB Board.

April 25-26, 2023: OWEB Board makes funding decisions

Recommendation

This is an information item only.

STAFF REPORT

Oregon Agricultural Heritage Program

Kate Brown, Governor

August 05, 2022 OAHP Commission Meeting

ITEM E – Overview of Planned Solicitation

To: Oregon Agricultural Heritage Commission
From: Taylor Larson, Oregon Agricultural Heritage Program Coordinator
taylor.larson@oweb.oregon.gov 971-701-3248

Introduction

Staff will guide the commission through recently developed Conservation Management Planning and Conservation Easement Grant Applications and their associated evaluation criteria in preparation for opening these two grant program solicitations in the coming weeks. *This is an information item only*

Background

It has been several years since the commission developed rules guiding the development of solicitation and evaluation criteria for the two grant types authorized by the commission for funding at their April 19, 2022 meeting. This discussion item will be a chance for the commission to reengage with the program mechanics and provide insights to staff on how the grant application can best meet the goals of the program.

Conservation Management Plans

OWEB will begin solicitation of Conservation Management Plan (Development) grants in mid-August 2022. The online application (Attachment A) has been designed to elicit responses that will allow the commission, staff, and expert review panels to weigh the proposals against the evaluation criteria (Attachment B) adopted by the commission in rule on February 1, 2019. OAHP Coordinator, Taylor Larson will walk the commission through the application and evaluation criteria.

Working Land Conservation Covenants and Easements

OWEB will begin solicitation of Working Land Conservation Covenant and Easement grants in mid-August, 2022. The online application (Attachment C) has been designed to elicit responses that will allow the commission, staff, and expert review panels to weigh the proposals against the evaluation criteria (Attachment D) adopted by the commission in rule on February 1, 2019. OAHP Coordinator, Taylor Larson will walk the commission through the application and evaluation criteria.

Recommendation

This is an information item only.

Attachment A
OAHP Conservation Management Plans Application Template

Attachment B
OAHP Conservation Management Plan Application Criteria

Attachment C
OAHP Working Land Conservation Easement/Covenant Application Template

Attachment D
OAHP Working Land Conservation Easement/Covenant Evaluation Criteria

Online OAHP Conservation Management Plans Application Template

This application template is ONLY A TOOL and CANNOT BE SUBMITTED in lieu of the online application.

Template Version: OAHP Conservation Management Plans v14 (generated 7/14/2022 from 'dev')

Administrative

Abstract

Provide an abstract statement for the project. Include the following information: 1) Identify the project location; 2) Briefly state the project need; 3) Describe the proposed work; 4) Identify project partners. (2000 character limit)

[2000 character limit] The abstract statement provides important reference information for the project and will be the first place OWEB staff and technical reviewers look to understand the location and proposed activities. In crafting the abstract, make an effort to be clear, concise, and keep the description of the proposed activities succinct. See Guidance document for additional detail.

Location Information

Current Location:

What is the ownership of the project site(s)?

Both can be selected

☐ Public land (any lands owned by the Federal government, the State of Oregon, a city, county, district or municipal or public corporation in Oregon)

What agency(ies) are involved? (1000 character limit)

☐ Tribal lands (any lands owned/managed by a Tribal government)

☐ Private (land owned by non-governmental entities)

Please select one of the following Landowner Contact Certification statements:

☐ I certify that I have informed all participating private landowners involved in the project of the existence of the application, and I have advised all of them that all monitoring information obtained on their property is public record.

Please include a complete list of participating private landowners (8000 character limit)

☐ I certify that contact with all participating private landowners was not possible at the time of application for the following reasons: Furthermore, I understand that should this project be awarded, I will be required by the terms of the OWEB grant agreement to secure cooperative landowner agreements with all participating private landowners prior to expending Board funds on a property.

Please List your reasons (8000 character limit)

☐ Not applicable to this project

☐ This grant will take place in more than one county.

List the counties affected: (8000 character limit)

Permits

Other than the land-use form, do you need a permit, license or other regulatory approval of any of the proposed project activities?

☐ Yes

☐ No

Go to Permit Page

I acknowledge that I am responsible for verifying applicable permits, licenses, and General Authorizations required for the project, and can update information at grant agreement execution.

Permit and license information provided in the application will be imported into the final grant agreement for the awarded grant. Applicants are responsible for verifying applicable permits, licenses, and General Authorizations required for the project, and can update information at grant agreement execution.

☐ Yes

Racial and Ethnic Impact Statement

Racial and Ethnic Impact Statement

Chapter 600 of the 2013 Oregon Laws require applicants to include with each grant application a racial and ethnic impact statement.

☐ The proposed grant project policies or programs could have a disproportionate or unique POSITIVE impact on the following minority persons. (indicate all that apply)

☐ Women

☐ Persons with Disabilities

☐ African-Americans

☐ Hispanics

☐ Asians or Pacific Islanders

☐ American Indians

☐ Alaskan Natives

Please provide the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons. (8000 character limit)

Please provide evidence of consultation with representative(s) of affected minority persons. (8000 character limit)

☐ The proposed grant project policies or programs could have a disproportionate or unique NEGATIVE impact on the following minority persons. (indicate all that apply)

☐ Women

☐ Persons with Disabilities

☐ African-Americans

☐ Hispanics

☐ Asians or Pacific Islanders

☐ American Indians
☐ Alaskan Natives

Please provide the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons. (8000 character limit)

Please provide evidence of consultation with representative(s) of affected minority persons. (8000 character limit)

☐ The proposed grant project policies or programs WILL HAVE NO disproportionate or unique impact on minority persons.

Insurance Information

If applicable, select all the activities that are part of your project - These require a risk assessment tool unless otherwise noted (check all that apply).

Link to Insurance Requirements: https://www.oregon.gov/das/Risk/Documents/RATool_GS.xls

☐ Working with hazardous materials (not including materials used in the normal operation of equipment such as hydraulic fluid)
☐ Earth moving work around the footprint of a drinking water well
☐ Removal or alteration of structures that hold back water on land or instream including dams, levees, dikes, tidegates and other water control devices (this does not include temporary diversion dams used solely to divert water for irrigation)
☐ Applicant's staff or volunteers are working with kids related to this project (DAS Risk assessment tool not required, additional insurance is required)
☐ Applicant's staff are applying herbicides or pesticides (DAS Risk assessment tool not required, additional insurance is required)
☐ Insurance not applicable to this project

Additional Information

☐ This project affects Sage-Grouse.

At the April 2015 Board meeting the Board adopted a policy to make available at least $10 million through its granting programs, over ten years, in support of projects located in Oregon's sage steppe ecosystem directed to improve Greater Sage Grouse habitat. This question allows OWEB to track these dollars. If the project includes a sensitive Sage-grouse location. Use the applicant's address as the map point.

History

Describe the problem(s) the Conservation Management Plan(s) (CMPs) seek to address. (3000 character limit)

Describe why a CMP is needed that elevates management practices above the standard way of doing business.

Describe any previous planning or conservation efforts on the subject properties. (3000 character limit)

Include conservation plans developed for Farm Bill programs and current status of those plans. Upload all existing plans.

