



OREGON
WATERSHED
ENHANCEMENT BOARD

**Hybrid Board Meeting
Springfield, Oregon
July 22-24, 2024**



Oregon Watershed Enhancement Board
Meeting Agenda
July 22-24, 2024

Holiday Inn Express Eugene/Springfield

919 Kruse Way
Springfield, OR 97477

The public is welcome to listen to the virtual meeting through the following methods:

- **YouTube Streaming/Recording:** https://www.youtube.com/channel/UC0dl-TOWlt4Sp--i1KEa_OA. There may be a slight delay when streaming the meeting content.
- **Zoom/Phone:**
 - **JUL 22:** <https://us02web.zoom.us/j/88111123771?pwd=ME5TeUt0QWVsTkZ2dGxQL3lnUkpaQT09>
Dial 1 669 900 6833, ID number: 881 1112 3771 and passcode: 131842
 - **JUL 23:** <https://us02web.zoom.us/j/86162032310?pwd=cnUxbjQxbE1MVEg1enAxUnRYNkg2Zz09>
Dial 1 669 900 6833, ID number: 861 6203 2310 and passcode: 211957
 - **JUL 24:** <https://us02web.zoom.us/j/82701318396?pwd=Qzl3VmIvQ2lNcXhPWS83WTZlMVkyQT09>
Dial 1 669 900 6833, ID number: 827 0131 8396 and passcode: 316156

The board materials are available at: <https://www.oregon.gov/oweb/about-us/Pages/board/2024-Jul.aspx>

For each agenda item, the time listed is approximate. Anyone interested in a particular agenda item is encouraged to give ample time and listen in to the meeting at least 30 minutes before the approximate agenda item time.

Public comment

OWEB welcomes written or verbal public comment on any agenda item that is not marked with an asterisk. Agenda items with an asterisk (*) are not open for public comment because they were the subject of a formal public hearing that included a comment period.

All written comments and requests to make verbal comments to the board should be submitted using our online [Public Comment Form](#). The deadline for submitting written comments and requests to make verbal comments is **4:00 pm Thursday, July 18, 2024**.

Written comments will be provided to the board before the meeting.

Verbal comments are limited to up to three minutes and will be heard in the public comment periods (**Agenda Items A, G, K, M, and Q**).

Monday, July 22, 2024

Business Meeting – 2:00 pm

A. [General Public Comment \(2:10 pm\)](#)

This time is reserved for the board to hear general public comments and review the written public comment submitted for the meeting. *Information item.*

B. [Director’s Updates \(2:25 pm\)](#)

Executive Director Sara O’Brien will update the board on agency business. *Information item.*

C. [Spending Plan Rebalance \(3:10 pm\)](#)

Business Operations Manager/Fiscal Officer Miriam Scharer and Restoration Grant Program Manager Eric Williams will seek approval from the board to add funds to the 2023-2025 board spending plan. The additions to the spending plan include funds held in reserve, recaptured grant funds, and Federal Fiscal Year 2024 Pacific Coastal Salmon Recovery Funds. *Action item.*

D. [2025-2027 Agency Request Budget \(3:55 pm\)](#)

Business Operations Manager/Fiscal Officer Miriam Scharer and Senior Policy Coordinator Eric Hartstein will request the board’s approval of policy option packages that will be included in OWEB’s Agency Request Budget for the 2025-2027 biennium. *Action item.*

E. [Co-Chair Election \(4:40 pm\)](#)

OWEB Board Co-Chair Liza Jane McAlister’s term as co-chair ends after the July 2024 board meeting. Board members will vote to elect a new co-chair for a two-year term beginning with the October 2024 meeting. *Action item.*

Informal Reception – 6:00-7:30 pm

The public is invited to join the OWEB Board and staff for a reception.

Campbell Community Center – East Hall

155 High St

Eugene, OR 97401

Tuesday, July 23, 2024

Business Meeting – 8:30 am

F. Board Member Comments (8:35 am)

Board representatives from state and federal agencies will provide updates on issues related to the natural resource agency they represent. This is also an opportunity for public and tribal board members to report on their recent activities and share information and comments on a variety of watershed enhancement and community conservation-related topics. *Information item.*

G. General Public Comment (10:20 am)

This time is reserved for the board to hear general public comments and review the written public comment submitted for the meeting. *Information item.*

H. Review and Approval of Minutes (10:35 am)

The minutes of the April 2024 meeting will be presented for board approval. *Action item.*

I. Stage 0 Funding Request (10:40 am)

Effectiveness Monitoring Coordinator Ken Fetcho and Monitoring and Reporting Manager Courtney Shaff will update the board on the McKenzie Watershed Alliance's ongoing work related to the effectiveness monitoring of the South Fork McKenzie River Stage 0 restoration project and request the board approve funding to support this ongoing work. *Action item.*

J. Acquisitions 101 (10:55 am)

Acquisitions and Special Programs Manager Renee Davis, Land Acquisitions Coordinator Miriam Forney, and Oregon Department of Justice Assistant Attorney General Diane Lloyd, will provide the board an "OWEB 101" presentation on acquisition programs, describe the intent and requirements of grant funding sources, and the decision space of the board in its grantmaking. *Information item.*

K. September 2023 Land Acquisition Grant Offering: Paulina Creek Preserve Application Resubmission (12:45 pm)

NOTE: Verbal public comment specific to this agenda item will be heard at approximately 1:00 pm

Staff Presentation

Land Acquisitions Coordinator Miriam Forney and Acquisitions and Special Programs Manager Renee Davis will present to the board Deschutes Land Trust's resubmission of the Paulina Creek Preserve land acquisition application. *Action item.*

Public Comment

Only comments about this specific item will be accepted during this portion of the meeting. Any written comments about this agenda item must be received by OWEB staff by **July 18, 2024, at 4 p.m.** to be sent to the board before the meeting.

L. Land Acquisition Grant Time Extension Request (2:15 pm)

Land Acquisitions Coordinator Miriam Forney and Acquisitions and Special Programs Manager Renee Davis will update the board on the Trout Creek Meadows land acquisition project and will request the board extend the closing date for this project. *Action item.*

Board Tour – 3:00 pm

The board and OWEB staff will conduct a field tour of conservation efforts on Rattlesnake Butte led by the Confederated Tribes of Grand Ronde. The Tribe has received OWEB grant funding to return fire practices to the site to promote oak habitats and native plants. Anyone is welcome to join the tour. Be prepared to provide your own transportation and for inclement weather. The site has poison oak and rattlesnakes. *Information only.*

Wednesday, July 24, 2024

Business Meeting – 8:30 am

M. General Public Comment (8:35 am)

This time is reserved for the board to hear general public comments and review the written public comment submitted for the meeting. *Information item.*

N. Committee Updates (8:50 am)

Representatives from board committees will provide updates on committee topics to the full board. The board will consider for adoption the board's DEI Resolution. *Action item.*

O. Council Capacity Grant Progress Update and Awards (9:10 am)

Water Acquisition and Capacity Coordinator Brian Wolcott and Monitoring and Reporting Program Manager Courtney Shaff will provide an overview, status update, and staff funding recommendation to be acted on by the board for the mid-biennium Council Capacity grants for the Greater Yamhill Watershed Council and the Umatilla Basin Watershed Council. *Action Item.*

P. Partnership Technical Assistance (TA) Grants Awards (10:10 am)

Partnerships Coordinator Denise Hoffert and Restoration Grants Manager Eric Williams will provide an overview of the 2024 Partnership TA grant offering and funding recommendations to be acted on by the board. *Action Item.*

Q. January 2024 Water Acquisition Grant Awards (10:55 am)

NOTE: Verbal public comment specific to this agenda item will be heard at approximately 11:25 am

Staff Presentation

Water Acquisition and Capacity Coordinator Brian Wolcott and Acquisitions and Special Programs Manager Renee Davis will provide an overview of the January 2024 Water Acquisition grant offering process and present staff recommendations for grant awards. *Action item.*

Public Comment

Only comments about this specific item will be accepted during this portion of the meeting. Any written comments about this agenda item must be received by OWEB staff by **July 18, 2024, at 4 p.m.** to be sent to the board before the meeting.

R. Small Grant Program Rulemaking* (1:20 pm)

Restoration Grants Manager Eric Williams, Small Grant Coordinator Kathy Leopold, and Senior Policy Coordinator Eric Hartstein will provide an overview of proposed revisions to OWEB's Small Grant Program administrative rules (Division 35) and seek board approval of the revised rules. *Action Item.*

S. Drinking Water Source Protection Grant Program Rulemaking* (2:15 pm)

Acquisitions and Special Programs Manager Renee Davis, Drinking Water Source Protection Specialist Audrey Squires, and Senior Policy Coordinator Eric Hartstein will provide an

overview of proposed Drinking Water Source Protection Grant Program administrative rules (Division 48) and seek board approval of the ruleset. *Action Item.*

T. Oregon Agricultural Heritage Program Extensions and Commission Appointment (3:15 pm)

Oregon Agricultural Heritage Program (OAHP) Coordinator Taylor Larson and Acquisitions and Special Programs Manager Renee Davis will provide an overview of the need for timeline extensions for open OAHP Conservation Easement Grants and the appointment of an Oregon State University Extension representative to the Oregon Agricultural Heritage Commission. *Action Item.*

U. Other Business (3:45 pm)

This item is reserved for other matters that may come before the board. *Information and/or Action item.*

Meeting Rules and Procedures

Meeting Procedures

Generally, agenda items will be taken in the order shown. In certain circumstances, the board may elect to take an item out of order. To accommodate the scheduling needs of interested parties and the public, the board may also designate a specific time at which an item will be heard. Any such times are indicated on the agenda.

Topics not listed on the agenda may be introduced during the Board Member Comment period, the Executive Director's Update, the Public Comment period, under Other Business, or at other times during the meeting.

Oregon's Public Meetings Law requires disclosure that board members may meet for meals when OWEB meetings convene.

Voting Rules

The OWEB Board has 18 members. Of these, 11 are voting members and 7 are non-voting advisory members. For purposes of conducting business, OWEB's voting requirements are divided into 2 categories – general business and action on grant awards.

General Business

For general business, a quorum is **6 voting members**. General business requires a majority of **all** voting members to pass a resolution (not just those present), so general business resolutions require affirmative votes of **at least 6 voting members**. Typical resolutions include adopting, amending, or appealing a rule, providing staff direction, etc. These resolutions cannot include a funding decision.

Action on Grant Awards

Per ORS 541.360(4), special requirements apply when OWEB considers action on grant awards. This includes a special **quorum of at least 8 voting members** present to act on grant awards, and affirmative votes of at least six voting members. In addition, regardless of the number of members present, **if 3 or more voting members** object to an award of funds, the proposal will be rejected.

Executive Session

The board may also convene in a confidential executive session where, by law, only press members and OWEB staff may attend. Others will be asked to leave the room during these discussions, which usually deal with current or potential litigation. Before convening such a session, the presiding board member will make a public announcement and explain necessary procedures.

More Information

If you have any questions about this agenda or the Board's procedures, please call Nicole Bettinardi, OWEB Board Liaison, at 503-428-1804 or send an e-mail to Nicole.BETTINARDI@OWEB.oregon.gov. If physical, auditory, language, or other accommodations are needed for this meeting, please contact Nicole Bettinardi as soon as possible, and at least 48 hours before the meeting.

Oregon Watershed Enhancement Board Membership

Voting Members

Barbara Boyer, *Board Co-Chair, Board of Agriculture*
Bruce Buckmaster, *Public*
Elizabeth Agpaoa, *Board of Forestry*
Jamie McLeod-Skinner, *Public*
Kelly Coates, *Public, Tribal Representative*
Lindsay McClary, *Public*
Liza Jane McAlister, *Board Co-Chair, Public*
Mark Labhart, *Fish and Wildlife Commission*
Mark Webb, *Environmental Quality Commission*
Meg Reeves, *Water Resources Commission*
Russ Hoeflich, *Public*

Non-voting Members

Aaron Curtis, *U.S. Bureau of Land Management*
Brian Staab, *U.S. Forest Service*
Chris Allen, *U.S. Fish and Wildlife Service*
Dan Brown, *U.S. Environmental Protection Agency*
Eric Murray, *National Marine Fisheries Service*
Josh Elke, *U.S. Natural Resources Conservation Service*
Stephen Brandt, *Oregon State University Extension Service*

Contact Information

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Sara.E.O'BRIEN@OWEB.oregon.gov

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Nicole.BETTINARDI@OWEB.oregon.gov

2024 Board Meeting Schedule

July 22-24 – Springfield

October 22-23 – Coos Bay

2025 Board Meeting Schedule

January 28-29 – Virtual

April 22-23 – TBD

July 22-23 – TBD

October 28-29 – TBD

For online access to staff reports and other OWEB publications, visit our website:

www.oregon.gov/OWEB.

The Approach We Take

We believe that every endeavor is guided by a set of commitments not just about the “why” and the “what,” but also the “how.” These are the ways we are committed to engaging in our work. This is our approach. These principles modify everything we do.

Our work is characterized by...

Involving stakeholders broadly and in partnership

- Involving the community members at all levels
- Promoting community ownership of watershed health
- Collaborating and authentically communicating
- Bringing together diverse interests
- Building and mobilizing partnerships

Using best available science supported by local knowledge

- Basing approaches on the best available science
- Advancing efficient, science driven operations
- Addressing root sources and causes
- Incorporating local knowledge, experience, and culture
- Catalyzing local energy and investment

Investing collaboratively with long-term outcomes in mind

- Aligning investments with current and potential funding partners
- Maintaining progress into the future
- Stewarding for the long term
- Taking the long view on projects and interventions

Demonstrating impact through meaningful monitoring and evaluation

- Providing evidence of watershed change
- Measuring and communicating community impact
- Increasing appropriate accountability
- Incorporating flexibility, adaptive management – when we see something that’s not working, we do something about it

Reaching and involving underrepresented populations

- Seeking to include the voice and perspectives that are not typically at the table
- Specific, targeted engagement
- Ensuring information is available and accessible to diverse audiences



OWEB Staff Culture Statement

We are dedicated to OWEB’s mission and take great pride that our programs support watershed health and empower local communities. Our work is deeply rewarding and we are passionate about what we do. Our team is nimble, adaptable, and forward-thinking, while remaining grounded in the grassroots history of watershed work in Oregon. With a strong understanding of our past, we are strategic about our future. We believe in working hard while keeping our work environment innovative, productive, and fun. We are collaborative, both with each other and with outside partners and organizations, and place great value in continually improving what we do and how we do it.



The Oregon Watershed Enhancement Board (OWEB) provides grants to help protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies.

Eligible applicants include not-for-profit organizations, Soil and Water Conservation Districts, Tribes, Watershed Councils, political subdivisions of the state that are not state agencies, schools, community colleges, Oregon State institutions of higher education, and independent not-for-profit institutions of higher education. State and federal agencies are not eligible grantees but are often partners on OWEB-funded projects. In addition to those listed below, OWEB may offer grant types based on legislative priorities.



Land Acquisition

Water Acquisition

Projects that acquire interests in water from willing sellers. Acquisitions result in legally or contractually protected instream flow to maintain or restore streamflows for the benefit of watersheds and habitats for native fish or wildlife. Eligible applicants are entities qualified to develop valid water rights transactions and oversee the desired outcomes.



Coho Habitat Restoration

Focused Investment Partnerships (FIPs)

Landscape-scale restoration investments that address board-identified Focused Investment Priorities of significance to the state. Successful FIPs achieve clear and measurable ecological outcomes; use integrated, results-oriented approaches as identified through a strategic action plan; and are implemented by a high-performing partnership. Funding supports partnerships with up to \$12 million over 6 years. Initiatives must support limiting factors outlined in a federal recovery and/or state conservation plan(s). Funds are awarded through project-level grants in restoration, technical assistance, engagement, monitoring, and land and water acquisitions.



Aquatic Habitat for Native Fish (FIP)

Land Acquisition

Projects involving the purchase of interests in land from willing sellers. Projects must maintain or restore watersheds and habitat for native fish or wildlife. Interests in land include fee simple title and conservation easements.

Monitoring

Projects that monitor, gather, analyze, and share watershed data with the public. May describe current watershed conditions, establish trends about watershed conditions, or evaluate specific before-and-after effects of a restoration or acquisition project.

Restoration

Projects that protect or restore watershed functions for instream, riparian, upland, and wetland or estuarine habitat.

Engagement

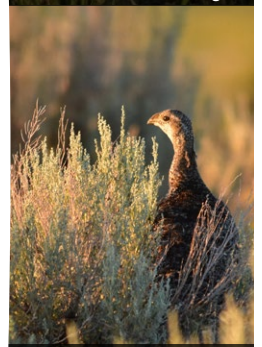
Projects that communicate and engage with landowners, organizations, and the community about the need for, feasibility, and benefits of a specific eligible restoration, acquisition, or resource assessment/planning project(s) within an identified geography. Education projects are not eligible.

Technical Assistance

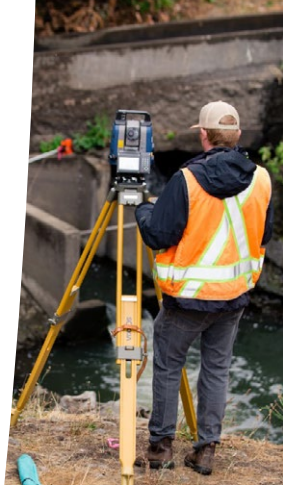
Projects that develop a technical design or implementation plan for restoration, including consideration for compliance with the National Historic Preservation Act.



Seine Net Monitoring



Sage Grouse Conservation Stakeholder Engagement



Fish Passage Technical Assistance

Small Grants

Easy-to-engage-in, competitive grant program. Awards up to \$15,000 for restoration practices principally carried out on private lands.

Who may apply*: Watershed Councils, Soil & Water Conservation Districts, or Tribes may apply for a small grant on behalf of any of the following entities: Landowner, not-for-profit institution, private, state, or independent institution of education, or local, state, or federal agency.

Forest Collaboratives

Projects that increase restoration efforts on federal forests statewide by enhancing and strengthening the effectiveness of local collaboratives. This grant program was developed by OWEB and the Oregon Department of Forestry.

Who may apply*: local collaborative groups engaged in forest restoration and/or stewardship on federal forests in Oregon (forests managed by the US Forest Service or Bureau of Land Management). Eligible grantees must have 501(c)3 status or a signed agreement with an eligible fiscal sponsor. This can be a non-profit community-based organization, unit of local government or Tribal government.

Weed Board Grants

(Oregon Department of Agriculture)

On-the-ground projects to control weeds and state-listed noxious weeds. Projects may include survey, outreach, monitoring, or research if required to complete the control portion of the project.

Coastal Wetlands

These federal grant funds are awarded to OWEB to use in local grant investments for restoration partners to acquire, restore, and enhance coastal wetlands. All projects must have long-term protection in place to ensure conservation (such as a termed easement).



Small Grant Restoration



Forest Collaborative



District & Council Outreach

Council Capacity

Grants that help support the operations of effective watershed councils that engage people and communities in their watershed to participate in collaborative, voluntary restoration and protection of native fish or wildlife habitat and natural watershed functions to improve water quality or stream flows.

Who may apply*: Watershed councils that meet OWEB's eligibility criteria (OAR 695-040-0030)

District Capacity

Grants that support Oregon's 45 soil and water conservation districts to work with landowners in their communities to conserve natural resources and lend support to the Oregon Department of Agriculture's Agricultural Water Quality Management Program.

Who may apply*: Oregon's 45 soil and water conservation districts.

Partnership Technical Assistance

Grant investments that help support existing partnerships to create or enhance and existing strategic action plans, to elevate the partnership's current level of performance, and to support partnership capacity.

Conservation Reserve Enhancement Program Technical Assistance (CREP TA)

Grants that help local partners deliver the Conservation Reserve Enhancement Program, a federal-state partnership that restores streamside areas on agricultural lands. CREP TA grants support grantee costs for staffing, travel, outreach, technical planning, and project implementation.

***Note:** some grant offerings have different eligibility requirements described here.



OWEB 2023-2025 GRANT FUNDS SPENDING PLAN

July 2024 Board Meeting

	GRANTS	2023-2025 Spending Plan (Board Approved July 2023)	Total Previous Additions	Proposed Additions July 2024	2023-2025 Spending Plan Total	Awarded to Date	July 2024 Proposed Awards	TOTAL Awards To-Date & Proposed Awards	Anticipated Remaining Spending Plan after Awards
1	Open Solicitation:								
2	Restoration	33,500,000	-	4,000,000	37,500,000	17,960,532		17,960,532	19,539,468
3	Technical Assistance		-						
4	Restoration TA	4,897,000	-	1,903,000	6,800,000	2,823,820		2,823,820	3,976,180
5	CREP TA	1,525,841	-		1,525,841	1,525,841		1,525,841	-
6	Cultural Resources	-	-	1,000,000	1,000,000	-		-	1,000,000
6	Engagement	2,000,000	-		2,000,000	820,928		820,928	1,179,072
7	Monitoring grants	4,500,000	-		4,500,000	2,235,398		2,235,398	2,264,602
8	Land and Water Acquisition	6,500,000	-	2,000,000	8,500,000	-	2,280,584	2,280,584	6,219,416
9	Weed Grants	3,250,000	-		3,250,000	3,250,000		3,250,000	-
10	Small Grants	2,800,000	-		2,800,000	2,800,000		2,800,000	-
10	Quantifying Outputs and Outcomes	1,000,000	-		1,000,000	280,000	25,000	305,000	695,000
11	Tribal Project Development	-	-	1,000,000	1,000,000	-		-	1,000,000
12	TOTAL	59,972,841	-	9,903,000	69,875,841	31,696,519	2,305,584	34,002,103	35,873,738
13	% of Total Core Programs	45.45%			48.24%				
14	% of OWEB Spending Plan total	42.54%			43.33%				
15	Focused Investments:								
16	John Day Partnership	4,000,000	-	-	4,000,000	4,000,000		4,000,000	-
17	Baker Sage Grouse	2,348,000	-	-	2,348,000	2,348,000		2,348,000	-
18	Warner Aquatic Habitat	1,857,000	-	-	1,857,000	1,857,000		1,857,000	-
19	Rogue Forest Rest. Partnership	1,800,000	-	-	1,800,000	1,800,000		1,800,000	-
20	Clackamas Partnership	2,309,000	-	-	2,309,000	2,309,000		2,309,000	-
21	Klamath Siskiyou Oak Network	2,715,000	-	-	2,715,000	2,715,000		2,715,000	-
22	East Cascades Oak & Fire Partnership	2,433,000	-	-	2,433,000	2,433,000		2,433,000	-
23	Siuslaw Coho Partnership	4,000,000	-	-	4,000,000	4,000,000		4,000,000	-
24	Coos Basin Coho Partnership	3,859,000	-	-	3,859,000	3,859,000		3,859,000	-
25	Oregon Central Coast Estuary Collaborative	3,922,000	-	-	3,922,000	3,922,000		3,922,000	-
26	Hood River Basin Partnership	-	2,933,414	-	2,933,414	2,933,414		2,933,414	-
27	Klamath Lake Forest Health Partnership	-	4,000,000	-	4,000,000	4,000,000		4,000,000	-
28	Oregon All Counties CCAA Steering Committee	-	2,004,839	-	2,004,839	2,004,839		2,004,839	-
29	Harney Basin Wetlands Collaborative	-	510,610	-	510,610	510,610		510,610	-
30	New FIP Solicitation	11,000,000	(9,448,863)	-	1,551,137	-		-	1,551,137
31	FI Effectiveness Monitoring	500,000	-	-	500,000	320,000		320,000	180,000
32	TOTAL	40,743,000	-	-	40,743,000	39,011,863	-	39,011,863	1,731,137
33	% of Total Core Programs	30.87%			28.13%				
34	% of OWEB Spending Plan total	28.89%			25.26%				
35	Operating Capacity:								
36	Capacity grants - Watershed Councils (WC)	9,486,708	-	-	9,486,708	9,204,267	149,528	9,353,795	132,913
37	Capacity grants - Soil & Water Conservation Dist (SWCD)	8,307,135	-	-	8,307,135	8,307,135		8,307,135	-
38	Statewide org partnership support	525,000	-	-	525,000	525,000		525,000	-
39	Organizational Collaboration	-	-	-	-	-		-	-
40	Partnership Technical Assistance	1,000,000	-	-	1,000,000	-	672,439	672,439	327,561
41	TOTAL	19,318,843	-	-	19,318,843	18,036,402	821,967	18,858,369	460,474
42	% of Total Core Programs	14.64%			13.34%				
43	% of OWEB Spending Plan total	13.70%			11.98%				
44	Other-Prior Committed Funding:								
45	CREP Costshare	750,000	-	-	750,000	750,000		750,000	-
46	Governor's Priorities	1,000,000	-	-	1,000,000	1,000,000		1,000,000	-
47	Lower Columbia Estuary Partnership	330,000	-	-	330,000	330,000		330,000	-
48	Strategic Implementation Areas	1,500,000	-	-	1,500,000	1,500,000		1,500,000	-
49	Sage Grouse Conservation Partnership	350,000	-	-	350,000	350,000		350,000	-
50	Klamath Post Dam Removal Watershed Restoration/KRRC-Contingency	8,000,000	-	2,947,000	10,947,000	8,000,000	2,947,000	10,947,000	-
51	TOTAL	11,930,000	-	2,947,000	14,877,000	11,930,000	2,947,000	14,877,000	-
52	% of Total Core Programs	9.04%			10.27%				
53	% of OWEB Spending Plan total	8.46%			9.22%				
54	TOTAL Core Programs	131,964,684	-	12,850,000	144,814,684	100,674,784	6,074,551	106,749,335	38,065,349
55	Other Funds:								
56	Water Acquisitions	9,039,958	-	400,000	9,439,958	509,875	449,826	959,701	8,480,257
57	Watershed Natural Climate Solutions (NCS) Fund (From Natural & Working Lands Fund)								
58	Funding for NCS projects in Open Solicitation (OS)	-	1,500,000	-	1,500,000	-		-	1,500,000
59	Funding for NCS projects in OAHP	-	750,000	-	750,000	-		-	750,000
60	Oregon Agricultural Heritage Program (OAHP)	-	4,541,680	261,580	4,803,260	-		-	4,803,260
61	TOTAL	9,039,958	6,791,680	661,580	16,493,218	509,875	449,826	959,701	15,533,517
62	% of OWEB Spending Plan total	6.41%			10.22%				
63	TOTAL OWEB Spending Plan	141,004,642	6,791,680	13,511,580	161,307,902	101,184,659	6,524,377	107,709,036	53,598,866
64	Other Designated Funds/Programs								
65	Or Dept of Fish & Wildlife-PCSRF (Federal Funds)	6,443,988	-	7,540,833	13,984,821	6,443,988	7,540,833	13,984,821	-
66	Or Dept of Forestry-Forest Collaborative (Other Funds)	500,000	-		500,000	500,000		500,000	-
67	Pacific States Marine Fisheries Commission-Intensively Monitored Watersheds (Other Funds)	300,000	-	300,000	600,000	300,000	300,000	600,000	-
68	Bureau of Land Management - Good Neighbor Authority (Federal Funds)		15,000,000		15,000,000	15,000,000		15,000,000	-
69	Natural Resource Conservation Service - Farm Bill Technical Support (Federal Funds)	743,110	-		743,110	743,110		743,110	-
70	PacifiCorp Interim Measure 11 (IM11) (Other Funds)	-	6,433,500		6,433,500	6,433,500		6,433,500	-
71	TOTAL	7,987,098	21,433,500	7,840,833	37,261,431	29,420,598	7,840,833	37,261,431	-
72	OWEB Spending Plan and Other Designated Funds/Programs	148,991,740	28,225,180	21,352,413	198,569,333	130,605,257	14,365,210	144,970,467	53,598,866



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Items A, G, M

Public Comment

Board Meeting July 22-24, 2024

Submitted written public comment will be published in a supplemental document after the board meeting and posted on our website.

<https://www.oregon.gov/oweb/about-us/Pages/board/2024-Jul.aspx>



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Item B

Director's Updates

Board Meeting July 22-24, 2024



This report provides the board with updates on upcoming OWEB rulemaking efforts.

Background

Grant programs at OWEB are guided by administrative rules. Rules cover topics such as project eligibility, application requirements, evaluation criteria, technical review process, and funding decision for OWEB grant programs/types.

OWEB regularly conducts rulemaking to update existing rules and establish rules for new programs. Generally, rulemaking takes 12 months from board initiation to adopting rules. During those 12 months, OWEB staff recruit a Rulemaking Advisory Committee (RAC), develop draft rule language, hold several RAC meetings to discuss rule language, and provide formal public notification to receive comments on draft rules. Recently, the board has authorized the following rulemaking processes:

- **Small Grant Program** (*OAR Chapter 695, Division 35*)
The final draft rules will be considered for adoption at the July board meeting (see agenda item R).
- **Drinking Water Source Protection Grants** (*OAR Chapter 695, Division 48*)
A new grant program. The final draft rules will be considered for adoption at the July board meeting (see agenda item S).
- **Focused Investment Partnership Grants** (*OAR 695, Division 47*)
Rulemaking is in progress.
- **Oregon Agricultural Heritage Program** (*OAR 698, All Divisions*)
Rulemaking is in progress.

Upcoming OWEB Rulemaking Schedule

The following table describes current and future OWEB rulemaking. It does not include rulemaking associated with the new Oregon Environmental Restoration Council established in SB 1561 (2024), but it is assumed that OWEB staff will also be involved in the development of rules for those programs as well.

Administrative Rules	Board Initiate Rulemaking	Board Consideration for Adoption - Proposed
Small Grant Program	July 2023	July 2024
Drinking Water Source Protection Grant Program	July 2023	July 2024
Focused Investment Partnership Grant Program	January 2024	January 2025
Oregon Agricultural Heritage Grant Program	April 2024	January 2025
Engagement Grants and Monitoring Grants*	October 2024	April 2025
Water Acquisition Grants	October 2024	July 2025
Capacity Grants	July 2025	July 2026

* Minor technical changes.

Staff Contact

If you have any questions or need additional information, please feel free to contact

Eric Hartstein, *Senior Policy Coordinator*

eric.hartstein@oweb.oregon.gov or 503-910-6201



This report provides the board with updates on the implementation progress of the 2018-2028 strategic plan.

Background

In June 2018, the board approved a new, ten-year strategic plan. Beginning with the July 2022 board meeting, staff have been providing quarterly reports on how this strategic plan is being implemented in OWEB.

Attached is the latest update of actions related to the strategic plan between April 2024 and July 2024. During this quarter, OWEB has continued the work on the 2024 Strategic Plan refresh. Staff have refined tactics to present a completed Strategic Plan at the October 2024 board meeting.

This quarter, OWEB's collaboration with other agencies and organizations spanned several of the strategic plan priorities. Highlights include:

- OWEB was awarded the largest amount in Pacific Coast Salmon Recovery Funds (PCSRF) in Oregon's history (a total award of \$22,250,000).
- OWEB staff and partners—including the National Oceanic and Atmospheric Association (NOAA), Bureau of Land Management (BLM), US Forest Service, and The Freshwater Trust—toured projects in the Sandy River basin that have benefited from Bipartisan Infrastructure Law through PCSRF, and Office of Habitat Conservation (OHC) funding.
- OWEB leadership continued to forge relationships with several new and developing partners.
- Several OWEB staff attended and participated at the CONNECT+ conference to share and exchange ideas with conservation partners.
- OWEB worked with the Oregon Department of Agriculture (ODA) to recommend four new Strategic Implementation Areas (SIAs). SIAs are watersheds where state and local partners collaborate with farmers and ranchers to address state water quality goals.
- The Oregon Water Data Portal team hosted its second Technology Adoption Program engagement in Oregon and is well-positioned to leverage insights from similar efforts in other states and continue work on the portal to meet the evolving needs of water management in Oregon.

Staff Contact

If you have any questions or need additional information, please feel free to contact

Courtney Shaff, *Monitoring and Reporting Manager*

Courtney.Shaff@oweb.oregon.gov or 971-345-7012

Attachments

- A. OWEB Strategic Plan Report July 2024

OREGON Watershed Enhancement Board



2018-2028 Strategic Plan

Quarterly Report to the Board | July 2024



Mission: To help protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies.



Priority 1

Broad awareness of the relationship between people and watersheds



Representatives from NOAA, OWEB, BLM, USFS, and TFT attended the tour.

Representatives from the National Oceanic and Atmospheric Association (NOAA) joined OWEB, BLM, USFS, and The Freshwater Trust (TFT) to **tour projects in the Sandy River basin.**

Layered funding has provided the Sandy River Basin Partners an opportunity to target specific scales and scopes of habitat restoration for Endangered Species Act (ESA)-listed coho salmon, Chinook salmon, and steelhead in the basin for over 15 years and create community resilience to downstream flooding.

Contributions include:

- Through NOAA Fisheries’ Pacific Coastal Salmon Recovery Fund (PCSRF), OWEB contributed nearly \$400,000 from the Bipartisan Infrastructure Law and \$300,000 in state matching funds to improve habitat conditions on two critical tributaries.
- Approximately \$1 million the Office of Habitat Conservation’s (OHC) Restoration Center awarded to TFT through the Community-based Restoration Program in 2020.



Investments have improved habitat conditions on two critical tributaries.



Priority 2

Leaders at all levels of watershed work reflect the diversity of Oregonians



The City of Portland provides free trainings and workshops for communication, mediation, and facilitation training. Credit: City of Portland.gov

OWEB leadership and staff attended a workshop “Constructing Civic Dialogues.” The **workshop focused on how to empower leaders to foster a psychologically safe environment** so that staff can be empowered to do their best work, be genuine and authentic, and to problem solve, speak up, and innovate.

OWEB’s leadership **met with several new, and developing partners** in the last quarter, including:

- The Senior program officer in the [Our Resilient Places](#) program area with Meyer Memorial Trust.
- The founder and project director, board members, and volunteers at [Elderberry Wisdom Farm](#), a Native American nonprofit organization located in rural Marion County.
- The Director of the [OSU Center for Small Farms and Community Food Systems](#).
- Policy Director for the [Oregon Hunters Association](#).



OSU Small Farms and Community Food Systems programs provide resources provide education and resources to students and communities.



Priority 3

Community capacity and strategic partnerships achieve healthy watersheds



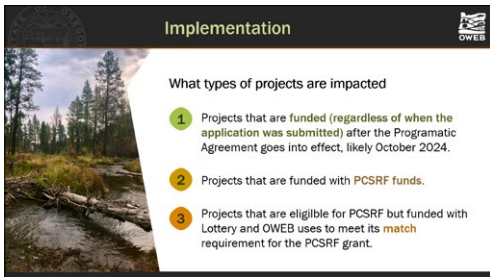
OAHP presentation at Connect +.

Conservation partners and OWEB staff engaged in the Oregon Conservation Education and Assistance Network **CONNECT+ conference**. OCEAN/CONNECT is a place to exchange ideas in Oregon’s conservation issues. Sessions included engagement, upland conservation, water, working lands, weeds, and organizational management.

OWEB staff prepared and presented at several sessions, including:

- Oregon Agricultural Heritage Program
- Water Acquisitions Grant Program
- National Historic Preservation Act
- OWEB’s Online Grant Management System

OWEB continues to **prepare for new, pending requirements under the National Historic Preservation Act (NHPA)**. Meetings were held with the Confederated Tribes of the Umatilla Indian reservation to discuss the implementation of NHPA requirements. OWEB also met with several federal agencies (BPA, USFS, USFWS, BLM) to discuss implementation.



Slide from NHPA presentation.



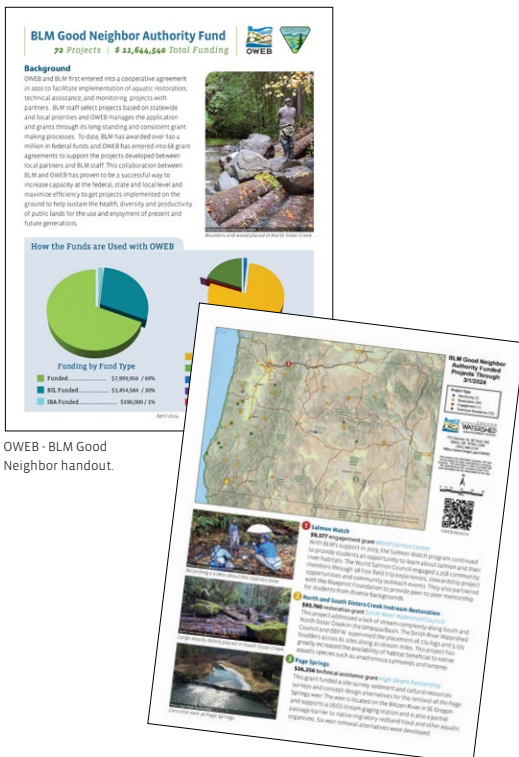
Priority 4

Watershed organizations have access to a diverse and stable funding portfolio

OWEB staff **presented on SB 1561 (Monsanto Settlement Agreement)** to an audience at the ODFW Conservation Open House. When up and running, funding will be made available to organizations looking to implement restoration projects consistent with the terms of the settlement agreement.

Staff attended the **2024 BLM Oregon and Washington Aquatics Program Training** in Klamath Falls to provide information about OWEB’s grant-making process, project development guidance, grant agreement conditions and quantifying conservation outcomes for the BLM Good Neighbor Authority grant program.

Staff provided a [handout](#) highlighting projects, how funds are used & projects funded to date, the history of the agreement and a map of project locations to date. The handout was well received, BLM requested additional trainings, and noted the importance of partnering with OWEB to be able to get funding on the ground throughout Oregon.



OWEB - BLM Good Neighbor handout.



Priority 5

The value of working lands is fully integrated into watershed health



Map of monitoring stations in the combined Sprague SIA.

OWEB continues to work with the Oregon Department of Agriculture (ODA) to provide Strategic Implementation Area (SIA) grants. SIAs are watersheds where several state agencies collaborate with local partners to address agricultural water quality improvement opportunities..

- In May, **OWEB and other natural resources agencies reviewed and recommended funding for four new SIAs.**
- In June, OWEB convened a technical review team for SIA monitoring proposals. The proposals meet important local data needs and are developed in collaboration with the DEQ and ODFW.
- Additionally, OWEB worked with ODA to fund several pilot Restoration grants for on-the-ground projects identified by past SIA activities.



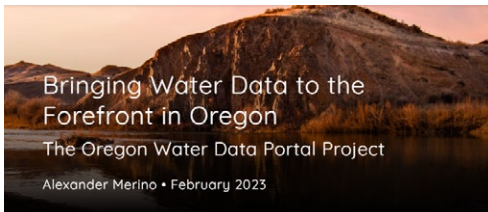
Rulemaking for the Oregon Agricultural Heritage Program (OAHP) was authorized at the April board meeting and is now underway. [OAHP Rulemaking Advisory Committee](#) members are Oregon Agricultural Heritage Commissioners who will assist OWEB in updating administrative rules that define program administration requirements.

[OAHP Rules on Oregon Secretary of State webpage.](#)



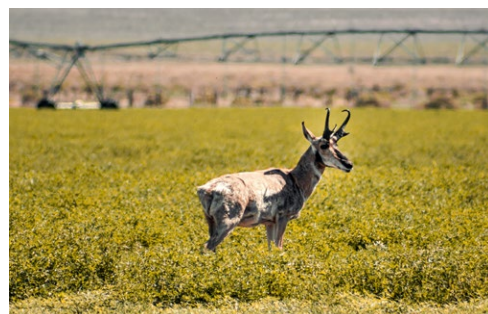
Priority 6

Coordinated monitoring and shared learning to advance watershed restoration effectiveness



A [PDF of the Oregon Water Data Portal Project](#) may be found on the Internet of Water Coalition website.

In April 2024, the [Internet of Water \(IoW\)](#) hosted its second Technology Adoption Program (TAP) engagement in Oregon, aimed at advancing the Oregon Water Data Portal (OWDP). TAP is an initiative designed to **establish a unified access point for all public water and infrastructure data in Oregon.** TAP is a participatory process to assist public agencies in modernizing how water data is managed, shared, and deployed.



Pronghorn at Trout Creek Meadows.

Monitoring Land Acquisition projects began in Spring 2024. Project areas include the Willamette Valley, Southern Oregon, Central Oregon, and Eastern Oregon. Over the next three years, expert contractors will coordinate with grantees to ensure compliance with conservation easements and assess how well each property is performing on the intended outcomes described in their grant applications.



Priority 7

Bold and innovative actions to achieve health in Oregon's watersheds



The [Walla Walla Basin Watershed Council's](#) Lamson Habitat Side Channel Entrance Construction Project converted a dry side channel to perennial flow.

OWEB led the application development process for [Pacific Coast Salmon Recovery Funding](#), receiving a total award of **\$22,250,000**, the largest award in the history of Oregon's participation in the program.



Klamath Siskiyou Oak Network site visit, 2022.

OWEB staff and members of the Bonneville Environmental Foundation Team that assist in the development and effectiveness of the **Focused Investment Partnership (FIP) program met to discuss key elements** of FIP, and how the [upcoming rulemaking](#) and review of the board-identified priorities will shape the direction of the program.



accomplishments
 highlighted in quarterly update

October
 January
 April
 July

Strategies Chart April-July 2024

1 Broad awareness of the relationship between people and watersheds

- 1.1 Develop and implement broad awareness campaigns and highlight personal stories to tell the economic, restoration, and community successes of watershed investments.
- 1.2 Increase involvement of non-traditional partners in strategic watershed approaches.

2 Leaders at all levels of watershed work reflect the diversity of Oregonians

- 2.1 Listen, learn and gather information about diverse populations.
- 2.2 Create new opportunities to expand the conservation table.
- 2.3 Develop funding strategies with a lens toward diversity, equity and inclusion (DEI)

3 Community capacity and strategic partnerships achieve healthy watersheds

- 3.1 Evaluate and identify lessons learned from OWEB's past capacity funding.
- 3.2 Champion best approaches to build organizational, community and partnership capacity.
- 3.3 Accelerate state/federal agency participation in partnerships.

4 Watershed organizations have access to a diverse and stable funding portfolio

- 4.1 Increase coordination of public restoration investments and develop funding vision.
- 4.2 Align common investment areas with private foundations.
- 4.3 Explore creative funding opportunities and partnerships with the private sector.
- 4.4 Partner to design strategies for complex conservation issues that can only be solved by seeking new and creative funding sources.

5 The value of working lands is fully integrated into watershed health

- 5.1 Implement the Oregon Agricultural Heritage Program.
- 5.2 Strengthen engagement with a broad base of working landowners.
- 5.3 Enhance the work of partners to increase working lands projects on farm, ranch and forestlands.
- 5.4 Support technical assistance to work with owners/managers of working lands.
- 5.5 Develop engagement strategies for owners and managers of working lands who may not currently work with local organizations.

6 Coordinated monitoring and shared learning to advance watershed restoration effectiveness

- 6.1 Broadly communicate restoration outcomes and impacts.
- 6.2 Invest in monitoring over the long term.
- 6.3 Develop guidance and technical support for monitoring.
- 6.4 Increase communication between and among scientists and practitioners.
- 6.5 Define monitoring priorities.
- 6.6 Develop and promote a monitoring framework.

7 Bold and innovative actions to achieve health in Oregon's watersheds

- 7.1 Invest in landscape restoration over the long term.
- 7.2 Develop investment approaches in conservation that support healthy communities and strong economics.
- 7.3 Foster experimentation that aligns with OWEB's mission.



July 22-24, 2024, OWEB Board Meeting

Executive Director Update B-4: Klamath River Post-Dam Removal Watershed Restoration Update

This report provides the board with an update on the status of OWEB's investment in Klamath River Post-Dam Removal Watershed Restoration costs associated with work by the Klamath River Renewal Corporation (KRRC).

Background

PacifiCorp previously owned four hydroelectric dams on the Klamath River, three in California and one in Oregon (J.C. Boyle dam). PacifiCorp and the Oregon Public Utilities Commission determined that it is in the best interest of the company and its customers to stop operating the dams rather than spending substantial amounts of money on improvements needed to continue generating power. KRRC is a private, independent nonprofit organization formed by signatories of the amended Klamath Hydroelectric Settlement Agreement (KHSAs). Signatories of the amended KHSAs – including the States of Oregon and California, local governments, Tribal nations, PacifiCorp, irrigators, and several conservation and fishing groups – appointed KRRC to take ownership and oversee the removal of the four Klamath River dams. Funding was committed in the amount of \$450 million for removal and watershed restoration.

As KRRC removes the dams, former reservoir areas are exposed and require restoration and stabilization of bare sediment deposits for long-term water quality, ecological benefits, and restoration of natural river functions and processes. Additionally, restoration work will be needed at upland sites - where dredged material generated by regrading slopes will be deposited – and at the mouths of creeks entering the former reservoir pools. KRRC submitted a Reservoir Area Management Plan to the Federal Energy Regulatory Commission, the responsible entity for principal federal regulatory review of the project. The Reservoir Area Management Plan describes measures for restoration, monitoring, and adaptive management of the former reservoir areas and high-priority tributaries, including actions specifically planned for the former reservoir area upstream of J.C. Boyle dam.

During the Federal Energy Regulatory Commission review, a question was raised about whether existing contingencies provide a high enough level of certainty that the work will be completed on time and within budget. In response to this concern, the states and PacifiCorp agreed to provide up to \$45 million in additional financial support for the project, divided equally among the three entities. On October 26, 2022, the OWEB Board committed \$15 million over a period of 3-5 years for Klamath River post-dam removal watershed restoration costs incurred by KRRC.

Multiple funding sources administered by OWEB are being utilized for this commitment. The initial grant award, made and delegated by the board in October 2022, was \$4.053 million. An additional \$8 million was committed and delegated by the board in the 2023-2025 spending plan at the July 2023 board meeting. The remaining \$2.947 million is being allocated as part of the OWEB 2023-2025 spending plan rebalance occurring at the July 2024 board meeting (see Agenda Item C).

In late 2022, OWEB and KRRC finalized a partnership agreement that affirms the intent of OWEB's investment in Klamath River post-dam removal watershed restoration and describes the framework, scope, tasks, and timeline for the overarching \$15 million in funding. OWEB created a KRRC-specific grant offering that includes a project-level grant application and associated guidance documents for use by KRRC to propose specific activities that would utilize the OWEB's post-dam removal watershed restoration funding. Grant applications submitted by KRRC will mirror the

restoration actions for the J.C. Boyle area as outlined in the Reservoir Area Management Plan and will adhere to minor additional requirements included in the Federal Energy Regulatory Commission's final order.

Status Update

KRRC, working with RES (KRRC's restoration contractor), submitted a grant application to OWEB on May 30, 2024. A technical review team (TRT) was formed to review the grant application. The TRT, along with OWEB staff, attended a site visit of the project on June 13, 2024. Written comments from the TRT will be submitted to OWEB by July 19, 2024, following which OWEB staff will compile an evaluation and funding recommendation to the OWEB Executive Director for this delegated award. OWEB anticipates an executed grant agreement on or before August 30, 2024. OWEB and KRRC staff are in regular communication about the grant application review process and anticipated executed grant agreement.

Recent progress related to the broader Klamath dam removal project:

- Dam removal deconstruction and initial restoration activities continue on schedule.
- Kiewit, KRRC's construction contractor, began removal of Copco No. 1 Dam in March and embankment removal at J.C. Boyle and Iron Gate Dams in May. Dam removal is expected to be complete by October.
- In addition, Kiewit began work at the J.C. Boyle scour hole in May and expects to fill and stabilize the scour hole by the end of the summer. Kiewit also expects to complete demolition, backfill, and rehabilitation of the former J.C. Boyle power canal by the end of summer. This work is key for the overall restoration of the J.C. Boyle site.
- RES completed initial restoration work following reservoir drawdown and is beginning to prepare for additional restoration work as dam removal continues. As of the end of May, RES and its subcontractors have aerial- and hand-seeded over 8,500 pounds of seeds and planted over 7,500 plants at J.C. Boyle, covering over 230 acres. RES also continues to complete invasive exotic vegetation (IEV) surveys and biological monitoring.
- KRRC continues to work closely with local communities to support ongoing access to accurate and updated information about project impacts.

Quarterly reports will be provided to the board at each meeting.

Staff Contact

If you have any questions or need additional information, please feel free to contact **Renee Davis**, *Acquisitions and Special Programs Manager* renee.davis@oweb.oregon.gov or 971-345-7231.



OREGON
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Agenda Item C

Spending Plan Rebalance

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



OREGON
WATERSHED
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775 Summer Street NE, Suite 360
Salem OR 97301-1290
www.oregon.gov/oweb
(503) 986-0178

Agenda Item C supports OWEB's all Strategic Plan priorities.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Miriam Scharer, *Business Operations Manager/Fiscal Officer*
Eric Williams, *Restoration Grants Manager*
SUBJECT: Agenda Item C – Spending Plan Rebalance
July 22-24, 2024, Board Meeting

I. Introduction

At the July 2024 board meeting, staff will seek approval to add funds to the 2023-2025 board spending plan. The additions to the spending plan include funds held in reserve, recaptured grant funds, and Federal Fiscal Year (FFY) 2024 Pacific Coastal Salmon Recovery Funds (PCSRF).

II. Background

After the Oregon Legislature approves OWEB's budget each biennium, the board considers and approves a spending plan for the distribution of grant funding. The board spending plan guides the agency's grant investments for the biennium. Available funding for the board to distribute includes Measure 76 Lottery, federal, legislatively appropriated, and salmon license plate revenues, with the bulk from Measure 76 and federal PCSRF.

At its July 2023 meeting, the board adopted the 2023-2025 spending plan totaling \$151.174 million. The board amended the spending plan at its October 2023, January 2024, and April 2024 meetings to reflect PacificCorp funds for Klamath Basin water quality grants, additional Bureau of Land Management Good Neighbor Funds, and additional legislatively appropriated funds to OWEB for Natural and Working Lands grant programs and the Oregon Agricultural Heritage Program (OAHF) grant program.

Page 12 of the Board eBook shows the approved spending plan, including recommendations for additional funding allocations to the spending plan described below.

III. Recaptured and Reserved Grant Funds

A. Recaptured Grant Funds (Lottery, Salmon Plate and PCSRF funding):

OWEB regularly recaptures funds that have been either returned because a project came in under budget or returned if a project was cancelled. As of June 2024,

recaptured grant funds totaled \$2.518 million in lottery, PCSRF, and Salmon Plate funds combined.

B. Other Recaptured Funds:

The Oregon Agricultural Heritage Program has a total of \$261,580 in funding to add to the spending plan from recapture of \$223,056 from a cancelled grant (223-7102-22523) and an additional amount of \$38,524 unallocated from the 2021-2023 funding appropriation.

The Water Acquisition Program, through the 2021-2023 general fund appropriation, has recaptured funds of \$400,000.

C. Reserved Grant Funds:

In developing the 2023-2025 spending plan, OWEB staff targeted holding in reserve a conservative 7.5% of known and anticipated revenues. In July 2023, for the first year of the spending plan the board approved holding up to \$11.5 million (or 7.53% of available funds) in reserve.

Based on anticipated reductions in federal funding in future biennia and potential increases in project costs due to cultural resource requirements, staff recommend holding an additional \$3.0 million of available funds in reserve to total \$14.5 million (or 9.08%). These funds could be added to the spending plan at a later date based on utilization of available funding.

Funds available to add to the 2023-2025 spending plan are shown in [Table 1](#) below. A summary of funds available and held in reserve is included in **Attachment A**.

IV. Pacific Coastal Salmon Recovery Funding

Since 2000, approximately one-third of OWEB's funding (both for grants and operations) has been provided through the competitive Pacific Coastal Salmon Recovery Fund (PCSRF) grant process, which is offered by National Oceanic and Atmospheric Administration (NOAA) Fisheries. PCSRF has contributed just over \$200 million to Oregon for salmon and steelhead recovery efforts.

Oregon uses PCSRF funding to support watershed restoration and technical design projects and for staffing costs at OWEB and Oregon Department of Fish and Wildlife (ODFW). OWEB distributes PCSRF funds through OWEB grant programs and through an interagency agreement ODFW. PCSRF has significantly enhanced OWEB's expenditures through grants in salmon and steelhead recovery areas around the state.

On an annual basis, OWEB, as the designated grant recipient for the State of Oregon, applies for PCSRF funding. OWEB, on behalf of the State of Oregon, requested \$30 million, the maximum amount of funding possible. This request included a required 33% match, which in the past has come from lottery funding, salmon license plate revenues, and match from ODFW.

NOAA notified Oregon that the award for FFY 24 will be \$15 million in PCSRF base funding and \$7.250 million in Bipartisan Infrastructure Law (BIL) funding; for a total of \$22.250 million, the state's largest award to date. Of that amount, \$13.329 million is

available for grants in the 2023-2025 spending plan, with the remainder invested in support of OWEB staff costs or distributed to ODFW. OWEB anticipates one additional funding cycle with BIL funds before award amounts return to pre-BIL funding levels of \$12-15 million.

Table 1. Funds Available to add to 2023-2025 Spending Plan:

Fund Source	Funds Available
Recapture/unspent (Lottery, Salmon Plate & PCSRF)	\$2,517,996
PCSRF new funds	\$13,329,153
OAHP	\$261,580
Water Acquisition	\$400,000
PCSRF new funds - ODFW	\$7,540,833
PSMFC	\$300,000
Total	\$24,349,562
Less additional funds held in reserve	(\$2,997,149)
Total Funds Available to add to 2023-2025 Spending Plan	\$21,352,413

V. Proposed Changes to the 2023-2025 Spending Plan

Staff reviewed the existing spending plan and total funds available (\$24.35 million) and identified line items where additional funds could support unmet funding needs in OWEB’s existing grant offerings and address strategic plan priorities. Additions are proposed in Open Solicitation programs (\$9.903 million) and KRRC-Klamath Post Dam Removal Restoration (\$2.947 million). Additional funds are added to the Water Acquisition Program (\$400,000) and the Oregon Agricultural Heritage Program (\$261,580) from recaptured funds; ODFW’s PCSRF interagency agreement (\$7.54 million); and Pacific States Marine Fisheries Commission (PSMFC) of up to \$300,000. For a total addition of \$21.352 million. Proposed additions to the 2023-2025 spending plan are shown in Table 2.

Table 2. Allocation of additional funds to grant programs for 2023-2025 Spending Plan

Grant Program	Fund Allocation
Open Solicitation programs	\$9,903,000
Klamath Post Dam Removal (KRRC)	\$2,947,000
Water Acquisition program	\$400,000
Oregon Agricultural Heritage Program	\$261,580
ODFW-PCSRF	\$7,540,833
PSMFC	\$300,000
Total	\$21,352,413

VI. Klamath River Renewal Corporation (KRRC)

The Klamath River Renewal Corporation (KRRC) was formed to take ownership and oversee removal of the four Klamath River dams. As KRRC removes the dams, former reservoir areas are exposed and require restoration and stabilization of bare sediment deposits for long-term water quality, ecological benefits, and restoration of natural river functions and processes. Additionally, restoration work be needed at upland sites – where dredged material generated by regrading slopes will be deposited – and at the mouths of creeks entering the former reservoir pools.

On October 26, 2022, the OWEB Board committed \$15 million over a period of 3-5 years for Klamath River post-dam removal watershed restoration costs incurred by KRRC. Multiple funding sources administered by OWEB are being utilized for this commitment and are shown in Table 3.

Table 3. Funds committed to Klamath River post-dam removal watershed restoration

Initial award 21-23 spending plan	October 2022	\$4.053 million
Addition in 23-25 spending plan	July 2023	\$8.000 million
Proposed addition to 23-25 spending plan	July 2024	\$2.947 million
Total commitment		\$15.000 million

See Director’s Update B-5 for additional information about the status of KRRC’s work on dam removal and post-removal habitat restoration.

VII. Recommendation

Staff recommend that the board adopt the updated 2023-2025 Spending Plan adding \$21,352,413 in available funding. Staff recommend delegating authority to the Executive Director to distribute the additional funds allocated to KRRC, ODFW (PCSRF funds), and Pacific States Marine Fisheries Commission funding in the 2023-25 spending plan through appropriate agreements.