Describe the properties' current zoning and any pending changes. (1000 character limit)

Significance

What is the significance of the agricultural and related social values of the working lands(s) subject to the CMP(s), including the regional significance of the operations, or its suitability based on soils, slope, location or other relevant factors? (4000 character limit)

See the OAHP Evaluation Criteria in program rules: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=K21-weMafcdEElOuNIduN5nTNzuCvpn_rxchKpWyl2VxH598Dhbc!-1281346129?ruleVrsnRsn=255282.

What is the significance of the natural resource values of the working land(s) subject to the CMP(s)? (4000 character limit)

Describe the significant fish or wildlife habitat, water quality, or other natural resource values of the working land.

What is the potential for the CMP(s) to set an example that will encourage additional working land conservation projects among your peers? (4000 character limit)

CMP Project Overview

CMP Project Type

At this time, OAHP is offering CMP development grants only. In the future, OAHP may add CMP implementation as an eligible grant type.

☐ CMP Development

How many CMPs will be developed?

How many total acres will be addressed in the CMP(s)?

What is the anticipated duration and extent of the CMP(s) and why are these terms appropriate to achieve the goals and objectives? (5000 character limit)

Describe the types of agricultural operations to be addressed by the CMP(s). (1000 character limit)

Upload the list of landowners.

Landowner Agreements are required for all lands proposed for CMP development. Upload signed landowner agreements for each working land property.

The landowner agreement shall specify that the landowner intends to work with the applicant to develop a CMP for her/his agricultural operation, and shall further specify the applicant organization or its designated agent are granted access to the property on mutually agreeable terms.

Is there a stream on any property for which a CMP will be developed?

☐ Yes
☐ No

For each property with a stream, describe applicable Agricultural Water Quality Management Area Plan goals and how the CMP planning process will present the agricultural landowner(s) or operator(s) with alternatives to address them. (8000 character limit)

Goals, Objectives, and Activities

State your project goal. A goal statement should articulate desired outcomes (the vision for desired future conditions) and the agricultural and natural resource benefits. (1000 character limit)

List specific and measurable objectives. Objectives support and refine the goal by breaking it down into steps for achieving the goal. Provide up to 7 objectives.

Objective

Objective (1000 character limit)

Describe the project activities. Activities explain how the objective will be implemented. (3000 character limit)

Project Timeline

List the major project activities and time schedule estimated for completing the CMP(s) project.
This is a table... utilize online application system to insert records.

Agricultural Outcomes

Describe how implementing the CMP(s) will maintain or improve the economic viability of the operation(s). (3000 character limit)

What is the level of threat of conversion or fragmentation of the working land subject to the CMP(s)? (3000 character limit)

Describe how implementing the CMP(s) will reduce the potential for future conversion or fragmentation of the property(ies) and surrounding working land. (3000 character limit)

Natural Resource Outcomes

Describe how implementing the CMP(s) will support implementation of the Oregon Conservation Strategy, Oregon's Agricultural Water Quality Program, or other local, state, federal or tribal priorities or plans that support fish or wildlife habitat, water quality, or other natural resources values. (3000 character limit)

Cite the specific plans or documents in your answer.

Describe how implementing the CMP(s) will protect, maintain or improve the quality and connectivity of wildlife habitat on and around the working land subject to this plan. (3000 character limit)

Describe how implementing the CMP(s) will protect, maintain or improve water quality or quantity. (3000 character limit)

Describe how implementing the CMP(s) will protect, maintain or improve soil health. (3000 character limit)

Future funding

Is it anticipated that future OAHP funding will be sought for:

☐ Implementation of the CMP(s)?

☐ Protection of land through acquisition of a conservation easement or covenant?

What other sources of funding will be sought to pay for CMP(s) implementation? (2000 character limit)

Project Management

List the key participants, their roles, and qualifications relevant to CMP development.

This is a table... utilize online application system to insert records.

Describe the capacity and competence of the prospective conservation management plan holder to enter into and (if funding is obtained) implement and monitor the CMP(s) with respect to the following:

Financial capacity to manage the plan(s) over time. (2000 character limit)

Demonstrated commitment, expertise, and track record to successfully develop, implement and monitor CMPs. (2000 character limit)

Effective governance of the CMP(s) holder or organization. (2000 character limit)

Describe the plan for communicating with neighboring owners and operators once a CMP is ready to be implemented, including how to mitigate for potential impacts. (3000 character limit)

Describe the maintenance plan for infrastructure that may impact neighboring lands if not maintained over time. If a maintenance plan is not complete, describe how it will be developed over the course of CMP development. (3000 character limit)

Budget

Type
Salaries, Wages and Benefits
Contracted Services
Travel and Training
Materials and Supplies
Equipment
Other
Indirect Costs

Funding Table

Match Table

Match Questions

Do match funding sources have any restrictions on how funds are used, timelines or other limitations that would impact the portion of the project proposed for OWEB funding?

☐ Yes

☐ No

Do you need state OWEB dollars (not Federal) to match the requirements of any other federal funding you will be using to complete this project?

☐ Yes

☐ No

If yes, please provide the amount of state dollars needed out of your total request and upload documentation indicating the amount of non-federal match that is needed.

Does the non-OWEB cash funding include Pacific Coast Salmon Recovery Funds?

☐ Yes

☐ No

Upload

Type	Required	Restricted
Assessment/Management Plan		
Conservation Easement		
Cooperative/Landowner Agreement	Y	
List of Landowners	Y	
Map		
Other		
Secured Match Forms		

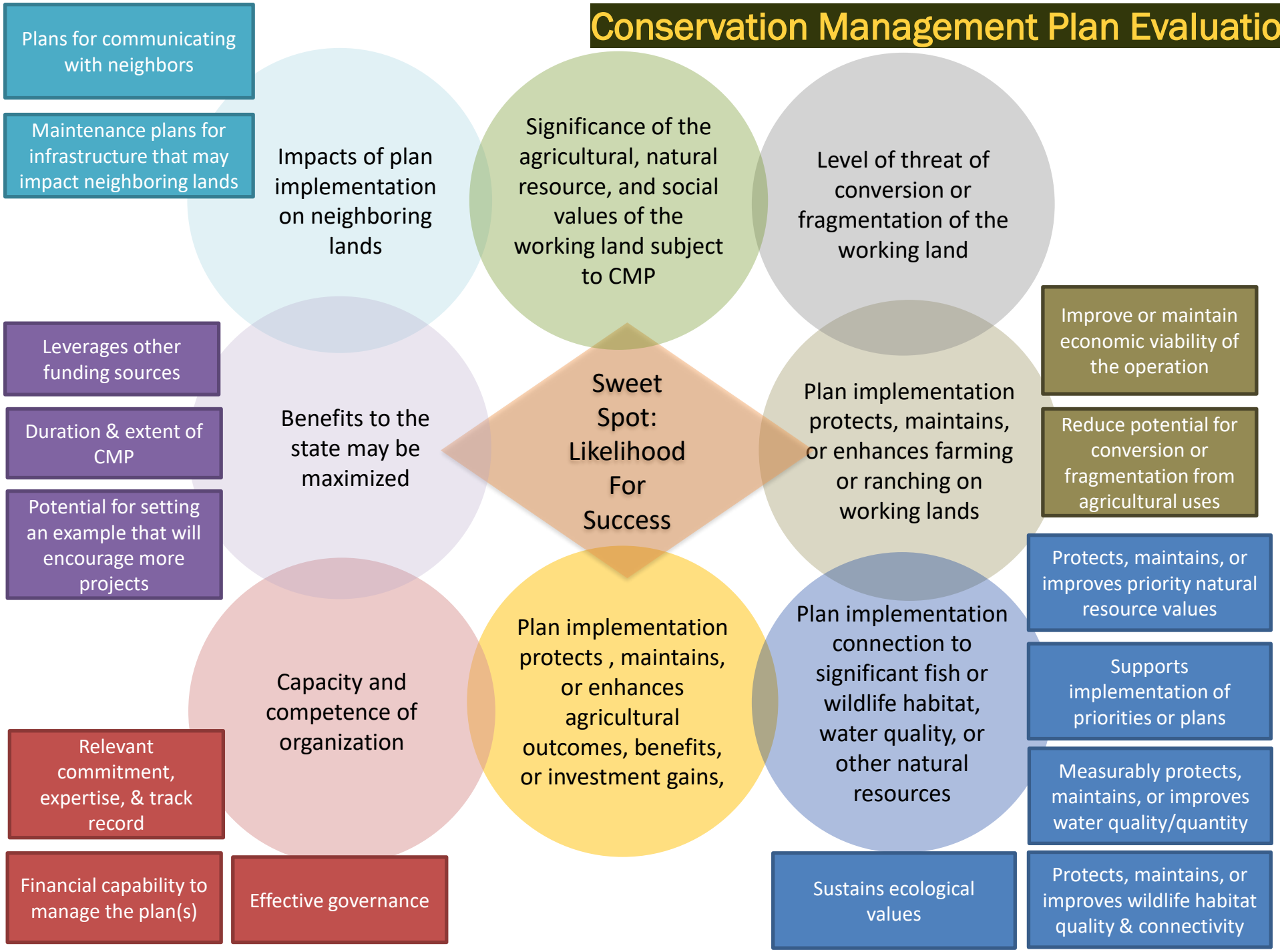
Permit

If applicant is successful, the permit and license information provided will be imported into the final grant agreement. It is the applicant's responsibility to verify and update which permits, licenses, and General Authorizations are required for the Project at the time of execution of the agreement and on an ongoing basis.

This is a table... utilize online application system to insert records.

Conservation Management Plan Evaluation Criteria

Draft
Attachment B



Oregon Agricultural Heritage Program Grant Evaluation Criteria:

Conservation Management Plans

1) **The significance of the agricultural, natural resource, and related social values of the working land subject to the conservation management plan(s).**

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 by:**
    a) Protecting, maintaining, or improving the land, including soil, water, plants, animals, energy, and human needs considerations;
    b) Supporting implementation of the Oregon Conservation Strategy, Oregon's Agricultural Water Quality Management Program, or other local, regional, state, federal or tribal priorities or plans that support fish or wildlife habitat, water quality, or other natural resource values;
    c) Protecting, maintaining or improving the quality and connectivity of wildlife habitat on and around the working land subject to the plan;
    d) Protecting, maintaining, or improving water quality or quantity; and
    e) Sustaining ecological values, as evidenced by the conservation management plan or inherent site condition.

4) **The extent to which implementation of the plan(s) would protect, maintain or enhance significant agricultural outcomes, benefits, or other investment gains, including the regional significance of the agricultural operation, or its suitability based on soils, slope, location or other relevant factors.**

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
    c) The strength of the conservation management plan holder as measured by effective governance.

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;
    b) The duration and extent of the conservation management plan, with a preference for longer term agreements if implementation funding is awarded; and
    c) The potential for setting an example that will encourage additional working land projects.

7) **The impacts of plan implementation on owners or operators of neighboring lands, including:**
    a) A plan for communicating with neighboring owners and operators once a conservation management plan is ready to be implemented about how to mitigate potential impacts; and
    b) A maintenance plan for infrastructure that may impact neighboring lands if not maintained over time.

8) **The level of threat of conversion or fragmentation of the working land.**

Online OAHP Conservation Easements and Covenants Application Template

This application template is ONLY A TOOL and CANNOT BE SUBMITTED in lieu of the online application.

Template Version: OAHP Conservation Easements and Covenants v9 (generated 7/28/2022 from 'dev')

Administrative

Abstract

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[2000 character limit] The abstract statement provides important reference information for the project and will be the first place OWEB staff and technical reviewers look to understand the location and proposed activities. In crafting the abstract, make an effort to be clear, concise, and keep the description of the proposed activities succinct. See Guidance document for additional detail.

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Current Location:

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Please List your reasons (8000 character limit)

☐ Not applicable to this project

☐ This grant will take place in more than one county.

List the counties affected: (8000 character limit)

Permits

Other than the land-use form, do you need a permit, license or other regulatory approval of any of the proposed project activities?

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Racial and Ethnic Impact Statement

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☐ Alaskan Natives

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Please provide evidence of consultation with representative(s) of affected minority persons. (8000 character limit)

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Please provide evidence of consultation with representative(s) of affected minority persons. (8000 character limit)

☐ The proposed grant project policies or programs WILL HAVE NO disproportionate or unique impact on minority persons.

Insurance Information

If applicable, select all the activities that are part of your project - These require a risk assessment tool unless otherwise noted (check all that apply).

Link to Insurance Requirements: https://www.oregon.gov/das/Risk/Documents/RATool_GS.xls

☐ Working with hazardous materials (not including materials used in the normal operation of equipment such as hydraulic fluid)
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☐ Removal or alteration of structures that hold back water on land or instream including dams, levees, dikes, tidegates and other water control devices (this does not include temporary diversion dams used solely to divert water for irrigation)
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☐ Applicant's staff are applying herbicides or pesticides (DAS Risk assessment tool not required, additional insurance is required)
☐ Insurance not applicable to this project

Additional Information

☐ This project affects Sage-Grouse.

At the April 2015 Board meeting the Board adopted a policy to make available at least $10 million through its granting programs, over ten years, in support of projects located in Oregon's sage steppe ecosystem directed to improve Greater Sage Grouse habitat. This question allows OWEB to track these dollars. If the project includes a sensitive Sage-grouse location. Use the applicant's address as the map point.

Problem Statement

Agricultural Values

What is the significance of the agricultural and related social values of the working lands subject to the working land conservation covenant or easement? (4000 character limit)

Include the regional significance of the operation or its suitability based on soils, slope, location or other relevant factors.

Describe how the working land conservation easement or covenant will help preserve and protect the working land for agricultural purposes. (4000 character limit)

Natural Resource Values

What is the significance of the natural resource values of the working lands subject to the working land conservation covenant or easement? (4000 character limit)

Describe significant fish or wildlife habitat, water quality or other natural resource values of the working land.