VIII. Attachments

2023-2025 Spending Plan (page 12 of Board Book)

- A. Funds Available and Held in Reserve

Funds Available and Held in Reserve

	2023-2025 Spending Plan (as of April 2024)	Additional Funds Available			Total Funding Available	Total Funds held in reserve
		Additional funding available	Additional Funds held in reserve*	Total Funds Available		
Measure 76 Lottery Funds	\$ 119,311,433	\$ 1,929,703	\$ (2,216,460)	\$ (286,757)	\$ 119,024,676	\$ (11,978,905)
PCSRF Funds	\$ 11,569,156	\$ 13,879,050	\$ (842,435)	\$ 13,036,615	\$ 24,605,771	\$ (2,491,450)
Salmon Plate Funds	\$ 758,254	\$ 38,396	\$ 61,746	\$ 100,142	\$ 858,396	\$ -
NRCS-CREP TA Funds	\$ 325,841		\$ -	\$ -	\$ 325,841	
Other Funds				\$ -	\$ -	
Water Acquisitions	\$ 9,039,958	\$ 400,000	\$ -	\$ 400,000	\$ 9,439,958	
OAHP	\$ 4,541,680	\$ 261,580	\$ -	\$ 261,580	\$ 4,803,260	
NWL-Natural Climate Solutions	\$ 2,250,000	\$ -	\$ -	\$ -	\$ 2,250,000	
PCSRF Funds for ODFW	\$ 6,443,988	\$ 7,540,833	\$ -	\$ 7,540,833	\$ 13,984,821	
ODF Forest Collaborative	\$ 500,000	\$ -	\$ -	\$ -	\$ 500,000	
PSMFC-IMW	\$ 300,000	\$ 300,000	\$ -	\$ 300,000	\$ 600,000	
PacifiCorp IM11	\$ 6,433,500	\$ -	\$ -	\$ -	\$ 6,433,500	
NRCS-Farm Bill	\$ 743,110	\$ -	\$ -	\$ -	\$ 743,110	
BLM-Good Neighbor	\$ 15,000,000	\$ -	\$ -	\$ -	\$ 15,000,000	
Total	\$ 177,216,920	\$ 24,349,562	\$ (2,997,149)	\$ 21,352,413	\$ 198,569,333	\$ (14,470,355)

** OWEB staff target holding in reserve a conservative 7.5% minimum of known and anticipated revenues. The amount held in reserve in the July 2024 spending plan is 9.08%



OREGON
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Agenda Item D

2025-2027 Agency Request

Budget

Board Meeting July 22-24, 2024



Agenda Item D. supports all OWEB's Strategic Plan priorities.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Stephanie Page, *Deputy Director*
Miriam Scharer, *Business Operations Manager/Fiscal Officer*
Eric Hartstein, *Senior Policy Coordinator*
SUBJECT: Agenda Item D – 2025-2027 Agency Request Budget
July 22-24, 2024, Board Meeting

I. Introduction

This report requests the board's approval of policy option packages that will be included in OWEB's Agency Request Budget (ARB) for the 2025-2027 biennium.

II. Budget Preparations for the 2025 Legislative Session

The Oregon Legislature approves budgets for state agencies on a biennial basis. First, each agency submits a requested budget. The Governor then releases a recommended budget, and the Oregon Legislature approves a final budget.

State agencies will submit requested 2025-2027 budgets by August 31, 2024. Agencies must specifically request additions to the base budget and justify the need for each addition. The requested additions to an agency's base budget are called Policy Option Packages (POPs).

OWEB has been engaged with the Governor's Office and the Department of Administrative Services (DAS) since January in developing and refining agency POPs based on the Governor's priorities and latest revenue forecasts. At the April meeting, staff shared the general concepts of OWEB POPs with the board. With further refinement from the Governor's Office and DAS, the final draft POP list is found in Attachment A (which will be provided to the board before the meeting).

III. Budget Proposals for the 2025-2027 Biennium and Next Steps

With board approval of the final POPs, OWEB will submit its ARB narrative to the Governor's Office and DAS by August 31, 2024. The Governor's Office will then develop state budget recommendations in partnership with agencies, known as the Governor's Budget (GB). The GB will be the starting point for agency budget discussions during the 2025 legislative session. During the legislative session, agencies may only advocate for

POPs that are included in the GB. At future meetings, staff will update the board about the progress of the 2025-2027 biennium budget process.

IV. Recommendation

Staff recommend the board approve the Policy Option Packages included in Attachment A of this staff report, for inclusion in OWEB's 2025-2027 Agency Request Budget.

V. Attachments

- A. OWEB 2025 – 2027 Proposed Policy Option Packages - Agency Request Budget (to be sent out with final board meeting documents)

OWEB 2025 – 2027 Proposed Policy Option Packages

Agency Request Budget

Overview

- **OWEB's 2025-27 Overarching Opportunities and Challenges:** OWEB is positioned to enhance customer service, increase communications with Oregonians around water, support climate resiliency, and enhance in-house resources to administer leveraged federal dollars through staffing investments in key programs, including OWEB's acquisition grant programs and the agency's signature landscape-scale grant program. To fulfill these opportunities, OWEB needs stability in staffing for several key programs that are currently staffed with limited duration positions.
- **OWEB's 2025-27 Objectives:** Enhance OWEB's resiliency and ability to provide customer assistance and support. Convert several limited duration (LD) positions to permanent status or continue existing LD positions to support agency stability and capacity. Enhance OWEB's ability to support climate resiliency through strategic investments in key programs.
- *Italicized text represents policy packages related to the Environmental Restoration Council which will oversee the administration of the Environmental Restoration Fund, which were established in SB 1561 (2024). These funds are not under the purview of the OWEB Board but are being included here for information only.*

Policy Option Package #	Policy Packages - GRANTS
200	<p>Grant Program Carryforward - Federal & Other Funds (Standard Grant Program Expenditure Limitation Continuity (Federal & Other Funds))</p> <p>This policy option package will include continuity in expenditure limitations for existing federal programs including PCSRF, BLM, NRCS and other federal programs - Federal Funds.</p> <p>This policy option package will also include continuity in expenditure limitations for existing other funded programs including OAHP, Water Acquisitions, PacifiCorp IM11, Salmon Plate, ODF Forest Collaborative and other funded programs - Other Funds.</p>
201	<p>Grant Program Added Limitations - Other Funds</p> <p>This policy option package includes additional Other Fund limitation to be able to receive and expend grant funds beyond current service level. This POP includes Other Funds limitation for programs under OWEB board oversight <i>as well as new programs that will be under Environmental Restoration Council oversight.</i> Other Funds.</p>
202	<p>Grant Program Added Limitations - Federal Funds</p> <p>This policy option package includes additional Federal Fund limitation to be able to receive and expend grant funds beyond current service level. Federal Funds.</p>

Policy Option Package #	Policy Packages - OPERATIONS
	<p>Agency Staffing Continuity (Lottery, General, Federal, and Other Funds)</p> <p>OWEB will request to <i>continue</i> several existing positions either by converting them to permanent positions or by continuing the limited duration status.</p>
100	<p>Continuity Positions include:</p> <p>Acquisition & Special Programs Manager (1 position). Converting LD to permanent - General Fund and Lottery Funds</p>
105	<p>OAHP staffing (2 LD positions for 12 months) - Other Funds</p>
106	<p>Water Acquisition staffing (2 positions). Converting LD to permanent - Other Funds</p>
107	<p><i>Environmental Restoration Council staffing (2 LD positions) - Other Funds</i></p>

<p>109 110</p>	<p>Cultural resources specialist (1 position). Converting LD to permanent - Federal Funds Federal program specialist (1 LD position) - Federal Funds</p>
<p>104 & 111</p>	<p>Agency Staffing Capacity (Lottery, General, Federal, and Other Funds) OWEB will request several <i>new</i> positions and reclassifications to further develop a sustainable organizational structure:</p> <p>Reclassifications include reclassification of existing staffing to provide software/systems and communications development and enhancements (3 positions impacted). Lottery and Federal Funds</p> <p>New positions include:</p> <p>101 Core Grant Program Staffing Capacity - Partnership coordinator (1 new permanent position) - Lottery Funds</p> <p>102 Land Acquisition Stewardship & Compliance Monitoring (1 new permanent position) - Lottery Funds (self-funded)</p> <p>108 <i>Environmental Restoration Council - additional staffing (3 new positions - permanent accounting technician, LD natural resource specialist and LD information systems specialist). Other Funds.</i></p>
<p>103</p>	<p>Internal Audit & Compliance Services - OWEB will request additional funding to support an Internal Auditor position shared with Water Resources Department as part of our shared services agreement - Lottery funds</p>



OREGON
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ENHANCEMENT BOARD

Agenda Item E

Co-Chair Election

Board Meeting July 22-24, 2024



Background

OWEB's statute requires election of a chair from among the voting board members. The policy of the OWEB board is to implement the statute by electing co-chairs among the voting members ORS 541.900 (3). This procedure follows voting and quorum rules.

At the October 2023 board meeting, the board discussed and adopted guidance to inform this election process.

Board Co-Chairs Election Language

Each co-chair may serve a maximum of 2, 2-year terms. To ensure continuity of board leadership and transfer of information from outgoing, experienced co-chairs, the board co-chairs will serve staggered two-year terms that are offset from each other by 1 year.

The tribal representative is strongly encouraged to serve as a co-chair. No more than one co-chair may be a representative from a state board or commission.

An election for one of the 2-year co-chair terms will take place each July. Staff will remind the board of the upcoming election annually at the April board meeting. If the co-chair whose seat is up for election wishes to pursue re-election, the co-chair who is not up for re-election will conduct the elections process. The co-chair overseeing the elections process will accept nominations from the floor, encouraging any interested voting members to participate.

A newly elected co-chair will begin their co-chair responsibilities at the end of the board meeting when they are elected

Process

The co-chair whose position is not up for election will open the floor for nominations. With each nomination, the board will determine if the nominee is eligible and willing to serve as co-chair. After the nominations are closed and the discussions have ended, the board will then vote for a new co-chair. The newly elected co-chair's term will begin at the start of the next meeting.

Staff Contact

If you have any questions or need additional information, please feel free to contact **Nicole Bettinardi**, Executive Assistant and Board Liaison
Nicole.BETTINARDI@OWEB.oregon.gov or 503-428-1804.



OREGON
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ENHANCEMENT BOARD

Agenda Item H

Approval of April 2024

Meeting Minutes

Board Meeting July 22-24, 2024

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE BOARD

Oregon Watershed Enhancement Board (OWEB)

April 22-24, 2024, Board Meeting

Hybrid Board Meeting

Recording at: <https://www.youtube.com/channel/UC0dl-TOWlt4Sp--i1KEa> OA

OWEB MEMBERS PRESENT

Agpaoa, Elizabeth
 Allen, Chris
 Boyer, Barbara
 Brandt, Stephen
 Brown, Dan
 Buckmaster, Bruce
 Coates, Kelly
 Curtis, Aaron
 Hendershot, Amy
 Labhart, Mark
 Marshall, Gary
 McAlister, Liza Jane
 McClary, Lindsay
 McLeod-Skinner, Jamie
 Reeves, Meg
 Shively, Dan
 Webb, Mark

OWEB STAFF PRESENT

Bettinardi, Nicole
 Charette, Amy
 Ciannella, Greg
 Davis, Renee
 Duzik, Katie
 Forney, Miriam
 Grenbemer, Mark
 Hartstein, Eric
 Hatch, Audrey
 Hoffert, Denise
 Larson, Taylor
 McCarthy, Jillian
 Menton, Coby
 Page, Stephanie
 Repplinger, Linda
 Scharer, Miriam
 Shaff, Courtney
 Williams, Eric

OTHERS

Ayotte, Rika
 Beamer, Kelley
 Bellis, Natasha
 Boisvert, Jennifer
 Chang, Phil
 Couples, Jackie
 Defrees, Dean
 Fitzpatrick, Kate
 Gannon, Chris
 Halferty, Tom
 Hoeflich, Russ
 Hummel, Bruce
 Kendrick, Karsyn
 Kerns, Tim
 Knight, Kris
 Kreiner, Andrea
 Martin, Curtis W
 Martino, Amanda
 Norton, Ben
 Patty, Steve
 Petschauer, Melissa
 Rohner, Whitney
 Roe, Cory
 Runyon, John
 Sappington, Arthur
 Sappington, Lindianne
 Steele, Jesse
 Walz, Kristen

Monday, April 22, 2024

The meeting was called to order at 2:00 p.m. by Barbara Boyer: [Recording](#)

A. General Public Comment (Timestamp = 00:05:44)

This time was reserved for the board to hear general public comments. The written public comments submitted for this meeting can be found on the website [here](#). There were no verbal public comments at this time. *Information item.*

B. Board Member Comments (Timestamp = 00:05:48)

Board representatives from state and federal agencies provided updates on issues related to the natural resource agency they represent. Public and tribal board members also reported on their recent activities, shared information, and commented on various watershed enhancement and community conservation-related topics. *Information item.*

C. Strategic Plan Refresh (Timestamp = 01:36:44)

Restoration Grants Manager Eric Williams, Conservation Outcomes Coordinator Audrey Hatch, and Steve Patty from Dialogues in Action provided an update and facilitated board discussion on the OWEB Strategic Plan refresh currently underway. *Information Item.*

The meeting was adjourned at 5:20 p.m. by co-chair Barbara Boyer.

Tuesday, April 23, 2024

The meeting was called to order at 8:30 a.m. by Liza Jane McAlister: [Recording](#)

D. General Public Comment (Timestamp = 00:00:32)

This time was reserved for the board to hear general public comments and review the written public comment submitted for the meeting. The written public comments submitted for this meeting can be found on the website [here](#). The following people provided verbal comments. *Information item.*

- Kris Knight, Upper Deschutes WC
- Andrea Kreiner, Oregon Association of Conservation Districts and Oregon Conservation Partnership
- Dean Defrees, Baker Valley SWCD board member
- Karsyn Kendrick, Coalition of Oregon Land Trusts

E. Review and Approval of Minutes (Timestamp = 00:28:58)

The minutes of the Jan 23-24, 2024, and Feb 20, 2024, meetings were presented for board approval. *Action item.*

Bruce Buckmaster moved the board approve the meeting minutes as presented. Jamie McLeod-Skinner seconded. Motion passed unanimously (Kelly Coates was absent).

F. Director's Updates (Timestamp = 00:29:30)

Acting Executive Director Stephanie Page and staff updated the board on agency business. Senior Policy Coordinator Eric Hartstein presented a legislative update. *Information item.*

G. Oregon Agricultural Heritage Program and Natural and Working Lands Funding

Acceptance and Authorization to Initiate OAHP Rulemaking (Timestamp = 01:14:20)

Acquisitions and Special Programs Manager Renee Davis and Oregon Agricultural Heritage Program Coordinator Taylor Larson provided an update about the Natural and Working Lands (NWL) funds directed to OWEB by the Oregon Climate Action Commission and legislative funding for the Oregon Agricultural Heritage Program (OAHP) and requested the board approve receipt of both fund sources. Davis and Larson then updated the board on OAHP rules, and requested the board initiate rulemaking.

Motion #1. Meg Reeves moved the board approve receipt of the \$2,250,000 in grant funding from the Watershed Natural Climate Solutions Fund and amend the “Other Funds” section of the 2023-25 Spending Plan to include: \$1,500,000 in funding for natural climate solution projects in OWEB Open Solicitation offerings; and \$750,000 in funding for natural climate solution projects in OAHP, with all funds to be used in accordance with expectations described in this staff report. Jamie McLeod-Skinner seconded. Kelly Coates was absent. Motion passed unanimously.

Motion #2. Jamie McLeod-Skinner moved the board approve receipt of \$4,541,680 in grant funding from the Oregon Agricultural Heritage Fund and amend the “Other Funds” section of the 2023-25 Spending Plan to include this grant funding for the OAHP. Liz Agpaoa seconded. Kelly Coates was absent. Motion passed unanimously.

Motion #3. Meg Reeves moved the board authorize rulemaking for the Oregon Agricultural Heritage Program. Mark Webb seconded. Kelly Coates was absent. Motion passed unanimously.

H. Fall 2023 Open Solicitation Grant Offering Board Awards (Timestamp = 01:45:31)

Restoration Grants Program Manager Eric Williams, North Coast Program Representative Katie Duzik, and Central Oregon Program Representative Greg Ciannella presented on the Fall Open Solicitation grant offering, including highlighting projects from each region. *Action Item.*

Item H Public Comment (timestamp = 02:33:50)

Written public comments available on the on the website [here](#). The following people provided verbal public comments.

- Curtis W Martin, Powder Basin WC board member
- Chris Gannon, Crooked River WC

Lindsay McClary moved the board approve the staff funding recommendations as described in Attachment D to the Fall 2023 Open Solicitation Grant Offering staff report. Gary Marshall seconded. Kelly Coates was absent. Motion passed unanimously.

I. Land Acquisition Grant Awards and Time Extension Request (Timestamp = 04:31:20)

Acquisitions and Special Programs Manager Renee Davis and Acquisitions Coordinator Miriam Forney provided an overview of the September 2023 Land Acquisition grant offering and outlined staff recommendations for a grant award. In addition, the board considered an extension request for OWEB Grant # 221-9903-19500. *Action Item.*

Item I Public Comment (timestamp = 04:45:22)

No written comments were submitted for this item. The following people provided verbal public comments.

- Natasha Bellis, Deschutes Land Trust

Motion #1. Jamie McLeod-Skinner moved the board award funding for the land acquisition grant as specified in Attachment A, with project-specific funding conditions provided to the board before the meeting. Lindsay McClary seconded. Gary Marshall, Liza Jane McAlister, Barbara Boyer, and Liz Agpaoa voted against. Kelly Coates was absent. Motion failed.

Motion #2. Mark Webb moved the board extend the closing deadline to December 27, 2024, for the Siuslaw land acquisition project, Grant No. 221-9903-19500, with all other conditions of the project remaining unchanged. Liz Agpaoa seconded. Kelly Coates was absent. Mark Labhart abstained. All others vote in support. Motion passed.

J. Candidate Conservation Agreements with Assurances (CCAA) Landowner Presentation (Timestamp = 05:34:17)

Senior Policy Coordinator Eric Hartstein introduced Powder Basin Watershed Council Sage-grouse CCAA Coordinator Jennifer Boisvert and local landowners Bruce Hummel and Ben Norton who provided the information on their experiences with Sage-Grouse CCAAs, which are voluntary agreements that provide incentives for landowners to conserve sage-grouse habitat. *Information item.*

The meeting was adjourned at 2:50 p.m. by co-chair Liza Jane McAlister.

Wednesday April 24, 2024

The meeting was called to order at 8:30 a.m. by Barbara Boyer: [Recording](#)

K. General Public Comment (Timestamp = 00:01:34)

This time was reserved for the board to hear general public comments and review the written public comment submitted for the meeting. The written public comments submitted for this meeting can be found on the website [here](#). The following people provided verbal comments. *Information item.*

- Andrea Kreiner, Oregon Association of Conservation Districts
- Whitney Rohner and Tim Kerns, Baker SWCD
- Phil Chang, Deschutes County Commissioner
- Kelley Beamer, former director of Coalition of Oregon Land Trusts
- Kate Fitzpatrick, Deschutes River Conservancy
- Amanda Martino, Blue Mountain Land Trust
- Russ Hoeflich
- Rika Ayotte, Deschutes Land Trust

L. Committee Updates (Timestamp = 00:23:34)

Representatives from board committees provided updates on committee topics to the full board. *Information item.*

M. Focused Investment Partnership (FIP) 2023-2025 Solicitation Grant Awards (Timestamp = 00:36:10)

Restoration Grants Manager Eric Williams, Partnerships Coordinator Denise Hoffert, Partnerships Coordinator Jillian McCarthy, Conservation Outcomes Coordinator Audrey Hatch, and Senior Policy Coordinator Eric Hartstein provided an overview of the 2023-2025 FIP solicitation process and outlined OWEB Grants Committee recommendations for grant awards. *Action Item.*

Meg Reeves moved the board award a total of \$9,448,863 to the top four ranked applications listed in **Attachment B**, and delegate authority to the executive director to award project-level grants to these partnerships for the 2023-2025 biennium with an award date of April 24, 2024. Lindsay McClary seconded. Liz Agpaoa was absent. Motion passed unanimously.

**N. Review of Draft Policy Option Packages for 2025-2027 Agency Request Budget
(Timestamp = 02:27:32)**

Acting Executive Director Stephanie Page, Senior Policy Coordinator Eric Hartstein, and Business Operations Manager/Fiscal Officer Miriam Scharer solicited board feedback on a summary of draft Policy Option Packages for the 2025-2027 Agency Request Budget. *Information Item.*

O. Other Business (Timestamp = 01:33:22)

This item was reserved for other matters that came before the board. The board discussed potential options for future board agenda items related to the land acquisition grant program. *Information Item.*

The meeting was adjourned at 11:28 a.m. by co-chair Liza Jane McAlister.



OREGON
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Agenda Item I

Stage 0 Funding Request

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



OREGON
WATERSHED
ENHANCEMENT BOARD

775 Summer Street NE, Suite 360
Salem OR 97301-1290
www.oregon.gov/oweb
(503) 986-0178

Agenda Item I supports OWEB's Strategic Plan priority #6: Coordinated monitoring and shared learning to advance watershed restoration effectiveness.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Ken Fetcho, *Effectiveness Monitoring Coordinator*
Courtney Shaff, *Monitoring and Reporting Manager*
SUBJECT: Agenda Item I – Stage 0 Effectiveness Monitoring Supplemental Funding Request
[July 22-24, 2024, Board Meeting](#)

I. Introduction

Stage 0 restoration means re-shaping a river or stream channel so that it can spread out into the floodplain at all water levels, including during storm events. These projects can benefit fish, wildlife, and water quality and reduce flooding in downstream communities.

This staff report provides an update on the McKenzie Watershed Alliance ongoing work related to the effectiveness monitoring of the South Fork McKenzie River Stage 0 restoration project and requests the board approve funding to support this ongoing work.

II. Background

In early 2020, OWEB funded a project to monitor the effectiveness of a 200-acre Stage 0 restoration project on the South Fork McKenzie River (SFMR). The resulting Evaluating Ecological and Geomorphic Responses to Stage 0 Restoration Monitoring Project (220-7000-17342) is a study designed to examine the linked physical and ecological responses to the multi-phase largescale floodplain restoration project. The initial phase of the monitoring project was completed in 2022 after an extended delay caused by the 2020 Holiday Farm Fire.

On April 25, 2023, the OWEB Board approved a funding request of \$175,000 to support continued monitoring on the SFMR in 2024 and 2025 while a third phase of habitat restoration is developed. In March 2024, McKenzie Watershed Alliance (MWA) signed the OWEB grant agreement (222-7000-23495) to receive this funding to implement phase two of the Evaluating Ecological and Geomorphic Responses to Stage 0 Restoration Monitoring Project in cooperation with Pacific Northwest Research Station, US Forest Service, Willamette National Forest, Oregon Department of Fish and Wildlife, Oregon State University. The MWA is the fiscal sponsor of the McKenzie Watershed

Council. This project continues monitoring of juvenile Chinook salmon, remote sensing activities, and enhances the management of spatial data.

Following the Board approval in April 2023, OWEB staff has continued to work with the watershed council and partners to understand what is needed to complete the monitoring as proposed.

III. Overview of the Funding Request

After consultation with OWEB staff, the watershed council is requesting an additional \$25,000 for contracted services, project management capacity, and indirect costs. This funding will allow the watershed council to complete the project as originally intended.

Attachment A provides greater detail on the funding request. Given that almost one year has passed between the board's decision and the grant agreement being fully signed it is understandable that expenses have increased over that time. In addition, there has been a better understanding of the partner's capacity to manage this project to be successful over the entire grant period.

IV. Recommendation

Staff recommends the board award \$25,000 from the Quantifying Conservation Outputs and Outcomes line item in the 2023-2025 spending plan to support the ongoing South Fork McKenzie River Stage 0 restoration effectiveness monitoring project, and delegate to the Executive Director the authority to amend the open grant agreement with an award date of July 23, 2024.

V. Attachments

- A. South Fork McKenzie River Stage 0 Effectiveness Monitoring Supplemental Funding Proposal

Evaluating Ecological and Geomorphic Responses to Stage 0 Restoration Monitoring Project 2023-2025 Supplemental Funding Request

1.0 Background

Stage 0 restoration means re-shaping a river or stream channel so that it can spread out into the floodplain during storm events. These projects can benefit fish, wildlife, and water quality and reduce flooding in downstream communities.

In early 2020, OWEB funded a project to monitor the effectiveness of a 200-acre Stage 0 restoration project on the South Fork McKenzie River. The resulting *Evaluating Ecological and Geomorphic Responses to Stage 0 Restoration Monitoring Project* (220-7000-17342) is a multi-disciplinary study designed to examine the linked physical and ecological responses to the multi-phase Stage 0 restoration project. The initial phase of the monitoring project was completed in 2022 after an extended delay caused by the 2020 Holiday Farm Fire. Results of the initial study documented rapid water table recovery, increased salmonid spawning and rearing habitat, and increases in the abundance and diversity of macroinvertebrates within project sites ([Flitcroft et al. 2022](#)).

On April 25, 2023, the OWEB Board approved a funding request of \$175,000 to support continue baseline monitoring on the South Fork McKenzie River (SFMR) in 2024-2025 while a third phase of habitat restoration is developed. The project will continue monitoring juvenile Chinook salmon, remote sensing activities, and enhance the management of spatial data. The McKenzie Watershed Alliance (MWA) completed an OWEB grant agreement (222-7000-23495) in March 2024 to complete the *Evaluating Ecological and Geomorphic Responses to Stage 0 Restoration Monitoring Project Phase 2* in cooperation with Pacific Northwest Research Station, US Forest Service, Willamette National Forest, Oregon Department of Fish and Wildlife, Oregon State University (OSU). The MWA is the fiscal sponsor of the McKenzie Watershed Council.

During final project scoping and contract development between the MWA and OSU, the partners recognized some additional funding needs. These are: (1) a funding gap of \$15,585 in the original April 2023 budget request for planned contracted services to be delivered by OSU and (2) \$8,250 to support project management capacity based on lessons learned from the first phase of monitoring. After consultation with OWEB staff, the MWA is requesting additional OWEB funding totaling \$25,000 (the costs above plus indirect) to meet this shortfall and complete the project as originally designed.

2.0 Supplemental Funding Request Purpose and Need

The MWA is requesting an additional \$25,000 in OWEB funding to support OSU monitoring on the South Fork McKenzie River and additional McKenzie Watershed Council project management capacity and associated indirect costs. (Table 1. Supplemental Funding Request).

This request allows OSU to complete the data gathering using unoccupied aircraft system (UAS) flights, spatial data processing, and collection and processing of additional field data as originally planned. The requested additional resources support activities that will provide a more complete assessment of restoration impacts. Partners are requesting additional funding to support an additional day of flights to allow for adaptive management and ensure data collection accuracy. A significant portion of the additional funding request will support processing of the spatial database. Databases generated through remote sensing are large and complex and researchers are gaining an increased understanding of the necessary time and resources needed to process and interpret the data. Spatial data processing includes creation and analysis of the imagery captured by the unoccupied aircraft system flights and other databases that are collected on the SFMR. This includes the

creation of Digital Object Identifiers for spatial databases for submission to the USDA Research Data Archive, which will be publicly available.

Partners are also requesting additional resources for collection of field data, specifically a temporary field worker to assist the OSU graduate student leading the field research. The field technician will provide support and allow for an increased measure of safety when navigating the difficult terrain in the restoration project area. The development and implementation of robust field sensing of stream temperature and other verification data is critical for the calibration and interpretation of the remote sensing data. The field technician will increase capacity and efficiency, reducing overall time in the field. The travel resources are for lodging and per diem so that OSU field crews can stay near the SFMR and complete field activities more efficiently and reduce the carbon footprint of the project.

Resources are also requested for instream temperature sensing equipment. The addition of water temperature sensing equipment will allow additional sensors to be deployed to properly monitor the range of water temperatures across this large-scale project. Budget for other project equipment is being provided by a grant to OSU from the USFS. OSU cost includes a standard rate of 26% excluding tuition and fees.

MWA is seeking additional funding to support staff time to manage the project. Based on lessons learned from the initial phase of monitoring, robust coordination among all is essential to ensure efficient and safe data collection and timeline reporting and documentation. During the Phase 1 monitoring, Pacific Northwest Research Station staff were able to fill a lead role in this capacity. For the Phase 2 monitoring, Pacific Northwest Research Station staff capacity will be limited to data analysis and interpretation. Additionally, funding will allow the MWA to effectively coordinate partnerships and ensure that reporting and project deliverables are completed on time and within budget. The MWA OWEB indirect rate is 15%, of which approximately 48% is support from cash match from the MWA for this additional funding request.

Table 1. Additional Funding Request

Line item	Units	Unit Type	Unit Cost	Total
MWA Project Management				
MWA Project Manager	150	hours	\$55	\$8,250
Subtotal				\$8,250
Contracted Services				
OSU UAS flight	1	day	\$1,220	\$1,220
OSU Spatial Data Processing	110	hour	\$51	\$5,610
OSU Field data collection	103	hour	\$18	\$1,854
OSU Instream temp sensor	6	each	\$175	\$1,050
OSU Temp sensor base station	1	each	\$175	\$175
OSU lodging (2 people)	9	nights	\$140	\$1,260
OSU per diem	10	days	\$120	\$1,200
OSU Indirect (26% of cost excluding tuition and fees)				\$3,216
Subtotal				\$15,585
Direct Total				\$23,835
MWA Indirect				\$1,165
Total Request				\$25,000



OREGON
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ENHANCEMENT BOARD

Agenda Item J

Acquisitions 101

Board Meeting July 22-24, 2024



Agenda Item J supports OWEB's Strategic Plan priority #4: Watershed organizations have access to a diverse and stable funding portfolio, and priority #7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Renee Davis, *Acquisitions and Special Programs Manager*
Miriam Forney, *Land Acquisitions Coordinator*
SUBJECT: Agenda Item J – OWEB 101: Acquisitions
[July 22-24, 2024, Board Meeting](#)

I. Introduction

OWEB and Oregon Department of Justice staff will present an OWEB Acquisitions 101 topic at the July 2024 board meeting. This is due to board member interest in a series of 101 presentations about various OWEB grant programs; the growing OWEB portfolio of land and water transaction grant programs; board deliberations about the 2023 land acquisition grant cycle and subsequent questions about constitutional, statutory, and administrative rule considerations associated with land acquisitions; and the expressed interest by and need for the board to consider the revised Paulina Creek Preserve grant application following the Acquisitions 101 session. This session, during which OWEB staff will be joined by Oregon Department of Justice Assistant Attorney General Diane Lloyd, will describe the intent and requirements of grant funding sources and the decision space of the board in its grantmaking.

II. Background– Ballot Measures 66 and 76

In 1998, Ballot Measure 66 passed, constitutionally dedicating 15% of Oregon lottery proceeds to parks, beaches, wildlife habitat, and watershed protection. Of the 15% of Oregon lottery proceeds, half is committed to watershed protection and restoration.

In 2010, Oregonians passed Ballot Measure 76, which made this constitutionally dedicated funding permanent. The watershed protection and restoration funding is divided between the Watershed Conservation Operating Fund (historically 35%, now 30%) and Watershed Conservation Grant Fund (historically 65%, now 70%). The Watershed Conservation Grant Fund is administered by OWEB and allocated according to the board's biennial spending plan.

III. Constitutional and Statutory Direction of the Agency for Measure 76 (M76) Funding

The Watershed Conservation Grant Fund can only support projects consistent with Section 4b of Article XV of the Oregon Constitution, and Oregon Revised Statute 541.956, which stipulates that the fund may only be used for:

- (1) Acquiring from willing owners, interests in land or water that will protect or restore native fish or wildlife habitats. The interests may include, but need not be limited to, fee interests, conservation easements or leases.
- (2) Projects to protect or restore native fish habitat or wildlife habitat.
- (3) Projects to protect or restore natural watershed or ecosystem functions to improve water quality or stream flows.
- (4) Resource assessment, planning, design and engineering, technical assistance, monitoring and outreach activities necessary for carrying out subsections (1) to (3) of this section.

IV. OWEB Land and Water Transaction Programs

During the last 5 years, OWEB’s portfolio of grant programs that support land and water transactions has grown to include:

Grant Program	Funding Source(s)	Statutory Reference
Land Acquisition grants	Watershed Conservation Grant fund	ORS 541.890 – 541.960
Water Acquisition grants	Watershed Conservation Grant fund and Flexible Incentives Account funding	ORS 541.890 – 541.960
Oregon Agricultural Heritage Program	Separate Treasury fund for OAHP	ORS 541.977 – 541.989
Drinking Water Source Protection Program	Separate Treasury fund for DWSP	ORS 448.370 – 448.380

As noted in the table above, two of these grant programs—OWEB land acquisitions and OWEB water acquisitions—are grounded in Measure 76 lottery dollars and the statutes promulgated to provide direction to OWEB and the board regarding use of Measure 76 funding. Other transaction grant programs have different intents as defined by statute and recognized by separate and discrete funding sources.

At the July 2024 meeting, staff and Oregon Department of Justice Assistant Attorney General Lloyd will provide a presentation to and engage in discussion with the board about constitutional and statutory direction to the agency and the OWEB board as it relates to OWEB Acquisitions programs. Specific focus will be given to the M76 supported land acquisitions grant program, including the program’s foundation in administrative rule—including evaluation criteria—and grantmaking processes.

V. Recommendation

This is an information item only.



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Item K

September 2023 Land Acquisition Grant

Offering: Paulina Creek Preserve

Application Resubmission

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



OREGON
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ENHANCEMENT BOARD

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Agenda Item K supports OWEB's Strategic Plan priority #7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Miriam Forney, *Land Acquisitions Coordinator*
Renee Davis, *Acquisitions and Special Programs Manager*
SUBJECT: Agenda Item K -- September 2023 Land Acquisition Grant Offering: Paulina Creek Preserve Application Resubmission
[July 22-24, 2024, Board Meeting](#)

I. Introduction

This staff report describes Deschutes Land Trust's (DLT) resubmission of the Paulina Creek Preserve land acquisition application 224-9905-23788. DLT initially submitted an application for this project during the September 2023 land acquisition grant offering, as application 224-9904-23176. This report also provides a staff recommendation for a grant award for Paulina Creek Preserve.

II. September 2023 Grant Offering and Board Action

The September 2023 grant offering was the first of two land acquisition grant cycles for the 2023-2025 biennium. One land acquisition application, Paulina Creek Preserve (224-9904-23176), was received in September 2023. The application requested \$2,280,584 as a reimbursement of costs DLT incurred in purchasing Paulina Creek Preserve on November 17, 2022.

Technical reviews determined that the Paulina Creek Preserve application addressed OWEB's land acquisition evaluation criteria in administrative rule (OAR 695-045-0180) and related guidance for the land acquisition grant program. The evaluation criteria are aligned with the purposes of Measure 76 funding that are set forth in the Oregon Constitution and Oregon Revised Statutes (ORS). Under ORS 541.932(9), land acquisition projects may be funded by Measure 76 for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife. As will be discussed during the Acquisitions 101 agenda item at the July board meeting, evaluation criteria listed in OAR 695-045-0180 and factors considered by the board during deliberation on grant awards must relate to the constitutionally dedicated purpose of Measure 76 funding.

Staff recommended the Paulina Creek Preserve application for funding at the April 22-

24, 2024, board meeting, based on the application's consistency with land acquisition evaluation criteria and related guidance, sideboards in the Oregon Constitution, and statutory direction to and authority of the agency. The board voted not to fund the grant application. The materials from the April 2024 board meeting (i.e., staff report, evaluation, and proposed funding conditions) are included as **Attachment A**.

III. Application Resubmission

ORS states that if the board rejects a grant application, "The board shall allow an applicant to revise a rejected proposal to comply with the requirements of ORS 541.947, 541.956 and 541.958 and resubmit the proposal" (ORS 541.900(4)).

Staff notified DLT that it could resubmit the Paulina Creek Preserve application, with the option of including additional information to address evaluation criteria in administrative rule and, as necessary and appropriate relative to the criteria, topics raised during the board's discussion and deliberation about the proposed project at the April 2024 meeting. Staff established a deadline of May 31, 2024, for DLT to resubmit the Paulina Creek Preserve application.

OWEB land acquisition grant program rules allow the Director to reimburse the grant applicant for eligible costs that were incurred no earlier than 18 months before the grant application deadline. This is because land acquisition grant applicants are frequently seeking reimbursement for land purchases that have already been made and associated costs. By the application resubmission deadline, more than 18 months had passed since DLT incurred costs associated with the purchase of Paulina Creek Preserve. Accordingly, and due to the unusual circumstances regarding resubmission of this grant application, the OWEB Acting Executive Director waived OAR 695-045-0195(2) to allow these costs to be considered for reimbursement under a resubmitted grant application. Rule waivers are allowed for OWEB requirements that are not established in statute and are issued judiciously in OWEB grant programs.

The resubmitted Paulina Creek Preserve grant application includes a memorandum to the board from DLT, dated May 31, 2024 (**Attachment B**). The memorandum describes how the application addresses OWEB requirements in statute, rule, and board adopted priorities. In addition, the DLT memorandum includes responses regarding topics raised during the April board deliberation, some of which fall outside of statute, rule, and board adopted priorities. Finally, the memorandum includes the Paulina Creek Preserve community vision document and additional letters of support.

Staff recommend the resubmitted application for funding, subject to the same funding conditions as recommended at the April 2024 board meeting.

In **Attachment C**, staff provide a comparison of the land acquisition evaluation criteria to the April 2024 evaluation, funding conditions, and staff responses to board questions on record during the April meeting. The purpose of this document is to ensure clarity about OWEB's review process, and to ground the evaluation criteria in constitutional and statutory direction to the agency and the OWEB board.

DLT's proposed management of Paulina Creek Preserve is the same as in the application considered at the April 22-24, 2024, board meeting. OWEB's grant-making process for land acquisitions does not prescribe the techniques by which grant applicants will manage land. Instead, the program's evaluation criteria focus on whether applicants are proposing to manage OWEB-funded property interests in a manner that is consistent with the purpose of Constitutionally dedicated Measure 76 funding.

IV. Staff Funding Recommendation

Staff recommends the board award \$2,280,584 for the Paulina Creek Preserve land acquisition grant application 224-9905-23788 in accordance with OWEB's standard grant agreement for land acquisition and the project-specific funding conditions included as **Attachment D**.

V. Attachments

- A. Staff report for Agenda Item I-1, April 22-24, 2024, board meeting
- B. DLT memorandum
- C. Comparison of land acquisition evaluation criteria to the April 2024 evaluation, funding conditions, and staff responses
- D. Project-specific funding conditions



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Tina Kotek, Governor



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Agenda Item I-1 supports OWEB's Strategic Plan priority #7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board

FROM: Miriam Forney, Land Acquisitions Coordinator
Renee Davis, Acquisitions and Special Programs Manager

SUBJECT: Agenda Item I-1 September 2023 Land Acquisition Grant Awards
[April 22-24, 2024, Board Meeting](#)

I. Introduction

This staff report describes the September 2023 land acquisition grant offering and provides staff recommendations for a grant award.

II. Land Acquisitions – September 2023 Offering Background and Summary

A. Applications Submitted

The September 2023 grant offering is the first of two land acquisition grant cycles for the 2023-2025 biennium.

The land and water acquisition spending plan includes \$6.5 million for the biennium. One land acquisition application, 224-9904-23176, was received in September 2023 requesting \$2,280,584. The application evaluation is included in Attachment A.

Following technical reviews, land acquisition application 224-9904-23176 is recommended for funding with conditions.

B. Review Process

The land acquisition application was reviewed in accordance with administrative rules for the program. The review process utilizes technical experts to evaluate ecological outcomes, project soundness, organizational capacity, and community benefits and impacts. It also includes a public hearing for projects proposing the purchase of a fee simple interest in property, and notices providing opportunities for interested parties to submit public comments.

Each ecological reviewer completed a project evaluation form after being given an opportunity to seek clarifications of ecological outcomes, in accordance

with a process requested by the Coalition of Oregon Land Trusts (COLT) in 2020. Staff summarized the input of all ecological reviewers.

A team consisting of staff, a land acquisition program due-diligence technical assistance contractor, and the Oregon Department of Justice conducted a project soundness review. The review included seeking project soundness-related clarifications from the applicant on an optional basis as requested by COLT, identifying project soundness concerns, and determining whether soundness matters seem to be resolvable in the 18-month timeframe allowed for closing transactions after the board awards funding.

Staff reviewed organizational capacity and community benefits and impacts. Public comment was solicited through notices and a public hearing held by staff. The applicant was given the opportunity to provide OWEB with written responses to issues raised at the public hearing, in accordance with the COLT process in 2020.

Staff summarized the review outcomes for the project. After the evaluation was completed, it was provided to the applicant.

III. Staff Funding Recommendation

Staff recommends that the board award funding for the land acquisition grant as specified in Attachment A, with project-specific funding conditions to be provided to the board in advance of the meeting. The land acquisition grant funding recommendation totals \$2,280,584.

IV. Attachments

- A. Land Acquisition Project Evaluation
- B. Project-specific Funding Conditions (*to be provided to the board before the meeting*)

2023 OWEB Grant Offering
LAND ACQUISITION APPLICATION

Application No.:	224-9904-23176		
Project Name:	Paulina Creek Preserve		
Applicant:	Deschutes Land Trust	Region:	Central Oregon
Basin:	Deschutes	County:	Deschutes
OWEB Request:	\$2,280,584		
Total Cost:	\$3,143,779		

APPLICATION DESCRIPTION [PROVIDED BY THE APPLICANT]

The Deschutes Land Trust (DLT) purchased the 1,099 acre Paulina Creek Preserve (Preserve) in 2022. The Preserve is located approximately six miles northeast of the City of La Pine, Oregon and is bordered on 80% of its perimeter by federal land managed by the U.S. Forest Service (USFS) and Bureau of Land Management. It is roughly six miles from the boundary of Newberry National Volcanic Monument. Large parcels of private land are dwindling in the La Pine area and prior to DLT’s purchase of the Preserve, it was slated to be partitioned into several homesites, fragmenting habitat and increasing carbon footprints.

DLT plans to convey roughly 366 acres of the Preserve to the USFS (see Property map) who will manage the property to enhance local habitat connectivity and landscape permeability. DLT will retain ownership of the remainder of the Preserve and seeks OWEB acquisition funding for this 734-acre parcel (referred to herein as the “Property”) which features ponderosa and lodgepole pine forests, wet and dry meadows, wetlands and 2 miles of Paulina Creek.

While the Property already provides habitat for a wide range of wildlife and pollinators including bird, fish, ungulate, bat and insect species and several native plant communities, DLT’s restoration of the Property will enhance wildlife habitat. Furthermore, restoration will mitigate impacts of climate change by providing cold water refugia in the summer and sequestering carbon in the restored wetlands and wet meadows. As part of an initial study, DLT identified a number of restoration actions for the Property, including: removal of structures and irrigation infrastructure, forest thinning to reduce fuels and restore historic forest conditions, restoration of wet and dry meadow plant communities, and improvement of instream habitat and floodplain connectivity.

Project partners include the USFS, the City of La Pine, Deschutes River Conservancy, the Klamath Tribes and the approximately 200 La Pine citizens.

REVIEW

ECOLOGICAL OUTCOMES

Priority Location and Habitat

The Preserve is in Southern Deschutes County along Paulina Creek, just east of the City of La Pine. Paulina Creek originates from Paulina Lake located in the Newberry National Volcanic Monument. The creek

cascades through forested habitats within the monument until it reaches the Property, where the gradient drops and the stream flows through a vast open meadow and marsh complex. The Property is adjacent to public lands managed by USFS and BLM, except for a small community to the south and highway 97 to the west. The ecological connectivity to public lands is an important part of conserving the Property. Furthermore, the Property currently serves as critical habitat for a variety of wildlife species identified in OWEB's priorities for land acquisition and ODFW's conservation strategy for the region.

Paulina Creek supports both native and non-native fish. The outlet at Paulina Lake is screened but only seasonally, which allows introduced species to enter Paulina Creek from the lake. Paulina Creek is channelized throughout the Property, which has reduced the function and habitat value of the associated open meadow and marsh complex. Disturbed meadow and reduced wetland function are primarily the result of hydrologic connectivity being lost by stream channelization for agriculture and livestock grazing. The forested portions of the Property consist of dry Ponderosa and lodgepole pine plant communities.

Restoration Opportunity

The Property hosts a suite of habitat types, including stream, open meadow and marsh complex, and forests. The stream and adjacent open meadow and marsh complex have been significantly altered and current ecological conditions are considered poor. However, the Property has great potential for restoring native plant communities and stream function to support native fish and wildlife. Restoration opportunities include but are not limited to improving and diversifying flow paths in Paulina Creek, improving the connectivity of the creek to its associated floodplain, improving riparian and wet meadow vegetative health including pollinator habitat, and improving forest structure to support healthy and resilient forest habitat. The meadow and marsh habitats require a thorough hydrologic assessment and analysis to fully understand their restoration potential and to determine the appropriate plant communities and species to recover.

The Property has appurtenant senior water rights. Once desirable vegetation has been established, the water rights should be permanently transferred instream to benefit fish and wildlife, as the application states DLT intends to do. Forest health work has been conducted on portions of the Property and provides an example of desirable forest structure. The structure should be restored on the remainder of the Property, which is overstocked and in need of ecological thinning to benefit native wildlife, increase climate resilience, and reduce wildfire risk.

An adjacent private landowner has a water right from Paulina Creek. The legal point of diversion is located on the Property. DLT's restoration planning and design for the Property must maintain the neighbor's legal access to the water right.

Benefits to Fish, Wildlife, and Watershed Function

Restoring Paulina Creek and the associated open meadow and marsh complex on the Property could support a diverse array of habitats beneficial to a wide variety of wildlife, including ungulates, beavers, songbirds, and pollinator species. OWEB priority species that could benefit from restoration include western toad, Lewis's woodpecker, loggerhead shrike, and pallid bat. The Property is important winter range for mule deer and elk. DLT is interested in providing pollinator habitat by restoring native flowering forbs throughout the open meadow and marsh complex.

Improving and diversifying the flow paths of Paulina Creek can reconnect floodplain hydrology, providing the necessary function to support a healthy open meadow and marsh complex. The Property currently has limited native fisheries potential because the fish screens at the Paulina Lake outlet only function seasonally as described above and Paulina Creek downstream of the Property is not hydrologically connected to the Little Deschutes River. Thus, Paulina Creek is currently isolated and heavily influenced from fisheries in Paulina Lake. However, with permanent instream transfers of water rights such as DLT intends, there is the potential to restore surface flow connection to the Little Deschutes River. Connectivity to the Little Deschutes River could provide native fish access to quality spawning habitat that exists on Paulina Creek

and for the ESA-listed Oregon spotted frog to occupy restored habitat on the Property.

PROJECT SOUNDNESS

The Preserve currently consists of all the acreage DLT purchased using a bridge loan. The bridge loan must be repaid by 2026 unless the term is extended. It seems probable that DLT will be able to obtain the land use approval necessary from Deschutes County to partition the Preserve and convey the intended portion to USFS (the “USFS Parcel”) before the term of the loan ends. DLT should consult with the county to better understand the timeline and requirements of the land use process.

DLT obtained an appraisal, which it used to inform its purchase of the Preserve. DLT needs to hire the original appraiser to revise the appraisal, or a new appraiser to prepare an appraisal. The appraisal must be consistent with OWEB’s appraisal guidelines and include an allocation of value for the “Property,” which as defined in DLT’s application description above, is the approximately 734-acre area intended for OWEB’s funds. If USFS will rely on the appraisal, appraisal standards for federal land acquisitions may apply. DLT should confirm that if its value estimate for the Property exceeds the market value determined by the appraisal, nonetheless it will be able to repay its bridge loan.

The Property’s title circumstances are complex and include several encumbrances that could present challenges to restoration, including a gas pipeline which will transport an increased volume of natural gas under a proposal recently approved by federal regulators, a neighbor’s water right, and the potential for undocumented federal mineral rights. DLT provided information indicating that the gas pipeline expansion will result in a de minimis increase in the risk of harm to the Property posed by the pipeline. A restoration assessment obtained by DLT states that there are significant infrastructure constraints on the Property but concludes that the infrastructure will not preclude restoration. However, the extent to which the Property can be restored is not known at this time. DLT applied for an Open Solicitation technical assistance grant that if awarded, will provide restoration designs that account for the infrastructure.

The restoration assessment stated that work will be large in spatial scale and involve a long timeline to design, permit, and implement. The assessment concluded that DLT should prepare an interim management plan for the Preserve, to safeguard existing habitat and ecosystem values while restoration is being planned and implemented. The interim management plan should also include actions for ensuring that the Property’s water rights are maintained.

DLT obtained an environmental site assessment (“ESA”), which documented environmental concerns associated with the Property’s infrastructure, including a house and outbuildings. DLT subsequently removed most of the infrastructure and should ensure that it completes all actions recommended in the ESA.

The Preserve has a long history of unauthorized use by the public, including off-road vehicles. DLT has begun using local volunteers to monitor the Property, in addition to working with local law enforcement, installing security cameras, maintaining gates, and researching the cost of private patrols.

DLT intends to authorize use of the Preserve for recreation. The application states that DLT is likely to use existing roads and pathways to connect users to neighboring USFS trails. Trails, kiosks, benches, and signage are described for the Property. If the board awards funds for the project, DLT and OWEB should work closely together to ensure that the type and level of public access to the Property is consistent with the purpose of OWEB’s land acquisition program, which is the maintenance and restoration of habitat for native fish and wildlife.

COMMUNITY BENEFITS AND IMPACTS

The application states that DLT is leading a community engagement process with the residents of La Pine to determine community values for the Property. The application states that through the community engagement process, DLT has learned that the community values accessible and safe recreation, wildfire risk mitigation, opportunities for youth connection to nature, water protection, habitat for plants and animals, and the preservation of indigenous and cultural heritage and community history. The application further states that DLT will consider the community's values while developing plans and designing restoration for the Property.

The application states that the Property is on the ancestral lands of the Klamath Tribes and DLT is in active communication with the Klamath Tribal Council and natural resource staff regarding how best to collaborate with the Tribes on restoration and interpretive signage.

The application states that the project will improve ecosystem health and climate change resilience and provide ecosystem services for the La Pine community. While not directly connected to the project proposed for OWEB funding, DLT is working with Deschutes River Conservancy and the City of La Pine on a groundwater mitigation project on the USFS Parcel. The mitigation project will assist the city in securing municipal water for the future.

PUBLIC INVOLVEMENT

Notice of the application and opportunities to comment on it were provided by email, GovDelivery, and newspapers serving Deschutes County. Parties that received the notice include the City of La Pine, Deschutes County, all federally recognized Tribes, neighbors, federal and state agencies, the Upper Deschutes Watershed County, and the Deschutes Soil and Water Conservation District. OWEB held a public hearing, as required by state law, on January 5, 2024, in La Pine. The hearing was attended by one person. The attendee stated that the community benefits include the opportunity to enhance wildlife, excitement about the project in the community, and managed, safe recreation that aligns with fish and wildlife habitat conservation. The attendee stated that project concerns include ensuring that the neighbor's water right is not negatively impacted, uncertainty about why the land needs to be conserved rather than being used for public needs such as housing, and the loss of the livestock grazing aesthetic. DLT was given an opportunity to provide the board with a written response to the issues expressed at the hearing.

Written comments were generally supportive, although the neighbor with the water right sent a letter requesting information on how his water right and wildlife enhancement activities will be impacted by the project. DLT followed up with the neighbor. Written comments will be provided to the board at its April 2024 meeting.

ORGANIZATIONAL CAPACITY

DLT is a well-established, accredited land trust that has received many OWEB land acquisition grants, successfully closed funded transactions, and completed restoration of the purchased properties.

One of DLT's goals is to complete projects that provide climate resilience, protect vulnerable habitats and species, support ecological integrity, and foster overall community connection. The proposed project is consistent with DLT's goal.

The application states that DLT has raised approximately seven percent of the funds necessary for a permanent stewardship fund for the Preserve. This is a potential concern because the history and planned use of the Property will require a significant amount of stewardship resources to successfully manage. However, DLT has a good track record of fundraising for stewardship. In preparing to raise funds, DLT should determine whether to increase its projected inflation rate of three percent per annum, considering inflation in recent years. In the interim, DLT should ensure that it has the staff capacity and a robust plan to

address authorized and unauthorized uses of the Property.

Restoration of the Preserve will focus primarily on terrestrial habitat. DLT has more experience restoring aquatic habitat than terrestrial habitat. It is important for DLT to ensure that staff and consultants working on the project have experience with the type and scope of restoration that current and historical site conditions indicate are appropriate for the Property. Raising funds for the implementation of restoration will be a significant effort. Completing design work, as proposed in DLT's pending technical assistance grant application, may build momentum for restoration fundraising.

SUMMARY

The application provides an opportunity to protect 734 acres consisting partly of an open meadow and marsh complex, an uncommon ecosystem in the Deschutes Basin. Protection of the Property will preserve ecological connectivity to surrounding lands and allow for the restoration of meadow, stream, and forest conditions and processes, offering a significant benefit for at-risk wildlife and mitigating climate impacts.

STAFF RECOMMENDATION

Staff recommends the board award \$2,280,584 for the project in accordance with OWEB's standard grant agreement for land acquisition, including project-specific conditions specified in the grant agreement. Staff will consult with DLT to finalize project-specific conditions, which will be provided to the board at its April 2024 meeting.

Paulina Creek Preserve 224-9904-23176
Final funding conditions

Initial Conditions

1(A)(i) and 1(A)(ii): grant agreement boilerplate for regular project meetings with OWEB.

1(A)(iii) Grantee agrees in writing that:

- i) Its restoration planning for the Property will include: (i) seeking the assistance of experts in all major ecological systems historically and currently present on the Property; and (ii) developing plans that are consistent with the physical and biological characteristics of the Property and incorporate the entire Property in a holistic manner.
- ii) It will complete and request OWEB's approval of an interim Property management plan ("Interim Management Plan"), as recommended in the Tetra Tech report included in the application, no more than 18 months after Closing. The Interim Management Plan will be consistent with OWEB's management plan guidance. The Interim Management Plan must include but will not necessarily be limited to: (i) actions to complete restoration designs for the Property; (ii) actions that maintain the validity of the Property's water rights as required by Condition 1(B)(i); (iii) actions that protect the Property's existing Conservation Values while restoration is being planned; (iv) all intended public uses of the Property consistent with Condition 1(A)(iv); (v) actions for monitoring and responding to unauthorized uses of the Property; (vi) an implementation schedule for all actions; and (vii) a term that is appropriate for completing restoration plans for the Property.
- iii) No more than 18 months after completing restoration plans for the Property, it will complete and request OWEB's approval of a long-term Property management plan, which will incorporate the restoration plans and be consistent with OWEB's management plan guidance ("Long-term Management Plan").
- iv) (i) All public-use related infrastructure on the Property will minimize built structures, and ground, habitat, and fish and wildlife disturbance, be located to minimize unintended public uses of the Property, and be designed for minimal impact use, consistent with the purpose of OWEB funding; (ii) trails will consist of roadways that existed at the time of its purchase of the Property, to the maximum extent that such roadways are consistent with 1(A)(iii)(iv)(i); (iii) trails and parking lots will consist of native surfaces to the greatest extent possible and be limited in size and number as appropriate for use that is consistent with 1(A)(iii)(iv)(i), including visitation numbers that correspond with the limited size of the Property and the need to protect the Property's Conservation Values; (iv) it will seek and account for OWEB's feedback throughout its process of developing public use plans for the Property; and (v) the Interim and Long-term Management Plans and any updates to them will include all intended public uses of the Property and an adaptive plan for responding to public use-related impacts to the Property's Conservation Values, including but not limited to restricting public access to the Property as necessary to protect the Conservation Values.

- v) It will request and account for OWEB's feedback throughout its process of completing the instream transfers of the Property's water rights described in the application.
- 1(A)(iv) Grantee provides OWEB with written confirmation that:
- i) It consulted with the Deschutes County planning department to obtain the land use timeline included in the application and that the county planner did not raise any concerns about the intended partition.
 - ii) If there is a delay in obtaining OWEB funds, it will be able to extend its bridge loan for the Property purchase or pay off the loan with other funds.
 - iii) If the Property value estimate included in the application exceeds the market value determined by an appraisal that meets the requirements in Condition 1(B)(vi) and accordingly OWEB reimburses less than the amount of grant funds Grantee requested, nonetheless Grantee will be able to repay its bridge loan at or before Closing.
 - iv) Payment of the Property's annual stewardship expenses with distributions from Grantee's current stewardship endowment will not result in a shortage of stewardship funds for other property interests Grantee purchased with OWEB funds.
 - v) It is prepared to enroll the Property in the statewide conservation easement special assessment if necessary to ensure a property tax rate that is within Grantee's budget for the Property.
- 1(A)(v) Grantee provides OWEB with an analysis of its projected inflation rate of three percent per annum for stewardship costs and increases the rate as necessary to account for current inflation rates or explains to OWEB's satisfaction why a higher rate is unnecessary.
- 1(A)(vi) Grantee revises its stewardship funding calculations for the Property as necessary if OWEB determines in cooperation with Grantee that the calculations include activities that are inconsistent with the purpose of OWEB funding.

Secondary Conditions

- 1(B)(i) Grantee: (i) maintains the validity of the water rights until completion of the instream water right transfers, by leasing the water rights instream or putting the water to another beneficial use allowed under the existing water right certificates; and (ii) provides OWEB with any requested confirmation that the groundwater mitigation described in the application is not related to the grant funds.
- 1(B)(ii) Grantee: (i) provides OWEB with updates throughout the land use process beginning with preparation of the land use application; and (ii) completes a partition approved by Deschutes County and OWEB to establish the Property as a discrete, lawfully created, parcel of land before Closing.
- 1(B)(iii) Grantee provides OWEB, upon OWEB's request before or after Closing, updates on its progress raising stewardship funds. If an update indicates that Grantee will not complete

stewardship fundraising on the timeline described in the application, Grantee must provide a revised timeline that is acceptable to OWEB.

- 1(B)(iv) Grantee determines whether the federal government holds mineral rights to the Property, and if such rights are held, provides OWEB a written report demonstrating that the probability of surface mining is so remote as to be negligible.
- 1(B)(v) Grantee provides OWEB with a GIS analysis or other analysis determining the Property's acreage as precisely as practical without performing a boundary survey.
- 1(B)(vi) Grantee: (i) obtains all revisions necessary for OWEB to approve the appraisal prepared by Moore Valuation, Inc, with an effective date of October 28, 2022; or (ii) obtains a new appraisal of the subject property, as of the same effective date, prepared in accordance with OWEB's established appraisal guidance.
- 1(B)(vii) Grantee provides OWEB with: (i) documentation that it resolved all findings listed in Section 8.3 of the environmental site assessment included with the application; and (ii) confirmation that the work was performed in compliance with all applicable law.
- 1(B)(viii) Grantee provides OWEB with a complete and accurate map of title encumbrances that pertain to the Property as listed in the title insurance policy included with the application ("Policy"), including but not limited to mapping the amended legal description for the gas pipeline listed as Exception 12 and the location of the powerline easement listed as Exception 18.
- 1(B)(ix) Grantee provides an analysis of all title encumbrances that apply to the Property and makes all reasonable efforts, as determined by OWEB, to mitigate risk to the Property's Conservation Values posed by the encumbrances, including risk that the encumbrances will hinder restoration outcomes described in the application. Grantee's work shall include but will not be limited to: ensuring that the gas pipeline company's rights listed as Exception 12 in the Policy, the neighboring landowner's rights listed as Exception 14 in the Policy, and the electric company's rights listed as Exception 18 in the Policy will not hinder or otherwise conflict with the restoration outcomes described in the application. Any changes to Exception 14 as currently written may not be completed without the understanding and consent of the neighboring landowner, approval of the Oregon Water Resources Department if required, and documents recorded on the Property's title if necessary.
- 1(B)(x) Grantee makes a reasonable effort to remove inapplicable encumbrances from the Property's title. The effort shall include but will not necessarily be limited to removal of the following exceptions in the Policy: (i) Exception 7, which is addressed by the Policy's definition of the term "Land"; (ii) Exception 15, which is a temporary construction easement that is no longer in effect; and (iii) Exception 16, which appears only to have benefitted a former barn on the Property.
- 1(B)(xi) Grantee makes a reasonable effort to determine the reason for the Record of Survey CS19302, including seeking information from the surveyor who conducted the survey, and

provides OWEB with written confirmation that any problems that prompted the survey have been resolved.

1(B)(xii) Grantee provides OWEB with a copy of documentation of the deed of trust listed as Exception 19 in the Policy and removes the deed of trust from title at or before Closing.

1(B)(xiii) Grantee prepares baseline inventory documentation that includes, among other items required by OWEB, a description of future conditions on the Property that reflects the restoration of the Property's Conservation Values to the maximum extent feasible ("Description of Restored Conditions").

1(B)(ix) Grantee obtains Terrafirma conservation defense insurance for the Property at or before Closing.

From: [Robin Vora](#)
To: [FORNEY Miriam * OWEB](#)
Subject: Support Deschutes Land Trust acquisition near La Pine
Date: Friday, November 17, 2023 12:27:45 PM

You don't often get email from robinvora1@yahoo.com. [Learn why this is important](#)

I support the application by the Deschutes Land Trust for the acquisition of 737 acres near La Pine, Oregon. The Deschutes Land Trust has done a remarkable job with conservation of natural habitats and open space in fast growing and developing Central Oregon. Their acquisitions are a real asset to those who live in Central Oregon as well as to others elsewhere in the state.

Robin Vora
1679 NE Daphne Ct., Bend OR 97701

[Sent from Yahoo Mail on Android](#)

PRIMLEY Kristi * OWEB

From: Paul Hatcher <leaningpineranch@gmail.com>
Sent: Tuesday, November 21, 2023 2:39 PM
To: PRIMLEY Kristi * OWEB
Subject: Re: OWEB Land Acquisition - Paulina Creek Preserve 224-9004-23176

I would like a phone call. I have not been aware of any grant application by DLT.

I own some of the water rights and have done extensive preservation of this creek for 20+ years (F&G considered this screek dead)

I now have a viable redband trout reproducing in this creek.

So in layman terms please tell me how, if anything, will effect my water rights to water my property and to continue the wildlife enhancement.

left you a vm a minute or so ago.

Tx,
Paul Hatcher
Leaning Pine Ranch
(541)420-6272.

On Mon, Nov 20, 2023 at 2:09 PM PRIMLEY Kristi * OWEB <Kristi.PRIMLEY@oweb.oregon.gov> wrote:

PUBLIC HEARING NOTICE

The Oregon Watershed Enhancement Board (OWEB) is holding a public hearing in accordance with OAR 695-045-0190 and ORS 271.735.

OWEB is a state agency that provides grants to help Oregonians take care of local streams, rivers, wetlands, and natural areas. OWEB is considering a grant of funds to Deschutes Land Trust for the purpose of purchasing certain property rights on approximately 737 acres near La Pine, in Deschutes County, under Grant Application No. 224-9904-23176. OWEB will hold a conservation easement or third-party rights of enforcement in a conservation easement if OWEB funds are applied to the purchase of the property rights.

The grant application can be viewed in OWEB's Online Grant Management System, <https://apps.wrd.state.or.us/apps/oweb/fiscal/default.aspx>

Log-in ID: grantee

Password: oweb

Search Project Name: Paulina Creek Preserve

OWEB will hold a public hearing to provide interested parties with an opportunity to comment on the grant application. Requests for special accommodations to participate in the public hearing must be made at least 7 days prior to the hearing.

Hearing location:

La Pine Community Center

16405 1st St.

La Pine, OR 97739

Hearing date and time:

January 5, 2024 at 9:00 AM

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Direct questions or comments about this notice to:

Miriam Forney

Acquisitions Coordinator

775 Summer Street NE, Suite 360

Salem, OR 97301

(971) 345-7023

miriam.forney@oweb.oregon.gov

From: [Mark Durante - GO \ Archaeologist](#)
To: [FETCHO Ken * OWEB](#); [austin.smithjr2@ctwsbnr.org](#); ["sophie.escobar@ctwsbnr.org"](#); [brad.houslet@ctwsbnr.org](#); [mars.galloway@ctwsbnr.org](#); [Ashley Russell](#); [cbeck@ctclusi.org](#); [jbeers@ctclusi.org](#); ["Calla.Hagle@burnspaiute-nsn.gov"](#); [D.L. Teeman](#); [Steve Rondeau](#); [mark.buettner@klamathtribes.com](#); [christina.rubidoux@klamathtribes.com](#); [jennifer.vigil@klamathtribes.com](#); [Eric Quaempts](#); [mikelambert@ctuir.org](#); [Audie Huber](#); [KENNEDY Mike](#); [Stan van de Wetering](#); [peterh@ctsi.nsn.us](#); [tearafarrowferman@ctuir.org](#); [Kelly Coates - GO \ Natural Resources Director](#); [Travis W. Mackie - GO \ Fisheries Biologist](#); [clarence.henthorne@klamathtribes.com](#); [Robin Harkins](#); [John Ogan](#); ["HelenaLinnell@coquilletribe.org"](#); [DRAKE Colby](#); [McClary Lindsay](#); [briec.edwards@grandronde.org](#); [Dave Johnson](#); [Katie Frenyea](#); [BRANDY HUMPHREYS](#) ([brandy.humphreys@grandronde.org](#))
Cc: [PAGE Stephanie * OWEB](#); [DAVIS Renee * OWEB](#); [FORNEY Miriam * OWEB](#); [PRIMLEY Kristi * OWEB](#)
Subject: RE: [EXTERNAL EMAIL] RE: Comment opportunity on OWEB land acquisition grant application
Date: Tuesday, November 28, 2023 8:12:30 AM
Attachments: [image001.png](#)
[image003.png](#)

Some people who received this message don't often get email from mark.durante@cowcreek-nsn.gov. [Learn why this is important](#)

Good morning

Thank you for contacting the Cow Creek tribe regarding your project. The location of this project is outside the Tribe's Ancestral Territory, we will defer to the other Tribes more appropriate for this area.

Thank you

Mark

Mark Durante, M.A., RPA | Tribal Archaeologist and Historic Preservation Officer

Cow Creek Band of Umpqua Tribe of Indians

Mark.Durante@cowcreek-nsn.gov

2371 NE Stephens St., Roseburg, OR. 97470

www.cowcreek-nsn.gov

Office: (541) 672-9405 Ext. 5287 | Cell: (541) 580-9817

Confidentiality Notice: This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: FETCHO Ken * OWEB <Ken.FETCHO@oweb.oregon.gov>

Sent: Monday, November 27, 2023 9:00 AM

To: [austin.smithjr2@ctwsbnr.org](#); ["sophie.escobar@ctwsbnr.org"](#) <sophie.escobar@ctwsbnr.org>; [brad.houslet@ctwsbnr.org](#); [mars.galloway@ctwsbnr.org](#); [Ashley Russell](#) <arussell@ctclusi.org>; [cbeck@ctclusi.org](#); [jbeers@ctclusi.org](#); ["Calla.Hagle@burnspaiute-nsn.gov"](#) <Calla.Hagle@burnspaiute-nsn.gov>; [D.L. Teeman](#) <dlteeman.burns.paiute@gmail.com>; [Steve Rondeau](#) <steve.rondeau@klamathtribes.com>; [mark.buettner@klamathtribes.com](#); [christina.rubidoux@klamathtribes.com](#); [jennifer.vigil@klamathtribes.com](#); [Eric Quaempts](#)

<EricQuaempts@ctuir.org>; mikelambert@ctuir.org; Audie Huber <AudieHuber@ctuir.org>; KENNEDY Mike <mikek@ctsi.nsn.us>; Stan van de Wetering <stanvandewetering@yahoo.com>; peterh@ctsi.nsn.us; tearafarrowferman@ctuir.org; Kelly Coates - GO \ Natural Resources Director <KCoates@cowcreek-nsn.gov>; Travis W. Mackie - GO \ Fisheries Biologist <Travis.Mackie@cowcreek-nsn.gov>; clarence.henthorne@klamathtribes.com; Mark Durante - GO \ Archaeologist <Mark.Durante@cowcreek-nsn.gov>; Robin Harkins <robinharkins@coquilletribe.org>; John Ogan <johnogan@coquilletribe.org>; 'HelenaLinnell@coquilletribe.org' <HelenaLinnell@coquilletribe.org>; DRAKE Colby <colby.drake@grandronde.org>; McClary Lindsay <lindsay.mcclary@grandronde.org>; briece.edwards@grandronde.org; Dave Johnson <davej@nezperce.org>; Katie Frenyea <kathrynf@nezperce.org>; BRANDY HUMPHREYS (brandy.humphreys@grandronde.org) <Brandy.Humphreys@grandronde.org>
Cc: PAGE Stephanie * OWEB <Stephanie.PAGE@oweb.oregon.gov>; DAVIS Renee * OWEB <Renee.DAVIS@oweb.oregon.gov>; FORNEY Miriam * OWEB <Miriam.FORNEY@oweb.oregon.gov>; PRIMLEY Kristi * OWEB <Kristi.PRIMLEY@oweb.oregon.gov>
Subject: [EXTERNAL EMAIL] RE: Comment opportunity on OWEB land acquisition grant application
Importance: High

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[us/Pages/board/meetings.aspx](https://www.oweb.org/Pages/board/meetings.aspx)

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Miriam Forney
Acquisitions Coordinator
775 Summer Street NE, Suite 360
Salem, OR 97301
(971) 345-7023
miriam.forney@oweb.oregon.gov

Respectfully,
Ken

Ken Fetcho
Pronouns: *He/him/his* ([why is this important?](#))
Effectiveness Monitoring Coordinator/Tribal Liaison
Oregon Watershed Enhancement Board
Salem, OR
971-345-7018

From: FETCHO Ken * OWEB

Sent: Monday, October 16, 2023 10:07 AM

To: austin.smithjr2@ctwsbnr.org; 'sophie.escobar@ctwsbnr.org' <sophie.escobar@ctwsbnr.org>; brad.houslet@ctwsbnr.org; mars.galloway@ctwsbnr.org; Ashley Russell <arussell@ctclusi.org>; cbeck@ctclusi.org; jbeers@ctclusi.org; 'Calla.Hagle@burnspaiute-nsn.gov' <Calla.Hagle@burnspaiute-nsn.gov>; dlteeman.burns.paiute@gmail.com; Steve Rondeau <steve.rondeau@klamathtribes.com>; mark.buettner@klamathtribes.com; christina.rubidoux@klamathtribes.com; jennifer.vigil@klamathtribes.com; Eric Quaempts <EricQuaempts@ctuir.org>; mikelambert@ctuir.org; Audie Huber <AudieHuber@ctuir.org>; KENNEDY Mike <mikek@ctsi.nsn.us>; Stan van de Wetering <stanvandewetering@yahoo.com>; peterh@ctsi.nsn.us; tearafarrowferman@ctuir.org; Kelly Coates <KCoates@cowcreek-nsn.gov>; tmackie@cowcreek-nsn.gov; clarence.henthorne@klamathtribes.com; Mark.Durante@cowcreek-nsn.gov; Robin Harkins <robinharkins@coquilletribe.org>; John Ogan <johnogan@coquilletribe.org>; 'HelenaLinnell@coquilletribe.org' <HelenaLinnell@coquilletribe.org>; DRAKE Colby <colby.drake@grandronde.org>; McClary Lindsay <lindsay.mcclary@grandronde.org>; briec.edwards@grandronde.org; Dave Johnson <davej@nezperce.org>; Katie Frenyea <kathrynf@nezperce.org>; BRANDY HUMPHREYS (brandy.humphreys@grandronde.org) <Brandy.Humphreys@grandronde.org>

Cc: CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>; PAGE Stephanie * OWEB <Stephanie.PAGE@oweb.oregon.gov>; DAVIS Renee * OWEB

<Renee.DAVIS@oweb.oregon.gov>; FORNEY Miriam * OWEB <Miriam.FORNEY@oweb.oregon.gov>

Subject: Comment opportunity on OWEB land acquisition grant application

Importance: High

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The Oregon Watershed Enhancement Board (OWEB) funds voluntary land acquisition projects that maintain or restore watersheds and habitat for native fish or wildlife. OWEB recently received a grant application proposing a land acquisition project that may be of interest to your Tribe. Attached are two maps that identify where the property is located along Paulina Creek just Northeast of La Pine.

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Log-in ID: grantee

Password: oweb

Search Project Name: Paulina Creek Preserve

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Please contact Miriam Forney, Acquisitions Coordinator, at miriam.forney@oweb.oregon.gov or 971-345-7023 if you have any questions about the grant application or opportunities to comment.

Respectfully,

Ken

Ken Fetcho

Pronouns: *He/him/his* ([why is this important?](#))

Effectiveness Monitoring Coordinator/Tribal Liaison

Oregon Watershed Enhancement Board

Salem, OR

971-345-7018

FORNEY Miriam * OWEB

From: Austin Smith <austin.smithjr2@ctwsbnr.org>
Sent: Tuesday, November 28, 2023 8:47 AM
To: FETCHO Ken * OWEB
Cc: escobar sophie; Houslet Brad; Galloway Mars; Ashley Russell; cbeck@ctclusi.org; jbeers@ctclusi.org; Calla.Hagle@burnspaiute-nsn.gov; D.L. Teeman; Steve Rondeau; mark.buettner@klamathtribes.com; christina.rubidoux@klamathtribes.com; jennifer.vigil@klamathtribes.com; Eric Quaempts; mikelambert@ctuir.org; Audie Huber; KENNEDY Mike; Stan van de Wetering; peterh@ctsi.nsn.us; tearafarrowferman@ctuir.org; Kelly Coates; tmackie@cowcreek-nsn.gov; clarence.henthorne@klamathtribes.com; Mark.Durante@cowcreek-nsn.gov; Robin Harkins; John Ogan; HelenaLinnell@coquilletribe.org; DRAKE Colby; McClary Lindsay; briece.edwards@grandronde.org; Dave Johnson; Katie Frenyea; BRANDY HUMPHREYS (brandy.humphreys@grandronde.org); PAGE Stephanie * OWEB; DAVIS Renee * OWEB; FORNEY Miriam * OWEB; PRIMLEY Kristi * OWEB
Subject: Re: Comment opportunity on OWEB land acquisition grant application
Importance: High

You don't often get email from austin.smithjr2@ctwsbnr.org. [Learn why this is important](#)

Good morning

The Confederated Tribes of Warm Springs will submit comments on the OWEB land acquisition grant application. This land is outside of our Ceded Lands' boundary. Although the tribes traditionally used this area specific to our Northern Paiute tribe, our ODFW hunt agreement includes the Upper Deschutes unit, just across the road, and our most recent 10% hunt permit tags issued by ODFW to tribes from 1980-2017 did include permits legal for the Paulina unit including claimed and open and unclaimed land access to exercise treaty reserved rights under this agreement with the state. The tribe's treaty reserved rights to fish, and having quality fish would benefit from any work done in the watershed of Paulina Creek, which directly flows into or supports the hydrological function of the Deschutes River.

The tribes will submit a more detailed comment letter prior to the hearing.

Austin

Austin L. Smith Jr

General Manager - Branch of Natural Resources, Confederated Tribes of Warm Springs

[\(541\) 553-2046](tel:5415532046) | [\(541\) 604-0135](tel:5416040135)

warmsprings-nsn.gov/tribal-programs/natural-resources/

austin.smithjr2@ctwsbnr.org

[4223 Holliday Street / P.O. Box C, Warm Springs, OR 97761](#)

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On Nov 27, 2023, at 8:59 AM, FETCHO Ken * OWEB <Ken.FETCHO@oweb.oregon.gov> wrote:

Good morning,

In October of this year OWEB notified the federally recognized tribes in Oregon that we received a grant application from the Deschutes Land Trust proposing a land acquisition project that may be of interest to your Tribe.

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Please direct questions or comments about this notice to:

Miriam Forney
Acquisitions Coordinator
775 Summer Street NE, Suite 360
Salem, OR 97301
(971) 345-7023
miriam.forney@oweb.oregon.gov

Respectfully,
Ken

Ken Fetcho
Pronouns: *He/him/his* ([why is this important?](#))
Effectiveness Monitoring Coordinator/Tribal Liaison
Oregon Watershed Enhancement Board
Salem, OR
971-345-7018

[See More from FETCHO Ken * OWEB](#)

<Property_Map.pdf><Vicinity_Map.pdf>

From: [FETCHO Ken * OWEB](#)
To: [Helena Linnell](#)
Cc: [Robin Harkins](#); [FORNEY Miriam * OWEB](#)
Subject: RE: Comment opportunity on OWEB land acquisition grant application
Date: Tuesday, November 28, 2023 10:42:58 AM

Thanks Robin and Helena!

I look forward to meeting with you tomorrow!

Cheers
Ken

Ken Fetcho
Pronouns: *He/him/his* ([why is this important?](#))
Effectiveness Monitoring Coordinator/Tribal Liaison
Oregon Watershed Enhancement Board
Salem, OR
971-345-7018

From: Helena Linnell <HelenaLinnell@coquilletribe.org>
Sent: Tuesday, November 28, 2023 10:39 AM
To: FETCHO Ken * OWEB <Ken.FETCHO@oweb.oregon.gov>
Cc: Robin Harkins <robinharkins@coquilletribe.org>
Subject: RE: Comment opportunity on OWEB land acquisition grant application

Good morning Ken,

Coquille does not have any comment regarding this land acquisition application.

Thank you,
Helena

Helena Linnell
Biological Planning and Operations Manager
Coquille Indian Tribe
North Bend, Oregon
Office: 541-756-0904
Cell: 541-217-8477

From: FETCHO Ken * OWEB <Ken.FETCHO@oweb.oregon.gov>

Sent: Monday, November 27, 2023 9:00 AM

To: austin.smithjr2@ctwsbnr.org; 'sophie.escobar@ctwsbnr.org' <sophie.escobar@ctwsbnr.org>; brad.houslet@ctwsbnr.org; mars.galloway@ctwsbnr.org; Ashley Russell <arussell@ctclusi.org>; cbeck@ctclusi.org; jbeers@ctclusi.org; 'Calla.Hagle@burnspaiute-nsn.gov' <Calla.Hagle@burnspaiute-nsn.gov>; Diane Teeman <dlteeman.burns.paiute@gmail.com>; Steve Rondeau <steve.rondeau@klamathtribes.com>; mark.buettner@klamathtribes.com; christina.rubidoux@klamathtribes.com; jennifer.vigil@klamathtribes.com; Eric Quaempts <EricQuaempts@ctuir.org>; mikelambert@ctuir.org; Audie Huber <AudieHuber@ctuir.org>; KENNEDY Mike <mikek@ctsi.nsn.us>; Stan van de Wetering <stanvandewetering@yahoo.com>; peterh@ctsi.nsn.us; tearafarrowferman@ctuir.org; Kelly Coates <KCoates@cowcreek-nsn.gov>; tmackie@cowcreek-nsn.gov; clarence.henthorne@klamathtribes.com; Mark.Durante@cowcreek-nsn.gov; Robin Harkins <robinharkins@coquilletribe.org>; John Ogan <johnogan@coquilletribe.org>; Helena Linnell <HelenaLinnell@coquilletribe.org>; DRAKE Colby <colby.drake@grandronde.org>; McClary Lindsay <lindsay.mcclary@grandronde.org>; briec.edwards@grandronde.org; Dave Johnson <davej@nezperce.org>; Katie Frenyea <kathrynf@nezperce.org>; BRANDY HUMPHREYS (brandy.humphreys@grandronde.org) <Brandy.Humphreys@grandronde.org>
Cc: PAGE Stephanie * OWEB <Stephanie.PAGE@oweb.oregon.gov>; DAVIS Renee * OWEB <Renee.DAVIS@oweb.oregon.gov>; FORNEY Miriam * OWEB <Miriam.FORNEY@oweb.oregon.gov>; PRIMLEY Kristi * OWEB <Kristi.PRIMLEY@oweb.oregon.gov>
Subject: RE: Comment opportunity on OWEB land acquisition grant application
Importance: High

WARNING: This email originated from outside of the organization!

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(971) 345-7023
miriam.forney@oweb.oregon.gov

Respectfully,
Ken

Ken Fetcho
Pronouns: *He/him/his* ([why is this important?](#))
Effectiveness Monitoring Coordinator/Tribal Liaison
Oregon Watershed Enhancement Board
Salem, OR
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From: FETCHO Ken * OWEB
Sent: Monday, October 16, 2023 10:07 AM
To: austin.smithjr2@ctwsbnr.org; 'sophie.escobar@ctwsbnr.org' <sophie.escobar@ctwsbnr.org>; brad.houslet@ctwsbnr.org; mars.galloway@ctwsbnr.org; Ashley Russell <arussell@ctclusi.org>; cbeck@ctclusi.org; jbeers@ctclusi.org; 'Calla.Hagle@burnspaiute-nsn.gov' <Calla.Hagle@burnspaiute-nsn.gov>; dlteeman.burns.paiute@gmail.com; Steve Rondeau <steve.rondeau@klamathtribes.com>; mark.buettner@klamathtribes.com; christina.rubidoux@klamathtribes.com; jennifer.vigil@klamathtribes.com; Eric Quaempts <EricQuaempts@ctuir.org>; mikelambert@ctuir.org; Audie Huber <AudieHuber@ctuir.org>; KENNEDY Mike <miek@ctsi.nsn.us>; Stan van de Wetering <stanvandewetering@yahoo.com>; peterh@ctsi.nsn.us; tearafarrowferman@ctuir.org; Kelly Coates <KCoates@cowcreek-nsn.gov>; tmackie@cowcreek-nsn.gov; clarence.henthorne@klamathtribes.com; Mark.Durante@cowcreek-nsn.gov; Robin Harkins <robinharkins@coquilletribe.org>; John Ogan <johnogan@coquilletribe.org>; 'HelenaLinnell@coquilletribe.org' <HelenaLinnell@coquilletribe.org>; DRAKE Colby

<colby.drake@grandronde.org>; McClary Lindsay <lindsay.mcclary@grandronde.org>;
briec.e.edwards@grandronde.org; Dave Johnson <davej@nezperce.org>; Katie Frenyea
<kathrynf@nezperce.org>; BRANDY HUMPHREYS (brandy.humphreys@grandronde.org)
<Brandy.Humphreys@grandronde.org>

Cc: CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>; PAGE
Stephanie * OWEB <Stephanie.PAGE@oweb.oregon.gov>; DAVIS Renee * OWEB
<Renee.DAVIS@oweb.oregon.gov>; FORNEY Miriam * OWEB <Miriam.FORNEY@oweb.oregon.gov>

Subject: Comment opportunity on OWEB land acquisition grant application

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Written comments concerning the grant application will be accepted by email or U.S. mail until 4:00 p.m., April 18, 2024. There will be an opportunity to comment, virtually or in-person, on the grant application at the April 23-24, 2024 OWEB board meeting. Board meeting information will be posted at <https://www.oregon.gov/oweb/about-us/Pages/board/meetings.aspx>

Please contact Miriam Forney, Acquisitions Coordinator, at miriam.forney@oweb.oregon.gov or 971-345-7023 if you have any questions about the grant application or opportunities to comment.

Respectfully,

Ken

Ken Fetcho

Pronouns: *He/him/his* ([why is this important?](#))

Effectiveness Monitoring Coordinator/Tribal Liaison

Oregon Watershed Enhancement Board

Salem, OR

971-345-7018

From: [MARILYN R SIMPSON](#)
To: [FORNEY Miriam * OWEB](#)
Subject: OWEB Grant
Date: Sunday, December 3, 2023 6:07:37 AM

You don't often get email from mrs_9@msn.com. [Learn why this is important](#)

I am writing in support of

funding a grant to Deschutes Land Trust under Grant Application No. 224-9904-23176.

Thank you, Marilyn Simpson, Eugene, Oregon, mrs_9@msn.com

From: [Mike Vernon](#)
To: [FORNEY Miriam * OWEB](#)
Cc: [Natasha Bellis](#)
Subject: Paulina Hearing Response
Date: Monday, March 11, 2024 2:53:46 PM
Attachments: [Paulina Creek Preserve Public Hearing Notes_dlt_response.docx](#)

Hi Miriam,

Attached you'll find an updated version of the notes from the public hearing, including the land trust's response. We only responded to concern #1 as we felt concerns 2 and 3 were not relevant to the process as we are not real estate developers (concern #2) or ranchers (concern #3).

Please let me know if you would prefer the comments in a different format.

Best,

--



Mike Vernon

Conservation Manager

[Pronouns:](#) he/him/his

210 NW Irving Avenue, Suite 102

Bend, Oregon 97703

Office: (541) 330-0017

Cell: (541) 286-6763

Deschuteslandtrust.org

Paulina Creek Preserve
Public Hearing Meeting Notes
La Pine Community Center
January 5th 2024 9am-10am

Participants

Renee Davis & Greg Ciannella (OWEB)
Natasha Bellis, Mike Vernon, Jen Zalewski (Deschutes Land Trust)
Tony DeBone (resident/neighbor to Paulina Creek Preserve, Deschutes County Commissioner)

Benefits/Strength

- Opportunity to enhance wildlife habitat, improve connectivity of wildlife corridors with adjacent public lands.
- Local and adjacent communities to the property are excited about the Deschutes Land Trust (DLT) owning the property. Some residents are engaging with DLT as site stewards.
- Provide managed, safe recreation that aligns with fish and wildlife habitat protection.

Concerns/Challenges

- DLT needs to ensure that the neighbor continues to have access to their water right, since their point of diversion is on DLT land. This was brought up in the context of planned future restoration that seeks to restore floodplain connectivity, wetland, and meadow enhancements. The concern was raised on whether re-activating historic flow paths and natural process function throughout the meadow complex would or could cause issue with access and water availability at the point of diversion.
- The property is surrounded by public land, its questioned why more land is being allocated for the purpose of conservation of fish and wildlife values instead of potentially being used for local public needs such as housing.
- Livestock grazing has been a traditional use of the property. With DLT ownership, this use will go away. The aesthetic nature of seeing livestock graze the meadow will be missed.

DLT Response to Concerns/Challenges:

Challenge #1: The Land Trust has an established relationship and regular communication with our neighbor and downstream irrigator. With limited staff available in the field, the Land Trust is grateful to have this neighbor, who contacts Land Trust staff if he notices issues related to trespassing on the Preserve. We are committed, and legally obligated, to ensuring that our neighbor continues to have access to his certificated irrigation water rights.

While restoration activities including floodplain reconnection and wetland restoration will aim to disperse and slow the flow of Paulina Creek on the Preserve, the Land Trust will work with our neighbor, the Oregon Water Resources Department and our engineering team on a restoration design that will not lessen water availability at or access to our neighbor's point of diversion. There is currently a holding pond on the Preserve that delivers water to our neighbor's point of diversion via pipeline. As the Land Trust works to develop a restoration design, we will maintain the current delivery system. As restoration is implemented, we will either keep this current delivery system or work with our neighbor on a mutually agreed upon alternative that will continue to ensure the delivery of his irrigation water right.

Date: May 31, 2024

To: Oregon Watershed Enhancement Board

From: Deschutes Land Trust

Re: Paulina Creek Preserve Land Acquisition

Co-Chairs McAlister, Boyer and Members of the Board,

The Deschutes Land Trust (Land Trust) is clarifying and resubmitting our Paulina Creek Preserve Land Acquisition Application (Application), rejected by the OWEB Board (Board) at its April 2024 meeting, in accordance with Oregon Revised Statute (ORS) 541.900(4). OWEB staff concluded in their review of the Application that it met OWEB's land acquisition evaluation criteria and recommended the application for funding. This recommendation was based on review of the application relative to the program's evaluation criteria in Oregon Administrative Rules (OAR) 695-045-0180¹ and the associated review process and guidance provided by OWEB.²

Accordingly, the Land Trust is not revising the text of our Application, rather we are clarifying how our Application meets the requirements set forth in ORS 541.900(4) and OAR 695-045-01580 and providing responses to topics raised during the Board's deliberation at its April 2024 meeting. In addition, the Land Trust is supplementing our Application with additional letters of support and information that was not available at the time of our initial Application submittal.

Throughout this document, the Land Trust refers the Board to our Application³, the staff report recommending our Application⁴ and to our OWEB Technical Assistance grant application for restoration design on Paulina Creek Preserve (TA Grant)⁵. The Land Trust worked closely with OWEB staff throughout the application process and the resulting 330-page Application is a thorough depiction of how the project meets OWEB's statutory and rules requirements.

1 Summary

This document provides detailed discussion of how the Land Trust's Application meets requirements set forth in ORS 541.900(4) and OAR 695-045-01580. First, the Application aligns with the purposes of OWEB's Water Grant Fund as defined in the Oregon Constitution and seeks funding for a qualified activity under ORS 541.947. Second, specific descriptions are provided for how the Application meets the requirements of ORS 541.956 to: 1) further the Oregon Conservation Strategy (OCS); and 2) further

¹ The OWEB board approved the evaluation criteria presented in OAR 695-045-0180.

² See <https://www.oregon.gov/oweb/grants/Acquisitions/Pages/land-acquisitions.aspx>

³ Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application](#) (2024).

⁴ OWEB, [Agenda Item I: Land Acquisition Grant Awards and Time Extension Request](#) (2024).

⁵ Deschutes Land Trust, [Paulina Creek Preserve TA](#) (2024).

watershed health and native fish recovery programs of the state. This document describes relevant sections of the OCS and the specific actions the Land Trust will implement to support the strategy. Next, relevant state recovery programs are described, along with details on how the Application supports each. The next section details how the Application meets specific review requirements under ORS 541.958. This statute describes specific criteria projects must meet when seeking funding from the Watershed Conservation Grant Fund. The final section discusses OWEB’s administrative land acquisition review criteria and how the Application meets these. Within this section, we address questions from Board members that were raised during the April 2024 Board meeting.

2 The Application Meets the Requirements of ORS 541.900(4) by complying with ORS 541.947, ORS 541.956 and ORS 541.958.

ORS 541.900(4) states that the Board “shall allow an applicant to revise a rejected proposal to comply with the requirements of ORS 541.947, 541.956 and 541.958 and resubmit the proposal.” The information presented herein will clarify how the Land Trust’s Application meets the requirements of ORS 541.947, 541.956, and 541.958.

2.1 Pursuant to ORS 541.947, the Application is seeking funding from an OWEB grant program funded by the Watershed Conservation Grant Fund.

Article XV, Section 4 of the Oregon Constitution establishes a “parks and natural resources fund,” that receives 15% of the net proceeds from the State Lottery. Of these net lottery proceeds, 50% are deposited into a natural resources subaccount and distributed for the public purposes of financing the restoration and protection of native fish and wildlife, watersheds and water quality in Oregon, including “[s]ecuring long-term protection for lands and waters that provide significant habitats for native fish and wildlife.”⁶ Of the 50% of proceeds deposited into the natural resources subaccount, at least 65% are deposited into the Watershed Conservation Grant Fund established under ORS 541.947 to be used by the Oregon Watershed Enhancement Board for the purposes set forth in ORS 541.956.⁷ It is from the Watershed Conservation Grant Fund that OWEB funds the state-funded portion of land acquisition grants.

2.2 The Application meets the requirements of ORS 541.956 by seeking funding for a qualified activity under the statute and by furthering the Oregon Conservation Strategy.

ORS 541.956 states the purposes of the Watershed Conservation Grant Fund and lists approved activities for meeting these purposes as follows:

The purpose of the Watershed Conservation Grant Fund is to provide funding for grants to achieve the purposes and uses described in ORS 541.942 and to implement the mission of the Oregon Plan, including but not limited to grants to further the Oregon Conservation Strategy and the watershed

⁶ ORS 541.942(2)(b)

⁷ ORS 541.942(3)(a)

health and native fish recovery programs of this state. Moneys appropriated to the fund shall be used only for the following activities:

- 1) Acquiring from willing owners interests in land or water that will protect or restore native fish or wildlife habitats. The interests may include, but need not be limited to, fee interests, conservation easements or leases.
- 2) Projects to protect or restore native fish habitat or wildlife habitat.
- 3) Projects to protect or restore natural watershed or ecosystem functions in order to improve water quality or stream flows.
- 4) Resource assessment, planning, design and engineering, technical assistance, monitoring and outreach activities necessary for carrying out subsections (1) to (3) of this section. [2011 c.643 §13]

The Land Trust’s Application proposes to use an explicitly approved activity by requesting reimbursement funds for a portion of the fee interest for Paulina Creek Preserve (the “Property”).

The next two subsections discuss in more detail how the Land Trust’s application also complies with the purposes of the Watershed Conservation Grant Fund as set forth in ORS 541.956 by:

- 1) furthering the Oregon Conservation Strategy (OCS)⁸; and
- 2) furthering watershed health and native fish recovery programs of this state.

Furthering the Oregon Conservation Strategy

Key Conservation Issues. The OCS identifies land use changes, disruption to disturbance regimes and barriers to animal movement as the threats most impacting species and habitats on Paulina Creek Preserve.⁹ The Strategy recommends several actions to address these threats including: promoting conditions suitable for habitat connectivity, working to maintain or restore large blocks of native habitat types, maintaining riparian areas where possible, planting riparian areas with native plants to provide food and cover, and removing or discouraging invasive species to the extent possible.¹⁰

The Land Trust’s acquisition of the Property protects a large block of native habitat types and the associated riparian area from development.¹¹ The Land Trust’s management plan for the Property

⁸ The Oregon Conservation Strategy (OCS or Strategy), an overarching state strategy for conserving fish and wildlife based on the best available scientific information, provides a shared set of priorities for addressing Oregon’s conservation needs. The goals of the OCS are to maintain healthy fish and wildlife populations by maintaining and restoring functioning habitats, preventing declines of at-risk species, and reversing declines in these resources where possible. The Strategy outlines key conservation issues, conservation opportunity areas, strategy habitats and strategy species, and provides recommended voluntary actions for conservation in Oregon. Oregon Department of Fish and Wildlife, Oregon Conservation Strategy (2016).

⁹ Oregon Department of Fish and Wildlife, Paulina Creek Preserve (map), 2021, scale undetermined, generated by Deschutes Land Trust using Compass Oregon Conservation Strategy Reporting Tool, 2024.

¹⁰ Id.

¹¹ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 15-17 (2024).

provides for restoring existing habitat types by, among other things, removing invasive and encroaching species and planting native plant palates suitable to the soil and hydrology of the Property.¹² The Land Trust has already begun to promote conditions suitable for habitat connectivity by removing structural barriers to animal movement including a residence, outbuilding and barn and will have already begun to improve connectivity by eliminating fencing where possible or replacing existing fencing with wildlife friendly fence.¹³

Conservation Opportunity Areas. The OCS identifies Conservation Opportunity Areas (COA) that focus conservation efforts and financial investments in specific areas to increase the likelihood of long-term success over larger landscapes.¹⁴ The easternmost section of Paulina Creek Preserve is within the Newberry Crater COA which also borders part of the eastern boundary of the Preserve.¹⁵ While the Land Trust plans to convey this section of the Preserve to the US Forest Service, the Property under consideration in this Application will remain adjacent to the Newberry Crater COA and contribute 734 acres of functioning habitat to this larger 54,000-acre landscape.

Strategy Habitats. The OCS identifies flowing water and riparian habitat, ponderosa pine woodlands, sagebrush habitat, and wetlands as the native habitats of conservation concern on the Property.¹⁶ These habitats are deemed essential to many Strategy Species identified in the OCS.¹⁷ The Strategy further provides recommended approaches for addressing certain limiting factors affecting these native habitats. These are discussed in more detail below and in Attachment A: Paulina Creek Preserve Strategy Habitats and Recommended Approaches.

According to the OCS:

Limiting factors for strategy habitats on the Property include: Invasive fish species, channel complexity, water temperature, loss of riparian habitat, loss of floodplain function, loss of habitat complexity, riparian habitat degradation, invasive plants in riparian habitat.

Recommended approaches are:

- Restore aquatic habitats to conditions that support native fish and wildlife.
- Maintain historical hydrological regimes to ensure that habitat conditions best support native fish and wildlife.

¹² Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 16, 19, 50, (2024). Deschutes Land Trust, Paulina Creek Preserve TA (2024).

¹³ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 24, 51-52 (2024). OWEB, Agenda Item I: Land Acquisition Grant Awards and Time Extension Request 4 (2024).

¹⁴ Oregon Department of Fish and Wildlife, Oregon Conservation Strategy (2016).

¹⁵ Oregon Department of Fish and Wildlife, Paulina Creek Preserve (map), 2021, scale undetermined, generated by Deschutes Land Trust using Compass Oregon Conservation Strategy Reporting Tool, 2024. Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 219 (2024).

¹⁶ Oregon Department of Fish and Wildlife, Paulina Creek Preserve (map), 2021, scale undetermined, generated by Deschutes Land Trust using Compass Oregon Conservation Strategy Reporting Tool, 2024.

¹⁷ Oregon Department of Fish and Wildlife, Oregon Conservation Strategy (2016).

- Work with community partners to restore flow and water input levels.
- Remove or replace culverts or other passage barriers with structures that mimic natural conditions as closely as possible (e.g., bridges or open-bottom arch culverts).
- Develop new habitat sites where possible.
- Provide sufficient channel complexity to maintain ecological benefits for fish and wildlife.
- Maintain or increase riparian habitat cover to provide shading and other benefits, including revegetating degraded riparian areas with native species where appropriate.
- Restore riparian zones that will provide the full array of associated ecological functions including restoring lost vegetation through planting of native trees, shrubs, and ground cover.
- Enhance or re-establish the extent and connectivity of existing riparian habitats.
- Maintain and restore riparian buffers.
- Control key invasive plants using site-appropriate tools, including mechanical, biological, and chemical treatments.

The Property has been altered through decades of private ownership and agricultural land use, including the installation of extensive ditches for flood irrigation which are incised, largely devoid of roughness and disconnect the Creek from its floodplain.¹⁸ This has also contributed to a loss of native plant communities on the Property, including OCS strategy habitats and OWEB priority ecological systems such as sub alpine or montane wet meadows and freshwater emergent marsh.¹⁹ The loss of these habitats on the Property has likely subsequently impacted a range of terrestrial and aquatic species including OCS and OWEB priority species Western toad and Lewis’s woodpecker.²⁰

The Land Trust’s management plan for the Property includes restoration actions that increase riparian habitat, floodplain function and habitat complexity by: (1) diversifying flow paths and instream hydraulics of Paulina Creek; (2) restoring floodplain connectivity through approaches such as floodplain grading; (3) enhancing riparian, wetland and meadow vegetative structure, including pollinator habitats by planting native species and removing invasive species; (4) maintaining and increasing the area’s connectivity and permeability to enhance wildlife corridor capacity by restoring native vegetative cover in meadows; and (5) restoring forest conditions to reduce threat of catastrophic wildfire and increase resilience to climate related stress.²¹

Many culverts are associated with the irrigation infrastructure on the Property and, where possible, will be removed as part of our restoration.²² Where structures are needed to pass water under major roads

¹⁸ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 16, 47, 159, 209 (2024). Deschutes Land Trust, Paulina Creek Preserve TA 6 (2024).

¹⁹ Id.

²⁰ Id.

²¹ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 19, 220 (2024). Deschutes Land Trust, Paulina Creek Preserve TA 2, 8-11 (2024).

²² Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 18, 220 (2024).

or maintain an existing point of diversion²³, the Land Trust will work with our engineering design team to develop structures that mimic natural conditions as closely as possible.

The Land Trust will also work with the Oregon Water Resources Department, Department of Fish and Wildlife and Deschutes River Conservancy to transfer the Property's irrigation water rights instream, shaping the instream right to ensure the best possible habitat conditions for fish and wildlife.²⁴ The instream water right will help restore hydrologic regimes to the lower portion of Paulina Creek, where Western Rivers Conservancy recently purchased the last remaining private property on Paulina Creek, at its confluence with the Little Deschutes River. Restoring the hydrologic regime to this lower stretch of the Creek could help provide vital connectivity to the Little Deschutes, allowing a depressed native redband trout population access to restored land that will provide much need suitable spawning habitat.²⁵

Lower Paulina Creek, where the Property is located, is also 303(d)-listed by the Oregon Department of Environmental Quality for temperature, indicating the creek temperature is often too high to support sensitive aquatic species.²⁶ To help cool stream temperatures, the Land Trust will maintain and enhance riparian, wetland and meadow vegetative cover through native planting and invasive species removal. Increasing streamflow on the Property through our instream transfer will also aid in cooling the Creek.

Furthering watershed health and native fish recovery programs of this state

In addition to furthering goals of the OCS, the Land Trust's Application also furthers an array of state watershed and native fish recovery programs from ODFW, ODEQ, and OWEB.

ODFW Plans. Protecting this Property also protects habitat for species identified on ODFW's Wildlife Priority Strategy Species List for the East Cascades ecoregion: Lewis's woodpecker, Oregon spotted frog, olive-sided flycatcher, and Townsend's big-eared bat.²⁷ One of the stated purposes of the Wildlife Priority Strategy Species lists is to help focus funding.²⁸ The Property is also adjacent to ODFW-identified

²³ The Land Trust has a legal obligation to maintain our neighbor's existing point of diversion located on our Property. The Land Trust will keep all infrastructure needed to maintain this diversion. OWEB, [Agenda Item I: Land Acquisition Grant Awards and Time Extension Request 5](#) (2024).

²⁴ The instream transfer will be done in accordance with existing law. Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application 19](#) (2024).

²⁵ Jerry George, 'Redband Trout' email to Natasha Bellis, March 2024, accessed March 2024..

²⁶ Environmental Protection Agency, Paulina Creek Preserve (map), date unknown, watershed scale, generated by Deschutes Land Trust using How's My Waterway Mapping Tool, 2024.

²⁷ Oregon Department of Fish and Wildlife, [Strategy Species List](#) (2017): https://oregonconservationstrategy.org/media/ODFW-Wildlife-Priority-Strategy-Species-by-Ecoregion_3.2018.pdf. Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application 19](#) (2024).

²⁸ Id.

connectivity areas that include both ‘connectors’—optimal pathways between regions—and an important ‘region’ in Newberry Crater and to the north of the National Monument.²⁹

ODEQ Plan. Lower Paulina Creek, where the Preserve is located, is 303(d)-listed by the Oregon Department of Environmental Quality as impaired for degraded aquatic life—indicating the biological community normally expected is unhealthy, much reduced, or absent—and temperature—indicating the creek temperature is often too high to support sensitive aquatic species.³⁰ Recommended actions for these impairments include improving the benthic macroinvertebrate community, restoring riparian vegetation and using less water, all of which the Land Trust plans to do in restoring the Property.³¹

OWEB Plan. The Application supports the following conservation principles outlined in OWEB’s Ecological Priorities for Land Acquisition by Basin document: improving connectivity, restoring function, protecting large, in-tact areas, and complementing existing ecological networks.³² In addition, protecting the Property will support the following OWEB priority species: Oregon Spotted Frog, Western toad, Lewis’s woodpecker, loggerhead shrike, golden eagle nest sites, pallid bat Townsends big-eared bat, and white-tailed jackrabbit and the following OWEB priority ecological systems: freshwater emergent marsh (126 acres) and subalpine or montane wet meadows (31 acres).³³

2.3 The Land Trust’s Application complies with the criteria set forth in ORS 541.958 by providing a matching contribution, undergoing review and approval by a technical committee and providing a public benefit.

ORS 541.958 describes the criteria with which all board approved projects funded through the Watershed Conservation Grant Fund must comply. The statute states:

- a) any project that the board approves for funding shall comply with the following criteria:
 - 1. There is a matching contribution from other program funds, in-kind services or other investment in the project;
 - 2. The project to be funded is reviewed and approved by a technical committee established in accordance with ORS 541.926; and
 - 3. The project provides a public benefit by supporting improved:
 - a) Water quality;
 - b) Native fish or wildlife habitat; or

²⁹ Priority Wildlife Connectivity Areas. 2023. Oregon Department of Fish and Wildlife. Salem, Oregon. Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 14-15, 136 (2024). Deschutes Land Trust, Paulina Creek Preserve TA 13 (2024).

³⁰ Environmental Protection Agency, Paulina Creek Preserve (map), date unknown, watershed scale, generated by Deschutes Land Trust using How’s My Waterway Mapping Tool, 2024.

³¹ Id.

³² Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 14-17, 217-219 (2024). Deschutes Land Trust, Paulina Creek Preserve TA 6, 13 (2024).

³³ Id.

c) Watershed or ecosystem function. [Formerly 541.401]

The Land Trust's Application complies with all the criteria described in this statutory provision in the following ways:

1. Our Application details the Land Trust's matching contribution³⁴ which totals \$832,964 in cash match and \$30,231 in in-kind match. Match sources include both restricted and unrestricted funds from the Land Trust, and grants from Deschutes Trail Coalition, Bend Sustainability Fund and National Fish and Wildlife Foundation. As an update to our matching funds, the Land Trust recently received \$125,000 from the Hollis Foundation for the acquisition of Paulina Creek Preserve, a match source that was not known at the time of Application submittal.
2. Our Application underwent technical review and approval by the following individuals and agencies in accordance with ORS 541.958(2).³⁵ The Land Trust considers these individuals and agencies—all local experts in their field—partners in our work to protect and restore Paulina Creek Preserve:
 - Jessica Clark, Habitat Biologist, Oregon Department of Fish and Wildlife
 - Andrew Walch, District Wildlife Biologist, Oregon Department of Fish and Wildlife
 - Jeremy Giffin, Deschutes Basin Watermaster, Oregon Water Resources Department
 - Jason Gritzner, Hydrologist, Watershed Program Manager, U.S. Forest Service
 - Jennifer O'Reilly, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service
 - Cristina McKernan, Ecologist, U.S. Forest Service.
3. Our Application provides public benefit by supporting improved:
 - a. Water Quality. Our Application clearly states the Land Trust's intent to restore the Property's wetlands and wet meadows by reconnecting Paulina Creek to its floodplain.³⁶ When inundated with water, floodplains act as natural filters, removing excess sediment and nutrients, which can degrade water quality.³⁷ Furthermore, restoring the Property's wetlands and wet meadows will slow the water flow, allowing it to seep into the ground where it can replenish underground aquifers.³⁸

³⁴ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 33 (2024).

³⁵ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 28 (2024).

³⁶ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 2, 6, 18-20 (2024). Deschutes Land Trust, Paulina Creek Preserve TA (2024). OWEB, Agenda Item I: Land Acquisition Grant Awards and Time Extension Request 5 (2024).

³⁷ The Nature Conservancy, Benefits of Healthy Floodplains (2018). Available online at <https://www.nature.org/en-us/what-we-do/our-priorities/protect-water-and-land/land-and-water-stories/benefits-of-healthy-floodplains/#:~:text=Improved%20Water%20Quality%3A%20When%20inundated,quality%20and%20increase%20treatment%20costs.>

³⁸ Id.

In addition, Lower Paulina Creek, where the Property is located, is 303(d)-listed by the Oregon Department of Environmental Quality for temperature, indicating the creek temperature is often too high to support sensitive aquatic species. To help cool stream temperatures, the Land Trust will enhance riparian, wetland and meadow vegetative health, including pollinator habitats. The Land Trust will also work with the Oregon Water Resources Department, Department of Fish and Wildlife and Deschutes River Conservancy to transfer the Property's irrigation water rights instream, shaping this instream right to ensure the best possible habitat conditions for fish and wildlife.

- b. Native fish or wildlife habitat. The Land Trust's acquisition of the property alone will support improved native fish and wildlife habitat by preventing the fragmentation of 1,100 acres of relatively undeveloped land. Protecting the Property provides relatively barrier free connection with 54,000 acres of federally owned land, including the Newberry National Volcanic Monument. The Nature Conservancy's (TNC) Resilient Rivers Database³⁹ lists most of the Property as a "priority for protection" given its freshwater resilience and recognized biodiversity value.⁴⁰

Planned floodplain and forest restoration on the property will further improve native fish and wildlife habitat by: (1) diversifying flow paths and instream hydraulics of Paulina Creek; (2) restoring floodplain connectivity; (3) enhancing riparian, wetland and meadow vegetative health, including pollinator habitats; (4) increasing wildlife corridor capacity of the area; (5) restoring forest conditions to reduce threat of catastrophic wildfire and increase resilience to climate related stress.⁴¹ This restoration will include removal and control of invasive vegetation species and planting native vegetation species to provide the biological and physical conditions necessary to support native fish and wildlife.⁴²

- c. Watershed or ecosystem function. The Land Trust's acquisition and subsequent restoration of the Property will improve a range of watershed and ecosystem functions including: (1) increasing permeability in the area by removing barriers where possible, (2) maintaining wildlife corridor capacity in the area by preventing fragmentation of the landscape; (3) improving streamflow in Paulina Creek; (4) improving connectivity of

³⁹ A team of 13 TNC scientists developed this database to estimate the relative resilience of streams based on seven characteristics that can be accurately mapped at the regional scale. One of the functions of the database to guide land acquisition. See:

<https://www.conservationgateway.org/ConservationByGeography/NorthAmerica/UnitedStates/edc/reportsdata/freshwater/fwresilience/Pages/default.aspx>

⁴⁰ Id.

⁴¹ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 2, 6, 18-20 (2024). Deschutes Land Trust, Paulina Creek Preserve TA 2 (2024).

⁴² Deschutes Land Trust, Paulina Creek Preserve TA 9 (2024).

Paulina Creek hydrology to its associated floodplain; (5) improving riparian and meadow vegetative health including pollinator habitat; (6) removing invasive weeds where possible and minimize their spread through mechanical, biological and chemical treatments.

3 The Application meets OWEB's land acquisition review criteria

In addition to meeting statutory requirements, the Land Trust's Application also meets OWEB's administrative land acquisition review criteria. This section describes in detail how the Application meets each criteria. In addition, specific questions raised by the Board during its April meeting are addressed under the relevant criteria subsection.

OAR 695-045-0180 states that:

OWEB shall evaluate grant applications for:

- (1) The consistency of the Project with the Board's established priorities and principles and conservation priorities established in local, regional, or state conservation plans for land acquisitions;
- (2) The significance of the projected ecological outcomes;
- (3) The capacity of the grant applicant, or intended property manager, to complete the acquisition of the Property Interest and to achieve and sustain the proposed ecological outcomes over time;
- (4) The soundness of the legal and financial terms of the proposed real estate transaction;
- (5) The community impacts or benefits resulting from the Project; and
- (6) Any other factors the Board determines are relevant.

The following subsections detail how the Land Trust's Application meets each of these grant application evaluation criteria.

Consistency of Application with OWEB priorities

Several of OWEB's priority ecological systems, communities and species exist or have modeled habitat on the Property.⁴³ These include riparian woodland and shrubland, rigid sage, bluegrass and buckwheat scablands, subalpine or montane wet meadow, xeric mixed sagebrush shrubland and freshwater emergent marsh, basin wildrye bottomlands, bitterbrush/Idaho fescue, bitterbrush/Sandberg bluegrass, Oregon spotted frog, Western toad, Lewis's woodpecker, golden eagle, loggerhead shrike, pallid bat, Townsends big-eared bat, and white-tailed jackrabbit.

⁴³ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 15-17, 217-219 (2024).

The Application is also consistent with the local, regional, and state conservation plans including the Oregon Conservation Strategy, DEQ's 303-d listing recommendations for Lower Paulina Creek and ODFW priority species.⁴⁴

Significance of ecological outcomes

The projected ecological outcomes from this acquisition are significant. The Land Trust's acquisition of the property alone will support significant ecological outcomes by preventing the fragmentation of 1,100 acres of undeveloped land and providing relatively barrier free connection to 54,000 acres of federally owned land, including the Newberry National Volcanic Monument and a Conservation Opportunity Area. Planned floodplain and forest restoration on the property will provide enhanced ecological outcomes, detailed in the Application, this document and our entire OWEB technical assistance grant application for the restoration design of the Property, which was approved by the Board at its April 2024 meeting.⁴⁵ Ecological outcomes resulting from restoration on the Property will likely be enhanced by Western Rivers Conservancy's recent purchase, and Bureau of Land Management's subsequent ownership and restoration, of the adjacent downstream property. With this recent purchase, Paulina Creek is protected from source to confluence, a truly significant and unique opportunity.