Describe how the working land conservation easement or covenant will help maintain or enhance fish and wildlife habitat, water quality, or other natural resource values on the land. (4000 character limit)

What is the potential for the conservation covenant or easement to set an example that will encourage additional working lands projects among peers, including the development and implementation of conservation management plans? (4000 character limit)

Properties

Property Information

Property

Property Name: (500 character limit)

Tax Lot Numbers: (500 character limit)

Upload a property map

Vested Owner

Name: (500 character limit)

Address: (500 character limit)

City: (500 character limit)

State: (500 character limit)

Zip:

Upload Landowner Acknowledgement Form

Acreage:

Describe the property's improvements (e.g., buildings, irrigation ditches, etc:): (3000 character limit)

Describe the property's current zoning and any pending changes: (3000 character limit)

Describe the property's current and historic uses if known: (3000 character limit)

Describe the property's current condition: (3000 character limit)

Include the condition relative to current viability as an agricultural operation as well as habitat condition as compared to reference conditions for the habitat type.

Are persons or companies, other than the owner of the property, using the property or improvements described
above for residential or business purposes, including agriculture?

☐ Yes
☐ No

Identify the user: (500 character limit)

Describe the use: (2000 character limit)

Estimate the length of time the use has occurred on the property: (500 character limit)

Is the use authorized?

☐ Yes
☐ No

Describe your approach to terminating the unauthorized use of the property: (3000 character limit)

What is the amount of property tax levied on the property?

Will the taxes, or an equal amount in lieu of taxes, continue to be paid after the easement is acquired? (1000 character limit)

Describe the property's water resources: (2000 character limit)

Describe the legal rights to use the water: (2000 character limit)

Proposed Property Interest

Property Interest Type:

☐ Conservation Easement

A conservation easement is a property interest held by a third party in perpetuity.

Upload the draft conservation easement.

Conservation Covenant

☐ Yes

☐ No

What is the term of the proposed covenant?

Terms must be from 20 to 50 years.

☐ A Conservation Management Plan will be developed to coincide with the term of the covenant.

If a covenant is identical in duration to a CMP, the covenant must refer to the CMP in the text of the covenant.

Upload the draft conservation covenant.

Proposed purchase price:

Basis for purchase price: (2000 character limit)

Explain how you determined the approximate market value of the conservation easement or covenant. If a covenant, the value must be based on a percentage of the permanent easement value commensurate with the term of the covenant. For example, a 20-year covenant must be valued at 20% of the value of a permanent easement.

Upload the negotiated option or purchase and sale agreement, and appraisal, if applicable.

Choose "Other" from the upload types menu.

Project Soundness

Summarize all due diligence efforts to date, including due diligence items that have been completed and those that are in process, such as a purchase and sale agreement, title analysis, and appraisals. (4000 character limit)

If it is apparent that certain title matters (e.g. unacceptable easements, outstanding liens or clouds on the title) need to be cured prior to closing, describe the title matters and how you intend to address them. (4000 character limit)

If any property interest proposed for OWEB funding is owned by more than one entity, describe your plan for communicating and reaching agreement with all the parties during the transaction, and under the conservation easement if an easement is proposed for purchase. (4000 character limit)

If any property has existing legal access, explain how the existing legal access will sufficiently serve the short- and long-term management needs of the property. (4000 character limit)

If any property does not have existing legal access, explain your plans to obtain legal and sufficient access. (4000 character limit)

Goals, Objectives, Activities

State your project goal. A goal statement should articulate desired outcomes (the vision for desired future conditions) and the agricultural and natural resource benefits. (1000 character limit)

List specific and measurable objectives. Objectives support and refine the goal by breaking it down into steps for achieving the goal. Provide up to 7 objectives.

Objectives

Objective (1500 character limit)

Describe the project activities. Activities describe how the project will be implemented. (8000 character limit)

List the major project activities and a time schedule for each.
This is a table... utilize online application system to insert records.

Organizational Capacity

Why is your organization, and the long-term holder if applicable, the right organization to acquire the conservation easement or covenant at this time? (4000 character limit)
Include whether working land preservation is in the organization's mission, vision, or other organizational documents.

Is the applicant a "holder" as defined in ORS 271.715, other than a state agency?
Eligible holders under 271.715 include units of government, tribes, and charitable corporations, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property. The OAHP statute specifically excludes state agencies from eligibility.

☐ Yes
☐ No

The applicant is not eligible for a conservation easement or covenant grant.

Is the applicant in compliance with applicable federal, state and local laws, including in good standing with the Secretary of State?

☐ Yes
☐ No

Explain: (1000 character limit)

Upload evidence of applicant's organizational eligibility.

Attach evidence of a conservation mission that includes the acquisition of working lands easements and covenants for conservation purposes (e.g., applicable section of corporate charter, bylaws, statute, or board resolution). Choose "Other" as the type of upload.

Is the applicant accredited by the Land Trust Alliance?

☐ Yes

Upload applicant's accreditation letter.

Choose "Other" as the upload type.

No

Describe the applicant's policies and procedures for selecting and acquiring conservation easements and covenants. (3000 character limit)

Include information about policies and procedures related to: site identification and ranking; title review; property valuation; hazardous materials investigations; survey; identification and documentation of conservation values; drafting and review of necessary title documents and contracts; and final approval of transaction documents by the governing body of the organization.

Describe the applicant's processes for keeping accurate financial records in accordance with Generally Accepted Accounting Principles (GAAP). (3000 character limit)

Describe the applicant's written conflict of interest policy for ensuring that conflicts of interest, or the appearance of conflicts of interest, are appropriately avoided. (3000 character limit)

Describe the applicant's annual independent financial review or audit. (3000 character limit)

Describe the applicant's records management system for safe storage of irreplaceable documents. (3000 character limit)

Describe the applicant's source of funding for monitoring, stewardship, and defense of conservation properties and easements. (3000 character limit)

Describe the applicant's policies and procedures for ensuring effective management of acquired conservation easements and covenants. (3000 character limit)

Include policies and procedures related to: securing and stabilizing the property after acquisition; management plan drafting and compliance review; annual monitoring; use restriction enforcement; and trespass abatement.

Describe the applicant's succession strategy for addressing the possibility that the organization may no longer exist at some point in the future. (3000 character limit)

Describe the plan for communication with neighboring owners or operators of neighboring lands, and the extent to which there is a plan of engagement with neighboring landowners about how to mitigate any impacts resulting from the covenant or easement, if necessary. (5000 character limit)

Stewardship

Describe the proposed financial approach to stewardship funding that will be secured for the property, including a calculation of estimated annualized stewardship expenses, how funding will be secured to cover annual expenses, and applicable investment policies. (4000 character limit)

Upload financial documentation.

Does the applicant carry Terrafirma insurance for each conservation easement in its portfolio?

The Land Trust Alliance formed Terrafirma in 2011 to help land trusts defend their conserved lands from legal challenge. It is owned by its members to insure the costs of upholding conservation easements and fee lands held for conservation purposes when they have been violated or are under legal attack, and to provide information on risk management to those land trusts. See terrafirma.org for more information. Public entities are not eligible for Terrafirma insurance and should describe here how they insure conservation easements.

☐ Yes

What level of insurance does the policy provide for each property? (1000 character limit)

Describe the funding source used to pay ongoing Terrafirma expenses: (1000 character limit)

☐ No

Explain how the applicant provides insurance to defend conservation easements: (3000 character limit)

Is there a conservation management plan for the property?

While a Conservation Management Plan (CMP) is not required to be considered eligible for a Conservation Easement grant, the commission encourages the present or future development of a CMP.

Yes

Describe your timeline and approach for updating the conservation management plan to include the required plan components in OAR 698-010-0080. (3000 character limit)

OAR 698-010-0800: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=OW-nlH9cYN1-x70VKVMcIRn8BPDn2ajImSQOsxYQ8qPc1pe4HHsD!1730040663?ruleVrsnRsn=255281

Upload the conservation management plan.

No

Describe your approach and timeline for developing a conservation management plan to include the required plan components in OAR 698-010-0080. If there is no CMP development planned, please describe. (3000 character limit)

OAR 698-010-0080: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=OW-nlH9cYN1-x70VKVMcIRn8BPDn2ajImSQOsxYQ8qPc1pe4HHsD!1730040663?ruleVrsnRsn=255281

Describe your proposed approach to monitoring the covenant or easement to ensure that the owner of the working land is adhering to the covenant or easement provisions. (4000 character limit)

Monitoring plan must include an annual review of the CMP with the landowner/operator as described in OAR 698-010-0120. Link to rule: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=OW-nlH9cYN1-x70VKVMcIRn8BPDn2ajImSQOsxYQ8qPc1pe4HHsD!1730040663?ruleVrsnRsn=255285

OAHP Conservation Easements and Covenants Wrap-Up

Describe community engagement completed to date for the Project, including outreach to the county commission or city government as well as potential interested parties such as neighbors and industry groups. (2000 character limit)

Describe the community and partner support for the Project. If there is significant opposition to the Project, describe how the applicant and long-term holder, as applicable, are addressing issues related to the opposition. (2000 character limit)

Describe your approach to ensuring the protection of agricultural and natural resource values in perpetuity given the potential for changes in agricultural practices and climate over time. (3000 character limit)

Agricultural Outcomes

Describe the extent to which the working land conservation covenant or easement would reduce the potential for future conversion or fragmentation of the property and surrounding working land. (5000 character limit)

Describe the extent to which the working land conservation covenant or easement would maintain or enhance the ability of the land to be in productive agricultural use after the covenant or easement is in place. (5000 character limit)

Describe the potential viability of the property for agriculture with an executed conservation covenant or easement. (5000 character limit)

Describe the extent to which the working land conservation covenant or easement would improve or maintain economic viability of the operation, including future transfer of ownership. (5000 character limit)

Natural Resource Outcomes

Describe the extent to which the covenant or easement would protect, maintain, or improve the land, including soil, water, plants, animals, energy, and human needs. (5000 character limit)

Describe the extent to which the covenant or easement would support implementation of the Oregon Conservation Strategy, Oregon's Agricultural Water Quality Management Program, or other local, regional, state, federal, or tribal priorities or plans that support fish or wildlife habitat, water quality, or other natural resource values. (5000 character limit)

Describe the extent to which the covenant or easement would protect, maintain, or improve water quality and/or quantity. (5000 character limit)

Budget

Type
Salaries, Wages and Benefits
Contracted Services
Travel and Training
Materials and Supplies
Equipment
Other
Indirect Costs

Funding Table

Match Table

Match Questions

Do match funding sources have any restrictions on how funds are used, timelines or other limitations that would impact the portion of the project proposed for OWEB funding?

☐ Yes

☐ No

Do you need state OWEB dollars (not Federal) to match the requirements of any other federal funding you will be using to complete this project?

☐ Yes

☐ No

If yes, please provide the amount of state dollars needed out of your total request and upload documentation indicating the amount of non-federal match that is needed.

Does the non-OWEB cash funding include Pacific Coast Salmon Recovery Funds?

☐ Yes

☐ No

Upload

Type	Required	Restricted
Conservation Easement	Y	
Cooperative/Landowner Agreement	Y	
Map	Y	
Other		
Property Management Plan		

Permit

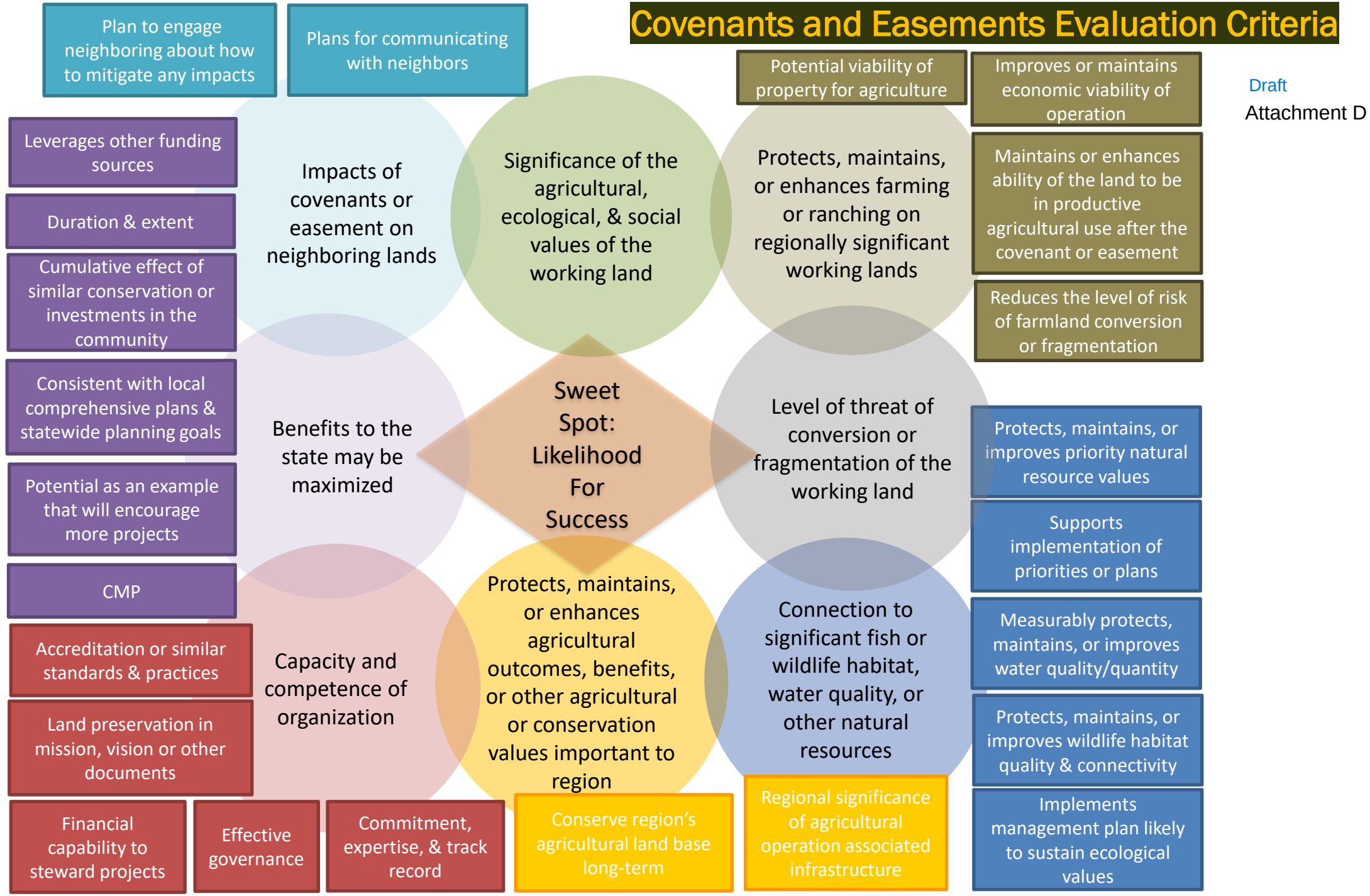
If applicant is successful, the permit and license information provided will be imported into the final grant agreement. It is the applicant's responsibility to verify and update which permits, licenses, and General Authorizations are required for the Project at the time of execution of the agreement and on an ongoing basis.