Applicant capacity

The Land Trust has been operational for 29 years, Land Trust Alliance accredited since 2009⁴⁶ and has completed more than 20 land acquisition and restoration projects with the Oregon Watershed Enhancement Board. The Land Trust has already completed acquisition of the property interest and has a high degree of confidence in our ability to implement and sustain the proposed ecological outcomes over time. The Land Trust's qualifications and capacity are detailed in the Application and staff report⁴⁷ and include an acquisition and stewardship staff of seven employees with over 75 years of combined experience.

Project soundness

The soundness of the legal and financial terms of the proposed real estate transaction are detailed in the Application.⁴⁸ During the Board's deliberations of the Application in April 2024, two questions related to the legal and financial terms of the project were raised: stewardship funding and loan terms. Each of these are addressed below.

Stewardship funding. What is the target figure for the Stewardship Fund? The Land Trust uses a stewardship calculator to calculate establishment costs, annual costs and periodic costs for our

⁴⁴ Supra Section 2.2. Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application 14-17 \(2024\)](#).

⁴⁵ Supra Section 2.2. Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application 18-20 \(2024\)](#). Deschutes Land Trust, [Paulina Creek Preserve TA 2 \(2024\)](#).

⁴⁶ Deschutes Land Trust was among the first 59 land trusts accredited in the nation and the second in the state of Oregon. There are currently over 450 accredited land trusts in the nation and 12 in Oregon.

⁴⁷ Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application 18-20 \(2024\)](#).

⁴⁸ Deschutes Land Trust, [Paulina Creek Preserve Land Acquisition Application 20-22, 30-33 \(2024\)](#).

properties and determine how much funding we would need to place in endowment to cover those expenses in perpetuity. The stewardship calculator for this project can be found as an upload to the Application.⁴⁹ It describes needing endowments of \$107,000 for establishment costs, \$926,000 for annual costs and \$170,000 for periodic costs for a total stewardship endowment of \$1,205,000. The Land Trust has already expended the establishment costs and uses funding from our current stewardship endowment to cover annual costs on the Property which our calculator estimates will range from \$35-45K over the next 10 years.

Where do the funds come from? Deschutes Land Trust Stewardship Fund was established to set up the funding needed to care for all our protected lands in perpetuity. The Land Trust takes its stewardship responsibilities very seriously and the majority of our staff resources are dedicated to stewarding our property interests. We have five full-time stewardship employees on staff with expertise in wildlife biology, stream ecology and restoration, botany, forestry and weed management. Our stewardship team has expanded as our property interests have increased and a major focus of our most recent Strategic Plan and Development Plan is increasing funding for our Stewardship Fund.

The Stewardship Fund is comprised of all planned gifts that come through bequests, real estate, retirement accounts, trusts, and other means once a member has passed. The Land Trust also occasionally receive donations restricted for Stewardship Fund use. The Land Trust's long-term plan is to continue to use planned giving to increase our Stewardship Fund and to increase the amount of overall planned giving to the Land Trust.

As of May 2024, Deschutes Land Trust has received information from 37 donors stating they have included us in their planned giving. This includes a signed intent form that they have taken the steps to implement this intent of giving. Of those 37 donors, 13 have estimated how much their planned gift will be once realized and that total is \$9,127,500. Data from planned giving platform FreeWill, indicates the average planned gift is \$50,000 and previous planned gifts to Deschutes Land Trust average around this number. While we know some gifts are much more, a conservative estimate of the unknown amounts the 24 donors noted the Land Trust in their will, would be \$1,200,000 per the industry average. In addition, in the past 5 years, roughly 25% of bequests received by the Land Trust were given by donors who did not have intent forms on file. The estimates below do not include this additional source of funds for the Stewardship Fund. Known donors range between 52-89 years old.

With our current Stewardship Fund balance totaling \$3,781,195 and an estimated \$10,327,500.00 to be realized in the next 5-30 years, we estimate that we will be ahead of our needed Stewardship Fund of \$12,500,000 to steward all current Land Trust properties.

The Land Trust acknowledges that we will incur stewardship costs throughout the duration of our efforts to reach our stewardship fund goals. We currently fund approximately 65% of our overall stewardship costs annually through grants and unrestricted donations. This model has been a successful short-term

⁴⁹ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 117-124 (2024).

approach and has allowed us to grow our stewardship capacity as well as to implement award-winning restoration projects on our preserves.

Deschutes Land Trust continues to cultivate planned gifts to support the Stewardship Fund and protect our lands in perpetuity with an average of 5 new Planned Gift donors per year. The Land Trust estimates it will take 5-6 years to fully endow the Paulina Creek Preserve stewardship fund.

Loan terms. The Land Trust uploaded our loan agreement with our Application. While it is OWEB policy to keep the information contained in these documents confidential, the Land Trust consents to OWEB's release of these documents with the redaction of private lender names. In summary, we received two loans to purchase the Property; one from private lenders and one from non-profit community development organization Craft 3. Our loan with the private lenders is a four-year loan for \$4M with a 3.9% interest rate. The Craft 3 loan is a two-year \$203,000 loan with a 2% interest rate.

Community Impacts or Benefits

Our Application provides significant community impacts or benefits including public access for low-impact recreation, clean water, clean air, protection and improvement of fish, wildlife, and vegetative habitat, wildfire resiliency, carbon sequestration and preservation of indigenous and cultural heritage.⁵⁰ These benefits were confirmed through our community visioning process described below⁵¹ where the top three values identified by the community for Paulina Creek Preserve were Recreation and Access, Indigenous and Cultural Heritage, and Habitat for Plants and Animals.

In 2023, the Land Trust embarked on an effort to bring southern Deschutes County communities together to develop a shared vision for Paulina Creek Preserve. We sat down for dozens of cups of coffee with community leaders, Tribes, organizations and residents. We also sent out a community survey about the Preserve. In all, we spoke with over 150 community members. We then convened dozens of people for facilitated conversations to define the community's values about the Preserve. A subset of community volunteers signed up to further discuss these values and how the Land Trust could uphold them as we move forward managing the Property. The Paulina Creek Preserve Community Vision document is the result of these efforts. Although this process is described in the Application, the final document was not complete at the time we submitted the Application. We offer the Board our final Community Vision document, attached to this resubmittal as Attachment B: Paulina Creek Preserve Community Vision. The Vision is a key tool for the Land Trust as we develop and implement a plan for future management of Paulina Creek Preserve and it will inform our future strategies for restoration and access.

This level of community engagement is not required by our funders (including OWEB) or Land Trust Alliance accreditation. It is a process the Land Trust recently began to better connect to the communities we serve and to ascertain how we can meet their needs through our work. We are proud

⁵⁰ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 25-27 (2024).

⁵¹ Id.

of this effort and affirmed by the overwhelming community support we received for the Preserve through this process. The Land Trust was not at all concerned that only one person showed up to the public meeting OWEB held in January. After our months long community engagement process, we believe the communities of southern Deschutes County feel well informed about Paulina Creek Preserve and feel their voices have been heard. Several additional letters of support for the Property are attached to this resubmittal as Attachment C: Additional Letters of Support.

Tribes. During the Board’s deliberations in April, the Land Trust heard a concern that the Klamath Tribes’ support for the Application was undocumented and a question about whether the Klamath Tribes were interested in owning the Property.

The Property is on the ancestral lands of the Klamath Tribes and the Land Trust is in active communication with the Klamath Tribal Council and natural resource staff regarding how best to collaborate with the Tribes on restoration of the Property. Klamath Tribal Natural Resource staff and Land Trust staff met on the Property in September 2023 and discussed common restoration goals and the history of the area for future interpretation. We learned that while the Tribes believe there is significant opportunity for restoration of the Property, it is not a priority site for tribal ownership. We talked about including culturally important plants in the restoration plant list that could be used both for gathering and as a seed source for future tribal restoration projects. We also discussed the possibility of collaborating on a future prescribed burn at the Preserve to benefit ecosystem health and provide opportunities for cultural burning and live fire experience for tribal members and other partners. The Land Trust plans to hold follow up meetings with the Ambodat (aquatic restoration) and Culture and Heritage Department staff from the Tribes to further collaborate. The Tribes provided a letter of support for this Application, but we did not receive it in time to upload it with our Application. Our tribal partners often have many demands to accommodate with limited staffing. We did, however, upload the Tribe’s letter of support to this resubmittal and to our recently approved Technical Assistance grant for the restoration design of this Property.⁵²

The Land Trust is also strengthening our collaboration with the Klamath Tribes on projects beyond the boundaries of the Preserve, including:

- Donating over 200 native milkweed and other native pollinator plants to the Chiloquin Elementary school (the first Green Schoolyard in the state - interweaving climate resiliency, connection to land, community space, cultural pride, and outdoor play)
- Working together (along with other partners) to advance the conservation of the endemic Leona’s Little Blue butterfly on Klamath Tribes ancestral lands, east of Crater Lake.

⁵² Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 27 (2024). Deschutes Land Trust, Paulina Creek Preserve TA 3-4, 13 (2024).

- Attended an Inter-Tribal ecosystem restoration learning summit, held in Sunriver this past November. The gathering was geared toward elevating tribal partnerships in collaborative forest and watershed restoration and was centered on Tribal Nations, tribal elders, and indigenous community leaders, with participation from elected officials, state and federal agencies, nonprofits and educational institutions.

Other Factors

During the Board’s deliberations on the Application in April 2024, the Land Trust heard concerns that fit best in the “other factors” section of the evaluation criteria. We discuss these factors below.

Loss of agricultural production. A few members of the Board expressed concern that the Property would no longer be used for agriculture given the loss of farmland in our state and the amount of people looking for ground on which to grow food.

The Land Trust recognizes the value of agricultural lands to our communities and fish and wildlife. Protecting intact farms, ranches and forestlands from development is one of the Land Trust’s core areas of focus. To date, we have worked with willing landowners to protect over 7,000 acres of working lands from fragmentation through working lands easements, roughly half of our land protection portfolio. We further recognize that cows and restoration need not be mutually exclusive. The Land Trust believes that cattle can be a restoration tool and are actively seeking out learning opportunities with our partner land trusts and innovative ranchers that use cattle to achieve ecological objectives. Accordingly, we reserve the right to use cattle for ecological purposes in all our OWEB easements and will do the same for this Property. However, given the current condition of Property, the Land Trust believes cattle are not an appropriate restoration tool at this time.

While this Property was used for agriculture for over 100 years, the current socioeconomic composition of Deschutes County indicate that agricultural use was not likely to persist. Increases in population, personal income, and non-labor related employment over the last several decades illustrate Deschutes County’s growing appeal as a recreation and migration destination.⁵³ In 2022, tourism in Bend alone generated over \$350M.⁵⁴ At the same time, farmland in Deschutes County has been declining in size over the past several decades. In 2023, 85% of farms in the County were between 1-49 acres. The previous owners of the Property grew alfalfa primarily to attract game for hunting and occasionally leased it for grazing. The size of the Property alone is not large enough to support a viable ranching operation and the surrounding public lands do not offer grazing allotments.

This economic shift in Deschutes County is evident from the interest of potential buyers when the Property was listed for sale from 2019-2022. In recent communications, the realtor indicated that of all the potential buyers, only one was interested in using the property for agriculture (more specifically cannabis cultivation); the rest were planning to partition the Property for luxury recreational home

⁵³ Headwaters Economics. [Agriculture and Irrigation in Oregon’s Deschutes and Jefferson Counties](https://headwaterseconomics.org/wp-content/uploads/Deschutes_River_Basin_Agricultural_Report.pdf). (2017) Available online at https://headwaterseconomics.org/wp-content/uploads/Deschutes_River_Basin_Agricultural_Report.pdf

⁵⁴ Bend Bulletin. Central Oregon Tourism Can Be a Benefit or a Bust. December 22, 2023.

development.⁵⁵ While much of the Property is zoned for Exclusive Farm Use, per the County’s La Pine subzone rules, it can still be divided 19 times.⁵⁶ Furthermore, agriculturally zoned land in Deschutes County is increasingly vulnerable to rezoning⁵⁷ and the approved development of nonfarm dwellings, which almost always entails taking farmland out of production and real estate speculation for nonfarm use.⁵⁸ Simply put, the Land Trust did not purchase the Property in lieu of would-be farmers or ranchers, rather we protected it from likely fragmentation and conversion by future, non-agricultural owners, a situation that is becoming increasingly common in Deschutes County. After three years on the market, and a crippling \$1M drop in price, the seller was highly motivated to sell and was, himself, in the process of filing a land use application to divide the Property.

Restoration potential. The Land Trust heard concerns at the Board’s April 2024 meeting related to the Land Trust’s ability to achieve the level of desired restoration on the Property. Many Board members pointed to a line in the staff report that stated “the extent to which the Property can be restored is not known at this time.”⁵⁹

Before the Land Trust purchased the Property, it was important for us to understand if restoration was feasible given the encumbrances on the Property (including a neighbor’s point of diversion, a major road and a buried pipeline), the hydrologic regime of Paulina Creek and extensive irrigation infrastructure. The Land Trust would only purchase the Property if we knew restoration was feasible. We hired Tetra Tech, a reputable consulting firm that the Land Trust has worked with on past restoration projects, to outline the potential of restoration on Paulina Creek Preserve.⁶⁰

The Tetra Tech report found that while the existing encumbrances and infrastructure pose a challenge to future restoration work, they can be designed around and shouldn’t hinder the attainment of restoration objectives.⁶¹ The report concluded that Paulina Creek Preserve represents a unique opportunity to restore and protect vital riparian, wetland, and upland habitat for numerous federal and state priority species and provides connectivity and migration corridors to and from Forest Service lands and the Newberry Crater Conservation Opportunity Area.⁶² For the floodplain, Tetra Tech recommended focusing on removing irrigation infrastructure, leveraging water rights to restore a natural flow regime, realigning the creek into its relic channels, reducing channel incision, and adding roughness elements.

⁵⁵ Personal communication with Jake Polvi, Polvi Real Estate, May 2024.

⁵⁶ DCC 18.16.065(F)

⁵⁷ Deschutes County has approved the rezoning of over 2,800 acres of ag land. See Central Oregon Landwatch letter of support , Attachment C.

⁵⁸ Id.

⁵⁹ OWEB, Agenda Item I: Land Acquisition Grant Awards and Time Extension Request 6 (2024).

⁶⁰ Tetra Tech, Paulina Creek Preserve Restoration Potential Initial Assessment, (2023). Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 186 (2024).

⁶¹ Id. 191.

⁶² Id. 230.

Tetra Tech recommended that the upland areas should be managed to expand sagebrush habitat, preserve existing ponderosa pine woodlands, and increase fire resiliency.⁶³

The report recommended several detailed follow-up studies to accurately define restoration objectives for the Property, including a vegetation survey, topographic survey, subsurface analysis, and hydrologic analysis. The Land Trust built these studies into our restoration design, which the Board recently approved for funding at its April 2024 meeting. The Land Trust further details the restoration potential for the Property in its TA grant application for restoration design on the Property. The Land Trust urges the Board to read this document for more details regarding restoration on the Property. The Land Trust has a credible track record of designing and completing complex restoration projects on our Properties. OWEB has been a funding partner for many of these projects and together we have crafted a process that includes gathering input from many expert voices and partners resulting in a restoration design that uses best available science and local knowledge to achieve desired ecological outcomes.

The Land Trust wants to highlight for the Board that restoration of the Property will include the upland and forested portions of the Property. While the Land Trust is well known for our transformative stream restoration projects, we are just as concerned with and active in restoring the thousands of acres of upland habitats we conserve. Our lesser-known uplands restoration includes converting weeded meadows to native bunchgrasses and forbs using solarization, herbicide treatments, native planting and native seeding; juniper thinning; forest thinning and prescribed fire.

Water rights. Many Board members were concerned about how our restoration and planned instream transfer will affect our neighbor's water right, for which the point of diversion is located on our Property. Water rights are a complex and sensitive topic in our basin and one we encounter on all our Preserves. For this reason, we have water rights expertise on staff and are aware of our rights and obligations under the law.

The Land Trust wants to clarify important issues related to the water rights on this Property. First, the Land Trust plans to apply for an instream water rights transfer with the irrigation water rights on the Property. We anticipate this transfer will happen after restoration on the Property is complete (several years from now) and we plan to lease or irrigate with our water rights prior to that time to maintain their validity. We will work with our partners at Deschutes River Conservancy, Oregon Water Resources Department (OWRD) and Oregon Department of Fish and Wildlife to complete the instream transfer. OWRD will process the application in accordance with OAR 690-077-0065(3) which includes a review for injury and enlargement⁶⁴. This review ensures that the Land Trust's instream transfer will not negatively

⁶³ Id. 220-228.

⁶⁴ Cite. "Enlargement" means an expansion of a water right and includes, but is not limited to:

- (a) Using a greater rate or duty of water per acre than currently allowed under a right;
- (b) Increasing the acreage irrigated under a right;
- (c) Failing to keep the original place of use from receiving water from the same source; or
- (d) Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation.

impact existing water rights (including our neighbor's) or expand the transferred right (to include the use of more water or more land).⁶⁵

Since instream transfers and leases carry the priority date of the original right, they may not be diverted by a junior user.⁶⁶ While our neighbor's water right is junior to a portion of the water rights on our Property, they also have a supplemental Paulina Lake water right available for their use when their junior water right cannot be fully served due to water availability. This supplemental water right (which is roughly equivalent to one foot of the lake's surface) fulfills the neighbor's water right in the latter part of the irrigation season.

Second, the Land Trust has a legal obligation to maintain our neighbor's point of diversion and access to this point of diversion. As we design restoration on this portion of the Property, our engineering team will design around our neighbor's point of diversion and associated pipe delivery system. We will ensure no change in our neighbor's point of diversion or the actual delivery of their water right. The Land Trust has consistent communication with our neighbor and will maintain this as we develop and implement restoration designs for that portion of the Property.

Recreation. A few board members were curious about the extent of recreation on the Property and if the amount allowed will be too much. Another Board member expressed that there was already enough land for recreation in the area.

The Land Trust intends to allow public access to the Property. Recreation supports our community's needs and was the number one value listed in our community visioning process⁶⁷. Although public land is proximate to the City of La Pine, many community members feel that the Property can provide more accessible and safe recreation to the community.⁶⁸ As we work with our partners, including OWEB, on developing a restoration design for the Property, we will focus on developing low impact trails that prioritize the protection of the Property's Conservation Values, avoiding impacts to sensitive habitats such as meadows and wetlands.⁶⁹ Where feasible, the Land Trust will look to site trails on already impacted surfaces such as existing roads.⁷⁰ The Land Trust has many years of successful experience balancing public access with the protection of Conservation Values on our properties and we are confident that we can design access on the Preserve in a way that is consistent with the purposes of OWEB funding. Recreation on the Property will always subordinate to the protection of the Conservation Values and the proposed funding conditions for this Application reflect OWEB's ability to ensure that.

⁶⁵ OAR 690-077-0000

⁶⁶ Id.

⁶⁷ See Attachment B. Deschutes Land Trust, Paulina Creek Preserve Community Vision, (2023).

⁶⁸ Id.

⁶⁹ Deschutes Land Trust, Paulina Creek Preserve Land Acquisition Application 25-27 (2024).

⁷⁰ Id.

The Land Trust will channel recreational access to protect conservation values on the Property, utilizing existing roads and pathways to connect to neighboring USFS trails.⁷¹ Long term, DLT may potentially open the Property to other public, education-focused uses in a manner that fits with our ecological objectives and restoration plans.

⁷¹ Id.

Attachments:

Attachment A: Paulina Creek Preserve Strategy Habitats and Recommended Approaches

Attachment B: Paulina Creek Preserve Community Vision

Attachment C: Additional Letters of Support

ATTACHMENT A
Paulina Creek Preserve Strategy Habitats and Recommended Approaches

Table 1-5 below summarize how the Land Trust’s proposed actions on the Preserve compare to the OCS-recommended approaches for meeting the specific limiting factors applicable to the property.

TABLE 1: COMPARISON OF LAND TRUST ACTIONS AND OCS RECOMMENDED APPROACHES FOR INVASIVE FISH SPECIES

Limiting Factor: Invasive Fish Species			
Land Trust Actions	OCS-Recommended Approaches		
	Restore aquatic habitats to conditions that support native fish and wildlife	Maintain historical hydrological regimes to ensure that habitat conditions best support native fish and wildlife	Work with community partners to restore flow and water input levels
Diversifying flow paths/instream hydraulics of Paulina Creek	X	X	
Restoring floodplain connectivity	X	X	
Enhancing riparian, wetland and meadow vegetative structure, including planting native plants and reducing invasive species			
Maintaining & increasing connectivity and permeability to enhance wildlife corridor capacity			
Restoring forest conditions to reduce threat of catastrophic wildfire & increase resilience to climate related stress			
Transfer Property’s irrigation water rights instream, shaping to ensure the best possible habitat conditions			X
Coordinate restoration plans with our US Forest Service and Western Rivers Conservancy neighbors to promote the extension and connection of diminished habitat where possible			X

TABLE 2: COMPARISON OF LAND TRUST ACTIONS AND OCS RECOMMENDED APPROACHES FOR CHANNEL COMPLEXITY

Limiting Factor: Channel Complexity				
	OCS-Recommended Approaches			
Land Trust Actions	Remove or replace culverts or other passage barriers with structures that mimic natural conditions as closely as possible	Develop new habitat sites where possible	Provide sufficient channel complexity to maintain ecological benefits for fish and wildlife	Support and encourage beaver dam-building activity
Diversifying flow paths/instream hydraulics of Paulina Creek	X	X	X	X
Restoring floodplain connectivity	X	X	X	X
Enhancing riparian, wetland and meadow vegetative structure, including planting native plants and reducing invasive species		X	X	X
Maintaining & increasing connectivity and permeability to enhance wildlife corridor capacity				X
Restoring forest conditions to reduce threat of catastrophic wildfire & increase resilience to climate related stress		X		
Transfer Property's irrigation water rights instream, shaping to ensure the best possible habitat conditions				
Coordinate restoration plans with our US Forest Service and Western Rivers Conservancy neighbors to promote the extension and connection of diminished habitat where possible		X	X	X

TABLE 3: COMPARISON OF LAND TRUST ACTIONS AND OCS RECOMMENDED APPROACHES FOR WATER TEMPERATURE

Limiting Factor: Water Temperature			
Land Trust Actions	OCS-Recommended Approaches		
	Maintain or increase riparian habitat cover to provide shading and other benefits	Where appropriate, revegetate degraded riparian areas	Maintain and restore in-stream flow to help preserve favorable water temperatures
Diversifying flow paths/instream hydraulics of Paulina Creek			X
Restoring floodplain connectivity			X
Enhancing riparian, wetland and meadow vegetative structure, including planting native plants and reducing invasive species	X	X	
Maintaining & increasing connectivity and permeability to enhance wildlife corridor capacity			
Restoring forest conditions to reduce threat of catastrophic wildfire & increase resilience to climate related stress			
Transfer Property's irrigation water rights instream, shaping to ensure the best possible habitat conditions			X
Coordinate restoration plans with our US Forest Service and Western Rivers Conservancy neighbors to promote the extension and connection of diminished habitat where possible	X	X	X

TABLE 4: COMPARISON OF LAND TRUST ACTIONS AND OCS RECOMMENDED APPROACHES FOR LOSS OF RIPARIAN HABITAT, FLOODPLAIN FUNCTION AND HABITAT COMPLEXITY

Limiting Factor: Loss of riparian habitat, floodplain function and habitat complexity						
Land Trust Actions	OCS-Recommended Approaches					
	Restore riparian zones that will provide the full array of associated ecological functions	Enhance or re-establish the extent and connectivity of existing riparian habitats	Maintain and restore riparian buffers	Maintain channel integrity and natural hydrology	Where feasible, work to restore historical hydrological conditions	Restore lost vegetation through planting of native trees, shrubs, and ground cover
Diversifying flow paths/instream hydraulics of Paulina Creek	X	X	X	X	X	
Restoring floodplain connectivity				X	X	
Enhancing riparian, wetland and meadow vegetative structure, including planting native plants and reducing invasive species	X		X			X
Maintaining & increasing connectivity and permeability to enhance wildlife corridor capacity						
Restoring forest conditions to reduce threat of catastrophic wildfire & increase resilience to climate related stress						
Transfer Property's irrigation water rights instream, shaping to ensure the best possible habitat conditions				X	X	
Coordinate restoration plans with our US Forest Service and Western Rivers Conservancy neighbors to promote the extension and connection of diminished habitat where possible				X	X	X

TABLE 5: COMPARISON OF LAND TRUST ACTIONS AND OCS RECOMMENDED APPROACHES FOR RIPARIAN HABITAT DEGRADATION

Limiting Factor: Riparian habitat degradation		
	OCS-Recommended Approaches	
Land Trust Actions	Plant riparian vegetation using native species at priority sites	Control key invasive plants using site-appropriate tools, including mechanical, biological, and chemical treatments
Diversifying flow paths/instream hydraulics of Paulina Creek		
Restoring floodplain connectivity		
Enhancing riparian, wetland and meadow vegetative structure, including planting native plants and reducing invasive species	X	X
Maintaining & increasing connectivity and permeability to enhance wildlife corridor capacity		
Restoring forest conditions to reduce threat of catastrophic wildfire & increase resilience to climate related stress		X
Transfer Property's irrigation water rights instream, shaping to ensure the best possible habitat conditions		
Coordinate restoration plans with our US Forest Service and Western Rivers Conservancy neighbors to promote the extension and connection of diminished habitat where possible		X

ATTACHMENT B
Paulina Creek Preserve Community Vision

Paulina Creek Preserve Community Vision



DESCHUTES
LAND
TRUST

Deschutes Land Trust
November 2023

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Introduction

The Deschutes Land Trust purchased and created Paulina Creek Preserve in 2022. Located north of La Pine, this 1,100 acre former ranch was at risk of residential development and beloved by the local community as wildlife habitat and for its open scenic views. The Land Trust collaborated with neighboring land managers, local communities, Tribal partners, and a philanthropic lender to quickly purchase and protect Paulina Creek Preserve. The purchase launched a multi-phase effort to convert the property into a public nature preserve and accessible recreation area, and raise the funds necessary to protect Paulina Creek Preserve forever.

Paulina Creek Preserve protects 3.7 miles of Paulina Creek, wet and dry meadows, and ponderosa and lodgepole pine forest that provide habitat for a wide range of wildlife. The Preserve's proximity to the 54,000-acre Newberry National Volcanic Monument enhances wildlife migration corridors, regional trail connections, and will soon help connect the local community to the outdoors.

In 2023, the Land Trust embarked on an effort to bring southern Deschutes County communities together to develop a shared vision for Paulina Creek Preserve. We sat down for dozens of cups of coffee with community leaders, Tribes, organizations, and residents. More than 100 people completed our community survey. We convened dozens of people for facilitated conversations to define community's values regarding Paulina Creek Preserve. Volunteers then signed up to further discuss these values and how the Land Trust can uphold them as we move forward managing Paulina Creek Preserve. This document, the Paulina Creek Preserve Community Vision, is the result of that process.

The Vision is a key tool for the Land Trust as we develop and implement a plan for future management of Paulina Creek Preserve. It will inform our future strategies for restoration, access, and the ways in which the Preserve can meet the needs of the communities it serves.

As a locally based, nationally-accredited organization serving Central Oregon for more than 25 years, the Land Trust knows that private land conservation can have a transformative impact on communities. Building trust, positive working relationships, and a reputation for excellence in caring for the land are the core strategies that have helped us conserve more than 18,742 acres throughout our region and we are proud to have added Paulina Creek Preserve to our network of Community Preserves.

Partners and Participants

The following groups and individuals contributed to the creation of this document:

Deschutes Land Trust, Confederated Tribes of Warm Springs, Klamath Tribes, Central Oregon Trail Alliance, Oregon Department of Forestry, La Pine Chamber and Visitor Center, United States Forest Service – Deschutes National Forest, Deschutes County, Dirty Freehub, Oregon Department of Fish and Wildlife, Deschutes Trails Coalition, US Fish and Wildlife Service, Newberry Regional Partnership, Sunriver Homeowners Association, Deschutes Historical Society, Sunriver Nature Center, Upper Deschutes Watershed Council, City of La Pine, Discover Your Forest, Deschutes River Conservancy, and the Sunriver Area Chamber of Commerce.

Values

Recreation and Access

Definition: We value accessible and safe recreation for our community and visitors.

How Can We Uphold This Value?

- Focus on creation and inclusion of universally accessible recreation infrastructure.
 - Build trails and trail infrastructure that is welcoming and accessible to people of all abilities and is sensitive to seasonal migratory movements of wildlife in the area.
 - Provide clear maps and information to allow visitors to feel prepared.
 - Consider transportation limitations for people with disabilities and those dependent on public transit.
- Develop interpretive infrastructure that includes voices and perspectives from marginalized communities.
- Consider low-impact, diverse, varied and year-round types of recreational access.
- Create management plans that simultaneously enable multi-use recreation, mitigate user conflict, and limit negative ecological impact.
- Pursue common-sense connections, fill gaps and add value to existing and neighboring infrastructure.
- Promote responsible and sustainable recreation.
- Consider ecologically sustainable fishing access.
- Create infrastructure (seating, viewing, parking) for wildlife watching.
- Enhance visitor safety through use of volunteer ambassadors and stewards.
- Partner with US Forest Service to align, where appropriate, visitor experience and safety across Forest Service and Land Trust managed lands.

Indigenous and Cultural Heritage

Definition: We value the cultural importance of historic, sacred, and indigenous lands, and we prioritize opportunities where land can connect communities to their histories.

How Can We Uphold This Value?

- Work with Tribal Partners to implement acquisition and management strategies which allow for greatest recognition of treaty hunting, fishing, and gathering rights.
- Design interpretive materials in partnership with Tribal partners which highlight pre-European history of the property.
 - Support and uphold Tribal discretion related to cultural sites and place names.
- Explore management and stewardship planning with the inclusion of Traditional Ecological Knowledge.
 - Prioritize incorporating culturally important plant species into restoration designs,
 - Seek guidance from Tribes to align restoration activities with Tribal management priorities.
- Work with local history organizations to interpret and share recent history of Paulina Creek Preserve.
 - Opportunity to share agricultural history in La Pine.

Habitat for Plants and Animals

Definition: We value the protection of plant and animal species and their natural habitats.

How Can We Uphold This Value?

- Maximize ecological function in this rare and vital wetlands/wet meadows in the East Cascades Ecoregion.
 - Design and implement stream and meadow restoration that improves habitat quality and diversity for fish, amphibians, birds, invertebrates, and other animals.
 - Seek opportunities to aid in recovery of threatened Oregon spotted frog.
 - Integrate Paulina Creek Preserve Restoration with Land Trust Monarch and Pollinator Conservation efforts.
- Protect key elk and deer migration areas and winter range by restoring habitat and minimizing disturbance.
 - Improve forage through thinning and diversifying forest where necessary.
 - Design trails to minimize disturbance.
 - Reduce incidents of poaching through monitoring and cooperation with law enforcement.
 - Conduct public education related to responsible recreation.
 - Allow responsible dog access.
 - Educate visitors as to best practices to reduce introducing and spreading weeds.
- Monitor and treat non-native invasive weeds.
- Address impacts to wildlife caused by fencing.
- Consider potential increases in mosquito populations resulting from restoration efforts.

Thriving Local Economy

Definition: We value the management of renewable and sustainable resources to contribute to our community's economic vitality and livability.

How Can We Uphold this Value?

- Work with local and regional tourism organizations to include Paulina Creek Preserve as a tourism asset for La Pine.
- Position Paulina Creek Preserve as a recreation amenity for businesses, individuals considering relocation to La Pine.
- Partner with City Government to address growth and resource concerns.
 - Provide access to much needed groundwater mitigation credits to City of La Pine through transfer of water rights.

Water Protection

Definition: We value the protection of groundwater and restoring creeks and rivers that provide ecological and climate benefits for people and nature.

How Can We Uphold This Value?

- Realign Paulina Creek to historic flow paths, restore ecological function and connect the stream to the floodplain.
- Protect water levels in Paulina Lake.
- Pursue opportunities to maximize downstream ecological benefits to the Little Deschutes River.
- Protect restored creek by limiting recreation disturbance of banks and riparian areas.

Opportunities for Youth

Definition: We value opportunities to empower our youth through connection to nature and career opportunities in the natural resource sector.

How Can We Uphold This Value?

- Provide volunteer and opportunities for youth.
 - Provide opportunities for local and regional youth crew programs to participate in ecological restoration and other stewardship activities.
 - Provide recreational and program experiences designed for families with children.
 - Engage with school groups to access Paulina Creek Preserve for STEAM field trips.
 - Work with partners to develop site-based curriculum.
 - Connect with high school natural resource program.

Wildfire Risk Mitigation

Definition: We live in a fire adapted ecosystem, and we value a community wide approach to wildfire mitigation, prevention and response.

How Can We Uphold This Value?

- Align wildfire risk mitigation strategies with neighboring land management agencies.
 - Explore opportunity for cross-boundary fuel reduction projects.
- Practice restoration through active management to promote resilient forests and restore natural conditions.
 - Promote diversity of species composition and enhance stand vigor.
 - Limit/prevent the spread of invasive species/disease.
 - Consider prescribed fire as a tool for landscape resiliency.
 - Work with Tribes to implement traditional burning practices where possible.
- Encourage and educate surrounding neighborhoods about fire resiliency.
- Encourage wildfire prevention through responsible recreation.
 - Manage recreational use to minimize wildfire risk.
 - Align fire-related restrictions with neighboring public lands.

Conclusion

The findings of this shared community visioning process bring to light the community's passion and commitment to the future of Paulina Creek Preserve. Going forward, the Deschutes Land Trust and our many partners will not only endeavor to uphold these values but will continue to refine them, add new voices, and approach our conservation efforts with integrity, transparency, and collaboration.

We owe tremendous thanks to all the individuals and organizations who helped create the Paulina Creek Preserve Community Vision. Their time and expertise were invaluable, and the collaboration and relationship building that resulted from our work together will no doubt be long lasting. Thank you!

ATTACHMENT C
Additional Letters of Support



The Klamath Tribes Tribal Council

Natasha Bellis
Deschutes Land Trust
210 NW Irving Avenue, Suite 102
Bend, Oregon 97703

September 27th 2023

Dear Natasha:

The Klamath Tribes would like to express our support for the Deschutes Land Trust's (DLT) and U.S. Forest Service's purchase and management of approximately 700 and 400 acres respectively, of the Paulina Creek Preserve, an important tributary to the Little Deschutes River. This project represents a unique opportunity to permanently protect and restore approximately 1,100 acres of wet and dry meadows that provide critical habitat for both aquatic and terrestrial wildlife in Central Oregon.

The Paulina Creek Preserve falls within the ceded lands of the Klamath Tribes which extend into the upper Deschutes River Basin. The conservation and restoration of the Paulina Creek Preserve by the U.S. Forest Service and Deschutes Land Trust will complement the Klamath Tribe's Natural Resource Department's mission focused on ecosystem restoration and efforts towards the protection and enhancement of ecosystem health of the region.

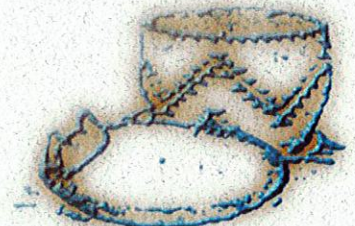
The purchase of the Paulina Creek Preserve will also enhance the conservation of adjacent forest land that provides important habitat for important species such as declining deer and elk populations. The preserve's location immediately adjacent to Newberry National Volcanic Monument will also help maintain important natural corridors that are critical for safe wildlife migration.

We appreciate the opportunity to show our support for conservation of this property and look forward to helping the Deschutes Land Trust develop management objectives and plans for the property.

Sincerely,

Clayton Dumont Jr
Chairman
The Klamath Tribes

501 Chiloquin Blvd. – P.O. Box 436 – Chiloquin, Oregon 97624
(541) 783-2219



May 30, 2024

Oregon Watershed Enhancement Board
775 Summer St NE
Salem, OR 97301

Re: Support for Deschutes Land Trust purchase and management of Paulina Creek Preserve

Dear OWEB Board Members,

Central Oregon LandWatch (“LandWatch”) is writing to express our support for the Deschutes Land Trust's purchase and management of approximately 700 acres of Paulina Creek Preserve.

LandWatch is a conservation organization that, for more than 35 years, has protected Central Oregon’s forests and high desert, rivers and springs, fish and wildlife, and its vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and farm and forest lands, balanced with a responsible, sustainable approach to planning and fostering thriving communities.

The Paulina Creek Preserve project represents a unique opportunity to permanently protect and restore 700+ acres of wet and dry meadows that provide critical habitat for both aquatic and terrestrial wildlife in Central Oregon. By acquiring this property, the Land Trust can ensure stewardship and restoration of an important tributary of the Little Deschutes River and of important floodplain and riparian habitat for local fish, wildlife, and native plant communities. The preserve can complement the neighboring Newberry National Volcanic Monument, offering open space and habitat protection and recreational access to both local community members and visitors.

In Deschutes County, our rural farm and forest lands are at high risk for development. Every year our region sees new attempts to develop luxury housing on natural and working lands in the rural county. Since 2009, Deschutes County has approved the rezoning of over 2,800 acres of agricultural land, mostly for rural residential use, but also industrial use.¹ Such rezonings

¹ Personal communication from Peter Gutowsky, Deschutes County Community Development Director, dated February 29, 2024.



of agricultural land include large rangeland holdings of over 700 acres,² and smaller working farms with a proven history of irrigated crop production.³

Deschutes County also approved 904 nonfarm dwellings between 1994-2021, nearly twice as many as any other county in Oregon.⁴ As the name implies, a nonfarm dwelling facilitates living on farmland but without farming the land.⁵ Approval and development of nonfarm dwellings almost always entails taking farmland out of production and real estate speculation for nonfarm use, which drastically increases the cost of farmland and makes it more difficult for would-be farmers to access farmland.

Deschutes County is also somewhat unique in the state for its adoption of Exclusive Farm Use (EFU) subzones across the County, each with a unique minimum lot size for new land divisions. The statewide standard for new land divisions in EFU zones is 80 acres.⁶ In the Exclusive Farm Use-La Pine subzone, where the Paulina Preserve property is located, the minimum lot size for irrigated land divisions is only 37 acres.⁷ This means that an owner of the 700-acre property could likely lawfully divide the property into 19 separate properties and seek development on each.

The farm, forest, and ranch lands of Central Oregon often serve another invaluable purpose: protecting wildlife habitat. Agricultural lands are zoned Exclusive Farm Use (EFU). EFU zones have relatively large minimum lot sizes for new land divisions and restrictions on land uses other than farm use and open space. Many species of wildlife benefit from these qualities of EFU zones by ensuring the preservation of large blocks of open space with little development. Ungulate species, like mule deer and Rocky Mountain elk, particularly benefit from EFU zoning.

² *Central Oregon LandWatch v. Deschutes County*, 330 Or App 321 (2024) (county rezoned 710 acres of agricultural land for rural residential use).

³ *Central Oregon LandWatch v. Deschutes County*, ___ Or LUBA ___, (LUBA No. 2023-049, February 15, 2024)

⁴ 2020-2021 Department of Land Conservation and Development Farm & Forest Land Use Report. Available at https://www.oregon.gov/lcd/Publications/2020-2021_Farm_Forest_Report.pdf.

⁵ See ORS 215.284.

⁶ ORS 215.780(1)(a)

⁷ DCC 18.16.065(F)



Preserving agricultural (EFU-zoned) lands like the Paulina Creek Preserve via conservation acquisition and management helps prevent the conversion of agricultural lands via rezoning and nonfarm development, which is extremely common in Deschutes County. More and more, working lands easements, conservation easements, and conservation acquisition are needed to preserve the iconic farm, forest, and ranch lands of Central Oregon. LandWatch emphatically supports Deschutes Land Trust's grant funding application for the Paulina Preserve property because it will aid in permanently preserving Deschutes County's limited and shrinking supply of agricultural land.

We hope you will consider the diverse community support for this project and urge you to approve its funding.

Sincerely,

Rory Isbell
Staff Attorney & Rural Lands Program Manager
Central Oregon LandWatch
2843 NW Lolo Drive Ste 200
Bend, Or 97703
rory@colw.org
(541) 647-2930





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Bend Field Office
63095 Deschutes Market Rd.
Bend, Oregon 97701
(541) 383-7146 FAX: (541) 383-7638



File Name: 2023DLT_FWSsupport.doc

October 27, 2023

Amanda Egertson
Deschutes Land Trust
210 NW Irving Avenue, Suite 102
Bend, Oregon 97703

RE: Support for Paulina Creek Preserve

Dear Amanda,

The U.S. Fish and Wildlife Service's (Service) Bend Field Office is currently developing the Recovery Plan for Oregon spotted frog, a threatened species under the Endangered Species Act (ESA), and we have been actively involved in habitat restoration for this species in the Deschutes Basin. We believe that the Land Trust's acquisition of the Paulina Creek Preserve presents an opportunity to improve habitat for not only spotted frog, but for multiple aquatic and terrestrial species.

The Service would like to express our support for the collaborative design process you are proposing for the Land Trust's Paulina Creek Preserve (Preserve). The Preserve has incredible ecological potential, and we look forward to providing technical support through the design process. We anticipate active engagement with our long-standing partners in the Deschutes Basin to improve the ecological integrity of the Preserve.

Sincerely,

Jennifer O'Reilly
Fish and Wildlife Biologist



Deschutes Soil and Water Conservation District

625 SE Salmon Ave. Redmond OR. 97756 541-550-6834 ekilcullen.dswcd@outlook.com

Dear OWEB Board Members,

I am writing to express my support for the Deschutes Land Trust's purchase and management of approximately 700 acres of Paulina Creek Preserve.

This project represents a unique opportunity to permanently protect and restore 700+ acres of wet and dry meadows that provide critical habitat for both aquatic and terrestrial wildlife in Central Oregon. By acquiring this property, the Land Trust can ensure stewardship and restoration of an important tributary of the Little Deschutes River and of important floodplain and riparian habitat for local fish, wildlife, and native plant communities. The preserve can complement the neighboring Newberry National Volcanic Monument, offering open space and habitat protection and recreational access to both local community members and visitors.

There is a lot of focus from partner organizations towards these watersheds and protecting and restoring public and private land. Deschutes Soil and Water Conservation District currently has an OWEB SIA Grant in the Upper and Little Deschutes Watersheds. We are starting to collect baseline monitoring data for E. coli, TSS, and temperature in this area with the hopes of working with private landowners to address agricultural water quality concerns. These projects could include exclusion fencing, riparian planting, floodplain restoration, and other activities to enhance the water quality and habitat for fish, wildlife, and native plant communities.

We hope you will consider the diverse community support for this project and urge you to approve its funding.

Sincerely,

Erin Kilcullen

Erin Kilcullen – District Manager, Deschutes SWCD



PO Box 616, La Pine, OR 97739
51429 Huntington Road, La Pine
541.536.9771
info@lapine.org

Chamber Board 2024

Jeremy Johnson, Pres.
Integrity Auto
541-876-5432

Aaron Schofield, Treas.
First Interstate Bank
541-593-8101

Rex Lesueur
Bancorp Insurance
541-536-1726

Stacia Ash
The Studio La Pine
808-298-9270

Ethel Dumon
St. Vincent de Paul
541-536-1956

Patrick Jackson
Mann Mortgage
541-241-2982

Ann Gawith
Executive Director

5/15/2024

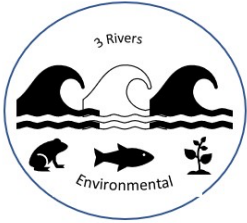
La Pine Chamber of Commerce and Visitor Center wholeheartedly supports the Deschutes Land Trust in their efforts to continue conservation efforts in the Paulina Creek Preserve.

The property's proximity to the trails and interpretive amenities at Newberry National Volcanic Monument, its connectivity to proposed paved paths along highway 97 and its iconic role in La Pine area history all make it a compelling and important project.

The vision for the property is a restored wet meadow ecosystem surrounded by a system of accessible trails with interpretive materials highlighting its cultural and ecological significance. The project is supported by neighboring land managers, communities, and tribal partners. The Land Trust has taken the first step in protecting this land for the enjoyment and benefit of our communities. We fully support their efforts to raise the funding needed to permanently conserve this special place.

Please consider funding their proposal.

A handwritten signature in black ink that reads "Ann Gawith". The signature is written in a cursive, flowing style.



3 RIVERS ENVIRONMENTAL, LLC

55701 SWAN ROAD

BEND, OR 97707

(206) 795-7685

3RIVERSENVIRONMENTAL@GMAIL.COM

Dear OWEB Board Members,

I am writing to express my support for the Deschutes Land Trust's purchase and management of approximately 700 acres of Paulina Creek Preserve.

This project represents a unique opportunity to permanently protect and restore 700+ acres of wet and dry meadows that provide critical habitat for both aquatic and terrestrial wildlife in Central Oregon. By acquiring this property, the Land Trust can ensure stewardship and restoration of an important tributary of the Little Deschutes River and of important floodplain and riparian habitat for local fish, wildlife, and native plant communities. The preserve can complement the neighboring Newberry National Volcanic Monument, offering open space and habitat protection and recreational access to both local community members and visitors.

My company, 3 Rivers Environmental, works in Oregon spotted frog conservation and invasive American bullfrog removal in the upper Deschutes basin. We survey and remove bullfrogs from the lower 60 miles of the Little Deschutes River. As part of our work, we also note the location of any Oregon spotted frog that we observe during our surveys. We have observed three times the number of Oregon spotted frogs in the stretch of the Little Deschutes River that confluences with Paulina Creek than any other stretch in the lower 40 miles of the river. As such, we are very supportive of the protection and restoration of waters in the area, including Paulina Creek. This purchase, as well as the forthcoming purchase and protection of the downstream Paulina Meadows property, will help protect current and potential critical habitat for the Oregon spotted frog.

We hope you will consider the diverse community support for this project and urge you to approve its funding.

Sincerely,

Jodi L. Wilmoth
3 Rivers Environmental, LLC

May 28, 2024

Hello, my name is Susan Zimmerman and I live in the neighborhood bordering the Paulina Creek Preserve. During the first few months of living here I explored the Forest Service roads around our house on foot. Soon I discovered the back side of the ranch that would become Paulina Creek Preserve. Hundreds of times I'd walk with my dog along the ranch fence line until I got to the public area of the creek near the campground. During this very pleasant walk I'd always wonder what the shape and sound of the creek was within the ranch. Being a nature geek, I learned that Chipping Sparrows, Green-tailed Towhee and Gray Flycatchers especially love the scrubby Forest Service area bordering the ranch, and that coyotes, mule deer and elk migrated from ranch, to Forest Service, to BLM, and into our neighborhood.

Around that time, our neighbor across the street had their well go dry. There was really loud clanking as their new well was dug for about a week. "Well, thank God we're not in that situation," I thought. 6 months later, our water supply started sputtering. Turns out we were in that situation. For the last 5 years, there often is someone having their well re-dug to lengthen their reach into the supply. And the city of La Pine recently laid miles of new water pipe to give hundreds more houses city water, which is really ground water.

A for-sale sign suddenly appeared at the ranch one day

and my heart sank. The incredibly beautiful meadow with its crown jewel Paulina Peak would certainly be snapped up and turned to luxury housing. I imagined the elk grazing on lawns, and the resident Red-Tailed Hawks hunting over rooftops, and it made me want to cry. The meadow sustains so many birds and mammals with its water and quiet. For the next months I still tromped around the ranch border, taking in the quiet and every once in a while getting lucky enough to see elk, deer and coyote. I went at night to try and hear owls. By this time I'd met some neighbors who'd lived in the neighborhood for over 25 years. They had seen cows in the meadow for decades and enjoyed the stunning view of Paulina Peak for half their lives.

Then a miracle happened. The Deschutes Land Trust was going to conserve the land! The day (the whole year!) the land became a preserve I was expansively happy, mostly for the animals and birds, but also for myself and my neighbors, who would now get to "host" this beauty spot for La Pine'ers and Central Oregon at large. Elk could continue to count on this acreage, come and go from the National Forest. It really did seem miraculous that this private chunk of land would be transformed into a public and ecological benefit.

Then it occurred to me that the often dry meadow might be eventually turned marshy with the land trust's restoration of the creek. That means percolation! That means slower water allowed to fall deep into the ground — ground water

recharge! Maybe I and all my neighbors won't need to re-dig wells in 10 years.

In the 2 years that cows have been vacated from this land, it's already started to recover. Since I became a Deschutes Land Trust steward, I'm now allowed to go inside the fence and quietly observe the wildlife. The grasses are higher around the creek now and the cow-pies are old. This land surrounding this rare water east of Highway 97 will support over a hundred bird species and importantly, will be a place South County residents can enter. It will inspire kids who see and hear the deafening frog songs for the first time or see the hawk nests. It will connect to other public land to allow migration.

I fully support this land as public land.

Thanks so much for reading this long letter!

Susan Zimmerman

To: Oregon Watershed Enhancement Board

From: Stacey Forson
16480 Sprague Loop
La Pine, Oregon 97739

Re: Letter of Support, Funding for Paulina Creek Preserve Restoration

I am writing this letter to express my support for the long-term restoration and conservation of the Paulina Creek Preserve.

As a neighbor and retired Forest Supervisor of the Ochoco National Forest, I see tremendous value in the protection and stewardship of the Paulina Creek Preserve. As a volunteer for the Deschutes Land Trust, I give tours of the Preserve and participate in the Preserve Site Steward Program. I know the landscape of Paulina Creek Preserve well and have personally experienced the unique opportunities to provide and protect habitat for wildlife, ranging from deer and elk, to migrating birds and pollinators.

The acquisition of Paulina Creek Preserve by the Deschutes Land Trust was strategic, as it is surrounded by public land while being close to a rapidly growing community. The Preserve has tremendous potential to restore and conserve a significant amount of wet and dry meadows, provide wildfire resiliency in the mixed-pine forest adjacent to private properties, and put precious water back into Paulina Creek.

In talking with my neighbors in La Pine, this property is important to the “locals” given its accessibility for walking and birding, the aesthetic natural, undeveloped beauty of the property, and the opportunity to learn about the habitat values of a restored wet meadow and stream. Paulina Creek Preserve is perfectly situated for local youth to get involved in hands-on restoration and stewardship activities.

I am asking for OWEB’s support to fund the restoration of the Paulina Creek Preserve.

Sincerely,

Stacey L. Forson

May 29, 2024

To Whom it May Concern:

I strongly urge you to support the opportunity of Deschutes Land Trust to retain ownership of the Paulina Preserve located south of Bend below Paulina Peaks. As a resident of the area, I am increasingly thankful that the area is protected.

I have visited the Preserve and can attest to its multiple ecosystems, expanse of habitat zones, and cultural and historic values to the region. The Preserve embraces a significant area and protects the water, prairie, and upland forests that have existed in the area for thousands of years. The area is significant in recording the landscapes of the indigenous populations that occupied the area. Today, the area is increasingly important to members of these populations. The area also provides an example of early homesteading in central Oregon.

It is rare for such a large area to express all of these values in the increasingly human populated area of central Oregon. Protecting the Preserve into the future provide resources for understanding the natural and cultural history of the region.

Please add your support to our local efforts to protect the Preserve as part of the Deschutes Land Trust.

Thank you,

Martha Henderson, PhD, Geography

Resident, Three Rivers Community

Letter of Support for Paulina Creek Preserve

Neighboring Property (39+ years)

Please make every effort to preserve this historic and majestic meadow in South Deschutes County. I've seen the property abused by selective and devious harvesting of prime Ponderosa Pine, grasslands over grazed by cattle, and the creek leveled and straightened by irrigation implementation. The entire was fenced which impacted deer and elk migrations and at times separated calves from adults which could simply jump the fence. The owners planted alfalfa fields to attract elk and deer for privileged paying big game hunters. Locals could no longer visit the trails.

Over the years I've hiked, biked, skied, ridden horseback and run sled dogs from my place across the back of the Preserve to East Lake and back. I enjoy and migrating birds and varied plant life in the meadow.

Frank J Huebsch

60836 Taralon Pl
Bend OR 97702
frankhuebsch@q.com

22 May 2024

Oregon Watershed Enhancement Board
775 Summer St NE
Salem, OR 97301

To Whom It May Concern,

As a resident of Bend OR and a retired civil engineer (California) who previously was employed by the City of Bend Community Development Department and continue to serve as a volunteer steward for the USDA Forest Service on the Deschutes (10 years), Ochoco and Umpqua National Forests, I am writing in support of the Deschutes Land Trust's funding request for the recently acquired Paulina Creek Preserve.

In 2019, I received a Land Steward Award from the Deschutes County Noxious Weed Advisory Board for my work in identifying, reporting and removing noxious weeds, including orange hawkweed, from the 25+ acre nature preserve in my community and on parklands of the Bend Parks and Recreation District.

Today, I volunteered for an invasive weed pull at the Paulina Creek Preserve, which is contiguous on its east boundary with the Deschutes National Forest and Newberry National Volcanic Monument and observed just how essential this Preserve is to the ecosystems of the Deschutes River Basin and the High Cascades. Just for example, black bears and gray wolves, keystone species, are free to migrate between Crater Lake National Park and the lower Rogue River but are essentially confined to either the Cascades or the Newberry National Volcanic Monument because of watershed disconnectivity.

As a contributing member of several northwest ecosystem organizations (e.g., Whitebark Pine Ecosystem Foundation, Yellowstone to Yukon Conservation Initiative, The Nature Conservancy, and Ancient Forest Alliance, to name a few), I am aware of the increasing need for wildlife migration corridors and the fact that Oregon has fallen behind other western states and provinces in providing wildlife habitat connectivity, which is increasingly important with climate change and human development.

I am also informed of the Deschutes Land Trust's return of the water rights to Paulina watershed, which will be most beneficial for the Deschutes River Basin especially if the riparian areas of Paulina Creek are restored, as the Deschutes

Land Trust has already accomplished on their Metoleus and Ochoco Creek Preserves.

The new Paulina Creek Preserve is the Deschutes Land Trust's only land preserve in south Deschutes County, and I believe it provides its residents and youth a unique opportunity to witness the needs for preservation of the Paulina Creek watershed and its amazing natural resources.

Please consider prioritizing and generously funding this restoration work on the Deschutes Land Trust's Paulina Creek Preserve.

Sincerely,

Frank J Huebsch

Thursday, May 30, 2024 at 11:05:02 Pacific Daylight Time

Subject: FW: Paulina Preserve

Date: Thursday, May 30, 2024 at 11:04:58 AM Pacific Daylight Time

From: Rika Ayotte

To: Rika Ayotte

Dear OWEB Board Members,

I am writing to express my support for the Deschutes Land Trust's purchase and management of approximately 700 acres of Paulina Creek Preserve.

I was chairman of the Newberry Volcano National Monument Citizens Committee in the 1980s that led to the establishment of the Newberry National Volcanic Monument in 1990 and the subsequent development of the Management Plan.

This project represents a unique opportunity to permanently protect and restore 700+ acres of wet and dry meadows that provide critical habitat for both aquatic and terrestrial wildlife in Central Oregon. By acquiring this property, the Land Trust can ensure stewardship and restoration of an important tributary of the Little Deschutes River and of important floodplain and riparian habitat for local fish, wildlife, and native plant communities. The preserve can complement the neighboring Newberry National Volcanic Monument, offering open space and habitat protection and recreational access to both local community members and visitors.

When the Monument was established there was a desire to connect the water coming from Paulina Lake to a restoration project to the west of the National Monument. The DLT Preserve makes that connection a reality and fits well into a comprehensive restoration for numerous plant and animal species.

I hope you will consider the diverse community support for this project and urge you to approve its funding.

Sincerely,

Stuart G. Garrett, MD

Former chair of the Newberry National Monument Citizens Committee

Thursday, May 30, 2024 at 11:03:54 Pacific Daylight Time

Subject: Support for the Paulina Preserve

Date: Tuesday, May 21, 2024 at 4:16:44 PM Pacific Daylight Time

From: Heidi Supkis

To: rika@deschuteslandtrust.org

In response to the request :

I am Heidi Chapman Supkis and I reside in River Meadows subdivision, located between Sun River and LaPine.

We have lived here for 14 years and both my spouse and I have Bachelor degrees in Natural Resource Management.

The land and it's resources support the population of Central Oregon and it is a vital component to our lifestyle.

We recreate frequently in the the Forests and waterways - we hike, ski, picnic and commune with nature regularly.

Having admitted that, the Paulina Creek Preserve property has long been of interest as we drive by along Hwy 97.

An old ranch, a diverted stream, logged prairie and fences all around.....what was and is this land being managed for?

So when we heard the news about the Land Trust involvement, we felt that it was time to investigate, see what the restoration, rehabilitation, and vision for this property held.

As two retired College of Forestry, Range and Wildlife graduates we indulge in planting trees, shrubs and forbs, we are kinda "citizen scientists", watch the seasonal changes and help to create Firewise landscapes. It is how we spend or time and energy in retirement.

Looking forward to a walk in the Preserve in June.

Thank you for your attention.
Heidi Chapman Supkis

Sevilla Rhoads
55638 Wagon Master Way
Three Rivers, OR 97707
206 795 6876

May 28, 2024

To Whom it May Concern:

I write on behalf of my family members who are residents of the Three Rivers' community. We are writing in support of funding for the Deschutes Land Trust to retain ownership of the Paulina Creek Preserve.

We live in the communities just north of the Preserve (and south of Bend). We believe it is critical to have more protected natural areas in south Deschutes County. The Preserve is especially important due to its position on one of the few waterways and in an area experiencing rapid loss of wild habitat. The Preserve is also an essential wildlife corridor between the semi-protected Newberry Monument around Paulina and East Lake and the upper Deschutes' watershed.

Near any water sources, the federal and state owned habitats in south county are stressed by over development and uses which significantly degrade our ecosystems. Plants, birds and animals are struggling to thrive with year-round increased disturbances such as off-road vehicles, dispersed camping, off-lease dogs, hunting and target practice and other loud and wildlife-stressing activities. It is becoming difficult to find a safe and quiet place along the waterways near La Pine and Sunriver. We do not judge how others choose to recreate, but we know we need more protected wild areas for so many reasons, including our children being able to call this area home in the future. If we continue to allow too much use and development, this area will not be somewhere our children will be able to live in the future. Everyone I know in this area was so excited to learn the Land Trust bought the Preserve. The news of the Land Trust's purchase brought hopeful smiles to all of us in this area that hope for a future where south county remains a beautiful natural area rather than becomes a sprawling suburb with degraded over-used state and federal lands.

Also, we must protect the few water sources in this area. The Preserve is a critical water source which needs to be protected with beavers, willows and other natural ways to conserve water on the landscape. If properly protected, the Preserve will also be a crucial firebreak in the landscape. Allowing the Preserve to return to a wetland will be a natural way to stop wildfires spreading across that corridor.

Please fund the Land Trust's continued ownership!

Sevilla Rhoads and her kids, Ander (13) and Chloe (10)

Jay Bowerman
1263 NW Quincy Ave
Bend, OR 97703

May 29, 2024

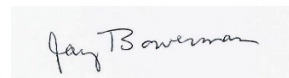
OWEB and others:

Regarding: Support for the Paulina Creek Preserve.

I strongly endorse efforts to support the creation and preservation of the Paulina Creek Preserve. I'm especially interested in the lower end of the the Paulina Creek drainage, as it includes potential and perhaps extant Oregon Spotted Frog (OSF) habitat. In monitoring and mapping OSF occupied sites and breeding sites, I visited Paulina Creek and found the area from McKay Crossing downstream to contain suitable habitat. Additionally, it is clear that even though the creek eventually "goes underground" there's evidence that it's historic drainage impacted and potentially still impacts occupied sites closer to the Little Deschutes.

As a long time financial supporter of the Deschutes Land Trust, I feel strongly that this organization is effective, well run, and deserves support for this important project.

Sincerely,

A rectangular box containing a handwritten signature in black ink that reads "Jay Bowerman".

Jay Bowerman

Subject: FW: PCP support letter

Date: Thursday, May 30, 2024 at 10:11:29 AM Pacific Daylight Time

From: Rika Ayotte

To: Rika Ayotte

- o Donna Harris and Kermit Williams
- o 55785 Lost Rider Loop, Bend, Or 97707
- o 541-593-1970

To whom it may concern:

Please fund the Deschutes Land Trust's Paulina Creek Preserve. When we found out that Deschutes Land Trust was considering purchasing prior ranch land and converting it into Paulina Creek Preserve, we were thrilled to have this land put into safe keeping by the Trust. This acreage is located only a short 20+ minute drive from our community between Sunriver and LaPine and would be very accessible to us in helping any restoration projects that the Land Trust typically becomes involved with after purchasing land in trust.

We were excited and hopeful to be able to participate in the future restoration of this prior ranch land which had been degraded by livestock grazing. The riparian habitat would also need help in bringing back its potential. We attended early meetings held by Deschutes Land Trust to discuss what the preserve could be like, and we signed up for a Trust's guided tour of the Preserve. It is a special habitat, which with loving care, can be greatly improved over time with volunteer help.

Since being involved in Protect Animal Migration, a local advocacy group, from 2015-20 , I , Donna Harris, am well aware how our wildlife populations , including our mule deer, which are only at 50% sustainability , are suffering due to loss of habitat and connectivity. Paulina Creek Preserve would serve as an essential preservation of wildlife habitat and a safe migration corridor for our wild ungulates, free from stresses of development and over abundant outdoor recreation where ATVs and other vehicular traffic , off leash dogs, and hunting would be banned. It would also provide a rare source of riparian habitat, especially once restoration can be conducted with planting of willows, etc. that could shade the stream, allowing for better fish habitat, and even possible beaver habitat once willows have adequately grown along the stream and beaver analog dams installed to create wetland habitat.

Being one who does not like to see urban and suburban growth sprawling into desirable wildlife habitat, Paulina Creek Preserve would fulfill my wishes and our nation's wishes to preserve 30% of our public lands by 2030. I may not live long enough to see the end result of restoration of this special area, but just knowing that it will be there for future generations will make me happy.

Wednesday, May 29, 2024 at 13:23:48 Pacific Daylight Time

Subject: Deschutes Land Trust Letter of Support
Date: Wednesday, May 29, 2024 at 1:19:49 PM Pacific Daylight Time
From: Kelli Neumann
To: rika@deschuteslandtrust.org
Attachments: image001.jpg

Dear Oregon Watershed Enhancement Board,

I am writing to express my enthusiastic support for the ongoing preservation of the Paulina Creek Preserve. As a representative of the Sunriver Nature Center & Observatory, an organization deeply committed to environmental stewardship and education, I understand the critical importance of preserving our natural landscapes for future generations.

The Paulina Creek Preserve is a unique and invaluable resource for our community, providing essential riparian habitat. With appropriate habitat conservation projects its waterways can return to their historically vibrant condition and complete its journey into the Little Deschutes. Maintaining seasonal water flows in the system would support critical species such as the Oregon Spotted Frog and other amphibian, as well as benefit the salmon and trout species inhabiting the system.

Meadow ecosystems are a precious resource in the high desert and protecting them and the unique species that co-evolved is essential to water quality.

It also offers numerous educational and recreational opportunities for residents and visitors alike. By maintaining the wilderness of preserve, we ensure that these benefits continue to enrich our community. At Sunriver Nature Center & Observatory, we have seen firsthand the positive impact wild spaces have on individuals and families. These areas serve as outdoor classrooms where children can learn about the wonders of the natural world, as well as places of solace and inspiration for people of all ages.

We strongly believe that continued support and resources are essential for the Paulina Creek Preserve to thrive. We stand ready to collaborate on initiatives that promote the health and sustainability of this precious resource. Whether through volunteer efforts, educational programs, or advocacy, we are committed to supporting the Deschutes Land Trust in any way we can.

Sincerely,
Kelli Neumann

Kelli Neumann | Community Education and Conservation Manager



Crosswalk – Land Acquisition (LA) Evaluation Criteria to April 2024 Evaluation for Paulina Creek Preserve

Constitutional foundation for OWEB land acquisition OARs: “Secure long-term protection for lands and waters that provide significant habitats for native fish and wildlife” and “Acquire from willing owners interests in land and water that will protect or restore native fish or wildlife habitats.”

Statutory foundation for OWEB land acquisition OARs: “Acquisition of lands and waters... for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife” and “The project provides a public benefit by supporting improved: a) water quality, b) native fish or wildlife habitat, or c) watershed or ecosystem function.”

Evaluation Criteria in OAR	How Addressed in April 2024 Evaluation and Funding Conditions	Clarifications Provided in Staff Responses during April 2024 Board Meeting
<p>#1 - Consistency with Board adopted priorities for land acquisition and conservation priorities in conservation plans</p> <p>AND</p> <p>#2 - Significance of project ecological outcomes</p> <p>(Ecological Outcomes Review)</p>	<p><u>Evaluation (Pages 1-3)</u></p> <ul style="list-style-type: none"> • Improves ecological connectivity • Restores ecological function to meadow and wetland habitats • Addresses Deschutes Basin-specific conservation concerns of a) habitat loss and fragmentation due to urban and recreational development and b) loss and degradation of wetland and riparian habitats • Provides habitat for multiple Oregon Conservation Strategy species and Land Acquisition board-adopted priority species • Hosts multiple Oregon Conservation Strategy habitats that planned restoration will restore • Potentially restores connection to the Little Deschutes River • Anticipates permanent transfer of water rights for instream uses that benefit fish and wildlife <p><u>Funding Conditions</u></p> <ul style="list-style-type: none"> • Restoration planning and management expectations: 1(A)(iii)(i)-(iii), 1(B)(xiii) • Public use and access planning and design expectations: 1(A)(iii)(iv) • Water rights and instream transfer expectations: 1(A)(iii)(v), 1(B)(i) 	<p>Q: Restorability of property? <u>Response:</u> A preliminary restoration assessment had been completed and the OWEB TA funding awarded at the April board meeting would result in construction-ready restoration designs.</p> <p>Q: Amount of water to be transferred instream? <u>Response:</u> 3.99 cfs for the OWEB funded area.</p> <p>Q: Current condition of the habitat? <u>Response:</u> Habitat remains, but has been impacted by past land-use and infrastructure development.</p> <p>Q: How much land is enough for recreation and trails? <u>Response:</u> Requirements of the land acquisition program result in any recreational use needing to be managed in a way that ensures delivery of conservation values under Measure 76 funding.</p>

Crosswalk – Land Acquisition (LA) Evaluation Criteria to April 2024 Evaluation for Paulina Creek Preserve

Evaluation Criteria in OAR	How Addressed in April 2024 Evaluation and Funding Conditions	Clarifications Provided in Staff Responses during April 2024 Board Meeting
<p>#3 - Capacity of the applicant to complete the acquisition and achieve and sustain proposed ecological outcomes</p> <p>(Organizational Capacity Review)</p>	<p><u>Evaluation (Pages 4-5)</u></p> <ul style="list-style-type: none"> • Experienced, accredited applicant with success in completing many OWEB funded acquisition and restoration projects • Good track record with stewardship fundraising • Technical Assistance (TA) grant funded by the OWEB board in April 2024 will result in construction-ready restoration designs <p><u>Funding Conditions</u></p> <ul style="list-style-type: none"> • Stewardship expenses and funding expectations: 1(A)(iv)(iv), 1(A)(v)-(vi), 1(B)(iii) 	<p>Q: Stewardship funding target and source, and concerns about current amount raised?</p> <p><u>Response:</u> It is not unusual for fundraising for stewardship to be underway by a land trust at time of their funding request to OWEB. DLT used a stewardship calculator prior to application submission and has a plan underway to raise remaining funds within 5-6 years.</p>

Crosswalk – Land Acquisition (LA) Evaluation Criteria to April 2024 Evaluation for Paulina Creek Preserve

Evaluation Criteria in OAR	How Addressed in April 2024 Evaluation and Funding Conditions	Clarifications Provided in Staff Responses during April 2024 Board Meeting
<p>#4 - Soundness of the legal and financial terms of the proposed real estate transaction</p> <p>(Project Soundness Review)</p>	<p><u>Evaluation (Page 3)</u></p> <ul style="list-style-type: none"> • Land use approval is expected for USFS partition • Documentation of <i>de minimus</i> risk from gas pipeline • Phase 1 restoration assessment concluded infrastructure on-site will not preclude restoration • OWEB funded TA grant will provide construction-ready restoration designs • Environmental site assessment completed and most infrastructure already removed • Recent use of volunteers to help monitor unauthorized use <p><u>Funding Conditions</u></p> <ul style="list-style-type: none"> • Land-use approval expectations: 1(A)(iv)(i), 1(B)(ii) • Appraisal and loan repayment expectations: 1(A)(iv)(ii)-(iii), 1(B)(vi) • Risk management expectations, including but not limited to gas pipeline, mineral rights, and encumbrances: 1(B)(iv)-(v), 1(B)(vii)-(xii) • Specific expectations about water rights related to the neighboring landowner: 1(B)(ix) • Specific expectations regarding coordination with OWEB about public use and access management: 1(A)(iii)(iv) 	<p>Q: Loan terms available when reimbursement is requested? <u>Response:</u> Information provided in application.</p> <p>Q: Extent and how recently property was actively engaged in agricultural production? <u>Response:</u> Livestock grazing and alfalfa production in years prior to the property being put up for sale; prior to DLT acquisition, the property was for sale for approximately three years.</p>

Crosswalk – Land Acquisition (LA) Evaluation Criteria to April 2024 Evaluation for Paulina Creek Preserve

Evaluation Criteria in OAR	How Addressed in April 2024 Evaluation and Funding Conditions	Clarifications Provided in Staff Responses during April 2024 Board Meeting
<p>#5 - Community impacts of benefits</p> <p>(Community Impacts and Benefits Review)</p>	<p><u>Evaluation (Pages 3-4)</u></p> <ul style="list-style-type: none"> • DLT-led community engagement process to determine local community values for the property • Coordination with Klamath Tribes • Co-benefits of climate resilience and drinking water provisioning <p><u>Funding Conditions</u></p> <ul style="list-style-type: none"> • Specific expectations regarding coordination with OWEB about public use and access: 1(A)(iii)(iv) 	<p>Q: Concern of person at public meeting? <u>Response</u>: Varied topics were raised including property not being available for housing development and ranching, acknowledgement of adjacent landowner’s water rights, and La Pine community support for the acquisition.</p> <p>Q: Impacts of properties being taken off tax rolls? <u>Response</u>: DLT would continue to pay taxes on the property.</p> <p>Q: Consideration of transferring ownership to Klamath Tribes? <u>Response</u>: Staff not aware of this, but that is due to OWEB staff not knowing details of discussions between DLT and the Tribes.</p>

Evaluation Criteria in OAR	How Addressed in April 2024 Evaluation and Funding Conditions	Clarifications Provided in Staff Responses during April 2024 Board Meeting
<p>#6 - Other factors* the board determines are relevant</p> <p><i>* Evaluation criteria, including “Other factors,” shall not subvert Constitutional and statutory direction to the agency</i></p>	<p>N/A</p>	<p>Other topics raised during the April 2024 board deliberation regarding Paulina Creek Preserve were separate from Constitutional and statutory direction to the agency associated with Measure 76 and the Watershed Conservation Grant funding. These topics will be addressed during the Acquisitions 101 agenda item at the July 2024 board meeting.</p>

Paulina Creek Preserve 224-9905-23788
Final funding conditions

Initial Conditions

1(A)(i) and 1(A)(ii): grant agreement boilerplate for regular project meetings with OWEB.

1(A)(iii) Grantee agrees in writing that:

- i) Its restoration planning for the Property will include: (i) seeking the assistance of experts in all major ecological systems historically and currently present on the Property; and (ii) developing plans that are consistent with the physical and biological characteristics of the Property and incorporate the entire Property in a holistic manner.
- ii) It will complete and request OWEB's approval of an interim Property management plan ("Interim Management Plan"), as recommended in the Tetra Tech report included in the application, no more than 18 months after Closing. The Interim Management Plan will be consistent with OWEB's management plan guidance. The Interim Management Plan must include but will not necessarily be limited to: (i) actions to complete restoration designs for the Property; (ii) actions that maintain the validity of the Property's water rights as required by Condition 1(B)(i); (iii) actions that protect the Property's existing Conservation Values while restoration is being planned; (iv) all intended public uses of the Property consistent with Condition 1(A)(iv); (v) actions for monitoring and responding to unauthorized uses of the Property; (vi) an implementation schedule for all actions; and (vii) a term that is appropriate for completing restoration plans for the Property.
- iii) No more than 18 months after completing restoration plans for the Property, it will complete and request OWEB's approval of a long-term Property management plan, which will incorporate the restoration plans and be consistent with OWEB's management plan guidance ("Long-term Management Plan").
- iv) (i) All public-use related infrastructure on the Property will minimize built structures, and ground, habitat, and fish and wildlife disturbance, be located to minimize unintended public uses of the Property, and be designed for minimal impact use, consistent with the purpose of OWEB funding; (ii) trails will consist of roadways that existed at the time of its purchase of the Property, to the maximum extent that such roadways are consistent with 1(A)(iii)(iv)(i); (iii) trails and parking lots will consist of native surfaces to the greatest extent possible and be limited in size and number as appropriate for use that is consistent with 1(A)(iii)(iv)(i), including visitation numbers that correspond with the limited size of the Property and the need to protect the Property's Conservation Values; (iv) it will seek and account for OWEB's feedback throughout its process of developing public use plans for the Property; and (v) the Interim and Long-term Management Plans and any updates to them will include all intended public uses of the Property and an adaptive plan for responding to public use-related impacts to the Property's Conservation Values, including but not limited to restricting public access to the Property as necessary to protect the Conservation Values.

- v) It will request and account for OWEB's feedback throughout its process of completing the instream transfers of the Property's water rights described in the application.
- 1(A)(iv) Grantee provides OWEB with written confirmation that:
- i) It consulted with the Deschutes County planning department to obtain the land use timeline included in the application and that the county planner did not raise any concerns about the intended partition.
 - ii) If there is a delay in obtaining OWEB funds, it will be able to extend its bridge loan for the Property purchase or pay off the loan with other funds.
 - iii) If the Property value estimate included in the application exceeds the market value determined by an appraisal that meets the requirements in Condition 1(B)(vi) and accordingly OWEB reimburses less than the amount of grant funds Grantee requested, nonetheless Grantee will be able to repay its bridge loan at or before Closing.
 - iv) Payment of the Property's annual stewardship expenses with distributions from Grantee's current stewardship endowment will not result in a shortage of stewardship funds for other property interests Grantee purchased with OWEB funds.
 - v) It is prepared to enroll the Property in the statewide conservation easement special assessment if necessary to ensure a property tax rate that is within Grantee's budget for the Property.
- 1(A)(v) Grantee provides OWEB with an analysis of its projected inflation rate of three percent per annum for stewardship costs and increases the rate as necessary to account for current inflation rates or explains to OWEB's satisfaction why a higher rate is unnecessary.
- 1(A)(vi) Grantee revises its stewardship funding calculations for the Property as necessary if OWEB determines in cooperation with Grantee that the calculations include activities that are inconsistent with the purpose of OWEB funding.

Secondary Conditions

- 1(B)(i) Grantee: (i) maintains the validity of the water rights until completion of the instream water right transfers, by leasing the water rights instream or putting the water to another beneficial use allowed under the existing water right certificates; and (ii) provides OWEB with any requested confirmation that the groundwater mitigation described in the application is not related to the grant funds.
- 1(B)(ii) Grantee: (i) provides OWEB with updates throughout the land use process beginning with preparation of the land use application; and (ii) completes a partition approved by Deschutes County and OWEB to establish the Property as a discrete, lawfully created, parcel of land before Closing.
- 1(B)(iii) Grantee provides OWEB, upon OWEB's request before or after Closing, updates on its progress raising stewardship funds. If an update indicates that Grantee will not complete

stewardship fundraising on the timeline described in the application, Grantee must provide a revised timeline that is acceptable to OWEB.

- 1(B)(iv) Grantee determines whether the federal government holds mineral rights to the Property, and if such rights are held, provides OWEB a written report demonstrating that the probability of surface mining is so remote as to be negligible.
- 1(B)(v) Grantee provides OWEB with a GIS analysis or other analysis determining the Property's acreage as precisely as practical without performing a boundary survey.
- 1(B)(vi) Grantee: (i) obtains all revisions necessary for OWEB to approve the appraisal prepared by Moore Valuation, Inc, with an effective date of October 28, 2022; or (ii) obtains a new appraisal of the subject property, as of the same effective date, prepared in accordance with OWEB's established appraisal guidance.
- 1(B)(vii) Grantee provides OWEB with: (i) documentation that it resolved all findings listed in Section 8.3 of the environmental site assessment included with the application; and (ii) confirmation that the work was performed in compliance with all applicable law.
- 1(B)(viii) Grantee provides OWEB with a complete and accurate map of title encumbrances that pertain to the Property as listed in the title insurance policy included with the application ("Policy"), including but not limited to mapping the amended legal description for the gas pipeline listed as Exception 12 and the location of the powerline easement listed as Exception 18.
- 1(B)(ix) Grantee provides an analysis of all title encumbrances that apply to the Property and makes all reasonable efforts, as determined by OWEB, to mitigate risk to the Property's Conservation Values posed by the encumbrances, including risk that the encumbrances will hinder restoration outcomes described in the application. Grantee's work shall include but will not be limited to: ensuring that the gas pipeline company's rights listed as Exception 12 in the Policy, the neighboring landowner's rights listed as Exception 14 in the Policy, and the electric company's rights listed as Exception 18 in the Policy will not hinder or otherwise conflict with the restoration outcomes described in the application. Any changes to Exception 14 as currently written may not be completed without the understanding and consent of the neighboring landowner, approval of the Oregon Water Resources Department if required, and documents recorded on the Property's title if necessary.
- 1(B)(x) Grantee makes a reasonable effort to remove inapplicable encumbrances from the Property's title. The effort shall include but will not necessarily be limited to removal of the following exceptions in the Policy: (i) Exception 7, which is addressed by the Policy's definition of the term "Land"; (ii) Exception 15, which is a temporary construction easement that is no longer in effect; and (iii) Exception 16, which appears only to have benefitted a former barn on the Property.
- 1(B)(xi) Grantee makes a reasonable effort to determine the reason for the Record of Survey CS19302, including seeking information from the surveyor who conducted the survey, and

provides OWEB with written confirmation that any problems that prompted the survey have been resolved.

1(B)(xii) Grantee provides OWEB with a copy of documentation of the deed of trust listed as Exception 19 in the Policy and removes the deed of trust from title at or before Closing.

1(B)(xiii) Grantee prepares baseline inventory documentation that includes, among other items required by OWEB, a description of future conditions on the Property that reflects the restoration of the Property's Conservation Values to the maximum extent feasible ("Description of Restored Conditions").

1(B)(ix) Grantee obtains Terrafirma conservation defense insurance for the Property at or before Closing.



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Item L

Land Acquisitions Grant

Time Extension Request

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



OREGON
WATERSHED
ENHANCEMENT BOARD

775 Summer Street NE, Suite 360
Salem OR 97301-1290
www.oregon.gov/oweb
(503) 986-0178

Agenda Item L supports OWEB's Strategic Plan priority #7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Miriam Forney, *Land Acquisitions Coordinator*
Renee Davis, *Acquisitions and Special Programs Manager*
SUBJECT: Agenda Item L – Land Acquisition Grant Time Extension Request
[July 22-24, 2024, Board Meeting](#)

I. Introduction

Staff requests the board extend the closing date for the Trout Creek Meadows land acquisition project.

II. Background

Every land acquisition grant awarded by the board is conditioned on general and project-specific due diligence requirements, which must be met before funds are released for the land transaction.

If a grantee does not satisfy the conditions of a board funding award, including closing the transaction within 18 months of the award, the board may authorize continued encumbrance of all or part of the awarded funds, or rescind the award in accordance with OAR 695-045-0200.

The Trout Creek Meadows project (Grant No. 223-9900-22451) was funded by the board at its April 2023 meeting. Grant funds were awarded to Oregon Desert Land Trust (ODLT) to reimburse costs it incurred in the purchase of Trout Creek Ranch, a 16,645-acre property near the unincorporated area of Fields, in southeastern Oregon. OWEB's funds will be applied to an approximately 2,365-acre area of the ranch that encompasses the lower Trout Creek Meadow floodplain. The area is one of the most important landscapes in western North America for waterbird migration and is important habitat for Alvord chub, a state-designated sensitive species.

At the time of the board award, the Trout Creek Meadows project was assigned a closing deadline of October 25, 2024, in accordance with administrative rule. Staff are recommending a closing extension, for the reasons explained in the next section.

III. Extension Request

ODLT has completed all initial funding conditions as well as secondary funding conditions related to county land use approval and chain of title. ODLT is currently working on secondary and standard conditions pertaining to appraisal, survey, title exceptions, baseline inventory, and management plan.

The Trout Creek Meadows project is complex for several reasons, including the need to ensure that the project meets the purpose of OWEB's land acquisition funding while accounting for the working lands nature of the ranch. For example, ODLT has taken time and care to ensure that the boundaries of the conservation easement area will be established in locations that protect the Trout Creek floodplain and facilitate its restoration while ensuring that cattle can be efficiently moved throughout the larger area.

Given the narrow timeframe between the October 2024 board meeting and the current closing deadline for the Trout Creek Meadows project, staff proactively are requesting an extension for this complex project.

IV. Staff Recommendation

Staff recommends the board extend the closing deadline to October 25, 2025, for the Trout Creek Meadows land acquisition project (Grant No. 223-9900-22451) with all other conditions of the project remaining unchanged.



OREGON
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ENHANCEMENT BOARD

Agenda Item N

Committee Updates

Board Meeting July 22-24, 2024



Committee Members

Bruce Buckmaster and Jamie McLeod-Skinner (Co-Chairs), Dan Brown, Stephen Brandt, Kelly Coates, Lindsay McClary, Eric Murray, Meg Reeves

Meeting Summary

The Water and Climate Committee met on June 12, 2024.

Following the general public comment period, an additional public comment opportunity on pending water acquisition grant applications occurred. Several grant applicants submitted public comments in support for their proposed projects. OWEB provided this additional comment opportunity as a continuous improvement learning from last summer's public comment opportunity that took place at the board meeting. OWEB also sent out a February 1, 2024 email notice inviting public comment and inviting people to view the applications in OWEB's grant management system. OWEB will also be taking public comments on these applications at the July 2024 board meeting.

Brian Wolcott, Water Acquisitions and Capacity Programs Coordinator, provided a follow up to the OWEB Water Acquisitions 101 presentation at the September Water and Climate Committee meeting. This presentation focused on instream flow restoration instruments and tools – including instream leases, temporary instream transfers, permanent transfers, water use agreements, and allocations of conserved water derived from on farm irrigation efficiency projects and/or irrigation water delivery canal piping and lining. The outcomes of each method were described and how those are evaluated on a case by case basis for each application.

Stephanie Page, Deputy Director, and Eric Hartstein, Policy Coordinator provided the committee with an overview of OWEB's 2025-27 agency request budget and connections with flow restoration and climate resiliency.

Stephanie Page provided a Climate Resolution implementation update. OWEB is now building the climate criteria into the Oregon Agricultural Heritage Program rules. The next round of FIP applications will have evaluative climate questions to inform the application review process.

Stephanie Page initiated the intersectional topics agenda item, topics that overlap with the other committees. She mentioned the funds coming to OWEB from the Natural and Working Lands fund. Prior to committing those funds, OWEB will conduct engagement with environmental justice communities and tribes. Stephanie Page then shared a second topic, House Bill 3293. The bill directed specific agencies, including OWEB, to work together to develop best practices in community engagement for water projects and to implement those practices within their programs, starting with pilot programs. The six named agencies are currently gathering input on the draft Best Practices.

Committee members then discussed other topics. Lindsay McClary reported on the Grants Committee and a presentation on revisiting FIP ecological priorities over the next couple years, including aquatic habitats. Kelly Coates provided a summary of the Diversity Equity Inclusion/Environmental Justice Committee meeting topics.

Committee members briefly discussed potential future agenda items including interest in hearing an update on water policy priorities from the Legislative Water Caucus, the Legislative

Environmental Caucus and/or the Governor's Office. Other potential topics mentioned are the Monsanto settlement, and potential test runs of any grantmaking program presentations that may need committee input. An additional topic is how and to what extent are OWEB's climate objectives being achieved by OWEB's grant investments.

To Be Presented at the July 2024 Board Meeting By:

Bruce Buckmaster and Jamie McLeod-Skinner

Staff Contact

If you have any questions or need additional information, please feel free to contact

Brian Wolcott, *Water Acquisitions and Capacity Coordinator*

Brian.R.Wolcott@oweb.oregon.gov or 971-345-7010.



Committee Members

Barbara Boyer and Dan Brown (co-chairs), Liz Agpaoa, Chris Allen, Mark Labhart, and Lindsay McClary

Meeting Summary

The Grants Committee met on June 6, 2024, to discuss committee input on significant policy issues to be discussed in the upcoming Focused Investment Partnerships Rules Advisory Committee (RAC) and to preview the request for Partnership Technical Assistance grant awards at the July 2024 Board meeting.

FIP RAC

Committee members expressed interest in re-visiting the \$4 million/biennium cap on FIP awards to address the effects of inflation since the cap was established in 2015. This could be accomplished similar to the way that the small grants RAC recommended: have the board establish a cap with approval of each biennium's spending plan.

Regarding ecological priorities, current FIP rules include language referencing board-adopted ecological priorities. Following the RAC process and any proposed revisions to the FIP rules language, OWEB will conduct an engagement process regarding review and updates to the board-adopted ecological priorities. Committee members expressed interest in making the aquatic habitat for native fish species inclusive of all aquatic species within the priority geography and to explore more broadly how the priorities are factored into decision-making. Staff discussed the FIPs funded to date, noting that there have been FIPs awarded in all 7 ecological priorities.

The committee received public comment regarding ecological priorities from a partnership in the Upper Deschutes watershed working on a Strategic Action Plan to address spotted frog habitat and flow fluctuation. The comment expressed support for ecological priorities that focus on broad habitat needs rather than a focus on individual species.

Partnership TA

Staff noted that there are 13 applications for consideration in July requesting \$1.65 million. The spending plan line item is \$1 million for the biennium, which includes the current solicitation and another one planned for next year. The committee agreed that if technical review shows that the requests are likely to succeed, members would be comfortable with a staff request to add funds to this line item for the next solicitation.

To Be Presented at the July 2024 Board Meeting By:

Dan Brown and Barbara Boyer

Staff Contact

If you have any questions or need additional information, please feel free to contact:

Eric Williams, *Restoration Grants Manager*

eric.williams@oweb.oregon.gov or 541-345-7014.



Committee Members

Kelly Coates (co-chair), Bruce Buckmaster, Chris Allen, Liza Jane McAlister, and Aaron Curtis.

Meeting Summary

The DEI and EJ committee met on June 4, 2024.

Stephanie Page updated the committee on efforts to reach out to non-traditional partners. Staff have committed to engaging with three new non-traditional partners each quarter. During the last quarter, OWEB staff have connected with the following organizations:

- Elderberry Wisdom Farm
- Meyer Memorial Trust
- Submitted an article about OWEB grant programs to the Oregon Seed Council newsletter
- Tour of Strategic Implementation Area (SIA) with Keating SWCD, ODA, and OACD in the Lower Powder River Basin

Regarding government-to-government engagement, OWEB leadership and staff participated in a government-to-government visit with the Confederated Tribes of the Grande Ronde Natural Resources Department in June.

In addition to the list above OWEB staff meet regularly with the following groups:

- Conservation Community members (quarterly)
- Organic Community representatives (quarterly)
- Agricultural and Forest Community members (quarterly; email updates sent in lieu of a meeting this past quarter)
- Oregon Conservation Partnership (monthly)

Committee members reviewed the latest draft DEI resolution which was presented at the April OWEB Board Meeting and will be on the agenda at the July OWEB Board Meeting. Public comment was received to request OWEB more fully address disability inclusion in the DEI resolution. The committee recommended reaching out to the state Department of Administrative Services Office of Cultural Change and the public commenter to make the appropriate language edits prior to the July Board Meeting. The updated DEI resolution is attached and will be presented to the full board for vote at the July 22-24, 2024, OWEB Board Meeting.

Courtney Shaff, Monitoring and Reporting Manager, provided the committee with an update on the DEI Action Plan. OWEB staff drafted and submitted a Diversity, Equity, and Inclusion Action Plan to DAS in accordance with Governor Kotek's expectations of state agencies. Additionally staff submitted OWEB's draft Strategic Action Plan to DAS which builds on and supports the DEI Action Plan. OWEB received feedback on the draft and the OWEB staff DEI team met to discuss updates for the plan and tracking progress. The committee requested to see the draft DEI Action Plan for review and include as an agenda item for discussion in the next DEI committee meeting.

Eric Hartstein, Senior Policy Coordinator, provided the committee with an update on the Small Grant Rules Advisory Committee (RAC) and Drinking Water Source Protection RAC. Updates from these RACs will be before the OWEB Board for consideration in July. The board was interested in updating the rules to expand eligibility in the small grant program and the new rules will broaden

the eligibility for the small grant program applicants. The Drinking Water Source Protection funding was provided to OWEB during the 2023 legislative session and is intended to benefit community drinking water systems through the protection of lands that provide community drinking water benefits. Renee Davis, Acquisitions and Special Programs Manager, described the rule making process and how it aligns with legislative intent of House Bill 2010.

Eric Hartstein, Senior Policy Coordinator, provided the committee with an update on the Monsanto Settlement including program background information. Senate Bill 1561 sets the process for distribution of settlement funds. Uses include environmental remediation or restitution projects relating to restoring, maintaining, and enhancing the quality of Oregon's air, land, water, and other natural resources. Next steps include the recruitment of a manager and staff for program administration. OWEB will work with the Governor's Office in developing the Environmental Restoration Council, and setting strategic priorities and rulemaking.

Topics for the next meeting:

- Engagement with non-traditional partners and government-to-government outreach
- OWEB DEI Action Plan review and discussion
- Environmental representative presentations and feedback

To Be Presented at the July 2024 Board Meeting By:

Kelly Coates

Staff Contact

If you have any questions or need additional information, please feel free to contact:

Stephanie Page, Deputy Director

stephanie.page@oweb.oregon.gov or 971-345-7004.

Attachments

- A. JEDI Draft Resolution update 6-21-24

[DRAFT] Diversity, Equity, Inclusion, & Environmental Justice Resolution

Background

WHEREAS the intersection of impacts from climate change, biodiversity loss, and the movement for social justice has increased our awareness of the need for transformational change. Our conservation and restoration work has shown us the interdependence of all species, and that action or inaction in one area affects the outcome in others.

WHEREAS In keeping with OWEB's mission helping to protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies. Our work must fully integrate and balance environmental, social, and economic sustainability in order to fulfill this mission to better serve all Oregonians and engage more partners.

WHEREAS a multi-dimensional diversity of people, including ethnicities, identities, backgrounds, experiences, perspectives, [experiencing of disabilities](#), cultural values and practices, local and indigenous environmental knowledge, and values of nature all contribute to the collective wisdom and stewardship needed for achieving long-term sustainability and resilience in our watershed restoration and conservation work. The voices of all Oregonians have value.

WHEREAS while everyone lives in a watershed, not all Oregonians or their communities are starting from the same place due to historic and current embedded biases in society's structure and institutional systems of oppression. These biases have led to inequities in policies, practices, processes, and the distribution of resources, benefits, and burdens. In order to realize fairness in access and outcomes, different levels of support are needed, including equitable and fair distribution of resources, power, and opportunity for empowerment of those most impacted.

WHEREAS the most severe and immediate impacts of climate change disproportionately affect the communities who are the least able to prepare for and recover from these impacts. Many communities rely on healthy watershed ecosystems for their health and livelihoods and are therefore uniquely vulnerable to changes in their environment caused by climate change. Other communities which have traditionally been underrepresented, underinvested, and underserved bear additional environmental burdens which intensify their risks. These communities are diverse in many ways, including their ethnicities, cultures, nations of origin, race, immigration status, levels of income, [and experiencing of disabilities](#). They all deserve environmental justice of equal protection, fair treatment, and involvement in decision-making regarding policies affecting their environment without discrimination.

WHEREAS we acknowledge the dispossession of indigenous communities of land ownership, Oregon's history of racism, and systemic injustices that have excluded many Oregonians from the benefits and opportunities afforded others.

WHEREAS OWEB's culture of continuous improvement allows us to self-examine and recognize some of our structural biases and institutional policies, practices, and processes that help perpetuate inequities; that while some of these may fall outside of our authority, they do not absolve us of our need for change. Achieving our mission demands we consider all actions within our authority to restore and protect, and as our name implies improve the health of our watersheds for the well-being and benefit of all.

WHEREAS we acknowledge that diversity, equity, and inclusion are interconnected, that none can thrive without the presence of the other, and that together with environmental justice they must be front and center in all of our board decisions, policy making, processes, and practices, as these considerations are essential for the restoration, protection, and long-term sustainability of our ecosystems, their wildlife populations and communities.

Resolution

Be it resolved that the Oregon Watershed Enhancement Board will:

1. Integrate and prioritize diversity, equity, inclusion, and environmental justice in all of our board decisions, policy making, processes, and other practices by:
 - a. Ensuring a diverse, equitable, and inclusive distribution of resources and grants for both land-owning and non-landowning Oregonians.
 - b. Increasing project types that address the needs of urban and near-urban areas as part of Oregon's Natural and Working Lands.
 - c. Identifying and implementing incentives for investing in Environmental Justice Communities.
 - d. Building a more inclusive grant-making process to reflect a broader diversity of applicants, grantees, and types of partners in project development and stewardship, including community-based organizations and other private sector groups, businesses, and organizations that have not traditionally been engaged in this work.
 - e. Increasing & improving methods and diversifying targets of outreach and access to information so that all Oregonians can become aware of OWEB and the support we can provide.
 - f. Allowing for the tailoring of projects and processes to address locally expressed inequities and priorities while keeping in mind that some community-identified solutions may differ from what we prioritize yet still yield co-benefits beyond that of a singular outcome.
 - g. Identifying and implementing methods to strengthen public involvement, improve access to information, provide more inclusive decision-making opportunities, and increase community engagement that values the needs, priorities, and solutions expressed by the community, as well as their time and resources making it possible to participate.
 - h. Recognizing and incorporating the inextricable link between cultural and biological diversity as part of our community-based conservation, including the varying cultural values of and relationships with nature and the holistic approaches of indigenous peoples and local communities.
 - i. Recognizing the unique role federally recognized tribes in Oregon have in the conservation, stewardship, and restoration of natural resources; and with their permission and counsel, work to incorporate their tribal knowledge, experience, cultural, and spiritual values into our grant-making processes.
2. Support grantees to enlist, train, and fairly compensate partners in project development from local labor and businesses to strengthen local economies and skills by funding projects accordingly.
3. Continue to challenge our perspectives and positions; recognize and overcome our biases; look for ways we are limiting awareness of OWEB and access to resources from those outside our sphere; and work to counteract and dismantle institutional racism while advancing racial equity. Translate these findings into changes in policy, processes, and practices.

It is further resolved that the above resolutions will be implemented through applicable strategies within OWEB's authorities. Strategies include but are not limited to:

1. Participating at least annually in intercultural competency and racial justice training for all staff and Board Members.

2. Continuing outreach work to broaden OWEB’s partnerships.
3. Rulemaking to reduce the match requirement for some grant types.
4. Amending OWEB’s application, grant-making, and grantee support processes to be easily accessible, time-considerate, inclusive of a broader range of effective land-stewardship practices, and vigilant to the needs of vulnerable and traditionally underserved communities, including providing training and assistance.
5. Remediating the dispossession of Tribal land ownership through our Acquisition Grant program where possible.
6. Developing an agency Diversity Equity, Inclusion, and Environmental Justice Action Plan, which includes agency-level goals, actions, and measures of success, for annual review.
7. Amending grants budget and spending plan development to address inequities in the distribution of resources, including the limited types of grants and projects available for traditionally underrepresented, underserved, and climate-vulnerable communities.
8. Improving OWEB’s communications to meet the needs of Oregon’s diverse population and updating the website to be intuitively navigable, user-friendly, and resource-rich, including tools and guidance for translating this resolution into action.
9. Developing methods to track the benefits of OWEB programs to diverse communities. Actively listen to diverse voices and integrate them into the grantmaking process to ensure that solutions benefit all communities.

Definitions

Diversity: Honoring and including people of different backgrounds, identities, and experiences collectively and as individuals. It emphasizes the need for sharing power and increasing representation of communities that are systemically underrepresented and under-resourced. These differences are strengths that maximize the state’s competitive advantage through innovation, effectiveness, and adaptability.

[Source: State of Oregon Diversity, Equity, and Inclusion Action Plan (2021)]

Inclusion: is a state of belonging when persons of different backgrounds, experiences, and identities are valued, integrated, and welcomed equitably as decision-makers, collaborators, and colleagues. Ultimately, inclusion is the environment that organizations create to allow these differences to thrive.

[Source: State of Oregon Diversity, Equity, and Inclusion Action Plan (2021)]

Equity: Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual’s or group’s needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

[Source: State of Oregon Diversity, Equity, and Inclusion Action Plan (2021)]

Environmental justice: means equal protection from environmental and health risks, fair treatment, and meaningful involvement in decision-making of all people regardless of race, color, national origin, immigration status, income, or other identities with respect to the development, implementation and enforcement of environmental laws, regulations and policies that affect the environment in which people live, work, learn and practice spirituality and culture.

[Source: Oregon Environmental Justice Council / HB 4077 (2022)]

Environmental justice communities: include communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.

[Source: Oregon Environmental Justice Council / HB 4077 (2022)]

Natural and Working Lands: refers to all of those listed in Section 23 of Oregon House Bill 3409 (2023).

DRAFT



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Agenda Item 0

Council Capacity Grant

Progress Update and Awards

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



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Agenda Item O supports OWEB's Strategic Plan priority #3: Community capacity and strategic partnerships achieve healthy watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Courtney Shaff, *Monitoring and Reporting Program Manager*
Brian Wolcott, *Water Acquisition and Capacity Coordinator*
SUBJECT: Agenda Item O – Council Capacity Grant Progress Update and Awards
July 22-24, 2024, Board Meeting

I. Introduction

This staff report provides an overview, status update, and staff funding recommendation for the mid-biennium Council Capacity grants for the Greater Yamhill Watershed Council and the Umatilla Basin Watershed Council. Staff recommend providing the second year of funding for each council.

II. Background

At its July 2023 meeting, the board discussed and awarded 2023-25 Council Capacity grants. Fifty-four watershed councils received full funding and two watershed councils, Greater Yamhill and Umatilla, were only awarded 1 year of funding. The Greater Yamhill WC was awarded 1 year of full funding and Umatilla WC was awarded 1 year of reduced funding. This was based on challenges each council was having in meeting all the four merit criteria. The four watershed council merit criteria are: 1) Effective Governance, 2) Effective Management 3) Progress in Planning, and 4) Progress in On-the-Ground Watershed Restoration.

Both of the grant agreements included specific benchmarks that each council needed to meet to receive the second year of funding.

III. Evaluation Process

Each grant agreement included special conditions that the council must fulfill and included progress reports. Staff met in early May to review the progress reports and review grant agreement conditions and accomplishments for both councils. Staff determined that both councils demonstrated progress toward meeting OWEB's Council Capacity merit criteria and recommend each council for funding, as described below.

A. Greater Yamhill Watershed Council

OWEB staff found the council **demonstrates progress in governance and management**. The Council Board has been meeting monthly, has added a new board member, has retained a CPA to assist with fiscal management, and has been active in management of

the council. OWEB staff found the council **demonstrates progress in planning**. Over the last year the council has completed a new strategic plan with community input. The council has been coordinating with Oregon Department of Fish and Wildlife, the Bureau of Land Management, and the Confederated tribes of the Grande Ronde on developing projects. OWEB staff found the council demonstrated **progress in on-the-ground watershed restoration**. The council has recently submitted three OWEB grant proposals, an engagement project, a fish passage alternatives assessment, and a partnership technical assessment, two small grant applications have been submitted, and funding for one small grant has been secured, all demonstrating that the council is working on developing restoration project opportunities. OWEB staff found the council demonstrates **some progress in community engagement for watershed restoration purposes**. The council has been providing community outreach by tabling local events and updating its website. The Council is on an upward trajectory and has shown improvements in governance, planning, project development, and community engagement. The Council has been meeting the required special conditions of posting agendas and minutes of their meetings and providing quarterly progress reports.

B. Umatilla Basin Watershed Council

OWEB staff found the council demonstrates **progress in governance and management**. The Council has recruited additional Board members and is working with the Confederated Tribes of the Umatilla Indian Reservation to see if they can again have representation on the council board. The council is meeting regularly and retained a CPA to assist with financial management. The Council has made progress in a challenging staffing transition and is currently seeking a new coordinator. The council now has all meeting minutes and notices on their website and is finalizing their office move. The Council has also gotten caught up on a backlog in reporting. OWEB staff found the council demonstrates **limited progress in planning**. The council continues work on completing currently funded projects and rebuilding community relationships. The council demonstrates **some progress in on-the ground watershed restoration**. The Council has been able to make progress on completing a restoration project and a restoration design project. OWEB staff found the council demonstrates **some progress in community engagement for watershed restoration purposes**. The Council has worked to re-establish connections with partners, including the County Board of Commissioners and the Confederated Tribes of the Umatilla Indian Reservation. The Council still needs to hire a Coordinator and has been without one for the last 6 months. The Council has been meeting the required special conditions of posting agendas and minutes of their meetings and providing quarterly progress reports.

IV. Recommendation

A. Greater Yamhill Watershed Council

Staff recommend the board award \$83,071 for the Greater Yamhill Watershed Council's (Grant number 224-039) second year of capacity funding with funding conditions remaining the same.

B. Umatilla Basin Watershed Council

Staff recommend the board award \$66,457 for the Umatilla Basin Watershed Council's (Grant number 224-053) second year of capacity funding with funding conditions remaining the same.



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Agenda Item P

Partnership Technical

Assistance (TA) Grant Awards

Board Meeting July 22-24, 2024



Agenda Item P supports OWEB's Strategic Plan priority #3: Community capacity and strategic partnerships achieve healthy watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Denise Hoffert, *Partnerships Coordinator*
Eric Williams, *Restoration Grants Manager*
SUBJECT: Agenda Item P – Partnership Technical Assistance Grants
July 22-24, 2024, Board Meeting

I. Introduction

This staff report provides an overview of the 2024 Partnership TA grant offering and funding recommendations. Staff requests the board approve the funding recommendations outlined in **Attachment C** to the staff report.

II. Background

At the July 2023 meeting, the board adopted its 2023-2025 spending plan and allocated \$1 million for Partnership TA grants. There are two project types within the Partnership TA grants: Development and Capacity. Development grant recipients can develop a strategic action plan (SAP), enhance an existing SAP, and elevate the partnership's performance through the development of governance documents. Capacity grant recipients must have an SAP already that aligns with OWEB's template and can support partnership coordination to implement the plan.

III. Summary of Solicitation and Review Process

A. Solicitation

In January 2024, staff solicited Partnership TA grants with a May 6, 2024, application deadline. Applicants could request up to \$150,000 for a project period of up to 3 years and projects must lead to eligible restoration or acquisition projects.

B. Applications Submitted

Thirteen applications were received by the deadline, requesting a total of \$1.65 million. Two applications were for Capacity funding and eleven applications were for Development funding. Applications were submitted from all six of OWEB's regions – a map of the applications can be found in **Attachment A** to the staff report.

C. Review Process

Applications were evaluated based on the evaluation criteria included in the technical assistance rule OAR 695-030-0045(3), which contains criteria relating to: 1) partner engagement, 2) proposal clarity, 3) technical soundness, and 4) organizational capacity. Reviewers provided funding recommendations and ranked the recommended applications. The application evaluations are in **Attachment B**.

IV. Funding Recommendation

Staff recommend the board award \$672,439 in Partnership TA grants as shown in **Attachment C** with an effective date of July 24, 2024.

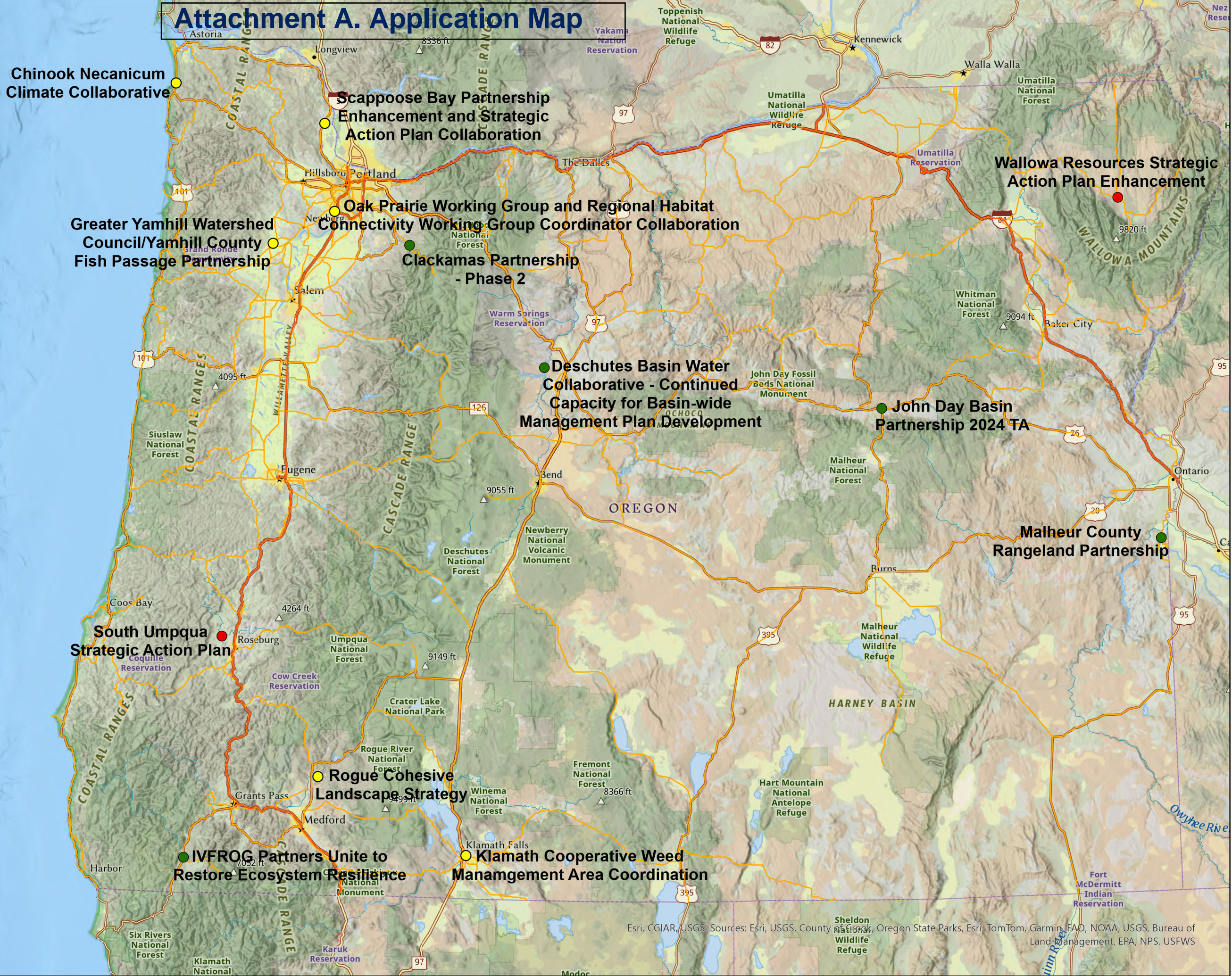
V. Attachments

- A. Application Map
- B. Evaluations
- C. Staff Funding Recommendations

Attachment A. Application Map

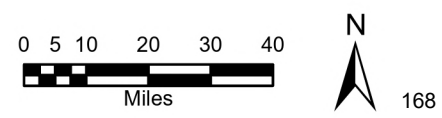
Partnership Technical Assistance Grants 2024

- Status**
- Staff Recommended for Funding
 - Below Funding Line
 - Not Recommended for Funding
 - Interstate Highways
 - Oregon State Highways



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Esri, CGIAR, USGS, Sources: Esri, USGS, County of Clatsop, Oregon State Parks, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS, USFWS

Attachment B. Evaluations

Application Number: 225-8301-23748

Application Name: Chinook Necanicum Climate Collaborative

Applicant: Necanicum WC

OWEB Request: \$149,993

Total Cost: \$345,993

Application Abstract (from the applicant):

1) The current extent of our partnership operates explicitly in the Necanicum Basin. The capacity and strategic planning that would come as a result of this proposal could expand this partnership to other pertinent partners.

2) The north coast of Oregon is home to critical Oregon coast salmonid and other native migratory fish populations. Unfortunately, despite high quality habitat, there is virtually no opportunity for effective tribal engagement and empowerment to lead restoration planning and implementation in the Necanicum Basin or the Clatsop Territory as a whole. A lack of tribal leadership has hindered the effectiveness of salmonid habitat restoration because it lacks the insight and perspective that the tribal community can contribute to restoration planning.

3) We have already made a substantial investment in developing this partnership. We've secured a detailed Memorandum of Agreement with the CIN, have a large funding proposal to NOAA to create capacity for the partnership Clatsop Territory wide, and we've been awarded numerous grants and awards, including the Oregon Community Water Justice Award which has funded a full year of our proposed shared staffer: Tribal Land and Water Steward position. This PTA proposal would provide our partnership with the following opportunities:

- a) Nurture trust-based relationships with other Clatsop Territory conservation partners that wish to empower tribal-led restoration;
- b) Using an expanded list of partners to begin planning tribal-led restoration efforts across watershed council boundaries on an eco-region scale;
- c) Utilizing a strategic planning professional to adopt a tribal restoration focused SAP that is representative of shared values between the NWC and CIN and can be easily adapted for additional partners.

4) Chinook Indian Nation (primary)

Potential partners/collaborators:

Columbia Land Trust

North Coast Watershed Association

2024 Partnership Technical Assistance Grant Cycle

Columbia River Estuary Study Taskforce

Review Team Evaluation

Strengths:

- The proposed project plans to address the lack of tribal capacity and participation in restoration in the watershed by providing an opportunity for tribal leadership in developing and implementing a salmonid-focused Strategic Action Plan.
- The proposed budget includes secured funds from multiple sources.

Concerns:

- The partnership only includes two partners: the watershed council and Chinook Indian Nation. The application is not clear on the process to be used to secure commitment and participation from other potential partners.
- The application proposes a salmonid focused Strategic Action Plan but lacks participation by fisheries agencies including ODFW, USFWS, and NOAA.
- The application only includes a letter of support from one potential partner, North Coast Watershed Council.
- The proposed budget includes minimal time for consultants to develop the Strategic Action Plan, but their role and tasks (versus what will be completed by partner staff) is not well defined or described in the application narrative.
- The application title is confusing – there is no description of a climate collaborative in the narrative.
- The application includes a description of a shared staff person, but it is not clear how that person will be supervised and where they will be based; the CIN is based in Washington.
- The application is not timely and would benefit from more preparation and coordination with additional partners to ensure the eventual Strategic Action Plan will have the support to move forward with future restoration actions. The local OWEB small grant team includes Clatsop SWCD and two federally recognized tribes; a watershed-based Strategic Action Plan should include partners active in restoration in the targeted geography.

Concluding Analysis:

The Necanicum Watershed Council and Chinook Indian Nation propose a tribally led, salmonid-focused Strategic Action Plan that would result in tribally coordinated restoration actions in the Necanicum Basin. The partnership has an MOU in place with the two founding partners but has

2024 Partnership Technical Assistance Grant Cycle

not yet secured support from other key entities that would be key to developing the basin's Strategic Action Plan. The application lacks details on how the SAP will be coordinated and written beyond engaging a consultant. The proposed timeline for engaging partners and the community, collecting existing information and writing the Strategic Action Plan is not realistic.