This is a table... utilize online application system to insert records.

Covenants and Easements Evaluation Criteria

Draft

Attachment D



Oregon Agricultural Heritage Program Grant Evaluation Criteria:

Working Land Covenant and Easements

1) **The significance of the agricultural, natural resource, and related social values of the working land subject to the working land conservation covenant or easement.**

2) **The extent to which the working land conservation covenant or easement would protect, maintain, or enhance farming or ranching on regionally significant working land, including:**
    a) Reducing the potential for future conversion or fragmentation of the property and surrounding working land;
    b) Maintaining or enhancing the ability of the land to be in productive agricultural use after the covenant or easement is in place;
    c) The potential viability of the property for agriculture; and
    d) Improving or maintaining the economic viability of the operation, including future transfer of ownership.

3) **The extent to which the covenant or easement would protect, maintain or enhance significant fish or wildlife habitat, water quality or other natural resource values by:**
    a) Protecting, maintaining, or improving the land, including soil, water, plants, animals, energy, and human needs considerations;
    b) Supporting implementation of the Oregon Conservation Strategy, Oregon's Agricultural Water Quality Management Program, or other local, regional, state, federal or tribal priorities or plans that support fish or wildlife habitat, water quality or other natural resource values;
    c) Protecting, maintaining, or improving the quality and connectivity of wildlife habitat on and around the working land;
    d) Protecting, maintaining, or improving water quality and/or quantity; and
    e) 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.

4) **The extent to which the covenant or easement would protect, maintain or enhance significant agricultural outcomes, benefits or other agricultural or conservation values important to the region, including:**
    a) The parcel's contribution to long-term conservation of the region's agricultural land base; and
    b) The regional significance of the agricultural operation, or its suitability based on soils, slope, location or other relevant factors, and its associated infrastructure.

5) **The capacity and competence of the applicant and the proposed easement or covenant holder to purchase, accept, implement, hold, monitor, steward, and enforce a working land conservation covenant or 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 covenants and easements over time;
    d) Demonstrated relevant commitment, ability, expertise, and track record to purchase, accept, implement, hold, monitor, steward, and enforce conservation covenants and easements or other relevant projects; and
    e) The strength of the organization as measured by effective governance.

6) **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 OAHP funded plans, covenants, or easements;
    d) Consistency with local comprehensive plans and statewide planning goals;
    e) The potential for setting an example that will encourage additional working lands projects in the region; and
    f) The existence and implementation of a conservation management plan.

7) **The impacts of the covenant or easement or the associated conservation management plan on owners or operators of neighboring lands, and the extent to which there is a plan of engagement with neighboring landowners about how to mitigate any impacts resulting from the covenant or easement, if necessary.**

8) **The level of threat of conversion or fragmentation of the working land.**

9) **The soundness of the legal and financial terms of the proposed real estate transaction.**

BLUE MOUNTAIN LAND TRUST

August 5, 2022

Oregon Agricultural Heritage Commission
(submitted via email to April.mack@OWEB.oregon.gov)

Re: OAHP Program and Planned Solicitation

OAHP Commissioners and OWEB program staff:

Blue Mountain Land Trust (BMLT) is a bi-state, nonprofit land trust with a mission to protect the scenic, natural, and working lands that characterize the Blue Mountain region through collaboration with communities and landowners. We provide conservation services to landowners across four counties in Southeastern Washington and seven counties in Eastern Oregon – Baker, Gilliam, Grant, Morrow, Wheeler, Umatilla, and Union. Since our founding in 1999, we have completed 18 conservation easements and 1 fee acquisition, protecting over 23,000 acres of land. We currently have over 21,000 acres of protected land in Oregon across four working lands conservation easements.

BMLT is interested in applying to and encouraging other organizations to apply to the Oregon Agricultural Heritage Program (OAHP) funding to support farm and ranchland preservation. As a potential applicant, we appreciate the opportunity to comment on the draft solicitation materials. We hope these comments and recommendations are helpful as you develop the program and begin grant solicitation.

1. **Align the OAHP grant cycle with the Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program - Agricultural Lands Easements (ACEP-ALE).**

NRCS' ACEP-ALE program, designed specifically to protect farms, ranches, and working forests, is the ideal and likely source of matching funds for grantees and applicants. We encourage the OAHP commission and OWEB staff to schedule the OAHP grant application cycle so project reviews and grant awards align with the ACEP-ALE cycle. By scheduling these two programs to work together, grantees and applicants will be better poised to secure matching federal funds and increase the number of fully funded farmland preservation projects.

Currently, the NRCS ACEP-ALE application cycle occurs in annually in February/March. Applicants must disclose their source of project match at the time

of application. OWEB's current land acquisition grants are due in October, evaluated over the fall and winter, and grants are not awarded until April. This timing, if also employed for OAHP, would not allow OAHP applicants to claim their grant awards as match when applying to the NRCS program. If OAHP can either award funds prior to the NRCS grant cycle or work with the NRCS easement program staff to delay their respective application process until after April, applicants and the landowners they represent will have better knowledge of their project's funding circumstances. In turn, applicants will be better able to schedule project components and complete due diligence tasks.

2. **Provide opportunity for grantee clarification and/or project refinement prior to final submission.**

In complex grant application cycles, opportunities for clarification and project refinement, such as a technical review period prior to final submission, can be invaluable to both applicant and program staff. As a bi-state land trust, BMLT also works with the Washington Wildlife and Recreation Program (WWRP)'s Farmland Preservation program to complete working lands conservation easements in Washington state. The WWRP program requires applicants to submit a pre-application early in the grant process. The pre-application is reviewed and feedback is provided by a team of technical reviewers and the applicant's regional grant manager. The applicant then has several weeks to make corrections, clarifications, provide additional information, and evaluate/change the project before a final submission. This back and forth enables an applicant to understand areas of funder concern and improve the overall project. It also helps the administering agency, the Washington Recreation and Conservation Office (RCO), receive higher quality and more competitive applications for funding. It also "weeds out" projects unlikely to be successful by providing an applicant input on barriers to funding early on.

This year, WWRP pre-applications were due on June 1st, technical review feedback was completed by the second week of July, and final applications were due August 4th. This additional step in the process, while not adding much time overall to the grant cycle, enables both applicant and agency to complete and receive better overall grant applications and projects. We encourage OAHP to consider a similar feedback process between applicant and program staff.

3. **Ensure OAHP's easement terms and project component requirements do not conflict with NRCS-ACEP ALE terms and project components.**

As previously mentioned, ACEP-ALE is the likely source of match for OAHP conservation easement projects. Therefore, it is critical that project components such as appraisal standards, appraisal shelf life, baseline documentation requirements, and most importantly, conservation easement minimum deed terms, do not conflict between programs. Conflicts will cause additional cost, time and burden on applicants and landowners.