Review Team Recommendation to Staff: Do Not Fund

Review Team Priority: N/A

Review Team Recommended Amount: \$0

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8302-23751

Application Name: IVFROG Partners Unite to Restore Ecosystem Resilience

Applicant: Discover Your Northwest DBA: Discover Your Forest

OWEB Request: \$128,766

Total Cost: \$214,439

Application Abstract (from the applicant):

1. The project location includes public and private lands within the Illinois River watershed in Josephine County. This area encompasses the rural hubs of Cave Junction, Selma, O'Brien and Takilma.
2. Illinois Valley Fire Resiliency Oversight Group (IVFROG) is dedicated to achieve clear and measurable outcomes relating to the mitigation of catastrophic wildfire risk to the community and improvement of forest health through related silvicultural activities such as thinning overly dense forest stands and returning low-intensity fire to the landscape at intervals to maintain ecological integrity. IVFROG, having succeeded in terms of operational efficiency over the two-year OWEB Stakeholder Engagement Grant cycle, now aims to increase its capacity to expand project reach to a landscape scale.
3. This project will maximize the performance of the IVFROG through development of a Strategic Action Plan (SAP) and formalized governance documents. These deliverables will be developed cooperatively with a contracted strategic planner, guided by the leadership of the Project Coordinator using input from partners. This SAP will be informed by diversity, equity, inclusion and justice (DEIJ) principles.
4. Core project partners include: Grayback Forestry, Illinois Valley Community Development Organization (IVCanDO), Illinois Valley Fire District, Illinois Valley Soil and Water Conservation District (IVSWCD), Illinois Valley Watershed Council (IVWC), National Park Service (NPS), Natural Resources Conservation Service (NRCS), Office of the State Fire Marshal (OSFM), Oregon Department of Forestry (ODF), OSU SOREC, Rogue Basin Partnership (RBP), Rogue Valley Integrated Fire Plan (RVIFP), Tolowa Dee ni' Natural Resource Staff, Southern Oregon Forest Restoration Collaborative (SOFRC), USFS - Wild Rivers Rangers District, Wilson Biochar, as well as local community groups and stakeholders.

Review Team Evaluation

Strengths:

- The partnership has a comprehensive list of partners, representing federal and state agencies, local organizations, and technical experts that provided letters of support

2024 Partnership Technical Assistance Grant Cycle

demonstrating commitment to participation in the Strategic Action Plan (SAP) development.

- The partnership has a demonstrated history of successfully applying for joint funding and implementing on-the-ground projects.
- The detailed proposed project schedule provides a clear pathway for the project's implementation.
- The application describes how the partnership currently engages with underserved communities and how that engagement will continue in this place-based planning process.
- The partnership has engaged in learning on DEIJ and recognizes there is still room to improve and included training for their core members and board.
- The proposed project addresses a clearly defined need for a forestry management focused SAP to prevent future catastrophic fire.

Concerns:

- The proposed budget for contracted services is low and may not include enough hours to achieve the proposed work.
- The application includes detailed descriptions of existing data and planning documents and tools, but the process for how the SAP will be written is unclear.

Concluding Analysis:

The Illinois Valley Fire Resiliency Oversight Group (IVFROG) Partnership is comprised of a diverse array of appropriate groups that collaborate to engage landowners, develop, and implement projects focused on forest management. Their collective momentum is building, and this proposal is an important next step towards formalizing their partnership. The partners have the right technical and collaborative skills to successfully execute a strategic planning effort. The inclusion of key partners for development and implementation of a Strategic Action Plan demonstrates the partnership's recognition of the level of collaboration needed to implement future restoration actions. The proposed Strategic Action Plan will be in alignment with existing state and regional plans and synthesize existing technical information specific to this geography to result in a plan that will assist IVFROG with implementing projects in a rural, underserved geography that is facing increasing extreme wildfire risk.

Review Team Recommendation to Staff: Fund

Review Team Priority: 1 of 7

Review Team Recommended Amount: \$128,766

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Review Team Conditions: N/A

Staff Recommendation: Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$128,766

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8303-23753

Application Name: Rogue Cohesive Landscape Strategy

Applicant: Southern Oregon Forest Restoration Collaborative (SOFRC)

OWEB Request: \$149,969

Total Cost: \$156,069

Application Abstract (from the applicant):

The Rogue Cohesive Landscape Strategy (RCLS) encompasses the Rogue River Basin and adjacent federal lands totaling 4.6 million acres and will integrate existing successful strategic plans for upland, riparian and aquatic restoration into a comprehensive landscape restoration strategy. The current Rogue Basin Cohesive Forest Restoration Strategy (RBS) focuses on upland forest treatments to reduce wildfire risk to people and nature while promoting climate adapted forests and diverse enduring habitats (<https://doi.org/10.1139/cjfr-2020-0480>). The strategy serves as a foundation for the 10 agencies and organizations of the Rogue Forest Partners and the OWEB-funded Rogue Forest Restoration Initiative. While integrating multiple landscape functions and accounting for a large suite of terrestrial and aquatic values, the RBS focused on prioritization of treatments in dry forest and woodlands dependent on frequent, low to moderate severity fire. Such landscape treatments reduce direct fire and some watershed risks to riparian and aquatic values; however, the RBS did not attempt to prioritize needed treatments for in-stream or riparian habitat. The largely separate Rogue Basin Partnership (with 20 member organizations) developed the Rogue Restoration Action Plan (RRAP; <https://roguebasinpartnership.org/our-restoration-action-plan-2/>), creating a strategic prioritization for direct actions to improve aquatic conditions, water quality and riparian function.

This new project proposal would support the Southern Oregon Forest Restoration Collaborative alongside The Nature Conservancy, The Freshwater Trust, and the Rogue River Watershed Council in establishing a technical team drawing from both partnerships, and engaging broadly with communities to integrate the two plans in pursuit of synergy and leverage by bridging the mostly independent efforts in addressing wildfire risk, forest restoration, habitat protection, water quality, aquatic and riparian habitats.

Review Team Evaluation

Strengths:

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- The proposed project's two lead partnerships have a demonstrated history of successfully planning and implementing complex, multi-year, multi-benefit, on-the-ground projects.
- The proposed Strategic Action Plan (SAP) integrates forestry and aquatic habitat goals.
- The project management team includes highly qualified staff from partner organizations.
- The lead partnerships have a demonstrated history of meaningfully engaging with underserved communities and leveraging resources to address local needs.

Concerns:

- The application describes a large group of potential partners, more than 40 organizations. The partner roles are not clearly defined and their level of support for and interest in participation in the proposed SAP planning and implementation process is not described.
- The application does not describe how merging the existing Rogue SAPs will result in organizational efficiencies.
- The application states that the slower than expected pace and scale of restoration in the basin is the rationale for developing a merged, ridge top to ridge top SAP; however, the proposal includes a 3-year timeline for the SAP planning and writing process that will create further delay in implementing restoration actions.
- The application makes clear that improved coordination between the existing partnerships is needed, but it is not clear that investment in another planning document will meet that need.
- The proposed budgeted staff time to coordinate the engagement and communication with this large partnership seems low.

Concluding Analysis:

The Rogue Cohesive Landscape Strategy seeks to integrate two existing Strategic Action Plans (SAP) for different ecological priorities and incorporate new data and emerging issues (e.g. climate change and Douglas-fir mortality) to prepare a ridgetop to ridgetop SAP to be implemented by over 40 basin partners. The applying partnership has a strong history of successful project development and implementation. The application makes clear that a lack of coordination between the layers of Rogue partners engaged in project implementation results in projects that can miss opportunities for collaboration and increasing the reach of the work. The application does not clearly describe how the proposed SAP would be widely adopted by this large pool of partners and whether it would increase the pace of implementation of high priority, coordinated, on-the-ground projects.

2024 Partnership Technical Assistance Grant Cycle

Review Team Recommendation to Staff: Do Not Fund

Review Team Priority: N/A

Review Team Recommended Amount: \$0

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8304-23754

Application Name: South Umpqua Strategic Action Plan

Applicant: Wild Salmon Center

OWEB Request: \$143,588

Total Cost: \$177,806

Application Abstract (from the applicant):

This grant proposes to develop a Strategic Action Plan (SAP) for Coho Recovery for the S. Umpqua population of OC Coho. This plan is critical to ensure that the watershed's limiting factors for Coho recovery are addressed in a strategic, multi-decadal framework. Some S. Umpqua watershed-specific limiting factors have been defined, but there is not a long-term strategy for Coho recovery in the watershed, and climate change has not been integrated into project prioritization. The S. Umpqua River Coho Action Team (SURCAT) has been meeting as a group since 2023 to discuss basin-wide restoration prioritization and planning. The members share a growing desire to become more strategic and collaborative in our restoration efforts across the basin. The goal of the SAP is to develop a comprehensive restoration strategy prioritizing projects that have the greatest impact on Coho recovery and resilience. Specifically, this plan will provide vetted projects that will result in targeted watershed enhancement focused on recovery and resilience. The SAP development process, facilitated by WSC, has been implemented in six other coastal watersheds to date. Activities include a data gathering phase, spatial analysis, and integration of local expert knowledge. This work then allows the team to identify priority sub-watersheds and identifies what restoration strategies to implement. The team will create a list of near-term, high priority projects and identify costs, ultimately leading to the implementation of on-the-ground work. The funding requested in this application will be focused on bringing partners together to prioritize restoration actions and long-term strategies and publish the SAP. The next phase will focus on the implementation of vetted projects. The SAP will be developed by SURCAT, a diverse group of stakeholders that includes the Partnership for the Umpqua Rivers as the local convener and WSC who will provide SAP facilitation and additional technical resources.

Review Team Evaluation

Strengths:

- The partnership has a strong track record of successful on-the-ground project implementation.
- The proposed project includes significant existing datasets that are available to utilize in developing the Strategic Action Plan (SAP).
- The applicant has prepared several aquatic species focused SAPs for coastal watersheds.

2024 Partnership Technical Assistance Grant Cycle

- The proposed project includes a plan for integrating climate change analyses based on established protocol and in cooperation with ODFW.

Concerns:

- The partner roles in developing the SAP and being engaged throughout the multi-year process are not clearly defined.
- The project proposes to engage with landowners after the SAP is developed rather than throughout the planning process.
- The proposed project focuses on salmonid limiting factors and recovery needs but is unclear what this partnership will achieve through the development of a SAP to address these limiting factors.
- The proposed engagement activities are broadly described and lack specificity and details about what communication will be undertaken, who will develop the outreach messaging, when in the process the activities will occur, and who will conduct the actions.
- The application does not describe the underserved communities the partnership plans to engage with and what types of actions will be undertaken to reach those communities.

Concluding Analysis:

The Wild Salmon Center proposes to develop a coho-focused Strategic Action Plan for the Umpqua Basin in collaboration with the South Umpqua River Coho Action Team comprised of natural resource agencies, non-profits, and the Cow Creek Tribe of Umpqua Band of Indians. The application includes a well-described plan for utilizing existing data sets and integrating existing planning documents, including climate considerations. The application lacks detail on proposed community and partner engagement activities and how the proposed SAP will be implemented and result in on-the-ground restoration projects. The applicant included an upload of a detailed project schedule that outlines the major activities and timeline associated with each. The application would benefit from further details on the partnership operations and the plan for developing governance documents and formalizing their partnership.

Review Team Recommendation to Staff: Fund

Review Team Priority: 6 out of 7

Review Team Recommended Amount: \$143,588

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund; falls below staff-recommended funding line

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Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8305-23755

Application Name: Klamath Cooperative Weed Management Area Coordination

Applicant: Klamath SWCD

OWEB Request: \$47,838

Total Cost: \$52,839

Application Abstract (from the applicant):

The Klamath Cooperative Weed Management Area Coordination project will provide technical assistance to the Klamath Cooperative Weed Management Area (KCWMA) to develop a Strategic Action Plan (SAP) and enhance our partnership governance in Klamath County.

KCWMA was officially formed in 2021 by local agencies seeing the need in the Klamath Basin for a cooperation between agencies to identify, treat, maintain and educate about noxious weeds in Klamath County. KCWMA struggled to find a coordinator until October 2023 when they appointed their first coordinator. Klamath Soil and Water Conservation District (SWCD) has housed and funded the coordinator position initially until funds are awarded.

The proposed funding will provide the coordinator with the capacity to create an SAP, coordinate the groups meetings, manage the groups time and resources, compile all members past GIS invasives data into a shared geodatabase, create a Community Engagement Plan and create outreach material.

The KCWMA is a noxious weed collaborative made up of 11 member organizations who have a vested interest in the treatment of noxious weeds. Those organizations who have signed a Memorandum of Understanding are Klamath Soil and Water Conservation District, Bureau of Land Management Klamath Field Office, Western Invasives Network, U.S Bureau of Reclamation, Klamath County Public Works, Klamath Watershed Partnership, U.S. Fish and Wildlife Service, U.S. Forest Service, Oregon Fish and Wildlife, Green Diamond Resource Company and Klamath Irrigation District. Among this group of organizations is a vast amount of education, knowledge, and professional experience.

The KCWMA aims to build lasting community commitment by creating a local culture that is passionate about the threats that invasive and noxious plants present thus reducing their spread throughout the Klamath Basin.

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Review Team Evaluation

Strengths:

- The composition of the partnership includes expertise across multiple local, state, federal entities and NGOs, but could be stronger if the Klamath Tribes and Oregon Parks and Recreation Department were participating; the OC&E trail is a known weed vector.
- The partners recognize the importance of accounting for climate change challenges when it comes to addressing invasive weeds and that significant outreach will need to occur to gain the input from and support of local communities.
- The application describes that cross-boundary weed treatments will be prioritized.

Concerns:

- The proposed project does not provide a description of on-the-ground restoration and watershed enhancement that will result from the development of this noxious weed inventory focused Strategic Action Plan (SAP).
- The proposed timeline for developing the SAP is less than one year, which may not be sufficient time to convene partners, collate existing data, write draft SAP chapters, present findings, solicit comments from reviewers and incorporate feedback into a final plan.
- The ecological outcomes that will result from this work are not defined and it is unclear if this SAP is to plan on-going pesticide application or if the SAP would identify future revegetation strategies.
- The application does not include a weed prioritization and the description of the current weed impacts is broad and does not include either existing noxious weed species or future, desired vegetation communities.
- While the importance of accounting for climate change is recognized, the application does not describe how the proposed project and subsequent implementation will build climate resilience.
- The application states that outreach materials will be produced prior to developing a communications plan. Outreach materials are likely to be more effective if produced after developing the communications plan.
- It is unclear whether implementing the plan will include only herbicide application, or if revegetation will be included. Successful restoration is likely to require revegetation.
- The application does not describe a plan for outreach to private landowners, which will be essential for restoration success.

Concluding Analysis:

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The Klamath Falls SWCD proposes to develop a Strategic Action Plan for Klamath Basin to prioritize treatment of noxious weeds. The proposed project lacks details on how the SAP will be developed beyond referring to OWEB's guidance document. The role of partners in developing and writing the plan, coordinating landowners, Tribal and community outreach, and developing future on-the-ground restoration actions is lacking specificity and details. The plan to create a shared geodatabase with invasive inventory data is a sound weed management strategy, but it is unclear what habitat limiting factors are being addressed with this planning and what improved watershed conditions would result.

Review Team Recommendation to Staff: Do Not Fund

Review Team Priority: N/A

Review Team Recommended Amount: \$0

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8306-23756

Application Name: Clackamas Partnership – Phase 2

Applicant: Greater Oregon City WC

OWEB Request: \$134,898

Total Cost: \$134,899

Application Abstract (from the applicant):

In 2018, the Clackamas Partnership developed its Strategic Action Plan to restore the Clackamas fish populations and was subsequently awarded an OWEB FIP grant to support fish habitat restoration from 2019 to 2025. The SAP's geography encompasses portions of the Clackamas Basin, the lower Willamette, Abernethy, Kellogg, and Johnson Creek watersheds, and other lower Willamette tributaries. The SAP addresses limiting factors identified in ODFW's Lower Columbia River Recovery Plan.

Core partners that developed the SAP include the Clackamas River Basin Council, Greater Oregon City Watershed Council, North Clackamas Watersheds Council, Johnson Creek Watershed Council, Clackamas Soil and Water Conservation District, and Metro. The Partnership has demonstrated the ability to implement complex projects focused on off-channel habitats, stream channel complexity, and fish passage.

The 2018 SAP called for a revision in 2026 to incorporate lessons learned over the previous implementation period and address new priorities identified through the LCR Plan and other assessments. New issues have arisen, including addressing resiliency in the face of climate change, enhancing engagement with tribal interests, and engaging underserved communities.

The Partnership is proposing OWEB funding to update the SAP by:

- Addressing new priorities identified through the LCR Plan's recovery effort;
- Synthesizing information from recent studies, monitoring, and assessments to guide future restoration actions and priorities;
- Engaging PSU, ODFW, and the community to assess climate change impacts and identify and prioritize restoration actions to address climate resiliency;
- Identifying and prioritizing habitats for restoration actions, including considering extending the SAP to upland habitats;
- Working with Tribes to incorporate tribal knowledge; and
- Engaging diverse communities to understand priorities and identify approaches for participation in future Partnership activities.

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Review Team Evaluation

Strengths:

- The partnership has a successful history of collaboration and is engaged in a current OWEB FIP for Aquatic Habitat for Native Fish Species.
- The proposed project is timely with the Clackamas FIP sunseting in 2026 and the partnership's continued need for and interest in assessing progress and planning for a second FIP. Data indicate increasingly large numbers of juvenile fish in the system, indicating the need for more rearing habitat.
- The partnership is implementing the suite of projects identified in their initial Strategic Action Plan (SAP) and is requesting funding to update their SAP in recognition of emerging needs and to incorporate lessons learned.
- The proposed activities fully describe the planning process that will be utilized to engage partners in updating the SAP.
- One of the primary state purposes for the proposed project is to incorporate changing climate conditions into the partnership's SAP and the partnership plans to work with PSU to develop a climate change forecast for the watershed.
- The partnership is seeking to advance their relationships with BIPOC-led organizations and to cultivate diversity, advance equity and practice inclusion in all aspects of their work and have a partner that is assisting them with improving their contracting practices.
- The application outlines the current Tribal communication plan and describes what will be continued into the future.
- The partnership has leveraged their existing SAP and their OWEB FIP award to secure significant project match funding from NOAA (\$3.9 million).
- The partnership has identified the consultant they will contract with for the SAP update and this allowed them to include in the application the scope of work and budget required to accomplish the proposed work.
- The proposed project costs align with the identified work and includes funds to compensate partners to dedicate time to participate in meetings to update the SAP.

Concerns:

- It would have been helpful to incorporate a potential example of how climate information could result in adjusting their restoration strategy.
- It would have been helpful to incorporate more details on the project tracking tool and how it could be utilized to improve communication to different audiences.

Concluding Analysis:

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The Clackamas Partnership is a current FIP grantee nearing the end of their FIP funding and is seeking to update their Strategic Action Plan (SAP) to facilitate their assessment of progress to date and collaborate to plan their next set of priority actions. The application describes partner roles and responsibilities to achieve the update and the use of a contractor to facilitate this process and prepare the updated SAP. The partners plan to focus this update on emerging issues that are not described in their current SAP including addressing resiliency in the face of climate change, enhancing engagement with tribal interests and engaging underserved communities. The partners have relevant experience to implement the proposed work and a strong history of successful on-the-ground project implementation as a result of planning and utilizing a SAP.

Review Team Recommendation to Staff: Fund

Review Team Priority: 4 out of 7

Review Team Recommended Amount: \$134,898

Review Team Conditions: N/A

Staff Recommendation: Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$134,898

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8307-23757

Application Name: Scappoose Bay Partnership Enhancement and Strategic Action Plan Collaboration

Applicant: Scappoose Bay WC

OWEB Request: \$164,285

Total Cost: \$202,760

Application Abstract (from the applicant):

The Project Location is within the Scappoose Bay Watershed Councils watershed. The project need is for an updated Strategic Action Plan (SAP) that incorporates all the data that have been collected over the last couple years. This also will incorporate a shade analysis that was a data gap initially identified in the 2018 SAP. There has been more water quality data that can be also included in an updated SAP. Capacity for an outreach Coordinator and GIS professional would be instrumental in the ability to produce the best quality document for the community, watershed council and its partners. The proposed work would be to have an outreach coordinator to perform all collaboration and be the main source for our partners in incorporate all the information in an updated SAP. They would take the lead on writing and leading partners to incorporate there sections and additions into the plan. Once a draft is together, the outreach coordinator would have the SAP go through a series of comment windows with partners and the public. Once the SAP is completed, then we would start the prioritization of the watershed with the SAP to begin outreach to the landowners.

Project Partners to include:

CSWCD

WMSWCD

ODFW

LCEP

BLM

Columbia County

The City of Scappoose

The City of St Helens

NRCS

DEQ

And Many more

Review Team Evaluation

Strengths:

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- The application clearly describes that the current Strategic Action Plan (SAP) is outdated and does not incorporate multiple more recently collected datasets, climate resilience components or a prioritization strategy.
- The application proposes to conduct a shade analysis and incorporate existing water quality data into the SAP. These datasets will help inform decisions on how to best address aquatic limiting factors in the basin.
- The applicant has collaborated with local municipalities over the past decade and successfully implemented projects in the cities of St. Helens and Scappoose.

Concerns:

- The project proposes to build the capacity of the applicant organization by hiring a full-time outreach coordinator and does not include a description of the anticipated skillset for this position. It is unclear if an outreach coordinator is the appropriate fit for facilitating the partnership and writing the SAP.
- The proposed project lacks clarity on the strategy to be used to develop the partnership and build participation and buy-in to develop the SAP around the key ecological concerns.
- The application does not include letters of support and it is unclear what the role of partners will be in updating the SAP.
- The application lacks clarity on how the partnership utilizes the existing SAP to prioritize projects for on-the-ground restoration implementation.
- The application does not describe the partnership's communication methods or decision-making processes.
- The proposed budget includes several expenses that are unclear how they align with the proposed objectives (e.g. video conferencing equipment and tabling materials and outreach).
- The proposed budget exceeds the offering's cap; the request is for \$164,285 and the cap is \$150,000. Further technical review would be required to determine whether the scope of services could be completed based on a reduced budget.

Concluding Analysis:

The Scappoose Bay Watershed Council has a demonstrated need to update their existing Strategic Action Plan (SAP) to incorporate more recently collected datasets, incorporate climate resiliency, and create maps to assist the partnership in determining restoration priorities. The application does not describe how the current partnership operates and makes decisions about their priorities and whether there is a shared interest in updating the SAP and working collectively to implement the plan. The proposed project's success rests on the hiring of a skilled outreach coordinator to do all the data synthesis, analysis, plan writing, and partnership coordination, which is a diverse set of skills for such a position. The application does not

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provide enough details around partnership dynamics, plan development, and how they will affect restoration project development to determine the likelihood of success.

Review Team Recommendation to Staff: Do Not Fund

Review Team Priority: N/A

Review Team Recommended Amount: \$0

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

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Application Number: 225-8308-23758

Application Name: Oak Prairie Working Group and Regional Habitat Connectivity Working Group Coordinator Collaboration

Applicant: Oregon Wildlife Heritage Foundation

OWEB Request: \$148,390

Total Cost: \$209,390

Application Abstract (from the applicant):

Within the Greater Portland-Vancouver region, two partnerships, the Oak Prairie Working Group and the Regional Habitat Connectivity Working Group were formed over a decade ago to implement key aspects of a large partner-driven planning vision, the Regional Conservation Strategy for the Greater Portland-Vancouver Region. Many years later both partnerships have formalized Steering Committees, newly developed Strategic Action Plans (SAP) that align with OWEB guidance, and strong collaborative partners. Unfortunately, both partnerships are currently struggling to actualize these plans due to a lack of dedicated capacity.

Both partnerships span the Greater Portland-Vancouver area, from the Lewis River in the north, south to the Molalla and Pudding Rivers. Work under this grant will focus on the Oregon portion of this geography including Columbia, Multnomah, Clackamas, Washington, and Yamhill counties. The shared geography results in multiple organizations participating in both partnerships. This significant overlap creates an opportunity to leverage resources and align strategies. These partnerships are unique to Oregon, they bring conservation to urban neighborhoods and the rural-urban interface, and communicate with large numbers of stakeholders in Oregon. Shared implementation strategies, tools, and messaging through coordination will accelerate conservation in this geography.

Through this project, the Steering Committees of the Oak Prairie Working Group and the Regional Habitat Connectivity Working Group will hire a coordinator that will split time between both groups. This shared position leverages OWEB and others' investments into these partnerships and will result in accelerated strategic action plan implementation and more streamlined sharing of data, resources, and tracking metrics.

Review Team Evaluation

Strengths:

- Both the proposed project's partnerships have a long history of collaboration.
- The application clearly describes the need for each partnership to have leadership and coordination to continue implementing their individual work plans.
- The application clearly describes a significant amount of foundational work has been done to build the partnerships' planning documents and Strategic Action Plans (SAP).

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- The project leadership team is clearly identified and has the relevant expertise to manage a shared position.
- There is broad partner engagement with groups that are relevant to the proposed work.
- The partnerships have prioritized working with BIPOC communities in their SAPs and have undergone an equity analysis of their SAPs and identified areas to improve engagement to these communities.

Concerns:

- The project proposes to hire a shared coordinator to maintain each partnership's separate working groups and add a Joint Leadership Team for the purpose of managing the shared coordinator. The application is not clear whether the partners have considered other paths for collaboration such as consolidating SAPs or partnerships.
- The potential for the proposed work to be successful is greatly dependent on who is selected for the partnership coordinator. Since this person is not identified yet, it would be helpful to include an explanation of the type of skills and experience that will be recruited or considered as part of the selection.
- The application for capacity funding to implement existing SAPs lacks a description of what restoration or acquisition projects are likely to occur as a result of the proposed project. It would be helpful if information was included in the application that distills from the upload documents examples of restoration or acquisition that could result and how they will impact fish and wildlife habitat and/or water quality/quantity.
- The proposed project activities describe engagement activities and development of community education materials and messaging but do not include a description of the proposed on-the-ground restoration actions that would occur as a result of this project. The application does not describe how a lack of coordination is the limiting factor for on-the-ground project implementation.

Concluding Analysis:

The Oregon Wildlife Foundation seeks funding to re-energize two different long-term oak prairie focused partnerships with different SAPs and move them toward a sustainable funding model. The partnerships' memberships and priority strategies appear to have considerable overlap and the application is not clear why there is a need to maintain two separate working groups that are experiencing decline in participation and member fatigue. Maintaining, re-energizing and coordinating two separate working groups will require a lot of communication. The structure of maintaining two separate working groups may miss an opportunity to bring the partnerships together more and leverage their commonalities and strengths while also addressing their shared challenge of maintaining long-term engagement.

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Review Team Recommendation to Staff: Do Not Fund

Review Team Priority: N/A

Review Team Recommended Amount: \$0

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

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Application Number: 225-8309-23759

Application Name: Greater Yamhill Watershed Council / Yamhill County Fish Passage Partnership

Applicant: Greater Yamhill Watershed Council

OWEB Request: \$30,289

Total Cost: \$33,469

Application Abstract (from the applicant):

The Greater Yamhill Watershed Council covers land area that includes five counties, about 2/3 of which is within Yamhill County. The watershed includes eight sub-basins, all of which are partially within Yamhill County.

The Council has done extensive work to identify fish passage barriers within the watershed. This includes recent Rapid BioAssessment Surveys completed by Bio-Surveys, LLC, in 2019-2020 of the North Yamhill and Willamina Sub-Basins and South Yamhill Sub-Basin.

The proposed partnership is between the Greater Yamhill Watershed Council and Yamhill County Public Works Department. Yamhill County maintains over 667 miles of roadway and 132 bridges within Yamhill County.

These two entities have recently entered into a Memorandum of Understanding to jointly pursue fish passage priorities related to County-owned infrastructure that are of mutual interest.

The project will further this partnership by developing a strategic plan that establishes and ranks priorities, identifies potential partners, and creates a strategy to pursue funding opportunities.

Review Team Evaluation

Strengths:

- The project participants have project management experience relevant to fish passage.
- Addressing fish passage and improving stream connectivity is likely to build resilience for future climate conditions.
- The project applicant and the County have a MOU in place.
- The partnership has several recently compiled data sets to assess baseline conditions and to utilize as a starting point for building their Strategic Action Plan (SAP).
- The proposed budget is reasonable and cost effective for achieving the proposed scope of work.

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Concerns:

- The application lacks the details needed to understand the actions that will be completed, what the final product will be, and what on-the-ground restoration actions will be implemented as a result.
- The application geography includes Yamhill County, which is smaller than the watershed boundary and does not explain why this is the selected geography.
- The application describes two primary partner roles, but additional partners are not yet recruited and their roles in the SAP development are not identified.
- The partnership does not have a clear vision for what they are seeking to achieve and did not include a description of what on-the-ground restoration actions will be implemented to benefit the watershed.
- The application lacks clarity on whether SAP development is timely and needed to achieve their goal to identify a funding strategy and establish priorities for fish passage projects.
- It is unclear how long the partners (the watershed council and county) have worked together in the past or whether this is a new partnership.
- The application lacks details on how the community will be engaged in SAP development beyond social media posts and potential partner interviews.

Concluding Analysis:

The Greater Yamhill Watershed Council is partnering with Yamhill County to develop a Strategic Action Plan (SAP) to identify potential project partners, rank fish passage projects, and build a funding strategy to address fish passage on Yamhill County roads. This project is scoped to County roads and within the County geography, which is about two thirds of the size of the Yamhill watershed. The application does not include a rationale for why a SAP is the best planning document for these two partners to develop instead of applying for a Technical Assistance grant to achieve the modest amount of proposed work.

Review Team Recommendation to Staff: Do Not Fund

Review Team Priority: N/A

Review Team Recommended Amount: \$0

Review Team Conditions: N/A

Staff Recommendation: Do Not Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

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Staff Conditions: N/A

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Application Number: 225-83010-23760

Application Name: John Day Basin Partnership 2024 TA

Applicant: South Fork John Day WC

OWEB Request: \$121,275

Total Cost: \$121,320

Application Abstract (from the applicant):

The John Day River Basin in northeast Oregon is home to native aquatic fish species and habitat of state significance, small rural communities whose economy is centered on agriculture and natural resources, and exceptional historical and cultural riches. The 8,100 square mile John Day River Basin is one of the most important undammed river systems in the west and hosts two of the last remaining intact wild anadromous fish populations in the Columbia River System. The John Day Basin Partnership (JDBP) or (Partnership) is currently in year 5 out of 6 of our OWEB FIP Native Aquatic Habitat Initiative.

The Partnership plans to apply to another Implementation FIP in 2025, therefore the Partnership needs to (1) update the existing Strategic Action Plan, (2) update aquatics Atlas prioritization with completed restoration project data & information learned through survey and (3) include/incorporate new uplands prioritization.

Project partners include: Blue Mountain Forest Partners (BMFP), Blue Mountain Land Trust (BMLT), Bonneville Power Administration (BPA), Burns Paiute Tribe, Confederated Tribes of Warm Springs (CTWS), Confederated Tribes of Umatilla Indian Reservation (CTUIR), Gilliam-East John Day Watershed Council (GEJDWC), Gilliam SWCD, Grant SWCD, Mid John Day Watershed Council (MJDWC), Monument SWCD, Morrow SWCD, North Fork John Day Watershed Council (NFJDWC), Oregon Department of Agriculture (ODA), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Forestry (ODF), Oregon Parks and Recreation Department (OPRD), Ritter Land Management Team (RLMT), Sherman SWCD, South Fork John Day Watershed Council (SFJDWC), Sustainable Northwest (SNW), Trout Unlimited (TU), Bureau of Land Management (BLM), Bureau of Reclamation (BOR), US Fish & Wildlife Service (USFWS), Natural Resource Conservation Service (NRCS), Wheeler SWCD, US Forest Service (USFS) - Malheur National Forest (MNF), Umatilla National Forest (UNF), & Wallowa-Whitman National Forest (WWNF).

Review Team Evaluation

Strengths:

- The partnership is a currently funded FIP with a strong track record implementing on-the-ground projects to benefit aquatic habitat for native fish species.

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- The proposed project is timely to update the Strategic Action Plan (SAP) following the implementation of FIP restoration activities and adding uplands prioritization, updating the prioritization framework, and including new geographies in preparation for submitting a future FIP Initiative application in the next OWEB FIP Initiative solicitation.
- The partnership has a well-established committee structure and a large number of active partners and includes 30 organizations with defined roles and a shared vision.
- The application includes a letter of commitment signed by the partnership's steering committee members.
- The partnership engages with three tribes in the basin, including a tribal representative on the 9-member steering committee.
- The staff and contractors included in the application have the appropriate background and experience to effectively conduct the proposed work.
- The partnership's progress in implementing their current SAP is well described in the application and includes uploaded progress reports with additional details.
- The proposed budget includes stipends to compensate core partners for their participation in the SAP development.

Concerns:

- The partnership communicates effectively within their membership, but the application lacks details on their communication strategies to the larger community and in particular private landowners that will be important partners in future restoration projects.
- The application does not include a budget narrative that explains how the partnership determined the consultant budget for updating the SAP and project coordination and the proposed budget seems low.
- The application does not describe how climate change will be incorporated to the SAP update.
- The application would have benefitted from more detail in the project activities anticipated schedule to outline the steps in updating the SAP.

Concluding Analysis:

The John Day Basin partnership is a current OWEB FIP seeking funding to expand and update their existing Strategic Action Plan in preparation for applying for a future OWEB FIP Initiative grant. The partnership has achieved a significant amount of the prioritized work identified in their SAP and is on target for meeting their near-term goals and objectives. The partnership plans to expand their FIP geography to encompass watersheds not yet worked in as well as build in an uplands component for their work toward implementing a ridgetop-to-ridgetop restoration strategy. The partnership members represent 30 partner organizations

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collaborating for nearly a decade to restore aquatic habitat conditions to benefit summer steelhead and spring Chinook. Funding to prepare an updated SAP will result in future on-the-ground restoration activities.

Review Team Recommendation to Staff: Fund

Review Team Priority: 3 of 7

Review Team Recommended Amount: \$121,275

Review Team Conditions: N/A

Staff Recommendation: Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$121,275

Staff Conditions: N/A

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Application Number: 225-8311-23761

Application Name: Deschutes Basin Water Collaborative – Continued Capacity for Basin-wide Management Plan Development

Applicant: Deschutes River Conservancy

OWEB Request: \$150,000

Total Cost: \$173,837

Application Abstract (from the applicant):

The Deschutes River Conservancy (DRC), in partnership with the Central Oregon Intergovernmental Council (COIC), and through the 46-stakeholder member Deschutes Basin Water Collaborative (DBWC), seeks support to finalize the comprehensive Upper Deschutes sub-basin water management plan, and subsequently maintain DBWC efforts to implement the plan, and address planning needs in the Crooked River watershed and the Lower Deschutes Basin.

The Upper Deschutes sub-basin is a HUC-8 watershed encompassing the Middle and Upper Deschutes River above the Pelton-Round Butte Dam Complex. The Lower Deschutes sub-basin extends from Lake Billy Chinook to the mouth at the Columbia River, and includes critical tributaries for anadromous steelhead and Chinook.

This project's primary focus addresses low and altered streamflow issues in the Deschutes River, a major limiting factor for fish and wildlife habitat, water quality, and watershed health.

This project will continue years of successful collaboration and planning in the Deschutes Basin. First and foremost, this project will complete the Upper Deschutes sub-basin Water Management Plan. DBWC's first major phase of Basin planning efforts. After years of coordination, DBWC is on the cusp of finalizing the Upper Deschutes Water Management Plan but final draft reviews and edits will need to occur through the end of 2024 before formal plan adoption can be realized. Once finalized, the Upper Deschutes plan will be a vital tool to guide and accelerate the pace and scale of water reallocation in the basin, necessary to maintain productive agriculture, achieve flow restoration targets, and ensure water supply reliability for the growing communities in the Deschutes Basin. DBWC will then build on the strong collaborative success from the Upper Deschutes planning effort, and carry the process forward into action while examining other areas of the Deschutes Basin such as the Crooked River and Lower Deschutes River sub-basin.

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Review Team Evaluation

Strengths:

- The partnership has highly qualified staff to continue this complex planning effort and finalize the placed-based planning needed for the Upper Deschutes Water Management Plan (UDWMP).
- The partnership has a long history of collaboration and is engaged with the appropriate partners representing 46 organizations with a vested interest in the completion of the UDWMP.
- The application includes clear descriptions of partner roles, committee structure and decision-making processes.
- The application is timely and describes the history of the work to date and natural resource challenges to be addressed via the UDWMP.
- The proposed project is likely to be successful and lead to future on-the-ground restoration and water acquisition projects.
- The proposed budget aligns with the proposed work and includes expenses for facilitation, data-based solution development, plan writing, and outreach.
- The proposed plan builds on previous work, including a 2004 basin plan, a 2017 spotted frog biological opinion, the 1996 wild and scenic river plan, and the 2020 Habitat Conservation Plan.
- The partnership's decision-making structure is sound as evidenced by keeping the focus on solutions rather than litigation.

Concerns:

- The application would have benefitted from more detail in the project activities anticipated schedule, particularly those actions following plan adoption.
- The application lacks details on the development of water management topics related to the Crooked River and Lower Deschutes River.
- The application overemphasizes benefits to fish; the plan mostly benefits spotted frog habitat.

Concluding Analysis:

The Deschutes River Conservancy plans to finalize the Upper Deschutes Water Management Strategy then begin work on its implementation as well as continue placed based water planning for additional areas of the basin not yet addressed. This challenging consensus-based plan involving multiple partners with non-aligned views is nearing completion and when implemented, will help restore stream flows and groundwater in the Deschutes River. The appropriate partners are engaged in the work along with a qualified consultant team to guide

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the process. The vision of DBWC is for a truly Basin-wide collaborative utilizing a consensus-based approach that addresses instream and out of stream water needs in a changing climate.

Review Team Recommendation to Staff: Fund

Review Team Priority: 2 of 7

Review Team Recommended Amount: \$150,000

Review Team Conditions: N/A

Staff Recommendation: Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$150,000

Staff Conditions: N/A

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Application Number: 225-8312-23762

Application Name: Malheur County Rangeland Partnership

Applicant: Owyhee WC

OWEB Request: \$137,500

Total Cost: \$385,560

Application Abstract (from the applicant):

The Malheur County Rangeland Partnership Capacity Project encompasses approximately 5.9 million upland acres in SE Oregon. Malheur County rangelands contain some of the highest quality core intact sagebrush habitats in Oregon, which are heavily depended upon by several sage-obligate wildlife species and also support a significant portion of the rural Malheur County agricultural economy. Climate impacts, altered disturbance cycles, and invasive species threaten these landscapes and the communities that depend on them. Defending, protecting, and growing these core sage brush ecosystems through a pro-active and strategic approach will ensure thriving Malheur County Rangelands for years to come.

Funding from this proposal will provide capacity to the Malheur County Rangeland Partnership to develop a strategic geographic prioritization framework that will directly lead to implementation of restoration and management actions to enhance and ensure the vitality and viability of the ecologically significant landscapes found in Malheur County. This strategy will also allow multiple partners the ability to work at a landscape scale to leverage funding, resources and collective knowledge with a shared goal/vision.

Project Partners Include: NRCS, Malheur SWCD, Malheur WSC, Owyhee Watershed Council, Jordan Valley CWMA, Vale District BLM, ODFW, OSU Extension, Malheur County Court, Malheur County Weed Department, Oregon Department of Lands, Oregon Water Resources, ODA, DEQ, USFWS, Sage Con Partnership.

Review Team Evaluation

Strengths:

- The proposed planning approach includes a broad range of species and resource issues (i.e. not just sage grouse).
- The application describes a clear set of steps and plan elements to be developed and defined during the Strategic Action Plan (SAP) collaborative process.
- The application was informed by feedback received from NRCS on their proposal to RCPP that was not funded and that feedback helped the partnership agree there is a need to formalize their partnership structure and adopt a geographic priority focus.

2024 Partnership Technical Assistance Grant Cycle

- The proposed budget is cost-effective and the budget narrative provides sufficient details to understand how the costs were determined.
- The application includes a letter with 15 partner signatories representing organizations committed to participated in this planning effort. The partners have a proven track record of working together effectively.
- The applicant has the technical ability to implement the proposed work and a track record of successful landscape-scale project planning.
- The application includes a detailed description of their proposed 10-step approach to SAP development and a list of available data sets and plans that will inform the SAP.

Concerns:

- The proposed project relies entirely on the skills of the partnership coordinator to do all of the SAP planning/development, writing, facilitation and engagement activities. Additional contractors or staff could be engaged to deliver some components of the work.
- The application does not include any mention of outreach to tribes or how tribal partners will be engaged in the SAP development.
- The proposed budget does not include travel stipends or compensation to project partners to participate in the planning meetings.

Concluding Analysis:

The Owyhee Watershed Council seeks funds to develop a rangeland-focused SAP that utilizes the collective expertise from a coalition of public and private partners to collaboratively develop a prioritization framework for Malheur County. The proposed SAP is likely to lead to conservation and restoration work on Malheur County rangelands that will benefit native fish and wildlife, sage-steppe obligate plants and animals, and improve water quality.

Review Team Recommendation to Staff: Fund

Review Team Priority: 5 of 7

Review Team Recommended Amount: \$137,500

Review Team Conditions: N/A

Staff Recommendation: Fund

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$137,500

2024 Partnership Technical Assistance Grant Cycle

Staff Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Application Number: 225-8313-23763

Application Name: Wallowa Resources Strategic Action Plan Enhancement

Applicant: Wallowa Resources

OWEB Request: \$138,242

Total Cost: \$138,243

Application Abstract (from the applicant):

Wallowa Resources works with a wide variety of partners through 3 program areas: land & water stewardship, education & job creation. Collectively, these areas back an initiative that we call the Stewardship Economy. Our core partners extend to over 30 individuals & organizations with the primary partners consisting of the Wallowa County Natural Resource Advisory Committee (NRAC), including, local government, state & federal land management agencies, 2 universities, two National Forests, watershed councils, the Tribes, & private landowners. Our geography covers 23 watersheds in Wallowa County; however, our work consistently extends beyond these borders.

Since 1996, we have enhanced opportunities on our forests, rangelands & stream systems. To guide our work, Wallowa Resources completed a strategic planning framework in 2019. While this framework is very effective, we have grown significantly in the last 5 years. We are now an organization that represents 7 natural resource programs with 25 employees compared to 11 in 2019. We are currently seeking capacity funding to implement & enhance our SAP document. Funding resources would enable WR to move forward with integrity, internally & externally building a stronger organization whose vision is vibrant communities that care for the land. Specifically, we seek the following: 1) Identify organizational SAP gaps, i.e. a collaborative communication plan, defined roles/responsibilities, a wage compensation model; 2) strategic guidance for individual programs, highlighting opportunities for synergies between programs, & areas of growth; 3) finalize outreach & engagement document; 4) develop strategies for innovative pathways to implement restoration work with private landowners & area partners; & 5) enhance monitoring framework to include organizational & program level monitoring metrics to evaluate organizational cornerstones. Through all of this we seek to establish a structure for the strategic action plan.

Review Team Evaluation

Strengths:

- The applicant is a well-established partnership with over 30 members.
- The application includes a realistic description of potential barriers to success including demographic shift, outside market forces, an aging watershed population and a drain of local youth.

2024 Partnership Technical Assistance Grant Cycle

- The applicant staff are experienced and have a track record of project implementation experience.
- The proposed budget includes costs commensurate with the expected outcome of an improved SAP for Wallowa Resources.

Concerns:

- The application does not include a description of the work implemented to date from the SAP and why an update is needed. It is not clear if they have implemented the majority of the originally identified actions and need to identify new actions or if they need to recalibrate priorities, add new data, incorporate new partners, or update the SAP for some other purpose.
- The list of partners is appropriate for the proposed work but their role in updating the SAP and implementing the proposed actions was not clear.
- The application would have benefitted from a description of the contracted services skillset sought to support this work.
- The application narrative focuses on organizing staff and an internal planning framework but does not describe how this funding would be used toward implementing priority projects in the Strategic Action Plan.
- The strategies to engage with communities disproportionately impacted by climate change were not well-described.
- The budget does not describe how the contracted services costs were determined.

Concluding Analysis:

Wallowa Resources is a well-established partnership with over 30 members seeking funding to update their 2018 Strategic Action Plan. Their work spans three focal areas: land and water stewardship, education, and job creation. The need for funding to update their SAP was not clearly defined and lacked specificity about what on-the-ground restoration actions would occur as a result of this updated plan. The application would have benefitted from a description of the work implemented to date, specificity around what remains to be achieved, and why additional planning resources would help achieve it.

Review Team Recommendation to Staff: Fund

Review Team Priority: 7 out of 7

Review Team Recommended Amount: \$138,242

Review Team Conditions: N/A

2024 Partnership Technical Assistance Grant Cycle

Staff Recommendation: Do Not Fund; falls below staff-recommended funding line

Staff Follow-up to Review Team: N/A

Staff Recommended Amount: \$0

Staff Conditions: N/A

Staff Recommended Partnership TA Applications						
Project Number	ID	Region	Applicant	Project Name	OWEB \$ Requested	Rank
225-8302	23751	2	Discover Your Northwest DBA: Discover Your Forest	IVFROG Partners Unite to Restore Ecosystem Resilience	\$128,766	1
225-8311	23761	4	Deschutes River Conservancy	Deschutes Basin Water Collaborative - Continued Capacity for Basin-wide Management Plan Development	\$150,000	2
225-8310	23760	6	South Fork John Day WC	John Day Basin Partnership 2024 TA	\$121,275	3
225-8306	23756	3	Greater Oregon City WC	Clackamas Partnership - Phase 2	\$134,898	4
225-8312	23762	5	Owyhee WC	Malheur County Rangeland Partnership	\$137,500	5
				Total Recommended by TRT and Staff	\$672,439	
Partnership TA Applications Recommended by the TRT but Below the Staff Recommended Funding Line						
Project Number	ID	Region	Applicant	Project Name	OWEB \$ Requested	Rank
225-8304	23754	2	Wild Salmon Center	South Umpqua Strategic Action Plan	\$143,588	6
225-8313	23763	5	Wallowa Resources	Wallowa Resources Strategic Action Plan Enhancement	\$138,242	7
				Total Recommended by TRT but not by Staff	\$281,830	
Partnership TA Applications Not Recommended by the TRT						
Project Number	ID	Region	Applicant	Project Name	OWEB \$ Requested	Rank
225-8301	23748	1	Necanicum WC	Chinook Necanicum Climate Collaborative	\$149,993	
225-8303	23753	2	Southern Oregon Forest Restoration Collaborative (SOFRC)	Rogue Cohesive Landscape Strategy	\$149,969	
225-8305	23755	4	Klamath SWCD	Klamath Cooperative Weed Management Area Coordinatio	\$47,838	
225-8307	23757	1	Scappoose Bay WC	Scappoose Bay Partnership Enhancement and Strategic Action Plan Collaboration	\$164,285	
225-8308	23758	3	Oregon Wildlife Heritage Foundation	Oak Prairie Working Group and Regional Habitat Connectivity Working Group Coordinator Collaboration	\$148,390	
225-8309	23759	3	Greater Yamhill Watershed Council	Greater Yamhill Watershed Council / Yamhill County Fish Passage Partnership	\$30,289	
				Total Not Recommended by TRT	\$690,764	
Total All Applications					\$1,645,033	



OREGON
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Agenda Item Q

January 2024 Water

Acquisition Grant Awards

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



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Agenda Item Q supports OWEB's Strategic Plan priority #7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board

FROM: Brian Wolcott, *Water Acquisitions and Capacity Coordinator*
Renee Davis, *Acquisitions and Special Programs Manager*

SUBJECT: Agenda Item Q – January 2024 Water Acquisition Grant Awards
[July 22-24, 2024, Board Meeting](#)

I. Introduction

The OWEB Water Acquisition grant program implements a key component of Oregon Revised Statute 541.956 by “Acquiring from willing owners, interests in land or water that will protect or restore native fish or wildlife habitats.”

This staff report provides an overview of the January 2024 Water Acquisition grant offering process and requests board approval of staff recommendations for grant awards.

II. Background - Recent Funding Allocations and Updates about 2022 Grant Cycle Awards

During the 2022 Legislative session, \$10 million was appropriated for water acquisition grants and grant administration as part of a drought resilience package. Following this investment, a separate line item “Water Acquisitions” was added to the board’s spending plan; this line item is supported by the 2022 allocation. A separate long-standing “Land and Water Acquisition” line item, supported by Lottery funds, is also included in the spending plan. Due to the fund source (i.e., Other Funds) and legislative intent of the 2022 allocation, OWEB is prioritizing spending of the “Water Acquisitions” line item for water acquisition grant awards.

OWEB solicited for water acquisition grant applicants in November 2022 and two projects were awarded funding by the board in July 2023. As of the writing of this staff report, a grant agreement has not yet been executed for one award—224-9902, Acquisition and Ecological Use of Wood River Valley 1864 Priority Water Right—due to pending work by the applicant on issues related to match funding and water valuation. A grant agreement is in place for 224-9903, South Fork Little Butte Water Acquisition. However, the grantee has recently requested that OWEB cancel the grant as the grantee and the property owner were unable to come to an agreement on an irrigation efficiency design.

III. January 2024 Grant Offering

A water acquisitions grant cycle was initiated in September 2023 with an application deadline in January 2024.

A. Applications Submitted

Three applications were received, all of which were eligible based on criteria in the program rules. The total funding request for these three applications is \$449,826.

B. Review Process

The water acquisition applications were reviewed in accordance with administrative rules, most recently revised in 2020. The review process utilized regional and local technical experts—comprised of fisheries, habitat, water management experts, and water transaction specialists—to evaluate ecological outcomes, cost effectiveness, water right validity, watershed context, and organizational capacity. National Fish and Wildlife Foundation’s Columbia Basin Water Transaction Program, the review contractor for water acquisitions, conducted a review of organizational capacity, transaction soundness, and water rights valuation. OWEB staff convened a technical review team meeting to review each application.

Public comment was solicited through multiple pathways, including notices posted on the OWEB website, sent via GovDelivery, and e-mailed to the local county governments, state legislative representatives and senators, and federally recognized Tribes and irrigation districts in the regions of each application. An additional opportunity for public comment was provided at the OWEB Water and Climate Committee’s June 12, 2024 meeting. At the committee meeting, verbal public comment was provided by Trout Unlimited, the applicant for 225-9900 and 225-9901. Any written public comment received prior to the deadline for the July board meeting will be provided to board members. A final opportunity for verbal public comment is available during the July 22-24, 2024, meeting.

The application evaluations are included in **Attachment A**. Following technical reviews, water acquisition applications 225-9900 and 225-9901 are recommended for funding; application 225-9902 is recommended for funding with conditions, which are described in the evaluation.

IV. Staff Funding Recommendation

Staff recommend the board award funding for water acquisition grants as specified in Table 1, with project-specific funding conditions described in **Attachment A**, with an award date of July 24, 2024.

Application #	Region	Project Name	Total OWEB Request	Total Amount Recommended
225-9900	5	Clark Creek Streamflow Restoration	\$264,149	\$264,149
225-9901	2	Evans Creek Streamflow Restoration Project	\$36,677	\$36,677
225-9902	4	Fifteenmile Action to Stabilize Temperatures FAST 2024-2025	\$149,000	\$149,000
		Total Water Acquisition Applications Submitted	\$449,826	
		Total OWEB Funding Recommended		\$449,826

Table 1. 2023 Water Acquisition grant cycle funding recommendations.

V. Attachments

- A. Water Acquisition Project Evaluations

Water Acquisition Grant Offering / Evaluation**Application Number:** 225-9900-23501**Project Type:** Water Acquisition**Project Name:** Clark Creek Streamflow Restoration**Applicant:** Trout Unlimited Inc.**Region:** Northeast Oregon**County:** Union**OWEB requested amount:** \$264,149**Total Budget:** \$353,714**OWEB recommended funded amount:** \$264,149**Project Overview:**

Clark Creek, a tributary of the Grande Ronde River at the town of Elgin. It provides critical spawning and rearing habitat for ESA listed summer steelhead and is historic spring Chinook salmon and Pacific lamprey habitat. Naturally low summer stream flows and over appropriation of surface water rights has resulted in a dry stream channel during August through September along the lower two river miles of Clark Creek.

Beginning in 2017 the Freshwater Trust (TFT), and now Trout Unlimited (TU), has had the opportunity to work with a conservation minded landowner in lower Clark Creek to annually lease two surface water rights instream. As a result, Clark Creek has surface flow during the summer months almost to the confluence with the Grande Ronde River, a distance of 1.9 miles. The landowner now desires to permanently transfer those rights instream. This proposal is to fund 2/3 of the cost to compensate the water right holder (\$264,149) in exchange to permanently transfer the entirety one senior water right. The second junior right will be donated to instream transfer without compensation. The two water rights total 1.42 cfs and 391 acre feet of water. Due to processing times by Oregon Water Resources Department (OWRD) the instream certificate will be issued in 2025.

Project partners include the National Fish and Wildlife Foundation (NFWF) and Columbia Basin Water Transactions Program (CBWTP) for cost share of the purchase and associated transaction fees (\$89,565). This project will assist the Union County Soil and Water Conservation District (USWCD) and Confederated Tribes of the Umatilla Indian Reservation (CTUIR) with their ongoing restoration planning and monitoring in the basin.

Application Evaluation

The application evaluation is based on the evaluation criteria for water acquisition applications in the Water Acquisitions Rules, OAR 695-046-0196, with input from the technical review team and OWEB's water valuation, transaction soundness, and applicant capacity review contractor.

Strengths

- The project will provide a public benefit as defined in ORS 541.958 by improving fish habitat with the addition of streamflow.
- This flow restoration project aligns with Tribal flow restoration priorities in the area and addresses a key concern stated in the Northeast Oregon Salmon and Steelhead ESA Recovery Plan that low stream flows due to irrigation withdrawals physically reduce the amount of available habitat and increase stream temperatures.

- Stream-flow restoration in tributaries to the Grande Ronde River, including Clark Creek, is cited in numerous fisheries recovery documents pertinent to the basin including the Upper Grande Ronde Subbasin Plan; the Ecosystem Diagnosis and Treatment habitat model; the Upper Grande Ronde River Atlas Restoration Prioritization Framework; and the Northeast Oregon Salmon and Steelhead Recovery Plan. These plans highlight the need to address flow restoration in critical tributaries, including Clark Creek, for the improvement of rearing, passage, water temperature, and water quality.
- The project location is priority habitat for spawning and rearing steelhead population.
- The project clearly demonstrates how projects can lead to future expansion of instream flow restoration by advancing from a lease to a permanent transfer.
- The protected instream water resulting from this transaction will meet more than 50% of ODFW's instream flow goal for Clark Creek for July and over 100% of the goal in August and September.
- The proposed pricing of \$1,200 per acre foot of water is reasonable given the available information.
- The applicant has the capacity and qualifications to accomplish the proposed water acquisition project, including staff dedicated specifically to streamflow restoration projects that are engaged in flow restoration work statewide. They also have a local presence and collaborate with other local entities.
- Local fish biologists have observed improved steelhead habitat conditions in Clark Creek, including cooler water temperatures from the initial instream water leasing. This project will ensure that benefit continues.

Concerns

- The application lacks detailed information about a downstream water right that has the same priority date, but which may not be currently used. Also, the application would benefit from a description of streamflow data.
- The proposed length of monitoring may not be sufficient. The applicant should consider additional years of the baseline compliance monitoring and, although beyond the scope of this project, future coordination with agencies and Tribes on flow monitoring, temperature monitoring, and fish presence monitoring to document the benefits realized from the project.

Concluding Analysis

The Clark Creek Streamflow Restoration Project implements a critically important method to protect watersheds by permanently transferring water instream from a willing seller. Previous years of instream leasing of these water rights have demonstrated improvements to steelhead habitat in Clark Creek. The transition to a permanent instream transfer will ensure those benefits are long lasting. This project adds to the past and present basin-wide restoration measures by addressing a primary limiting factor in the basin of limited stream flows due to irrigation withdrawals. Climate change vulnerability assessments for the Grande Ronde Basin are predicting a decrease in summer flows, making protection of senior instream water rights a priority adaptation measure for sustaining aquatic species.

Recommendation:

Fund

Water Acquisition Grant Offering / Evaluation

Application Number: 225-9901-23502 **Project Name:** Evans Creek Streamflow Restoration Project

Applicant: Trout Unlimited Inc.

Region: Southwest Oregon

County: Jackson

OWEB requested amount: \$36,677

Total Budget: \$45,864

OWEB recommended funded amount: \$36,677

Project Overview:

Funding will support streamflow restoration in Evans Creek, a major tributary of the Rogue River in Jackson County near Wimer, Oregon in a reach that is limited by flow modification due to irrigation water withdrawals. Evans Creek was identified as having a high ecological need and high opportunity for flow restoration by multiple planning activities including by ODFW and OWRD. The SONCC Coho Recovery Plan repeatedly cites the need for improved instream flows as a high priority recovery action for ESA-listed Coho Salmon. Improving stream flow is also supported by ODFW's Native Fish Conservation Policy and Rogue Fall Chinook Conservation Plan. Agricultural water withdrawals dewater Evans Creek which has led to a reduction in habitat quantity and quality for native fishes including ESA-listed coho salmon. This is a widely acknowledged and primary limiting factor to fish production, growth, and survival. This creates a need for protectable instream water rights.

Specifically, this project seeks to lease 16.7 acres (0.21cfs) of irrigation water rights instream for 5 years. The two rights proposed for leasing are located on the mainstem Evans Cr and should enhance live stream flows and be protectable as an instream right for approximately 12.5 miles to the mouth of Evans Cr. The water rights will be leased instream through the OWRD's water right leasing process. The funding requested will be used to compensate the water right holder in exchange for forgoing irrigation.

This project is part of TU's ongoing effort to develop and implement a streamflow restoration program in the Rogue Basin - a geography hotter and drier than other coastal watersheds making projects such as this one critical to ensuring viable fish populations in the future. Evans Cr is a focus area, and this project will be used as a steppingstone to develop further flow restoration partnerships in the community. Project partners are Rogue River Watershed Council and the Rogue Basin Partnership.

Application Evaluation

The application evaluation is based on the evaluation criteria for water acquisition applications in the Water Acquisitions Rules, OAR 695-046-0196, with input from the technical review team and OWEB's water valuation, transaction soundness, and applicant capacity review contractor.

Strengths

- The project clearly addresses the primary limiting factor of reduced stream flows due to water withdrawals for the Upper Rogue Basin, including the Evans Creek watershed.
- Evans Creek is identified as a high-priority area for flow restoration by ODFW and NOAA Fisheries.
- The project proposes to increase instream flows, which implements one of the priority recovery actions listed in NOAA Fisheries' Southern Oregon Northern California Coho ESA Recovery Plan.

- In addition to coho salmon, the project will benefit chinook salmon, steelhead, and Pacific lamprey.
- The project proposes an initial 5-year instream lease that has the potential to become a permanent instream transfer in the future.
- This project has the potential to lead to future expansion of instream flow restoration in the Rogue River Basin by demonstrating how instream protections can work for landowners.
- The project will complete a water valuation to ensure that the proposed lease value is consistent with local and regional markets.
- This instream water transaction will provide critically important streamflow to complement other habitat conservation actions in the basin, including dam removal and other instream water transaction projects.

Concerns

- Senior water rights 3-6 miles downstream in Evans Creek may use this water in low-flow drought years.
- The initial water value estimate may be high in comparison with local and regional markets.

Concluding Analysis

The Evans Creek Streamflow Restoration project proposes a 5-year temporary instream lease to improve stream flows in Evans Creek, which is a priority Rogue River tributary for ESA-listed Coho salmon recovery. In addition to coho, the project is expected to benefit multiple aquatic species, including chinook, steelhead, and Pacific lamprey. This project has the potential to lead to more instream water transactions in the region and will complement other instream restoration in the basin, such as fish passage barrier removal and large wood habitat projects. Despite the presence of senior water rights further downstream, the project's streamflow improvement in Evans Creek will help to offset the anticipated climate change impacts of more frequent warmer and drier summers in the Rogue River Basin, which already has a hot and dry climate. A water valuation will occur as part of the project to determine current market values, and the lease price will be adjusted accordingly.

Recommendation:

Fund

Water Acquisition Grant Offering / Evaluation

Application Number: 225-9902-23503

Project Name: Fifteenmile Action to Stabilize Temperatures FAST 2024-2025

Applicant: Wasco SWCD

Region: North Central Oregon

County: Wasco

OWEB Ask: \$149,000

Total Budget: \$230,710

OWEB recommended funded amount: \$149,000

Project Overview:

This project serves Fifteenmile Creek in Wasco County, home to ESA listed steelhead. Fifteenmile Creek is subject to high temperatures and low flows in summer, which is exacerbated by irrigation withdrawals. FAST or (Fifteenmile Action to Stabilize Temperatures) is a unique plan that temporarily increases streamflow by having irrigators voluntarily shut off irrigation during temperature spikes.

At the heart of the project is an ODFW-developed model that forecasts stream temperatures for the following week at four sites on Fifteenmile Creek and one site on Eightmile Creek. When temperatures lethal to juvenile steelhead are predicted at two or more sites, for two or more days within the next three days, the FAST Coordinator issues an alert to participating irrigators. The alert prompts participants to stop irrigation to increase instream flows and lessen the intensity of predicted stream temperatures.

This project offers compensation to participants to alleviate any potential crop damage during these alerts as well as any inconvenience. The primary benefit to irrigators modifying water use during times of critical low flow is reducing personal liability under the ESA. The FAST Coordinator performs administration and monitoring duties for FAST. This includes engaging irrigators in outreach, presenting changes and results at all associated meetings, and providing contracting services. Additionally, starting this year the SWCD will offer assistance to landowners in filling out instream leasing agreements and renewals. This service would be free of charge, but would not offer compensation for the leased water as a traditional instream leasing program would.

FAST excels in interagency collaboration. The Freshwater Trust was instrumental in the development of the FAST program by providing technical assistance. FAST is developed through the Fifteenmile Watershed Council and administered through the Wasco County SWCD. Other partners include ODFW, and OWRD.

Application Evaluation

The application evaluation is based on the evaluation criteria for water acquisition applications in the Water Acquisitions Rules, OAR 695-046-0196, with input from the technical review team and OWEB's water valuation, transaction soundness, and applicant capacity review contractor.

Strengths

- The project has an extensive stream temperature monitoring system in place to identify when to trigger the voluntary, temporary water-use shutoffs.
- The project implements water use agreements that can be useful tools and encourage efficient practices by landowners.

- The FAST program, which has been implemented since 2013, was innovative at its inception and has demonstrated ecological benefit by working with local irrigated agriculture to maintain minimum stream flows and non-lethal stream temperatures for ESA listed steelhead.
- This cooperative program, led by the SWCD and Watershed Council, maintains good will and strong collaboration between water users, ODFW, and OWRD. These partners are working together to fill a critical gap in streamflow protection programs in recent years since a key partner organization ended its work in Fifteenmile Creek.
- The proposed project provides funding for the applicant to identify more protectable leasing opportunities to meet water conservation objectives.
- Complementary watershed restoration work in the Fifteenmile watershed has resulted in over 90% of the perennial reaches of Fifteenmile Creek being enrolled in riparian buffers through either the CREP program or ODFW's Fifteenmile Project, which provides riparian fencing, off-channel stock water, and noxious weed control. In addition, many in-stream fish habitat and fish passage projects have been completed, including fish screen upgrade installation and maintenance on all active irrigation diversions with newly secured NRCS funding, and irrigation efficiency upgrades and irrigation scheduling improvements have occurred on most of the irrigated acres.

Concerns

- Over the long term, the FAST program is not a cost-effective strategy to achieve lasting benefits if it is primarily using annual sign-ups and payments to retain water instream.
- The project has lost a key instream leasing partner, which may make progress on instream flow in the basin more challenging.
- The applicant should explore implementation of additional instream leasing to ensure legally protected stream flows for fish and aquatic species.
- A more comprehensive strategy that includes complementary protectable and/or permanent stream flow solutions should be developed by the applicant. This redesign would increase durability of instream flows in Fifteenmile Creek by incorporating a variety of tools that provide longer term instream protections that likely may be more cost-effective through time.
- It is difficult to determine if the cost is appropriate for the water value as the cost comparisons for water values on this reach are outdated.

Concluding Analysis

The Fifteenmile Action to Stabilize Temperatures Program has worked cooperatively with approximately two dozen water right holders over the last decade to improve stream flows on an as-needed basis and has successfully maintained non-lethal water temperatures. Climate-change projections indicate higher summer temperatures will become more frequent occurrences. This program has been instrumental in avoiding a repeat of the fish kill event that occurred in 2009, impacting ESA-listed Mid-Columbia River Steelhead. However, the program is costly and lacks the reliability of legally protected instream flows. The recommendation is to fund the two years of this project, as requested, but direct the applicant to pursue more permanent and protectable instream options in the future. As currently structured, the FAST program is not likely to be favorably reviewed in the future. The applicant should build on its initial successful partnerships and develop a more lasting solution that includes a broader combination of streamflow protection tools and actions to address reduced stream flows and corresponding higher stream temperatures.

Recommendation:

Fund with Conditions

Condition

The applicant should develop a long-term plan that focuses on development and implementation of more permanent or long-term solutions such as transfers, leases, Allocation of Conserved Water, and other instruments to protect water instream. The partners are encouraged to pursue additional funding to support this work. As part of any grant that may be awarded for the current grant application, conditions would include providing updates to OWEB about progress on pursuing development of a long-term, more comprehensive plan for streamflow protection for Fifteenmile Creek.



OREGON
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Agenda Item R

Small Grant Program

Rulemaking

Board Meeting July 22-24, 2024



Agenda Item R supports OWEB's Strategic Plan priority # 5: The value of working lands is fully integrated into watershed health.

MEMORANDUM

TO: Oregon Watershed Enhancement Board

FROM: Eric Williams, *Grant Program Manager*
Kathy Leopold, *Small Grant Coordinator*
Rachel Thompson, *Post-Fire Recovery Program Specialist*
Eric Hartstein, *Senior Policy Coordinator*

SUBJECT: Agenda Item R – Small Grant Program Rulemaking
[July 22-24, 2024, Board Meeting](#)

I. Introduction

This staff report provides an overview of proposed revisions to OWEB's Small Grant Program administrative rules (Division 35) and seeks board approval of the revised rules.

II. Background

The Small Grant Program is an easy-to-engage-in, competitive grant program that awards funds for on-the-ground restoration projects. The program responds to a need for local decision-making about watershed restoration opportunities on a timeline shorter than many of OWEB's other grant programs. The board has expressed an interest in expanding eligibility to this grant program by examining the eligible applicants and types of grants offered through this grant program.

In July 2023, the board approved initiation of rulemaking for the Small Grant Program. Following rulemaking initiation, a Rulemaking Advisory Committee (RAC) was formed to assist in the development of rules for the program. A list of the RAC members is found in **Attachment A**. The RAC convened virtually on four occasions between November 2023 to February 2024. These meetings were open to the public, recorded, and placed on OWEB's website. A public comment period was included in each meeting.

In addition to expanding applicant eligibility to the Small Grant Program, the RAC explored other revisions to the program administrative rules, including:

- Expanding membership of the Small Grant Teams that review and recommend funding for individual small grant restoration projects;
- Allowing for a grant for Small Grant Teams to administer the program in their area;

- Removing the \$15,000 cap on individual projects, providing the OWEB Board an opportunity to set the cap on projects at the beginning of each biennium;
- Clarifications on small grant project eligibility; and
- Other technical corrections and updates to the rules.

III. Public Comment on Revisions to Small Grant Program Rules

In addition to the public comment opportunity associated with each RAC meeting, OWEB released the draft rule revisions for formal public comment on April 1, 2024. The public comment period was open until May 3, 2024, with a virtual public hearing on April 26, 2024. A summary of the comments received, and OWEB staff response, are provided in **Attachment B**. The three written comments that were received during the public comment period are provided in **Attachment C**. There were no verbal comments provided at the public hearing.

OWEB solicited comments from the nine federally recognized tribes in Oregon and the Nez Perce Tribe on the draft rule revisions. No comments from tribes were received.

IV. Final Draft Small Grant Program Rules

The final draft Small Grant Program rules are provided as **Attachments D-1** and **D-2** to the staff report. During the board meeting, staff will walk through the proposed rule revisions with the board. As the public comment period on the rules has closed, the board will not be receiving additional comments on the draft rules.

V. Recommendation

Staff recommends the board approve the Small Grant Program administrative rule found in **Attachment D**.

VI. Attachments

- A. Rulemaking Advisory Committee Members
- B. Staff Summary and Response to Public Comments
- C. Written Comments Received
- D-1. Proposed Small Grant Program Rules – Redline
- D-2. Proposed Small Grant Program Rules – Clean

Small Grant Program (Division 35)

Rulemaking Advisory Committee

Name	Organization
Jordan Anderson	Yamhill County Soil and Water Conservation District
Andy Gallagher	Crook County Soil and Water Conservation District
Amber Kester	Columbia County Soil and Water Conservation District
Zac Mallon	Lower Nehalem Watershed Council
Cassi Newton	Wheeler County Soil and Water Conservation District
Annaliese Ramthun	Confederated Tribes of Grand Ronde
Kris Schaeldel	Hood River County Soil and Water Conservation District
Caley Sowers	Coos County Soil and Water Conservation District
Karin Stutzman	Oregon Department of Agriculture
Nicole Sullivan	Owyhee Watershed Council
Kelly Timchak	Lower Rogue Watershed Council
Norie Wright	Gilliam County Soil and Water Conservation District

Summary of Public Comments: OWEB Small Grant Program (Division 35)

Rule: 695-035-0020(4)			
Commenter(s)	Comments	Response	Rule Change
Blaine Schoolfield, Marys River Watershed Council	Noted that while raising funding cap on individual small grant projects may be beneficial, it could also lead to funding allocated to fewer projects	The draft revised rules provide for the OWEB Board to determine the maximum amount for an individual small grant project at the beginning of each biennium as a part of the biennial spending plan. The draft revised rules note that the maximum amount for a project shall not be less than \$15,000. OWEB staff encourage those interested in the Small Grant Program to provide comments to the OWEB Board at the beginning of each biennium when they approve the biennium spending plan to help the board determine a maximum project amount that reflects the cost of restoration activities but will also allow for a sufficient number of small grant projects to be implemented across the state in a biennium.	No
Chas Rogers	Expressed concern over the increase of costs associated with implementing small grants and supports increasing limits of individual grants and the overall budget for each Small Grant Team.	See response above to Blane Schoolfield's comment. In addition, at the beginning of each biennium, the OWEB Board will also be determining the overall amount of funding that will be dedicated to the Small Grant Program in their spending plan, and OWEB staff encourage those interested in the Small Grant Program to provide comments to help the board determine this spending plan allocation.	No

Summary of Public Comments: OWEB Small Grant Program (Division 35)

Rule: 695-035-0030(2)			
Commenter(s)	Comments	Response	Rule Change
Blaine Schoolfield, Marys River Watershed Council	Requests Beaver Restoration Guidebook to be added to list of technical guidance that applicants must reference in their grant application and follow in the project implementation.	OWEB staff note that the Beaver Restoration Guidebook can be an important resource for those interested in utilizing beaver to improve watershed health; however, the guidebook includes activities that, while important, would not be appropriate for the Small Grant Program, including beaver relocation. Applicants to the Small Grant Program that are interested in implementing projects like beaver dam analogues to create instream and flood plain habitat conditions that mimic the natural processes associated with beaver dams may utilize the NRCS technical guidance related to Restoration of Rare or Declining Natural Communities: Beaver Dam Analogues for Riparian and Wet Meadow Areas (Conservation Practice 643).	No

Rule: General			
Commenter(s)	Comments	Response	Rule Change
Blaine Schoolfield, Marys River Watershed Council	Requests Small Grant Program provide funding for beaver co-existence measures (e.g., flow devices to manage pond levels) in order to proactively work with landowners to reduce beaver-human conflicts.	OWEB staff acknowledge the importance of managing conflicts associated with beaver; however, the intent of the Small Grant Program is to fund restoration and conservation projects that are directly linked to improvements in water quality, water quantity, and fish and wildlife habitat.	No
Blaine Schoolfield, Marys River Watershed Council	Expressed concern that if the Small Grant Program applicant pool is expanded, it would lead to additional work for Small Grant Teams to administer the program, and requests funding be made available for this purpose.	The proposed revisions in 695-035-0020 allow for grants to Small Grant Teams to administer the program within their area.	No
Gary Young	Encourages Small Grant Program to support projects that support projects that slow and spread the water in any	Eligible projects in the Small Grant Program (695-035-0050) include those that help restore instream	No

Summary of Public Comments: OWEB Small Grant Program (Division 35)

	available floodplain, prioritizing the top of our watersheds, recharging our aquifers, raising the water table and create a hydrological connection between groundwater and surface flow.	and wetland process and function, as well as flood plain reconnection.	
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From: oregon-gov-web-services@egov.com
To: [BETTINARDI Nicole * OWEB](#)
Cc: [REPPLINGER Linda * OWEB](#)
Subject: Public Comment
Date: Friday, March 29, 2024 12:09:20 PM

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First and Last Name	Blaine Schoolfield
Phone Number	541-758-7597
Email Address	blaine@mrwc.org
I wish to provide (select one):	written comment
If you are providing VERBAL comment, how do you plan to attend the meeting (select one):	
I want to provide comment at (select one):	OWEB Rulemaking Advisory Committee (Small Grant Program Division 35)
Agenda Topic / Item Letter	Beaver Co-existence Funding Needed
Type Comment	<p>Marys River Watershed Council would like to see the OWEB Small Grant Program recognize the importance of beaver co-existence work in our communities by including co-existence measures as an accepted funding opportunity. These measures include things such as flow devices to manage pond levels, fencing to prevent beavers from building on culverts and wrapping of trees to prevent beaver herbivory. There is currently no funding source available for watershed councils to assess or respond to issues created by beaver-human conflicts in our area. This gap in available resources for affected landowners can lead to beaver being trapped off the landscape. We feel it is imperative to get ahead of this issue by having the resources available to proactively assist landowners with beaver co-existence resources rather than having to respond to degraded</p>

<p>Here (comments may also be uploaded below):</p>	<p>ecosystems caused by the removal of beaver. Additionally, we would like to see the Beaver Restoration Guidebook (USFWS, et al.) added to your list of accepted technical resources. This guidebook, which is currently undergoing updates led by Dr. Brian Bangs (USFWS), is widely accepted as best practice by both scientists and practitioners in the field. Finally, we see that changes to the funding cap for the Small Grant Program are under discussion. While we think it would be very beneficial to raise the funding cap, we also feel it is important to keep a cap in place so that one project cannot absorb the entirety of the available funds. We are also concerned about the additional time required for Small Grant teams to review and process applications if they are made available to a wider applicant pool, and encourage OWEB to support staff time for this purpose with additional funding, while maintaining the available project funding for each region. Thank you for your time and consideration.</p>
<p>Request physical, language, or other accommodations</p>	

Submission ID: 676769d9-6404-49d9-8118-ea0324e6629e

Record ID:

From: oregon-gov-web-services@egov.com
To: [BETTINARDI Nicole * OWEB](#)
Cc: [REPPLINGER Linda * OWEB](#)
Subject: Public Comment
Date: Friday, March 29, 2024 1:18:19 PM

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First and Last Name	Chas Rogers
Phone Number	5418468024
Email Address	chasrogers360@gmail.com
I wish to provide (select one):	both written and verbal comment
If you are providing VERBAL comment, how do you plan to attend the meeting (select one):	virtually
I want to provide comment at (select one):	OWEB Rulemaking Advisory Committee (Small Grant Program Division 35)
Agenda Topic / Item Letter	Small Grants budget limits
Type Comment Here (comments may also be uploaded below):	I have applied for, received, and completed over 40 Small Grants over the duration of my career with local watershed councils and would like to support increasing the limits of these grants as well as increasing the budget for each Small Grants Team. Increased costs for materials and labor have made these grants. I have repeatedly used these types of grants to fill instream habitat restoration projects on individual properties within the Williams Creek Watershed. This has been adequate until recent years that permit fees and time consuming application processes have increased, especially FEMA flood plans have identified locations where engineering for no-rise evaluations within the stream system. Engineering could add up to \$5K report and survey mapping and could be more. So many of these type of habitat projects are not feasible for funding because of the unknown costs.

	<p>Basic material costs have doubled within the last two or three years. Consequently I am reluctant to continue to apply for these quick or local reviewed grant proposals. The limit for the Team biennium budget should be increased to \$200K and encourage Small Grants to be awarded to spread these improvements more widely. These and some other aspects of Small Grants are important to review so contact me if you want to here about any other aspects.</p>
Request physical, language, or other accommodations	

Submission ID: 386533d7-d39b-4838-93f3-0fd2cc7a2b57

Record ID:

First and Last Name	Gary Young
Phone Number	541-279-7572
Email Address	Gyoung@bluemtnranch.com
I wish to provide (select one):	written comment
If you are providing VERBAL comment, how do you plan to attend the meeting (select one):	
I want to provide comment at (select one):	OWEB Rulemaking Advisory Committee (Small Grant Program Division 35)
Agenda Topic / Item Letter	Water protection, enhancement, regeneration, resilience
Type Comment Here (comments may also be uploaded below):	<p>John Wesley Powell suggested all political boundaries should be based on watersheds. I believe we need policies and rules that encourage aquifer recharge and large natural filtration basins/floodplains in any available area, beginning at and prioritizing the higher elevations of our watersheds, leaving the maximum opportunities for more retention at each successively lower level. Gravity and erosion will tend toward rapid and concentrated drainage of watersheds. Thankfully beaver and buffalo helped brake this process until they were considered more valuable skinned. Hooved grazing animals, constantly moving, herd trained by predators or otherwise, leave in their wake a lightly tilled and manured stubble, not excessively harvested, ideal for enhancing grass production and cover. Man-made means for spreading, retention and recharge are merely modern extension of the beaver’s eco-knowledge. Artificial waterway channelization, for various purposes of convenience, has been way overdone. Compared to the 19th century, we have very little healthy functioning floodplain where waterways are constantly changing course, spreading and slowing the water, recharging our aquifers. I believe we need policies and rules that tend against rapid channelization and encourage the slowing and spreading of early spring thaw, as high in watersheds as possible. We can no longer depend on or expect a slow melt off of winter snow pack.</p> <p>https://www.bluemtnranch.com/water-concerns Is it too late to regenerate the earth? Call of the Reed Warbler shows the way forward</p>

	<p>for the future of our food supply, our Australian landscape and our planet. This ground-breaking book will change the way we think of, farm and grow food. Author and radical farmer Charles Massy explores transformative and regenerative agriculture and the vital connection between our soil and our health. It is a story of how a grassroots revolution – a true underground insurgency – can save the planet, help turn climate change around, and build healthy people and healthy communities, pivoting significantly on our relationship with growing and consuming food. Using his personal experience as a touchstone – from an unknowing, chemical-using farmer with dead soils to a radical ecologist farmer carefully regenerating a 2000-hectare property to a state of natural health – Massy tells the real story behind industrial agriculture and the global profit-obsessed corporations driving it. He shows – through evocative stories – how innovative farmers are finding a new way and interweaves his own local landscape, its seasons and biological richness. At stake is not only a revolution in human health and our communities but the very survival of the planet. For farmer, backyard gardener, food buyer, health worker, policy maker and public leader alike, Call of the Reed Warbler offers a tangible path forward for the future of our food supply, our Australian landscape and our earth. It comprises a powerful and moving paeon of hope. Gary Young Box 13 Paulina, Oregon 97751 541-279-7572</p>
<p>Request physical, language, or other accommodations</p>	

Submission ID: f97b1398-2c6a-46bb-bfc6-7939f2348544

Record ID:

Division 35

SMALL GRANT PROGRAM

[695-035-0010](#)**Small Grant Program**

~~(1)~~ (1) The Oregon Watershed Enhancement Board (OWEB) may provide funding for a locally administered Small Grant Program from its Watershed Conservation Grant Fund. Funds may be allocated for the Small Grant Program in amounts and at times decided by the Board.

(2) This Division supplements the OWEB Grant Program rules under OAR 695-005 and provides specific requirements for the Small Grant Program. In the event of any conflict between these requirements, and requirements identified in OAR 695-005, the Small Grant Program requirements in this Division take precedence.

~~(3)~~ (3) The goals of the Small Grant Program are to:

(a) Support implementation of the Oregon Plan for Salmon and Watersheds.

(b) Support projects designed to improve water quality, water quantity, and fish and wildlife habitat. Such projects include, but are not limited to, those developed to address Total Maximum Daily Loads (TMDLs), Agricultural Water Quality Management Area Plans, urban nonpoint source pollution management plans, and the Board of Forestry's Forestry Program for Oregon.

(c) Make funds available to local Small Grant Teams to address local priority resource concerns, habitat values, and watershed functions.

(d) Encourage landowner participation in watershed improvement by making funds available more quickly than is possible through OWEB's other grant programs.

(e) Treat the source of watershed health problems through technically sound projects that use proven techniques from one of the approved sources listed in OAR 695-035-0030(3), and that demonstrate benefits to aquatic species, wildlife, or watershed health across all land uses.

(f) Encourage partnerships among eligible grant applicants and landowners and operators, watershed councils, soil and water conservation districts, and tribes.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 1-2011, f. & cert. ef. 10-18-11 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0015](#)**Definitions**

(1) "Small Grant" is a grant ~~of \$15,000 or less~~ for an eligible watershed restoration project awarded by OWEB on the recommendation of a Small Grant Team.

(2) "Small Grant Team" (Team) is composed of representatives of watershed councils, soil and water conservation districts, ~~and~~ tribes, and other eligible grant applicants formed in each Small Grant Area to recommend funding for watershed restoration projects.

(3) "Small Grant Area" is a geographic area established by the OWEB Board based upon hydrologic boundaries, existing watershed restoration partnerships, and similarities in resource concerns.

~~(4) “Program Grant” is a grant from OWEB to a Small Grant Team to recommend as eligible Small Grants of up to \$15,000 within the Small Grant Area.~~

~~(45) “Program Small Grant Team Grant Agreement” is an grant agreement between OWEB and a Small Grant Team regarding the allocation of Small Grant funds within a Small Grant Area by the Small Grant Team using OWEB funds.~~

~~(56) “Project Evaluation Committee” (Committee) is a group of Small Grant Team members designated by vote of the Team to evaluate Small Grant Project applications received and to make Small Grant Project award recommendations based upon the Team’s adopted priority watershed concerns and eligible project types. A Team may by unanimous vote decide not to designate a Committee.~~

~~(7) “Program Administration” refers to all efforts made by Teams or individual team members on behalf of applicants or the Small Grant Team prior to a project grant award recommendation. No program administration costs may be included in Small Grant project grant awards.~~

~~(8) The “Small Grant Fiscal Agent” is responsible for managing all expenses associated with a Small Grant Project and for reporting those expenses to OWEB in a manner consistent with OWEB fiscal reporting standards. Fiscal Agents will be councils, districts, tribes, or entities designated as eligible by the Small Grant Team in their operating procedures. A Small Grant project’s eligible fiscal agent will be identified on the Small Grant Project application and in the OWEB Small Grant Project grant agreement.~~

~~(69) “Project Manager for the Grantee” is the individual (typically, but not necessarily, the grantee) who will shepherd the project from start to finish. This person will serve as the Team’s and OWEB’s main point of contact for a project.~~

~~(710) “Team Contact” is OWEB’s main point of contact for the Small Grant Team, and is also the person authorized by the Team to sign OWEB Small Grant [Team Grant](#) agreements.~~

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 3-2005, f. & cert. ef. 6-8-05

[695-035-0020](#)

Small Grant Program Administered by Small Grant Teams

(1) The OWEB Board may award ~~program Small Grant Team G~~ grants to eligible Small Grant Teams to enable the Teams to administer a Small Grant Program within a Small Grant Area. A Small Grant Team must submit a ~~program Small Grant Team G~~ grant application to OWEB on a designated form at times designated by the OWEB Board to be eligible to receive a program grant to administer a Small Grant program. - [Only one application to administer a Small Grant Program within a Small Grant area shall be considered by OWEB. Applications shall include affirmation, or documentation of non-response, from all other councils, districts, and tribes in the Small Grant Area.](#)

(2) Small Grant Program funds not used in one biennium may not be carried over by the Small Grant Team to the next biennium unless otherwise determined by the Board.

(3) The Board will only enter into new Small Grant Team ~~agreements~~ Grants once Teams have submitted on a standard OWEB form, and to OWEB's satisfaction, the revised Team bylaws for the coming biennium, a revised list of the Team's priority watershed concerns and eligible project types, and a revised Application Evaluation Worksheet, ~~and all representatives of the Team have met OWEB reporting obligations under earlier agreements.~~

(4) Small Grant Teams, in coordination with OWEB, will invite in writing each soil and water conservation district and watershed council located partially or entirely within the Small Grant Area, and each federally recognized tribe in Oregon, and the Nez Perce Tribe, with reservation, tribal, ceded lands, or usual and accustom areas located partially or entirely within the Small Grant Area to appoint one representative to a Small Grant Team. Small Grant Teams shall, in coordination with OWEB, also invite in writing other eligible applicants in the Small Grant Area to participate on the Small Grant Team. Any eligible applicant that requests to participate on the Small Grant Team shall become a member of the Team. Participation on a Team is voluntary. A Small Grant Team must have at least one actively participating watershed council representative and one soil and water conservation district representative to be eligible to allocate Small Grant funds. Each eligible Team may receive a ~~program Small Grant Team Grant Agreement grant~~ from OWEB to allocate Small Grant Project awards of up to the to \$15,000 maximum amount over \$15,000 adopted by the OWEB Board each biennium for eligible watershed restoration projects consistent with local priority watershed concerns and eligible project types adopted by the Team. The maximum amount adopted by the OWEB Board each biennium shall not be less than \$15,000.

(5) Members of each Small Grant Team are encouraged to invite individuals with expertise in a watershed restoration discipline or other watershed restoration interests to consult with the Team on its priorities, program elements, and recommendations for project grant awards.

(6) The OWEB Board will establish Small Grant Areas for the Small Grant Program. The boundaries of the Small Grant Areas will be drawn based upon hydrologic boundaries, existing watershed restoration partnerships, and similarities in resource concerns. Only one Small Grant Team may administer a Small Grant Program in each Small Grant Area. A copy of the Small Grant Area map is available upon request from OWEB and can also be viewed on the OWEB website.

(7) A Small Grant Team may petition the OWEB Board to adjust the boundaries of Small Grant Areas. If a Team has not been formed in a Small Grant Area, an organization eligible to appoint a member to a Small Grant Team may petition the Board to adjust the boundaries of Small Grant Areas. Written approval from all Small Grant Teams affected, or if a Small Grant Team has not been formed, all entities eligible to appoint a member to the Small Grant Team in that area, is required before a boundary adjustment petition may be filed with the Board.

(8) The OWEB Board will consider all boundary-adjustment petitions once a biennium at the time it considers reauthorizing Small Grant Program funds for the next biennium. The OWEB Board may choose to consider a boundary adjustment upon a valid motion by Board members, without petition by a Small Grant Team or organization that is an eligible Small Grant Team member. However, the OWEB Board will consult with affected Small Grant Teams, and if a Team has not been formed, eligible Team members in the area before considering the boundary adjustment. A decision by the OWEB Board to approve a boundary adjustment will consider one of the following:

- (a) The current Small Grant Area boundaries fragment existing watershed restoration partnerships;
or
- (b) The current Small Grant Area boundaries fragment hydrologically connected areas or ecologically similar landscapes in a way that would make setting local restoration priorities difficult;
or
- (c) The current Small Grant Area boundaries encompass many different limiting factors for water quality, water quantity, and fish and wildlife habitat. Adjusting boundaries would improve the ability of watershed restoration partners to focus their efforts on the limiting factors with which they have expertise.

(9) Prior to submitting a ~~program~~ Small Grant Team Grant application to OWEB, the Small Grant Team will adopt the following program elements that will be attached as part of the ~~program~~ Small Grant Team Grant application:

(a) Rules of operation for administration of the Small Grant Team and the Small Grant Program, including:

- (A) Rules governing decision-making and membership;
 - (B) Application processing and project grant agreement procedures;
 - (C) Designation of a Team contact, and a member with authority to sign project grant agreements on behalf of the Small Grant Team;
 - (D) Record keeping;
 - (E) Processes and criteria for recommending project grant awards;
 - (F) Processes for evaluating the technical feasibility of projects;
 - (G) Processes and formats for biennial reporting;
 - (H) Entities, in addition to watershed councils, soil and water conservations districts, and tribes, designated by the Small Grant Team as being eligible fiscal agents; and
 - (I) Application acceptance windows.
- (b) Priority watershed concerns to be addressed by the Small Grant Team;
- (c) A list of project types most likely to effectively address the local watershed concerns adopted by the Small Grant Team. This list must be consistent with the list of eligible project types in OAR 695-035-0050(4). Teams wishing to add project types not on the list need to petition OWEB for their eligibility in their Small Grant Area. The proposed project type needs to demonstrate to the satisfaction of the OWEB Director a clear watershed benefit for the Small Grant Area. It must also be consistent with the Team's adopted priority watershed concerns, and must be referenced to one of the approved technical guidance sources listed in OAR 695-035-0030(3).

(10) The program elements adopted by the Small Grant Team will be included as an attachment to the ~~program~~ Small Grant Team Grant application to OWEB ~~from the Small Grant Team~~. A Small Grant Team program Grant ~~to a Small Grant Team~~ to administer a Small Grant Program will not be awarded until the Team has adopted the required program elements.

(11) In identifying priority watershed concerns, the Small Grant Team will consider current information on the condition of the watershed and its limiting factors to support native fish and to meet water quality standards. The priority watershed concerns should be adopted with reference to documents addressing the limiting factors to:

(a) Clean Water Act standards as identified in Total Maximum Daily Load Water Quality Management Plans and in Agricultural Water Quality Management Area Plans; and
(b) Watershed assessments and action plans, other watershed analyses, the Oregon Forest Practices Act, and soil and water conservation district annual work plans and long-range business plans. Priority watershed concerns and the list of eligible project types adopted by the Small Grant Team will address the source of watershed health problems, and not the effects.

(12) Small Grant Teams may designate members of the Team as a Project Evaluation Committee to evaluate Small Grant Project applications in lieu of the entire Team. If established, this Committee will have equal representation from soil and water conservation district and watershed council Team members. The Team, or if designated, its Committee, will select applications to recommend for funding based on its priority watershed concerns, eligible project types, and the technical merits of the project. The Small Grant Team, or if designated, the Committee, is encouraged to invite technical experts to assist in the evaluation of proposed projects.

(13) Each Small Grant Team will develop application evaluation criteria that will be based on the questions asked in the application, as well as on additional evaluation considerations listed by Teams in their operating procedures. Evaluation criteria will be attached to a Team's operating procedures. Teams will make available to applicants the evaluation criteria along with the Team's list of priority watershed concerns and eligible project types.

(14) Small Grant Teams will establish in their operating procedures the terms by which they receive and act on applications. ~~At a minimum, Teams will establish two-week windows four times in the State fiscal year (July 1 through June 30) during which they or their designated committee will receive applications. If funding is available, Teams may also shall~~ accept applications at any time throughout the State fiscal year when the application system is open. At a minimum, aAll Teams must conduct reviews on submitted applications four times in the State fiscal year (July 1 through June 30). ~~act within 30 days of receiving a complete application.~~

~~(15) Small Grant Teams will write their own project grant agreements, using an OWEB-provided template. Teams will create one original grant agreement and secure all relevant signatures before forwarding it to OWEB for final signature. In case of discrepancy, the OWEB-signed original supersedes all other signed copies. The OWEB Director reserves the discretion to alter this arrangement as necessary.~~

~~(156) Small Grant Teams shall submit results of application review to OWEB in the required format at the end of each review period. OWEB shall review the recommended applications for consistency with the Team's local priorities and with OWEB's statutes and administrative rules. If applications are deemed eligible, OWEB shall provide a grant agreement for signatures to the Small Grant Team Contact within 20 working days. OWEB has 20 working days after receipt of the application materials to verify that the approved application is consistent with the Team's local priorities and with OWEB's statutes and administrative rules. Upon verification, OWEB will return fully executed copies of the project grant agreement to the Team Contact, listed in the Team Bylaws. OWEB will keep the original signed project grant agreement on file, and the Team Contact will be responsible for providing copies to all signatories. Signatories to the grant agreement will include the Grantee; Landowner; Team Contact; and a representative of OWEB; and a Fiscal Agent for the Grantee, if different from the Grantee.~~ A project grant agreement is not valid until all signatories to the

agreement have signed. Project grant agreements must be signed within 90 days of the first signature on the grant agreement, or they will be considered void. Work will not begin on a project until a project grant agreement is valid. ~~OWEB will make Small Grant Project award payments directly to the fiscal agent designated in the Small Grant Project agreement.~~

(167) Project maintenance and effectiveness monitoring are the responsibility of the landowner. OWEB will not pay for either, and applicants may not use any planned post-project maintenance and effectiveness monitoring as match for the OWEB project grant. However, applicants may budget for plant establishment (i.e., weeding and watering of plants over time to improve chances of successful establishment) in the Small Grant Project application, or they may put the amount estimated for plant establishment toward the required 25 percent match. OWEB will pay for no more than two years of post-project plant establishment, or up to \$1,000 for two years, which is paid for in the final payment request.

(178) The Small Grant Team will be responsible for providing the Oregon Watershed Enhancement Board ~~and the Soil and Water Conservation Commission~~ with a summary Biennial Report, due no later than 60 days after the close of each OWEB biennium that:

(a) Addresses:

(A) How the Team's funded projects demonstrated clear watershed benefit to aquatic species, wildlife, or watershed health.

(B) Which specific projects met the Team's high-priority watershed concerns that it identified for the biennium (show award amounts for each project).

(C) Which specific projects the Team awarded for other priority watershed concerns (show award amounts for these projects, as well).

(b) Evaluates the effectiveness of the Team's:

(A) External interactions with landowners, applicants, Grantees, project partners, and OWEB Small Grant Program staff (i.e., the challenges that faced the Team with each of these groups and whether the Team was successful at resolving them).

(B) Internal interactions with each other (i.e., the challenges that faced the Team and whether the Team was successful at resolving them).

(c) Attaches the following:

(A) Tracking sheets for recommended and denied applications for the current biennium.

(B) Revised operating procedures, priority watershed concerns, eligible project types for the coming biennium, and application evaluation worksheet, if any.

(189) The OWEB Director may authorize an independent performance audit of any Small Grant Team, and if the Director determines the Team is not complying with the rules of the Small Grant Program, may restrict future Team funds.

(1920) Small Grant Teams will retain meeting records for a period of five years ~~unsuccessful applications and copies of successful applications, as well as meeting records.~~

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0030

Small Grant ~~Program~~ Project Application

~~(1) A Small Grant applicant may be a tribe, watershed council, or soil and water conservation district. These entities may act on behalf of private landowners, not for profit institutions, schools, community colleges, state institutions of higher education, independent not for profit institutions of higher education, local agencies, state agencies, or federal agencies.~~

~~(12)~~ When reviewing applications, Team members will abide by the same conflict of interest standards that apply to Oregon's public officials, as detailed in ORS 244.020.

~~(23)~~ Small Grant Project applications submitted to the Small Grant Team will include a completed application form provided by OWEB, and will use technical guidance from at least one of the sources listed below in this subsection. Small Grant Project applicants will cite in the application the practice code(s), or the page number and paragraph, for the technical guidance source listed. The Small Grant Team will verify the citation. If technical guidance and standards for a project are not available from one of these sources, the project is not eligible for funding under the Small Grant Program.

(a) The Natural Resources Conservation Service (NRCS) Field Office Technical Guide, and local cost share list.

(b) A Guide to Placing Large Wood in Streams (Oregon Department of Fish and Wildlife and Oregon Department of Forestry, ~~1995~~).

(c) The Oregon Road/Stream Crossing Restoration Guide (Oregon Department of Forestry, ~~Spring 1999~~).

(d) Forest Practices Technical Note No. 4: Fish Passage Guidelines for New and Replacement Stream Crossing Structures (Oregon Department of Forestry, ~~May 10, 2002~~).

(e) Forest Practices Technical Note No. 5: Determining the 50-Year Peak Flow and Stream Crossing Structure Size for New and Replacement Crossings Structures (Oregon Department of Forestry, ~~May 10, 2002~~).

(f) The Nonpoint Source Pollution Control Guidebook for Local Government (Oregon Department of Environmental Quality and Oregon Department of Land Conservation and Development, ~~1994~~).

(g) Urban Subwatershed Restoration Manual Series #4: Urban Stream Repair Practices (Center for Watershed Protection, ~~November 2004~~).

(h) Tribal Natural Resource Plans or Water Plans on Tribal Trust Lands.

~~(4) Only watershed councils, soil and water conservation districts, tribes, and entities designated as eligible by the Small Grant Team in their operating procedures may serve as fiscal agents for a Small Grant Project.~~

~~(35)~~ The application budget is the Small Grant applicant's statement of how OWEB funds will be spent. Should the Small Grant Team approve the application for funding, the Grantee will only be able to bill OWEB for the line items appearing in the OWEB column in the application budget. Changes in line item amounts are permissible, ~~with the exception of Project Management, which may change only~~ with prior approval from OWEB. Grantees wishing to add new line items must also request prior permission from OWEB.

~~(6) The applicant, landowner, and fiscal agent will sign the application. Teams may write a separate cooperative agreement where multiple landowners are involved. Teams will keep the original cooperative landowner agreement on file, and all signatories, plus OWEB, will be provided copies. Project funds will not be released until OWEB has a signed copy of the cooperative landowner agreement.~~

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0040

Small Grant ~~Program~~-Project Grants

(1) Prior to the disbursement of any Small Grant Project funds, the Grantee must sign a Small Grant Project agreement containing such terms and conditions as may be deemed necessary by the OWEB Director to ensure that the expected benefits of the project are realized, and that applicable legal requirements and any special conditions of the Board with regard to particular grants are met.

(2) Each Small Grant Project awarded will be limited to ~~the~~ maximum amount determined by the OWEB Board each biennium of \$15,000 per project, per landowner, per OWEB fiscal year, ~~including technical assistance and fiscal administrative expenses.~~

(3) The Board will only enter into new Small Grant project agreements with a grantee once that grantee has addressed to OWEB's satisfaction all active Small Grants with outstanding advances and all expired Small Grants with outstanding advances.

(4) ~~Fiscal administrative expenses~~ Indirect costs included in each Small Grant Project may not exceed 10 percent of the OWEB grant amount for direct project costs. However, project grants for a total of \$2,000 or less may include indirect costs ~~fiscal administrative expenses~~ up to \$200, not to exceed the total amount awarded.

~~(5) A change in fiscal agent requires an amendment to the original grant agreement, and must be requested in writing of the OWEB Small Grant Program.~~

~~(5)~~ (6) Travel expenses directly related to project implementation are eligible for funding under the Small Grant Program, subject to OWEB review and approval. Travel expenses will be reimbursed only in accordance with rates approved by the Department of Administrative Services and which are in effect at the time the expense was incurred. The Grantee must identify the reason or purpose for all travel expense reimbursement requests. No mileage reimbursement will be paid for the use of motorcycles or mopeds. The Small Grant Program will not reimburse for meals, lodging, or out-of-state travel.

~~(6)~~ (7) Equipment purchases directly related to project implementation are eligible for funding under the Small Grant Program, subject to OWEB review and approval. However, OWEB discourages the use of limited Small Grant Project funds on equipment purchases, and instead encourages Teams to work with applicants to obtain equipment through other means, such as borrowing or renting. Following project completion, equipment purchased with OWEB funds will reside with any of the following: watershed council, soil and water conservation district, tribe, local government, or a

school district. These entities will make the equipment available to each other at no cost, other than nominal maintenance costs.

~~(78)~~ Small Grant Project award recipients must provide evidence of at least 25 percent secured match for the Small Grant Project award prior to disbursement of grant funds by including a signature of commitment from the entity(ies) providing match on the OWEB Secured Match Form. Match must be current and specific to the Small Grant Project. The same match may not be used for multi-phased projects, unless it is divided among the phases. Applicants may attach the completed match form to their application or they may submit the form with their first grant award payment request. Disbursement of the final grant award payment requires evidence of actual match contributed, shown ~~on the Actual Match Form in the Project Completion Report~~. Match may include labor, volunteer time, technical assistance, materials or services provided, donated property, or cash. ~~OWEB funding may not be used as match for a Small Grant Project funded by OWEB.~~

~~(89)~~ All Small Grant Projects will be completed within 24 months from the date of Team approval of the application. No project completion extensions beyond 24 months will be allowed.

~~(910)~~ Upon project completion, the Grantee will ~~submit to provide~~ OWEB ~~and the Small Grant Team with a copy of the~~ Project Completion Report ~~and color photographs with captions~~. Final project accounting and reporting are due no later than 60 days following the project completion date.

~~(101)~~ The following standards will be applied to each Small Grant Project payment:

(a) OWEB will not pay for activities that were not covered under the project grant agreement, or did not receive prior approval from OWEB per OAR 695-035-0030(5).

(b) Each Small Grant Project award will be disbursed in no more than two payments.

(c) The Board will retain ten percent of project funds until the final report, as required in the grant agreement, has been approved.

(d) The first payment may consist either of an advance of up to 60 percent of the Small Grant Project award upon presentation of a detailed estimate of expenses for a specified time period, or of a reimbursement of expenses to date upon presentation of receipts and invoices.

(e) No funds will be released until evidence is submitted to OWEB that all required permits and licenses for the project have been granted.

(f) Receipts for the full advance amount are due within 120 days of the date OWEB issues the advance check.

(g) The second and final payment will not be disbursed until OWEB receives from the Grantee through the designated fiscal agent:

(A) Receipts and invoices for expenditures of previous fund releases, and receipts and invoices supporting the new fund release request;

(B) A spreadsheet or other report documenting all project expenses;

~~(C) A completed Actual Match Form, showing all project match, which must total at least 25 percent of the amount of OWEB funds actually spent on the Small Grant Project;~~

~~(CD)~~ A satisfactory Project Completion Report, showing all project match, which must total at least 25 percent of the amount of OWEB funds actually spent on the Small Grant Project and color photographs with captions of the project site; and

~~(DE)~~ A current Oregon Watershed Restoration Reporting Form, showing among other things, evidence of actual match contributed.

(1~~1~~²) Two years following receipt by OWEB of the project completion report, the individual designated in the project application will provide OWEB and the local Small Grant Team with a Year-Two Status Report. Applicants may budget for this as an expense to OWEB in the application (not to exceed \$200), or they may put the amount toward the required 25 percent match funds by showing the amount in the cost share column.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0050

Eligible Small Grant Projects

- (1) The Small Grant Program will fund only those projects that:
- (a) Demonstrate in the Small Grant Project application a clear watershed benefit to aquatic species, wildlife, or watershed health.
 - (b) Are consistent with the local Small Grant Team's priority watershed concerns, as identified in their program grant agreements with OWEB.
 - (c) Adhere to OWEB administrative rules, OAR 695-005-0010–695-005-0060 and 695-050-0010–695-050-0050.
 - (d) Implement a project to restore, enhance, or protect native fish or wildlife habitat, watershed or ecosystem functions, or water quality.
 - (e) Are implemented in a manner that follows professionally accepted restoration approaches resulting in ecological or watershed benefits.
 - (f) Use and clearly identify in the small grant application technical guidance from at least one of the approved sources in OAR 695-035-0030(3), and cite in the application the practice code(s), or the page number and paragraph, for the technical guidance source listed.
 - (g) Where applicable, have been approved for technical sufficiency by the appropriate state agency, or by the appropriate tribal government for projects on Tribal Trust Lands.
- (2) Small Grant Projects to be completed in phases on the same property are eligible for Small Grant Project funding, provided only one phase is submitted for funding consideration per OWEB fiscal year, and provided all phases occur at different locations on the property. In general, OWEB encourages multi-phased project applications to be submitted through other OWEB grant programs.
- (3) Teams must select from the following list when identifying priority watershed concerns for their Small Grant Area:
- (a) Instream Process and Function;
 - (b) Fish Passage;
 - (c) Urban Impact Reduction;
 - (d) Riparian Process and Function;
 - (e) Wetland Process and Function;
 - (f) Upland Process and Function;
 - (g) Water Quantity and Quality/Irrigation Efficiency;

(h) Road Impact Reduction.

(4) The following project types are eligible for funding. Teams are encouraged to be strategic in identifying eligible project types in an effort to better support salmon recovery objectives and Agricultural Water Quality Management Area Plans. Teams may petition OWEB to allow project types not appearing on the list, as described in OAR 695-035-0020(9)(c).

(a) Instream Process and Function.

(A) Improve Instream Habitat: place large wood, boulders, or salmon carcasses;

(B) Manage Erosion: bioengineer stream banks, slope stream banks, or develop water gaps, streambank barbs;

(C) Eradicate or Control Exotic Aquatic Species.

(b) Fish Passage.

(A) Remove Irrigation or Push-Up Dams: install alternatives (e.g., infiltration galleries, point-of-diversion transfers) or convert from gravity diversion to pumps;

(B) Remove and/or Replace Culverts (as a condition of funding, such projects require ODFW or ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form; and for culverts under state roads, a 50 percent ODOT match);

(C) Remove or Replace Stream Crossings (as a condition of funding, such projects require ODFW or ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form).

(c) Urban Impact Reduction.

(A) Install Stormwater Runoff Treatments (e.g., create bioswales, pervious surfaces, native plant buffers, green roofs);

[\(B\) Revegetate Stormwater Runoff Treatments \(e.g., create bioswales, pervious surfaces, native plant buffers, green roofs\) where vegetation has exceeded its design life;](#)

~~[\(B\) Create Off-Channel Flood Storage Restore flood plain reconnection;](#)~~

(C) Employ Integrated Pest Management [in conjunction with a restoration project.](#)

(d) Riparian Process and Function.

(A) Manage Nutrient and Sediment Inputs through managed grazing (e.g., fencing and developing off-channel watering) and plantings;

(B) Manage Vegetation: plant or seed native riparian species, propagate native riparian plants, or control weeds in conjunction with a restoration project;

(C) Employ Integrated Pest Management [in conjunction with a restoration project;](#)

[\(D\) Restore flood plain reconnection.](#)

(e) Wetland Process and Function.

(A) Manage Nutrient and Sediment Inputs: fence out livestock or develop alternative watering sites;

(B) Manage Vegetation: control weeds (in conjunction with a restoration project), or plant native wetland species;

(C) Restore Wetlands: excavate or remove fill, or eliminate drainage structures;

(D) Employ Integrated Pest Management [in conjunction with a restoration project.](#)

(f) Upland Process and Function.

(A) Manage Erosion on Agricultural Lands: terrace land; employ laser leveling; create windbreaks; install water and sediment control basins (WASCBs); develop filter strips/grassed waterways;

manage mud (e.g., gravel high-use areas, develop paddocks); seed bare areas (OWEB may require a grazing management plan, if appropriate, prior to release of funds. For post-fire areas, seed only where natural regeneration is unlikely — e.g., on slopes of 30 percent or more — or where it can be demonstrated that seeding would retard or prevent the spread of noxious weeds); or reduce tillage.

(B) Manage Nutrient and Sediment Inputs to Streams through the management of grazing, vegetation cover, or animal waste, ~~or irrigation runoff~~.

(C) Manage Vegetation: prescribed burning, except when conducted as part of a commercial harvest; non-commercial thinning; control/remove juniper (except late-seral/old growth); plant or seed (native upland species or native beneficial mixes preferred); or control weeds (in conjunction with a restoration project). Projects for prescribed burning to reduce fuel loads require ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form.

(D) Manage Wildlife: install water guzzlers.

(E) Employ Integrated Pest Management in conjunction with a restoration project.

(g) Water Quantity and Quality/Irrigation Efficiency.

(A) Recharge Groundwater, such as through infiltration galleries, infiltration basins, roof water harvesting, or similar practices; ~~roof water harvesting~~;

(B) Implement Irrigation Practices (e.g., pipe existing ditch, install the permanent components of drip or sprinkler systems, install automated soil moisture sensors where water and electrical savings can be documented, or recover or eliminate tail water). Such projects must either not adversely impact the current level of groundwater in a Groundwater Management Area, or for projects involving surface water must measurably reduce the diversion of water at the point of diversion. As a condition of funding, irrigation efficiency projects require local watermaster technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form. Landowner agreements with irrigation efficiency projects require affirmation that the landowner and/or irrigation district agrees that water conserved with the project shall remain instream. For projects involving improvement of irrigation practices for the benefit of water quality, the application shall describe how sediment, nutrients, bacteria, or waste is entering a waterbody along with sediment and nutrient load calculations.

(h) Private Road Impact Reduction.

(A) Decommission Roads;

(B) Improve Surface Drainage: surface road drainage improvements, gravel surfacing, stream crossings.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018 OWEB 1-2011, f. & cert. ef. 10-18-11 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0060

Ineligible Small Grant Projects

(1) The Small Grant Program will not fund projects that:

(a) Do not demonstrate a clear watershed benefit to aquatic species, wildlife, or watershed health.

(b) Are not consistent with the local Small Grant Team's priority watershed concerns, as identified in their program grant agreements with OWEB.

(c) Do not adhere to OWEB administrative rules: OAR 695-005-0010–695-005-0060, 695-035-0010–695-035-0070, and 695-050-0010–695-050-0050.

(d) Do not implement a project to restore, enhance, or protect native fish or wildlife habitat, watershed or ecosystem functions, or water quality.

(e) Do not use and clearly identify in the small grant application technical guidance and standards from one of the approved sources listed in OAR 695-035-0030(3).

(f) Are at the same location as, and are [addressing the same resource concerns as identical to](#), projects that have already been funded, are currently being funded, or are currently being considered for funding through either the Small Grant Program or other OWEB grant programs.

(2) The following project types are ineligible for funding through the Small Grant Program:

(a) Project planning and design not done in conjunction with the implementation of funded restoration or enhancement activities.

(b) Routine maintenance.

(c) Trash removal.

(d) Fish screens and trash racks.

(e) Tide gate removal, replacement, or installation.

(f) Constructed stream bank armoring.

(g) Development of off-channel watering systems not done in conjunction with fencing a riparian area or managing nutrient and sediment inputs in upland areas.

(h) Pond cleaning and pond creation (does not include off-channel watering systems and pump-back systems).

(i) Residential landscaping not done in conjunction with the implementation of funded riparian restoration or enhancement activities.

(j) Weed control not done in conjunction with the implementation of funded restoration or enhancement activities.

(k) Projects required as a condition of a local, state, or federal permit, order, or enforcement action (e.g., mitigation projects, manure storage and management projects that are required by a permit from ODA).

(l) Irrigation practices that adversely impact the current level of groundwater in a Groundwater Management Area, or do not measurably reduce the diversion of water at the point of diversion.

(m) Irrigation water conservation projects that propose any of the following activities:

(A) Irrigation system maintenance or renovation of existing pipe.

(B) Restoring a system that has deteriorated due to lack of maintenance and/or inadequate design.

(C) Portable pipe (does not include gated pipe), [readily movable components](#), or ditch cleaning.

(D) Electrical costs resulting from conversion to pump from flood irrigation.

(n) Western juniper management that involves the removal of late-seral/old growth juniper.

(o) Reforestation or tree planting on lands following a commercial harvest.

(p) Prescribed burning when conducted as part of a commercial operation.