4. **Consider removing the community engagement requirement for conservation easement and covenant projects.**

BMLT is concerned about OAHP's requirement to engage the public in a private landowner's decision to protect their property. Conservation easements and covenants are voluntary and individualized agreements that affect a landowner's private assets and family. Landowners engage in these transactions for a host of private and personal reasons, such as succession planning for their family, to receive the tax and financial benefits of an easement, or to protect resources they have stewarded for decades. Requiring the involvement of neighbors and others in the community, who are not privy to these personal and private reasons or financial circumstances, into a landowner's negotiations of their retained and restricted private property rights can, and likely will, prevent landowners from pursuing this program. This requirement may cause landowners to turn away from the program, for fear of community judgment of their decisions, uninvited feedback on their personal choices, and the publicity around their projects.

Thank you, OAHP commissioners and OWEB program staff, for reviewing our comments and recommendations. BMLT is excited about Oregon's investments into working lands conservation and recognition of their critical value in our landscape and economy. Over the last several years, we have heard from increasing numbers of agricultural landowners and operators about the need and desire for permanent land protection on working lands in Eastern Oregon. We look forward to working with you and participating in this program to further protection of our state's incredible agricultural assets.

Thank you,

Amanda "Marti" Martino
Interim Executive Director
Blue Mountain Land Trust
marti@bmlt.org
(509) 525-3136

OREGON AGRICULTURAL TRUST

August 5, 2022

Oregon Agricultural Heritage Commission

(submitted via email to april.mack@OWEB.oregon.gov)

Re: OAHP Program and Planned Solicitation

To Oregon Agricultural Heritage Commission Commissioners and OWEB OAHP staff:

Thank you for the opportunity to comment on the draft Oregon Agricultural Heritage Program (OAHP) solicitation for Conservation Management Plans and easements/covenants. We submit these comments on behalf of Oregon Agricultural Trust (OAT) - a nonprofit organization that partners with farmers and ranchers to protect agricultural lands for the benefit of Oregon's economy, communities, and landscapes. OAT works with agricultural producers throughout the state to preserve their farms and ranches, leveraging public funds and private contributions to acquire permanent working lands conservation easements that prevent conversion to uses incompatible with agriculture. We also partner with other conservation and agricultural organizations to collectively increase the pace and scale of ag. land protection in Oregon. Because of our interest in applying to - and encouraging partners to apply to - OAHP for funding to support our conservation easement acquisitions, we respectfully make the following comments and recommendations as you develop a robust and successful inaugural grant solicitation.

General Comments

1. **In order to fully leverage NRCS ACEP-ALE match funds, OAHP should accommodate a rolling conservation easement project list and/or grant agreements that allow for extensions.**

The primary funding for agricultural conservation easements in Oregon is the USDA NRCS Agricultural Conservation Easement Program - Agricultural Land Easement (ACEP-ALE). NRCS Oregon was awarded $6,765,000 in ACEP-ALE funding for 2022. It is critical that OAHP applicants are able to leverage ACEP-ALE funds to secure full funding for conservation easement purchases. However, ACEP-ALE can take several years to approve and disperse funding for a project depending on the backlog of projects and NRCS staff capacity, so it is necessary that OAHP take that into consideration in creating its own timeline. This can mean having a rolling grant cycle throughout the year or multiple cycles in the same year. Additionally, allowing for sufficient extensions of funding agreements can help to ensure that promising projects are not timed out due to unanticipated delays with ACEP-ALE timelines. For example, Washington's RCO WWRP-Farmland Preservation program utilizes project agreements with an initial term of 4 years that can be extended for an additional 4 years term in order to accommodate ACEP-ALE's timeline.

2. **Establish clear project criteria and a multi-phase application process that invites preliminary project information and allows for project refinement before final submission.**

There are a number of ways the program can be tailored for the initial solicitation to ensure projects that are a good fit for OAHP successfully receive funding. First, clear project selection and scoring criteria is essential to ensuring applications are aligned with OAHP goals. Second, a multi-phase application that is more succinct at the beginning - a check list or a brief project proposal- can make the program more accessible. It also allows for early feedback from OAHP program staff to identify strong projects that progress to full submission, while putting proponents of weaker or less developed projects on notice that they should refine or re-scope the project before submitting a final application. For example, California's Sustainable Agricultural Land Conservation program employs a multi-step application process. There is a pre-application checklist to help prospective applicants understand what is required in the process, followed by an initial screening pre-proposal, and then an application. This schedule allows the state to review a project early for eligibility to determine if it is a good fit early in the process and to identify potential problems. It also gives the applicant the ability to address any concerns or issues that could stop a project from being funded.

3. **Enable buy-protect-sell transactions, as they are a key tool for increasing access to agricultural lands for next-generation farmers.**

The buy-protect-sell model of agricultural land protection can be a powerful tool for protecting working lands and making them economically viable for next-generation farmers. However, existing public funding programs can act as a hindrance to this technique by limiting the definition of eligible lands or putting undue financial burden on the land trust project manager. For example, in Washington's RCO WWRP-Farmland Preservation program, an entity that is eligible to apply for a grant cannot be an owner at the time of application. This limits the creative options of land trusts and conservation districts to protect high priority agricultural land and facilitate the transfer to a next-generation producer. We were heartened to read in the Commission's May 23, 2018 minutes that: "The commission wanted to allow applicants who have bought land to be eligible to sell the property with a covenant or easement to be eligible [sic] OAHP funding for the price difference of the easement that they retain. They did not think that the rules needed to specify that this was permissible, and that the rules should not preclude this type of transaction." We do not perceive existing statutes or rules to prohibit such transactions, and we believe OAHP should allow buy-protect-sell transactions in its project implementation.

4. **Ensure program rules, regulations and procedures all work together for the mission of the program. Recognize multiple benefits, but prioritize core purposes.**

Most importantly, OAHP should remain true to the purpose of the program - conserving agricultural land for agriculture. This could mean adding to the easement template or deed terms affirmative language requiring the land to be consistently used (or available) for agriculture. Consider how this and other aspects of the easement

will be enforced, with annual monitoring or self-reporting or a combination of the two. When creating the criteria for project approval, focus on the long-term conservation value of the project - the location of the farm and its future value for agriculture - not just on the current landowner or current agricultural practices.

5. **Develop required easement terms but provide the option for land trusts to use their own easement templates so long as they demonstrate that OAHP requirements are met.**

OAT recently reviewed four other state-level purchase-of-agricultural-conservation-easement (PACE) programs. We reviewed programs in Washington, California, Pennsylvania, and Colorado. Each state program does have a model or template conservation easement that is provided to land trust applicants. Land trust applicants are encouraged but not required to use these templates. They are permitted to use their in-house template, or templates provided by another funder. However, the burden is on the land trust to demonstrate that the template they choose meets the requirements of the grant program's model or template conservation easement. OAHP should provide applicants with required language that can be inserted into the applicant's preferred template easement. Agricultural easements can vary significantly based on production type, size, location and flexibility/adaptability to changing agricultural practices and conditions. By providing required easement terms and allowing them to be incorporated into easements that best suit the project, OAHP will be able to efficiently meet its programmatic goals while also supporting easements that are tailored to diverse agricultural operations statewide.

6. **Ensure OAHP's required easement terms do not conflict with NRCS-ACEP ALE easement terms.**

ACEP-ALE is the most likely program for land trust applicants to seek match funding for OAHP projects. It is critical that OAHP easement terms do not conflict with ACEP-ALE minimum deed terms.

7. **Right of assignment to a new land trust is a reasonable third-party remedy to lack of monitoring and enforcement by land trust grant recipients.**

Granting agencies take a variety of approaches to third-party enforcement rights and obligations. Many retain third party right of enforcement, but none goes so far as to make annual monitoring inspections (absent cause for concern) or hold a second easement over the property. For example, Great Outdoors Colorado utilizes a right of assignment - an adaptable approach that gives it the authority to assign an easement that is going unenforced or unmonitored to a higher capacity land trust. This approach protects the agency from the cost of conservation easement enforcement and ensures that no easements will be neglected by inactive land trusts.

8. **Do not require Agricultural Management Plans or Conservation Management Plans for conservation easement projects as a general practice.**

The cost and time associated with agricultural management plans and conservation plans can be a burden on the land trust applicant and their landowner requirements and payment terms are often better suited for a stewardship grant than a real estate contract i.e. an easement. They should only be included in a project if the applicant is requesting funding from OAHP to support the creation of the plan. The existence of other plans or documentation supporting responsible farm management should be taken into account in the evaluation of all project applications.

Specific Comments: OAHP Conservation Management Plan (CMP) Application Template

1. **Property monitoring information, such as Monitoring Reports, should be limited to ensure that proprietary or sensitive landowner information is not publicly available.**

The CMP application template includes two statements for Landowner Contact Certification. The first option includes the statement "I have advised all of them that all monitoring information obtained on their property is public record." For landowner privacy, it is critical that monitoring information is not a comprehensive description of a business operation or other proprietary information. We suggest OAHP develop simple monitoring report templates that allow the creator of the report to document whether or not conservation goals are being met and what additional actions will be taken to amend the CMP or bring landowner into compliance. Landowners should also be permitted to review and approve Monitoring Reports, and object to the inclusion of proprietary or sensitive information in these public documents.

2. **Develop a list of CMP activities that trigger communications with neighbors instead of implicitly requiring a communication plan for all CMP activity implementation.**

In the Project Management section of the application template, the applicant is asked to "Describe the plan for communicating with neighboring owners and operators once a CMP is ready to be implemented, including how to mitigate for impacts." It is important to understand and respect that not every activity undertaken under a CMP will impact neighboring properties. The intention of this requirement - that landowners and CMP holders are proactively addressing challenges related to neighboring impacts - should be limited to those impact-generating activities. For example, it is unlikely that riparian planting or cover cropping will rise to the level of requiring neighbor consultation. These activities should not require a communication plan. OWEB may choose to create a list of activities that have no or de minimus impact on neighboring properties to provide clarity in meeting this requirement.

Specific Comments: OAHP Conservation Easements and Covenants Application Template

1. **Property monitoring information, such as Monitoring Reports, should be limited to ensure that proprietary or sensitive landowner information is not publicly available.**

Similarly to OAT's comment on the CMP application template above, we suggest OAHP develop simple monitoring report templates that allow the creator of the report to document whether or not conservation easement or covenant terms are being met. Landowners should also be permitted to review and approve Monitoring Reports, and object to the inclusion of proprietary or sensitive information

2. **Land Trust Alliance Accreditation is a moderate indicator of sufficient organizational capacity to hold and stewardship conservation easements and should not be a requirement for application.**

The purpose of Land Trust Alliance Accreditation is to ensure that land trusts comply with IRS requirements necessary for a landowner to claim a charitable conservation contribution Federal income tax deduction. This standard is expensive to meet and applications are accepted in a lottery format and may result in years of backlogged applications. The barriers to entry and purpose of the standard makes it an awkward evaluation criteria for an OAHP easement. We suggest removing this from the application.

3. **Community engagement is not an appropriate requirement for conservation easement and covenant projects.**

Conservation easements and covenants have public benefit but are voluntary, individually negotiated transactions on private land. They typically do not rise to the level of public impact to require community engagement. In addition, this requirement will invite interference in the negotiation of conservation easement terms, resulting in a chill on transactions and distrust between landowners and OAHP.

Specific Comments: CMP and Covenants and Easements Evaluation Criteria

1. **Provide weighted percentages or relative points for each criteria.**

By providing weighted percentages or relative points for each evaluation criterion, OAHP staff can communicate to applicants the importance of each criterion, making them better informed on the goals of the program and directing them on how to direct their time and efforts in preparing a competitive application.

Thank you for considering our comments and recommendations. We look forward to working with you to build a robust grant program and advance the protection of Oregon's valuable agricultural lands.

Sincerely,

Nellie McAdams
OAT Executive Director
nellie@oregonagtrust.org
503.272.1720

Oregon Agricultural Heritage Commission

Meeting Minutes: April 19, 2022

The April 19 commission meeting was held virtually.

Commissioners attending: Ken Bailey, Bruce Taylor, Doug Krahmer, Lois Loop, Nancy Duhncrack, Woody Wolfe, Nathan Jackson, Barbara Boyer

Staff attending: Lisa Charpilloz Hanson, Liz Redon, Max Chabra, Taylor Larson, Eric Williams

Public attendees: Stan Dean, Kelley Beamer, Nellie McAdams, Heather Medina, Greg Green

A. Welcome and Introductions, and Commissioner Updates

Chair Doug Krahmer welcomed the commission and public at 1:02 pm. Commissioners introduced themselves.

B. Review and Approval of Minutes

The minutes of the May 19, 2020 meeting were approved. Motion by Ken, second by Ken Bruce. Approved unanimously.

C. Public Comment

Stan Dean, OACD, remains supportive of program. In future funding, requesting funding for implementation of carbon sequestration practices. Supports an OWEB 2023-25 budget request of $10 million, which could include payment for practices.

Kelley Beamer, Executive Director of Coalition of Oregon Land Trusts expressed enthusiasm for the program as part of the initial funding coalition and summarized the history of the program. She noted that demand has never been greater for conservation easements. NRCS submitted $8 million in requests for ACEP/ALE this year.

D. Spending Plan for 2022 Appropriation

The commission discussed the spending plan options presented by staff in Attachment D. Commissioners were most comfortable with option 1 and proposed reducing the Conservation Management Planning Investment to $150,000 and increasing the Conservation Easement funding to $4,314,553.

Ken Bailey moved that Option 1 with $150,000 invested in Conservation Management Plan Grants be adopted as part of the proposed spending plan. This motion was seconded by Woody Wolfe. The motion passed unanimously.

Lois Loop moved that a $4,314,533 investment in Conservation Easement Grants be adopted as part of the propped spending plan, Ken Bailey seconded the motion. The motion passed unanimously.

E. Other Business/Next Meeting

The commission would like to see the application forms and guidance once developed. This will take place at an upcoming meeting prior to announcing the solicitation.