(q) Commercial thinning.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 1-2011, f. & cert. ef. 10-18-11 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0070](#)

Periodic Review and Evaluation of the Small Grant Program

~~Once a biennium, and in consultation with representatives of the Soil and Water Conservation Commission, tribes, and Small Grant Teams,~~ OWEB will review annual reports submitted by Small

Grant Teams and evaluate the need for program improvements and administrative rule changes.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0080](#)

Waiver of Rules

The Director may waive the requirements of [D](#)ivision 35, unless they are required by statute, for individual grants, when doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

Division 35

SMALL GRANT PROGRAM

[695-035-0010](#)**Small Grant Program**

- (1) The Oregon Watershed Enhancement Board (OWEB) may provide funding for a locally administered Small Grant Program from its Watershed Conservation Grant Fund. Funds may be allocated for the Small Grant Program in amounts and at times decided by the Board.
- (2) This Division supplements the OWEB Grant Program rules under OAR 695-005 and provides specific requirements for the Small Grant Program. In the event of any conflict between these requirements, and requirements identified in OAR 695-005, the Small Grant Program requirements in this Division take precedence.
- (3) The goals of the Small Grant Program are to:
- (a) Support implementation of the Oregon Plan for Salmon and Watersheds.
 - (b) Support projects designed to improve water quality, water quantity, and fish and wildlife habitat. Such projects include, but are not limited to, those developed to address Total Maximum Daily Loads (TMDLs), Agricultural Water Quality Management Area Plans, urban nonpoint source pollution management plans, and the Board of Forestry's Forestry Program for Oregon.
 - (c) Make funds available to local Small Grant Teams to address local priority resource concerns, habitat values, and watershed functions.
 - (d) Encourage landowner participation in watershed improvement by making funds available more quickly than is possible through OWEB's other grant programs.
 - (e) Treat the source of watershed health problems through technically sound projects that use proven techniques from one of the approved sources listed in OAR 695-035-0030(3), and that demonstrate benefits to aquatic species, wildlife, or watershed health across all land uses.
 - (f) Encourage partnerships among eligible grant applicants and landowners and operators.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 1-2011, f. & cert. ef. 10-18-11 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0015](#)**Definitions**

- (1) "Small Grant" is a grant for an eligible watershed restoration project awarded by OWEB on the recommendation of a Small Grant Team.
- (2) "Small Grant Team" (Team) is composed of representatives of watershed councils, soil and water conservation districts, tribes, and other eligible grant applicants formed in each Small Grant Area to recommend funding for watershed restoration projects.
- (3) "Small Grant Area" is a geographic area established by the OWEB Board based upon hydrologic boundaries, existing watershed restoration partnerships, and similarities in resource concerns.

(4) “Small Grant Team Grant” is a grant between OWEB and a Small Grant Team regarding the allocation of Small Grant funds within a Small Grant Area by the Small Grant Team using OWEB funds.

(5) “Project Evaluation Committee” (Committee) is a group of Small Grant Team members designated by vote of the Team to evaluate Small Grant Project applications received and to make Small Grant Project award recommendations based upon the Team’s adopted priority watershed concerns and eligible project types. A Team may by unanimous vote decide not to designate a Committee.

(6) “Project Manager for the Grantee” is the individual (typically, but not necessarily, the grantee) who will shepherd the project from start to finish. This person will serve as the Team’s and OWEB’s main point of contact for a project.

(7) “Team Contact” is OWEB’s main point of contact for the Small Grant Team, and is also the person authorized by the Team to sign OWEB Small Grant Team Grant agreements.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 3-2005, f. & cert. ef. 6-8-05

[695-035-0020](#)

Small Grant Program Administered by Small Grant Teams

(1) The OWEB Board may award Small Grant Team Grants to eligible Small Grant Teams to enable the Teams to administer a Small Grant Program within a Small Grant Area. A Small Grant Team must submit a Small Grant Team Grant application to OWEB on a designated form at times designated by the OWEB Board to be eligible to receive a program grant to administer a Small Grant program. Only one application to administer a Small Grant Program within a Small Grant area shall be considered by OWEB. Applications shall include affirmation, or documentation of non-response, from all other councils, districts, and tribes in the Small Grant Area.

(2) Small Grant Program funds not used in one biennium may not be carried over by the Small Grant Team to the next biennium unless otherwise determined by the Board.

(3) The Board will only enter into new Small Grant Team Grants once Teams have submitted on a standard OWEB form, and to OWEB’s satisfaction, the revised Team bylaws for the coming biennium, a revised list of the Team’s priority watershed concerns and eligible project types, and a revised Application Evaluation Worksheet.

(4) Small Grant Teams, in coordination with OWEB, will invite in writing each soil and water conservation district and watershed council located partially or entirely within the Small Grant Area, and each federally recognized tribe in Oregon, and the Nez Perce Tribe, with reservation, tribal, ceded lands, or usual and accustom areas located partially or entirely within the Small Grant Area to appoint one representative to a Small Grant Team. Small Grant Teams shall, in coordination with OWEB, also invite in writing other eligible applicants in the Small Grant Area to participate on the Small Grant Team. Any eligible applicant that requests to participate on the Small Grant Team shall become a member of the Team. Participation on a Team is voluntary. A Small Grant Team must

have at least one actively participating watershed council representative and one soil and water conservation district representative to be eligible to allocate Small Grant funds. Each eligible Team may receive a Small Grant Team Grant from OWEB to allocate Small Grant Project awards of up to the maximum amount adopted by the OWEB Board each biennium for eligible watershed restoration projects consistent with local priority watershed concerns and eligible project types adopted by the Team. The maximum amount adopted by the OWEB Board each biennium shall not be less than \$15,000.

(5) Members of each Small Grant Team are encouraged to invite individuals with expertise in a watershed restoration discipline or other watershed restoration interests to consult with the Team on its priorities, program elements, and recommendations for project grant awards.

(6) The OWEB Board will establish Small Grant Areas for the Small Grant Program. The boundaries of the Small Grant Areas will be drawn based upon hydrologic boundaries, existing watershed restoration partnerships, and similarities in resource concerns. Only one Small Grant Team may administer a Small Grant Program in each Small Grant Area. A copy of the Small Grant Area map is available upon request from OWEB and can also be viewed on the OWEB website.

(7) A Small Grant Team may petition the OWEB Board to adjust the boundaries of Small Grant Areas. If a Team has not been formed in a Small Grant Area, an organization eligible to appoint a member to a Small Grant Team may petition the Board to adjust the boundaries of Small Grant Areas. Written approval from all Small Grant Teams affected, or if a Small Grant Team has not been formed, all entities eligible to appoint a member to the Small Grant Team in that area, is required before a boundary adjustment petition may be filed with the Board.

(8) The OWEB Board will consider all boundary-adjustment petitions once a biennium at the time it considers reauthorizing Small Grant Program funds for the next biennium. The OWEB Board may choose to consider a boundary adjustment upon a valid motion by Board members, without petition by a Small Grant Team or organization that is an eligible Small Grant Team member. However, the OWEB Board will consult with affected Small Grant Teams, and if a Team has not been formed, eligible Team members in the area before considering the boundary adjustment. A decision by the OWEB Board to approve a boundary adjustment will consider one of the following:

(a) The current Small Grant Area boundaries fragment existing watershed restoration partnerships;
or

(b) The current Small Grant Area boundaries fragment hydrologically connected areas or ecologically similar landscapes in a way that would make setting local restoration priorities difficult;
or

(c) The current Small Grant Area boundaries encompass many different limiting factors for water quality, water quantity, and fish and wildlife habitat. Adjusting boundaries would improve the ability of watershed restoration partners to focus their efforts on the limiting factors with which they have expertise.

(9) Prior to submitting a Small Grant Team Grant application to OWEB, the Small Grant Team will adopt the following program elements that will be attached as part of the Small Grant Team Grant application:

(a) Rules of operation for administration of the Small Grant Team and the Small Grant Program, including:

- (A) Rules governing decision-making and membership;
 - (B) Application processing and project grant agreement procedures;
 - (C) Designation of a Team contact, and a member with authority to sign project grant agreements on behalf of the Small Grant Team;
 - (D) Record keeping;
 - (E) Processes and criteria for recommending project grant awards;
 - (F) Processes for evaluating the technical feasibility of projects;
 - (G) Processes and formats for biennial reporting;
 - (H) Entities, in addition to watershed councils, soil and water conservations districts, and tribes, designated by the Small Grant Team as being eligible fiscal agents; and
 - (I) Application acceptance windows.
- (b) Priority watershed concerns to be addressed by the Small Grant Team;
- (c) A list of project types most likely to effectively address the local watershed concerns adopted by the Small Grant Team. This list must be consistent with the list of eligible project types in OAR 695-035-0050(4). Teams wishing to add project types not on the list need to petition OWEB for their eligibility in their Small Grant Area. The proposed project type needs to demonstrate to the satisfaction of the OWEB Director a clear watershed benefit for the Small Grant Area. It must also be consistent with the Team's adopted priority watershed concerns, and must be referenced to one of the approved technical guidance sources listed in OAR 695-035-0030(3).
- (10) The program elements adopted by the Small Grant Team will be included as an attachment to the Small Grant Team Grant application to OWEB. A Small Grant Team Grant to administer a Small Grant Program will not be awarded until the Team has adopted the required program elements.
- (11) In identifying priority watershed concerns, the Small Grant Team will consider current information on the condition of the watershed and its limiting factors to support native fish and to meet water quality standards. The priority watershed concerns should be adopted with reference to documents addressing the limiting factors to:
- (a) Clean Water Act standards as identified in Total Maximum Daily Load Water Quality Management Plans and in Agricultural Water Quality Management Area Plans; and
 - (b) Watershed assessments and action plans, other watershed analyses, the Oregon Forest Practices Act, and soil and water conservation district annual work plans and long-range business plans.
- Priority watershed concerns and the list of eligible project types adopted by the Small Grant Team will address the source of watershed health problems, and not the effects.
- (12) Small Grant Teams may designate members of the Team as a Project Evaluation Committee to evaluate Small Grant Project applications in lieu of the entire Team. If established, this Committee will have equal representation from soil and water conservation district and watershed council Team members. The Team, or if designated, its Committee, will select applications to recommend for funding based on its priority watershed concerns, eligible project types, and the technical merits of the project. The Small Grant Team, or if designated, the Committee, is encouraged to invite technical experts to assist in the evaluation of proposed projects.
- (13) Each Small Grant Team will develop application evaluation criteria that will be based on the questions asked in the application, as well as on additional evaluation considerations listed by Teams in their operating procedures. Evaluation criteria will be attached to a Team's operating

procedures. Teams will make available to applicants the evaluation criteria along with the Team's list of priority watershed concerns and eligible project types.

(14) Small Grant Teams will establish in their operating procedures the terms by which they receive and act on applications. If funding is available, Teams shall accept applications at any time throughout the State fiscal year when the application system is open. At a minimum, all Teams must conduct reviews on submitted applications four times in the State fiscal year (July 1 through June 30).

(15) Small Grant Teams shall submit results of application review to OWEB in the required format at the end of each review period. OWEB shall review the recommended applications for consistency with the Team's local priorities and with OWEB's statutes and administrative rules. If applications are deemed eligible, OWEB shall provide a grant agreement for signatures to the Small Grant Team Contact within 20 working days. OWEB will keep the signed project grant agreement on file, and the Team Contact will be responsible for providing copies to all signatories. Signatories to the grant agreement will include the Grantee; Landowner; Team Contact; and a representative of OWEB. A project grant agreement is not valid until all signatories to the agreement have signed. Project grant agreements must be signed within 90 days of the first signature on the grant agreement, or they will be considered void. Work will not begin on a project until a project grant agreement is valid.

(16) Project maintenance and effectiveness monitoring are the responsibility of the landowner. OWEB will not pay for either, and applicants may not use any planned post-project maintenance and effectiveness monitoring as match for the OWEB project grant. However, applicants may budget for plant establishment (i.e., weeding and watering of plants over time to improve chances of successful establishment) in the Small Grant Project application, or they may put the amount estimated for plant establishment toward the required 25 percent match. OWEB will pay for no more than two years of post-project plant establishment, or up to \$1,000 for two years, which is paid for in the final payment request.

(17) The Small Grant Team will be responsible for providing the Oregon Watershed Enhancement Board with a summary Biennial Report, due no later than 60 days after the close of each OWEB biennium that:

(a) Addresses:

(A) How the Team's funded projects demonstrated clear watershed benefit to aquatic species, wildlife, or watershed health.

(B) Which specific projects met the Team's high-priority watershed concerns that it identified for the biennium (show award amounts for each project).

(C) Which specific projects the Team awarded for other priority watershed concerns (show award amounts for these projects, as well).

(b) Evaluates the effectiveness of the Team's:

(A) External interactions with landowners, applicants, Grantees, project partners, and OWEB Small Grant Program staff (i.e., the challenges that faced the Team with each of these groups and whether the Team was successful at resolving them).

(B) Internal interactions with each other (i.e., the challenges that faced the Team and whether the Team was successful at resolving them).

(c) Attaches the following:

- (A) Tracking sheets for recommended and denied applications for the current biennium.
- (B) Revised operating procedures, priority watershed concerns, eligible project types for the coming biennium, and application evaluation worksheet, if any.
- (18) The OWEB Director may authorize an independent performance audit of any Small Grant Team, and if the Director determines the Team is not complying with the rules of the Small Grant Program, may restrict future Team funds.
- (19) Small Grant Teams will retain meeting records for a period of five years.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0030

Small Grant Project Application

- (1) When reviewing applications, Team members will abide by the same conflict of interest standards that apply to Oregon's public officials, as detailed in ORS 244.020.
- (2) Small Grant Project applications submitted to the Small Grant Team will include a completed application form provided by OWEB, and will use technical guidance from at least one of the sources listed below in this subsection. Small Grant Project applicants will cite in the application the practice code(s), or the page number and paragraph, for the technical guidance source listed. The Small Grant Team will verify the citation. If technical guidance and standards for a project are not available from one of these sources, the project is not eligible for funding under the Small Grant Program.
 - (a) The Natural Resources Conservation Service (NRCS) Field Office Technical Guide, and local cost share list.
 - (b) A Guide to Placing Large Wood in Streams (Oregon Department of Fish and Wildlife and Oregon Department of Forestry).
 - (c) The Oregon Road/Stream Crossing Restoration Guide (Oregon Department of Forestry,).
 - (d) Forest Practices Technical Note No. 4: Fish Passage Guidelines for New and Replacement Stream Crossing Structures (Oregon Department of Forestry).
 - (e) Forest Practices Technical Note No. 5: Determining the 50-Year Peak Flow and Stream Crossing Structure Size for New and Replacement Crossings Structures (Oregon Department of Forestry).
 - (f) The Nonpoint Source Pollution Control Guidebook for Local Government (Oregon Department of Environmental Quality and Oregon Department of Land Conservation and Development).
 - (g) Urban Subwatershed Restoration Manual Series #4: Urban Stream Repair Practices (Center for Watershed Protection).
 - (h) Tribal Natural Resource Plans or Water Plans on Tribal Trust Lands.
- (3) The application budget is the Small Grant applicant's statement of how OWEB funds will be spent. Should the Small Grant Team approve the application for funding, the Grantee will only be able to bill OWEB for the line items appearing in the OWEB column in the application budget.

Changes in line item amounts are permissible, with prior approval from OWEB. Grantees wishing to add new line items must also request prior permission from OWEB.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0040

Small Grant Project Grants

- (1) Prior to the disbursement of any Small Grant Project funds, the Grantee must sign a Small Grant Project agreement containing such terms and conditions as may be deemed necessary by the OWEB Director to ensure that the expected benefits of the project are realized, and that applicable legal requirements and any special conditions of the Board with regard to particular grants are met.
- (2) Each Small Grant Project awarded will be limited to the maximum amount determined by the OWEB Board each biennium, per landowner, per OWEB fiscal year.
- (3) The Board will only enter into new Small Grant project agreements with a grantee once that grantee has addressed to OWEB's satisfaction all active Small Grants with outstanding advances and all expired Small Grants with outstanding advances.
- (4) Indirect costs included in each Small Grant Project may not exceed 10 percent of the OWEB grant amount for direct project costs. However, project grants for a total of \$2,000 or less may include indirect costs up to \$200, not to exceed the total amount awarded.
- (5) Travel expenses directly related to project implementation are eligible for funding under the Small Grant Program, subject to OWEB review and approval. Travel expenses will be reimbursed only in accordance with rates approved by the Department of Administrative Services and which are in effect at the time the expense was incurred. The Grantee must identify the reason or purpose for all travel expense reimbursement requests. No mileage reimbursement will be paid for the use of motorcycles or mopeds. The Small Grant Program will not reimburse for meals, lodging, or out-of-state travel.
- (6) Equipment purchases directly related to project implementation are eligible for funding under the Small Grant Program, subject to OWEB review and approval. However, OWEB discourages the use of limited Small Grant Project funds on equipment purchases, and instead encourages Teams to work with applicants to obtain equipment through other means, such as borrowing or renting. Following project completion, equipment purchased with OWEB funds will reside with any of the following: watershed council, soil and water conservation district, tribe, local government, or a school district. These entities will make the equipment available to each other at no cost, other than nominal maintenance costs.
- (7) Small Grant Project award recipients must provide evidence of at least 25 percent secured match for the Small Grant Project award prior to disbursement of grant funds by including a signature of commitment from the entity(ies) providing match on the OWEB Secured Match Form. Match must be current and specific to the Small Grant Project. The same match may not be used for multi-phased projects, unless it is divided among the phases. Applicants may attach the completed match form to their application or they may submit the form with their first grant award payment request.

Disbursement of the final grant award payment requires evidence of actual match contributed, shown in the Project Completion Report. Match may include labor, volunteer time, technical assistance, materials or services provided, donated property, or cash.

(8) All Small Grant Projects will be completed within 24 months from the date of Team approval of the application. No project completion extensions beyond 24 months will be allowed.

(9) Upon project completion, the Grantee will submit to OWEB a Project Completion Report. Final project accounting and reporting are due no later than 60 days following the project completion date.

(10) The following standards will be applied to each Small Grant Project payment:

(a) OWEB will not pay for activities that were not covered under the project grant agreement, or did not receive prior approval from OWEB per OAR 695-035-0030(5).

(b) Each Small Grant Project award will be disbursed in no more than two payments.

(c) The Board will retain ten percent of project funds until the final report, as required in the grant agreement, has been approved.

(d) The first payment may consist either of an advance of up to 60 percent of the Small Grant Project award upon presentation of a detailed estimate of expenses for a specified time period, or of a reimbursement of expenses to date upon presentation of receipts and invoices.

(e) No funds will be released until evidence is submitted to OWEB that all required permits and licenses for the project have been granted.

(f) Receipts for the full advance amount are due within 120 days of the date OWEB issues the advance check.

(g) The second and final payment will not be disbursed until OWEB receives from the Grantee:

(A) Receipts and invoices for expenditures of previous fund releases, and receipts and invoices supporting the new fund release request;

(B) A spreadsheet or other report documenting all project expenses;

(C) A satisfactory Project Completion Report, showing all project match, which must total at least 25 percent of the amount of OWEB funds actually spent on the Small Grant Project; and

(D) A current Oregon Watershed Restoration Reporting Form, showing among other things, evidence of actual match contributed.

(11) Two years following receipt by OWEB of the project completion report, the individual designated in the project application will provide OWEB and the local Small Grant Team with a Year-Two Status Report. Applicants may budget for this as an expense to OWEB in the application (not to exceed \$200), or they may put the amount toward the required 25 percent match funds by showing the amount in the cost share column.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0050](#)

Eligible Small Grant Projects

- (1) The Small Grant Program will fund only those projects that:
- (a) Demonstrate in the Small Grant Project application a clear watershed benefit to aquatic species, wildlife, or watershed health.
 - (b) Are consistent with the local Small Grant Team's priority watershed concerns, as identified in their program grant agreements with OWEB.
 - (c) Adhere to OWEB administrative rules, OAR 695-005-0010–695-005-0060 and 695-050-0010–695-050-0050.
 - (d) Implement a project to restore, enhance, or protect native fish or wildlife habitat, watershed or ecosystem functions, or water quality.
 - (e) Are implemented in a manner that follows professionally accepted restoration approaches resulting in ecological or watershed benefits.
 - (f) Use and clearly identify in the small grant application technical guidance from at least one of the approved sources in OAR 695-035-0030(3), and cite in the application the practice code(s), or the page number and paragraph, for the technical guidance source listed.
 - (g) Where applicable, have been approved for technical sufficiency by the appropriate state agency, or by the appropriate tribal government for projects on Tribal Trust Lands.
- (2) Small Grant Projects to be completed in phases on the same property are eligible for Small Grant Project funding, provided only one phase is submitted for funding consideration per OWEB fiscal year, and provided all phases occur at different locations on the property. In general, OWEB encourages multi-phased project applications to be submitted through other OWEB grant programs.
- (3) Teams must select from the following list when identifying priority watershed concerns for their Small Grant Area:
- (a) Instream Process and Function;
 - (b) Fish Passage;
 - (c) Urban Impact Reduction;
 - (d) Riparian Process and Function;
 - (e) Wetland Process and Function;
 - (f) Upland Process and Function;
 - (g) Water Quantity and Quality/Irrigation Efficiency;
 - (h) Road Impact Reduction.
- (4) The following project types are eligible for funding. Teams are encouraged to be strategic in identifying eligible project types in an effort to better support salmon recovery objectives and Agricultural Water Quality Management Area Plans. Teams may petition OWEB to allow project types not appearing on the list, as described in OAR 695-035-0020(9)(c).
- (a) Instream Process and Function.**
 - (A) Improve Instream Habitat: place large wood, boulders, or salmon carcasses;
 - (B) Manage Erosion: bioengineer stream banks, slope stream banks, or develop water gaps, streambank barbs;
 - (C) Eradicate or Control Exotic Aquatic Species.
 - (b) Fish Passage.**
 - (A) Remove Irrigation or Push-Up Dams: install alternatives (e.g., infiltration galleries, point-of-diversion transfers) or convert from gravity diversion to pumps;

(B) Remove and/or Replace Culverts (as a condition of funding, such projects require ODFW or ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form; and for culverts under state roads, a 50 percent ODOT match);
(C) Remove or Replace Stream Crossings (as a condition of funding, such projects require ODFW or ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form).

(c) Urban Impact Reduction.

(A) Install Stormwater Runoff Treatments (e.g., create bioswales, pervious surfaces, native plant buffers, green roofs);

(B) Revegetate Stormwater Runoff Treatments (e.g., create bioswales, pervious surfaces, native plant buffers, green roofs) where vegetation has exceeded its design life;

(C) Employ Integrated Pest Management in conjunction with a restoration project.

(d) Riparian Process and Function.

(A) Manage Nutrient and Sediment Inputs through managed grazing (e.g., fencing and developing off-channel watering) and plantings;

(B) Manage Vegetation: plant or seed native riparian species, propagate native riparian plants, or control weeds in conjunction with a restoration project.

(C) Employ Integrated Pest Management in conjunction with a restoration project;

(D) Restore flood plain reconnection.

(e) Wetland Process and Function.

(A) Manage Nutrient and Sediment Inputs: fence out livestock or develop alternative watering sites;

(B) Manage Vegetation: control weeds (in conjunction with a restoration project), or plant native wetland species;

(C) Restore Wetlands: excavate or remove fill, or eliminate drainage structures.

(D) Employ Integrated Pest Management in conjunction with a restoration project

(f) Upland Process and Function.

(A) Manage Erosion on Agricultural Lands: terrace land; employ laser leveling; create windbreaks; install water and sediment control basins (WASCBs); develop filter strips/grassed waterways; manage mud (e.g., gravel high-use areas, develop paddocks); seed bare areas (OWEB may require a grazing management plan, if appropriate, prior to release of funds. For post-fire areas, seed only where natural regeneration is unlikely — e.g., on slopes of 30 percent or more — or where it can be demonstrated that seeding would retard or prevent the spread of noxious weeds); or reduce tillage.

(B) Manage Nutrient and Sediment Inputs to Streams through the management of grazing, vegetation cover, or animal waste.

(C) Manage Vegetation: prescribed burning, except when conducted as part of a commercial harvest; non-commercial thinning; control/remove juniper (except late-seral/old growth); plant or seed (native upland species or native beneficial mixes preferred); or control weeds (in conjunction with a restoration project). Projects for prescribed burning to reduce fuel loads require ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form.

(D) Manage Wildlife: install water guzzlers.

(E) Employ Integrated Pest Management in conjunction with a restoration project(g) **Water Quantity and Quality/Irrigation Efficiency.**

(A) Recharge Groundwater, such as through infiltration galleries, infiltration basins, roof water harvesting, or similar practices;

(B) Implement Irrigation Practices (e.g., pipe existing ditch, install the permanent components of drip or sprinkler systems, install automated soil moisture sensors where water and electrical savings can be documented, or recover or eliminate tail water). Such projects must either not adversely impact the current level of groundwater in a Groundwater Management Area, or for projects involving surface water must measurably reduce the diversion of water at the point of diversion. As a condition of funding, irrigation efficiency projects require local watermaster technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form. Landowner agreements with irrigation efficiency projects require affirmation that the landowner and/or irrigation district agrees that water conserved with the project shall remain instream. For projects involving improvement of irrigation practices for the benefit of water quality, the application shall describe how sediment, nutrients, bacteria, or waste is entering a waterbody along with sediment and nutrient load calculations.

(h) **Private Road Impact Reduction.**

(A) Decommission Roads;

(B) Improve Surface Drainage: surface road drainage improvements, gravel surfacing, stream crossings.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 1-2011, f. & cert. ef. 10-18-11 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-035-0060

Ineligible Small Grant Projects

(1) The Small Grant Program will not fund projects that:

(a) Do not demonstrate a clear watershed benefit to aquatic species, wildlife, or watershed health.

(b) Are not consistent with the local Small Grant Team's priority watershed concerns, as identified in their program grant agreements with OWEB.

(c) Do not adhere to OWEB administrative rules: OAR 695-005-0010–695-005-0060, 695-035-0010–695-035-0070, and 695-050-0010–695-050-0050.

(d) Do not implement a project to restore, enhance, or protect native fish or wildlife habitat, watershed or ecosystem functions, or water quality.

(e) Do not use and clearly identify in the small grant application technical guidance and standards from one of the approved sources listed in OAR 695-035-0030(3).

(f) Are at the same location as, and are addressing the same resource concerns as projects that have already been funded, are currently being funded, or are currently being considered for funding through either the Small Grant Program or other OWEB grant programs.

(2) The following project types are ineligible for funding through the Small Grant Program:

- (a) Project planning and design not done in conjunction with the implementation of funded restoration or enhancement activities.
- (b) Routine maintenance.
- (c) Trash removal.
- (d) Fish screens and trash racks.
- (e) Tide gate removal, replacement, or installation.
- (f) Constructed stream bank armoring.
- (g) Development of off-channel watering systems not done in conjunction with fencing a riparian area or managing nutrient and sediment inputs in upland areas.
- (h) Pond cleaning and pond creation (does not include off-channel watering systems and pump-back systems).
- (i) Residential landscaping not done in conjunction with the implementation of funded riparian restoration or enhancement activities.
- (j) Weed control not done in conjunction with the implementation of funded restoration or enhancement activities.
- (k) Projects required as a condition of a local, state, or federal permit, order, or enforcement action (e.g., mitigation projects, manure storage and management projects that are required by a permit from ODA).
- (l) Irrigation practices that adversely impact the current level of groundwater in a Groundwater Management Area, or do not measurably reduce the diversion of water at the point of diversion.
- (m) Irrigation water conservation projects that propose any of the following activities:
 - (A) Irrigation system maintenance or renovation of existing pipe.
 - (B) Restoring a system that has deteriorated due to lack of maintenance and/or inadequate design.
 - (C) Portable pipe (does not include gated pipe), readily movable components, or ditch cleaning.
 - (D) Electrical costs resulting from conversion to pump from flood irrigation.
- (n) Western juniper management that involves the removal of late-seral/old growth juniper.
- (o) Reforestation or tree planting on lands following a commercial harvest.
- (p) Prescribed burning when conducted as part of a commercial operation.
- (q) Commercial thinning.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: [OWEB 2-2018, amend filed 04/27/2018, effective 04/27/2018](#) OWEB 1-2011, f. & cert. ef. 10-18-11 OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0070](#)

Periodic Review and Evaluation of the Small Grant Program

OWEB will review annual reports submitted by Small Grant Teams and evaluate the need for program improvements and administrative rule changes.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History: OWEB 3-2005, f. & cert. ef. 6-8-05 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

[695-035-0080](#)

Waiver of Rules

The Director may waive the requirements of Division 35, unless they are required by statute, for individual grants, when doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

DRAFT



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Item S

Drinking Water Source Protection

Grant Program Rulemaking

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



OREGON
WATERSHED
ENHANCEMENT BOARD

775 Summer Street NE, Suite 360
Salem OR 97301-1290
www.oregon.gov/oweb
(503) 986-0178

Agenda Item S supports OWEB's Strategic Plan priority #3, Community capacity and strategic partnerships achieve healthy watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Eric Hartstein, Senior Policy Coordinator
Renee Davis, *Acquisition & Special Programs Manager*
Audrey Squires, *Drinking Water Source Protection Specialist*
SUBJECT: Agenda Item S – Drinking Water Source Protection Grant Program Rulemaking
[July 22-24, 2024, Board Meeting](#)

I. Introduction

This staff report provides an overview of proposed Drinking Water Source Protection (DWSP) Grant Program administrative rules (Division 48) and seeks board approval of the ruleset.

II. Background

The DWSP grant program was created during the 2023 legislative session through House Bill (HB) 2010 to provide grants to water suppliers to protect, restore, or enhance sources of drinking water through various forms of land acquisition. HB 2010 directed OWEB to establish the new grant program. Senate Bill 5506 allocated \$1 million in General Funds to the program and HB 5030 allocated \$4 million in Lottery Revenue Bond funding.

In July 2023, the board approved initiation of rulemaking for the DWSP program. Following rulemaking initiation, a Rulemaking Advisory Committee (RAC) was formed to assist in the development of administrative rules for the program. A list of the RAC members is found in **Attachment A**. The RAC convened virtually on six occasions between January and April 2024. RAC meetings were livestreamed and recorded for public viewing. A public comment period was also included in each meeting. The RAC process was longer than usual for this program due to unique aspects such as Lottery Revenue Bond funding and the drinking water focus, both of which are new to OWEB.

III. Public Comment on Proposed Drinking Water Source Protection Grant Program Rules

In addition to the public comment opportunity associated with each RAC meeting during which several people provided both verbal and written comments, OWEB released the

draft rules for formal public comment on April 30, 2024. The public comment period was open until June 7, 2024, with a virtual public hearing on May 15, 2024. A summary of the comments, and OWEB staff response, are provided in **Attachment B**. The one written comment that was received during the public comment period is provided in **Attachment C**. Two individuals attended the public hearing, but no verbal comments were provided.

OWEB solicited comments from the nine federally recognized Tribes in Oregon and the Nez Perce Tribe on the draft rules. No comments from Tribes were received.

Because the eligible applicants for this program are different than the typical entities that apply for OWEB grants, OWEB also sent notifications about the public comment period to the Oregon Association of Water Utilities, the Special Districts Association of Oregon, and the League of Oregon Cities. The agency also used standard notification processes, such as posting information to the OWEB website and circulating notices via GovDelivery, that are common to all OWEB rulemakings.

IV. Final Draft Drinking Water Source Protection Grant Program Rules

The final draft DWSP Grant Program rules are provided as **Attachment D** to the staff report. During the board meeting, staff will walk through the ruleset with the board. As the public comment period on the rules has closed, the board will not be receiving additional comments on the draft rules.

V. Survey of Potential Applicants

At the time of writing the report, OWEB had an open survey out to interested parties about the DWSP Grant Program to understand program demand and to provide staff with information to support the development of program materials. At the July meeting, staff will update the board briefly about some of the results.

VI. Recommendation

Staff recommends the board approve the Drinking Water Source Protection Grant Program administrative rules found in **Attachment D**.

VII. Attachments

- A. Rulemaking Advisory Committee Members
- B. Staff Summary and Response to Public Comments
- C. Written Comments Received
- D. Proposed Drinking Water Source Protection Grant Program Administrative Rules

2023-2024 Drinking Water Source Protection Rulemaking Advisory Committee (RAC) Members

Name	Organization	Job Title
Ann Vileisis	Port Orford	City Council President
Dan Brown	Environmental Protection Agency	Natural Resource Advisor
Daniel Wear	Sustainable Northwest	Forest Program Manager
Gabriela Ferreira	Oregon Water Resources Department	Hydrogeologist
Kristen Larson	Business Oregon	Water Funding Coordinator
Jon Wickersham	North Coast Land Conservancy	Associate Director
Julie Harvey	Oregon Department of Environmental Quality	Drinking Water Protection Coordinator
Lori Bell	Oregon Department of Forestry	Forestland Assistance and Incentives Manager
Michelle Smith	Coalition of Oregon Land Trusts (COLT)	Water Project Manager
Stephanie Reid	City of Lincoln City	Public Works Director
Steve Graeper	Rhododendron Water Association	President

Attachment B

Summary of Public Comments: OWEB Drinking Water Source Protection Grant Program (Division 48)

Rule: General			
Commenter(s)	Comments	Response	Rule Change
Karsyn Kendrick, Coalition of Oregon Land Trusts (COLT)	Recognizes that OWEB’s DWSP Grant Program is a proactive state investment in building resilient drinking water sources for Oregon’s communities. Highlights several communities interested in the program. Supports the rules as proposed with appreciation for the small and flexible match requirement and the Notice of Grant Requirements approach to ensuring perpetuity of fee simple investments.	Thank you for this comment in support of the DWSP Grant Program.	No

Attachment C

Public Comments: OWEB Drinking Water Source Protection Grant Program (Division 48)

First and Last Name	Karsyn Kendrick
Phone Number	7068296628
Email Address	karsyn@oregonlandtrusts.org
I wish to provide (select one):	written comment
If you are providing VERBAL comment, how do you plan to attend the meeting (select one):	
I want to provide comment at (select one):	OWEB Rulemaking Advisory Committee (Drinking Water Source Protection Program)
Agenda Topic / Item Letter	Drinking Water Source Protection Program Comments
Type Comment Here (comments may also be uploaded below):	
Request physical, language, or other accommodations	

Uploaded Files:

- [Source Water Grant RAC testimony.pdf](#)



COALITION OF OREGON LAND TRUSTS

2540 NE MLK JR BLVD, PORTLAND, OR 97212 • 503-719-4732 • OREGONLANDTRUSTS.ORG

June 4th, 2024

Oregon Watershed Enhancement Board
775 Summer Street NE
Salem, OR 97301

Members of the Board,

On behalf of the Coalition of Oregon Land Trusts (COLT), we appreciate the opportunity to provide public comments on the proposed rules for the Drinking Water Source Protection Grant Program.

COLT is a nonprofit membership organization that serves and strengthens the land trust community in Oregon by building connections and advancing policies that help protect our natural world. We represent 31 member organizations including land trusts, soil and water conservation districts, and conservation organizations working to protect clean water, fish, and wildlife habitat across the state. Our statewide community of land trusts cover geographies across Oregon, and are actively working with communities and water suppliers to protect drinking water sources using voluntary, market-based land conservation tools.

During the 2023 legislative session, we worked in close partnership with Sustainable Northwest and our legislative champions to build support for the creation of a grant program that would protect, restore, and enhance sources of drinking water. The program represents a proactive state investment in building resilient drinking water sources for Oregon's communities. Through our shared work, we were able to activate six communities in advocating for this



24 MEMBER ORGANIZATIONS: Blue Mountain Land Trust • Center for Natural Lands Management • Columbia Land Trust
Deschutes Land Trust • Ducks Unlimited • Forest Park Conservancy • Friends of the Columbia Gorge Land Trust
Greenbelt Land Trust • Klamath Lake Land Trust • Lower Nehalem Community Trust • McKenzie River Trust
North Coast Land Conservancy • Northwest Rangeland Trust • Oregon Agricultural Trust • Oregon Desert Land Trust
Pacific Forest Trust • Southern Oregon Land Conservancy • The Conservation Fund • The Nature Conservancy in Oregon
The Trust for Public Land • The Wetlands Conservancy • Willowa Land Trust • Western Rivers Conservancy • Wild Rivers Land Trust
8 ASSOCIATE MEMBER ORGANIZATIONS: Black Oregon Land Trust • Cerro Gordo Land Conservancy • Clackamas Soil & Water
Conservation District • East Multnomah Soil & Water Conservation District • Helvetia Community Association
Tualatin Soil & Water Conservation District • View the Future • Yamhill Soil & Water Conservation District

program during the legislative session including Neahkahnie Water District, the Rhododendron Water Association, and the cities of Newport, Reedsport, and Lincoln City.

COLT supports the proposed rules and thanks OWEB staff for their hard work to craft this grant program. The proposed rules provide an accessible and flexible framework that will ensure grant funds support the most vulnerable drinking water systems and water sources. The rules are carefully aligned with other grant and loan programs to ensure funded projects can leverage multiple funding sources in completing projects. The program's small and flexible match requirement is accessible for small and rural water suppliers while still ensuring the program encourages the use of other funding sources and meets statutory requirements. Lastly, the use of a notice of grant to secure fee acquisitions provides flexibility to complete timely land acquisition projects while ensuring the perpetuity of conservation and management of the drinking water source lands.

In our coalition work within the legislature to educate on the need for this program, we identified seven water utilities and municipalities that are eager to utilize this new funding to protect their drinking water sources. We look forward to working closely with these and other community partners and our members to utilize the new Drinking Water Source Protection Grant Program and to make the case in the legislature for additional funds for the program.

Thank you again for your hard work standing up this program, and for the opportunity to comment today.

Sincerely,

Karsyn Kendrick
Conservation Program Manager
Coalition of Oregon Land Trusts



Attachment D

Draft Rules: OWEB Drinking Water Source Protection Grant Program

(Division 48)

Chapter 695

Division 48

OWEB DRINKING WATER SOURCE PROTECTION GRANT PROGRAM

695-048-0010

Purpose

(1) These rules guide the Oregon Watershed Enhancement Board “OWEB” in administering the Drinking Water Source Protection Grant Program under the provisions of ORS 448.370-448.380. The program includes grants to Water Suppliers to protect, restore, or enhance sources of drinking water through:

- (a) The acquisition of lands from willing sellers;
- (b) Entering into covenants, easements, or similar agreements with willing landowners; or
- (c) Repaying a loan used to finance a Project as described in OAR 695-048-0010(1)(a) or (b).

(2) The program intent is that lands protected by this program will benefit a source of drinking water used by a Water Supplier.

(3) This Chapter 695, Division 48 supplements the OWEB Grant Program rules under OAR Chapter 695, Division 5, which also apply to this program. Division 48 provides specific requirements for the OWEB Drinking Water Source Protection Grant Program. In any conflict between these requirements and requirements identified in OAR 695-005, the Drinking Water Source Protection Grant Program requirements in this division will take precedence.

695-048-0020

Definitions

(1) “Community Drinking Water Enhancement and Protection Fund” is a fund established in the State Treasury for use by OWEB to carry out the purpose of ORS 448.370.

(2) “Community Water System” means a Public Water System that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year-round residents as defined in OAR 333-061-0020(25).

(3) "Conservation Easement" means a nonpossessory interest in real property that imposes limitations or affirmative obligations for the purposes of protecting, restoring, or enhancing lands where doing so will benefit a source of drinking water.

(4) "Drinking Water Source Area" is an area delineated under the source water assessment program of the federal Safe Drinking Water Act, 42 U.S.C. § 300j 13. This includes Drinking Water Protection Areas defined in OAR 333-061-0020(52) that are certified by Department of Environmental Quality or the Oregon Health Authority and drinking water source areas delineated by Tribes or by Environmental Protection Agency (EPA) for Tribal Public Water Systems. For a surface water-supplied drinking water source, the Drinking Water Source Area is a specifically determined part of a lake's, reservoir's, or stream's watershed that supplies water to the source. For a groundwater-supplied drinking water source, the Drinking Water Source Area is the surface area that directly overlies that part of the aquifer that supplies groundwater to a well, well field, or spring.

(5) "Drinking Water Source Protection Grants" are funded with the Community Drinking Water Enhancement and Protection Fund and awarded by OWEB to Grantees to protect, restore, or enhance sources of drinking water.

(6) "Grantee" means an applicant that enters into an agreement with OWEB to accomplish a Project.

(7) "Holder" has the meaning given to it in ORS 271.715, other than a state agency.

(8) "Long-Term Management Plan" means the planned future management and stewardship of the land for the benefit of drinking water pursuant to a Protective Instrument and that is intended to carry out the purposes of ORS 448.370 and is consistent with guidance established by OWEB. The term includes, but is not limited to, proposed restoration activities, strategies for monitoring, maintaining, managing, and improving the property, including providing signage, controlling access, enforcing use restrictions, and resolving violations.

(9) "Non-Transient Non-Community Water System" means a Public Water System that regularly serves at least 25 of the same persons over 6 months per year as defined in OAR 333-061-0020(86).

(10) "Notice of Grant Requirements" is a recorded document providing protection in perpetuity to Drinking Water Source Protection Grant Program investments in or on deeds conveying estates in fee simple absolute.

(11) "Oregon Very Small Water System" means a Public Water System, which serves 4 to 14 service connections or that serves commercial or public premises which are used by 10 to 24 people at least 60 days per year as defined in OAR 333-061-0020(91).

(12) "Partnership" means a collaboration between an eligible Water Supplier and a Holder that have agreed in writing to coordinating funding, expertise, materials, labor, or other assistance to a proposed Project. A Water Supplier may form a Partnership for the acquisition of any Protective Instrument.

(13) "Profit" means a positive difference between the original purchase price for the Protective Instrument acquired with OWEB grant funds and a subsequent purchase price for a transfer of the Protective Instrument or an estate in fee simple absolute minus the owner's property improvement costs that, from an accounting or tax perspective, are capitalized and not expensed.

(14) "Project" means the aggregate of eligible activities included in OAR 695-048-0100 that comprise an application and are specific to parcels of land, all of which are essential to the protection, restoration, or enhancement of a drinking water source.

(15) "Protective Instrument" means a legal document conveying an estate in fee simple absolute, granting a Conservation Easement, creating a real covenant or an equitable servitude, or establishing similar agreements for the purposes of protecting, restoring, or enhancing lands where doing so will benefit a drinking water source.

(16) "Public Water System" means a system for the provision to the public of piped water for human consumption, if such system has three or more service connections used by year round residents, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day as defined in OAR 333-061-0020(109). A Public Water System is either a "Community Water System," a "Transient Non-Community Water System," a "Non-Transient Non-Community Water System," or an "Oregon Very Small Water System".

(17) "Source Water Assessment" is an assessment completed under the source water assessment program of the federal Safe Drinking Water Act, 42 U.S.C. § 300j 13. This includes Source Water Assessments defined in OAR 333-061-0020(127) that are completed by Department of Environmental Quality or the Oregon Health Authority and Source Water Assessments completed by Tribes or by Environmental Protection Agency (EPA) for Tribal Public Water Systems. Source Water Assessments include delineation of the Drinking Water Source Area and an inventory and susceptibility analyses of the drinking water source.

(18) "Transient Non-Community Water System" means a Public Water System that serves a transient population of 25 or more persons as defined in OAR 333-061-0020(139).

(19) "Water Supplier" means any person, group of persons, municipality, district, corporation, or entity that owns or operates a Water System as defined in ORS 448.115.

(20) "Water System" means a system for the provision of water for human consumption through pipes or other constructed conveyances as defined in ORS 448.115.

695-048-0030

Protective Instrument Requirements

(1) A Protective Instrument accomplishing the protection, restoration, or enhancement of land for the benefit of a drinking water source, other than a deed conveying an estate in fee simple absolute, acquired with funds awarded in a Drinking Water Source Protection Grant shall include:

(a) A legal description of the land subject to the Protective Instrument acquired;

(b) The objectives of the grant and terms demonstrating how the Protective Instrument will meet those objectives;

(c) Specific obligations of the Grantee including, but not limited to:

(A) A requirement that the Grantee will monitor the property, at least annually, and enforce the terms in the Protective Instrument;

(B) A requirement that the Grantee will repay the grant funds to OWEB if Grantee fails to enforce the terms of the Protective Instrument;

(C) A covenant that the Grantee will not modify, assign, transfer, or convey the Protective Instrument without the consent of OWEB and, if applicable, the Department of Administrative Services; and

(D) Terms that provide for the obligations to run with the land and bind any successor in interest or permitted assignee.

(d) A requirement that OWEB and its designees will be provided sufficient legal access to the land protected, restored, or enhanced for the benefit of a drinking water source accomplished by the Protective Instrument acquired with Drinking Water Source Protection Grants, given reasonable notice, for the purpose of compliance inspections.

(e) The duration of the protection of land for the benefit of a drinking water source accomplished by the Protective Instrument:

(A) A Conservation Easement shall last in perpetuity.

(B) The duration of the protection of land for the benefit of a drinking water source accomplished by any other Protective Instrument, other than a deed conveying an estate in fee simple absolute, may last for a term unlimited in duration unless the instrument creating it otherwise provides. A real covenant term shall be set at 12-month increments only and not partial years.

(2) If the Project includes a Partnership with a Holder, and the Grantee will not hold the Protective Instrument, the Holder will be required to execute any Protective Instrument so that it meets the requirements in OAR 695-048-0030(1)(a)-(e).

(3) If a Grantee, or a Holder in Partnership with the Grantee, acquires an estate in fee simple absolute, the Grantee or the Holder, shall record on title a Notice of Grant Requirements that includes OAR 695-048-0030(1)(a)-(e).

695-048-0040

Eligible Applicants

(1) Eligible applicants include Water Suppliers with service populations at or below 25,000 users. Applicants described in OAR 695-005-0040(2) are not eligible for Drinking Water Source Protection Grants unless they otherwise qualify as Water Suppliers.

(2) Eligible Water Suppliers may form Partnerships with eligible Holders.

695-048-0050

Eligible Properties

(1) Eligible properties for Drinking Water Source Protection Grants are lands for which the acquisition of a Protective Instrument will result in the protection, restoration, or enhancement of those lands for the benefit a drinking water source used by the Water Supplier.

(2) Eligible properties must be partially or fully within a delineated Drinking Water Source Area.

695-048-0060

Eligible Systems

(1) Eligible Public Water Systems include:

- (a) Community Water Systems owned by a local government or non-profit Water Supplier;
- (b) Transient Non-Community Water Systems owned by a local government or non-profit Water Supplier;
- (c) Non-Transient Non-Community Water Systems owned by a local government or non-profit Water Supplier;
- (d) Oregon Very Small Water Systems owned by a local government or non-profit Water Supplier; and
- (e) Tribal Public Water Systems.

(2) The following Water Systems are ineligible for Drinking Water Source Protection Grants:

- (a) Federally owned Water Systems;
- (b) State owned Water Systems; and
- (c) Water Systems operated for profit.

695-048-0070

Maximum Grant Amount

The maximum available award for a Drinking Water Source Protection Grant is \$3,000,000.

695-048-0080

Matching Contributions

(1) Notwithstanding anything to the contrary in OAR Chapter 695, Division 5, a grant recipient shall provide at least five percent of the total Board Grant request as a match. Match contributions must be from non-OWEB sources.

(2) The following funds and activities qualify as match:

- (a) In-kind contributions to activities listed under OAR 695-048-0100;
- (b) Funding commitments made by others as a result of grant applicant efforts;
- (c) The forgiven portion of a loan that was used to acquire the Protective Instrument;
- (d) Interest paid on a loan that was used to acquire the Protective Instrument; and
- (e) A donated portion of a sale.

(3) Match contributions qualify if they were incurred no earlier than 18 months before the applicable Drinking Water Source Protection Grant application deadline.

(4) The Director retains the discretion to determine whether specific proposed match contributions not specifically identified in OAR 695-048-0080(2)(a)-(e) can be recognized as qualifying match.

695-048-0090

Application Requirements

(1) In accordance with ORS 448.370, OWEB will accept on a regular basis Drinking Water Source Protection Grant applications for the acquisitions of Protective Instruments that lead to the protection, restoration, or enhancement of drinking water sources.

(2) If a Water Supplier has formed or proposes to form a Partnership with a Holder, the application must include, at a minimum, the following information about the Partnership:

(a) A description of Partnership resources to assist with the long-term protection, restoration, or enhancement of drinking water sources.

(b) Whether the Partnership's mission supports the protection or restoration of natural resources and/or drinking water.

(c) Documentation of a formal commitment between Water Supplier and Holder.

(3) The application must include an ordinance, order, or resolution by the applicant's governing body authorizing the applicant to fulfill the obligations proposed in the applicant's grant application.

(4) The application must describe the timeline for acquiring the Protective Instrument within the period established by OWEB.

(5) If the applicant is requesting loan repayment, then the application must include the fully executed loan agreement if in place or a draft of the agreement if the loan is not yet incurred.

(6) The application must include a demonstration of Water System and/or well ownership and authority to use the water (i.e., holds pertinent water right or has legal access to pertinent water right).

(7) The application must show property proximity to drinking water intake and/or wells and confirmation of location fully or partially within a Drinking Water Source Area.

(8) Applicants must provide the Source Water Assessment of the Drinking Water Source Area and explain how the proposed Project will address the risk(s) identified in the Source Water Assessment, including:

(a) A description of land uses or activities that potentially result in pollution and may pose significant threat to water quality.

(b) A description of which pollutant(s) will be addressed.

(c) A description of how the protection, restoration, or enhancement of lands accomplished by the proposed Protective Instrument will reduce risk or pollutant load to the drinking water source.

(d) A map of the proximity of the land parcel and potential sources of pollution to sensitive areas for the drinking water source.

(e) For groundwater-supplied Drinking Water Source Areas, a description of the hydrologic or soil characteristics of the source area that potentially allow the transport of contaminants to the well.

(9) For Projects that provide water quantity benefits to a Drinking Water Source Area, the application must describe how the proposed Protective Instrument will protect or restore water storage capacity and/or baseflow for the drinking water source.

(10) Applications must include a description of community characteristics of the population served by the Water Supplier, including information about the following:

(a) Whether there are seasonal variations in the number of users and the impacts that has on the Water System;

(b) Whether drought or low water supply has impacted the Water System; and

(c) Information that demonstrates whether the Water Supplier is economically distressed due to:

(A) Small population size;

(B) The population served by the Water Supplier is lower income; or

(C) The Water Supplier serves a rural community.

(11) If a Conservation Easement or an estate in fee simple absolute transaction is not proposed, the application must explain the reasoning for the Protective Instrument proposed and the reasoning for the Project duration if less than perpetual.

(12) Applications must include documentation of an existing Long-Term Management Plan or the intent to develop a Long-Term Management Plan that incorporates measures targeted at maintaining or enhancing drinking water quality and/or quantity. If a Long-Term Management Plan does not exist or is not proposed, justification and rationale must be provided about why a Long-Term Management Plan is not necessary given the type of Protective Instrument proposed.

695-048-0100

Use of Grant Funds

Funding for the Community Drinking Water Enhancement and Protection Fund comes from the General Fund and from Lottery Revenue Bonds. Eligible costs for each fund source are specified in this section. Lottery Revenue Bonds shall not be used for loan repayment.

(1) Drinking Water Source Protection Grants may be applied towards costs related to:

(a) Acquiring lands from willing sellers for the purposes in ORS 448.370;

(b) Entering into real covenants, Conservation Easements, or similar agreements for the purposes of ORS 448.370, which are defined as Protective Instruments in these rules; and

(c) Repaying a loan used to finance a Project to protect, restore, or enhance lands consistent with OAR 695-048-0100(1)(a) or (b). If a Project involves the payoff of a Grantee's loan used to finance the acquisition of a Protective Instrument, and the loan is forgivable in part, the Grantee cannot be reimbursed by OWEB for the forgiven portion of the loan.

(2) Use of Lottery Revenue Bond funds deposited into the Community Drinking Water Enhancement and Protection Fund may only be applied to a Project for acquisition of Protective Instruments that include the protection, restoration, or enhancement of lands for the benefit of drinking water source accomplished through the following: an estate in fee simple absolute, Conservation Easement, or other legal agreements drafted to run with the land and survive in perpetuity.

(3) Eligible costs for Projects under OAR 695-048-0100(1)(a) or (b) that are funded with Lottery Revenue Bonds deposited into the Community Drinking Water Enhancement and Protection Fund must be only "capital expenditures" for federal income tax purposes as defined by 26 C.F.R. § 1.150-1(b). This term includes both capitalized and capitalizable expenditures. Eligible costs include:

(a) The purchase price associated with the Protective Instrument.

(A) The purchase price shall be based on an appraisal and review appraisal completed in accordance with applicable appraisal standards, including the Uniform Standards of Professional Appraisal Practice for an estate in fee simple absolute and Conservation Easement acquisitions.

(B) Other methods of substantiating the purchase price conducted by an independent third-party entity may be accepted at the discretion of OWEB for all other Protective Instruments.

(b) The staff and contractor costs incurred as part of the acquisition process related to the Protective Instrument. Staff and contractor costs (labor hours) must be documented and tracked to the Project and capitalizable to the asset.

(c) The cost of due diligence activities associated with acquisition of the Protective Instrument after the specific property has been identified and that are capitalizable to the asset, including appraisal or other method of substantiating the purchase price, environmental site assessment, survey, title review, consultant fees, and other customary due diligence activities.

(d) The cost of baseline inventory preparation documenting the natural and human characteristics and conditions of the specific property at the time of acquisition. The cost of the baseline inventory must be capitalizable to the asset.

(e) Discrete legal costs incurred by the Water Supplier that are specific to the acquisition of the asset, and capitalizable to the asset. Legal costs (labor hours) must be documented and tracked. General in-house legal costs that are related to the overall management or policy of the entity are not eligible.

(f) Closing fees, including recording and title insurance costs. Pre-payments, such as those that fund the escrow account for insurance, taxes, or interest payments, are not eligible.

(g) For the costs in OAR 695-048-0100(3)(a)-(f) to be eligible for reimbursement by OWEB, costs must have been incurred no earlier than 60 days prior to the issuance of the Lottery Revenue Bonds.

(4) Eligible costs for Projects under OAR 695-048-0100(1)(a)-(c) that are funded with General Funds deposited into the Community Drinking Water Enhancement and Protection Fund include:

(a) The purchase price associated with the Protective Instrument.

(A) The purchase price shall be based on an appraisal and review appraisal completed in accordance with applicable appraisal standards, including but not limited to the Uniform Standards of Professional Appraisal Practice for an estate in fee simple absolute and Conservation Easement acquisitions.

(B) Other methods of substantiating the purchase price conducted by an independent third-party entity may be accepted at the discretion of OWEB for all other Protective Instruments.

(b) The interest on bridge loans needed to close on the Protective Instrument prior to when funding will be available for distribution through the program.

(c) The staff and contractor costs incurred as part of the Protective Instrument acquisition process related to the property.

(d) The cost of due diligence activities, including appraisal or other method of substantiating the purchase price, environmental site assessment, survey, title review, consultant fees, and other customary due diligence activities.

(e) The cost of baseline inventory preparation documenting the natural and human characteristics and conditions of the specific property at the time of the acquisition of the Protective Instrument.

(f) The legal fees incurred by the Water Supplier related to the Project. General in-house legal costs that are related to the overall management or policy of the entity are not eligible.

(g) The closing fees, including recording and title insurance costs.

(h) The cost of developing a Long-Term Management Plan to meet program requirements.

(i) Indirect costs of the Grantee, dependent on available funding.

(j) For the costs in OAR 695-048-0100(4)(a)-(i) to be eligible for reimbursement by OWEB, costs must have been incurred no earlier than 18 months before the applicable Drinking Water Source Protection Grant application deadline.

695-048-0110

Evaluation Criteria

Drinking Water Source Protection Grant applications shall be evaluated on the following criteria:

(1) Significance of the acquisition of the Protective Instrument to the protection, restoration, or enhancement of drinking water sources with respect to sensitive areas, potential pollutants, and potential sources of pollution identified in the Source Water Assessment for the Drinking Water Source Area.

- (2) The capacity and experience of the applicant and, if a Partnership is proposed, the Holder, to achieve the ongoing management and stewardship of the Protective Instrument, and the property if applicable, as the long-term owner.
- (3) The strength of the technical, legal, and financial aspects of the real estate transaction.
- (4) Project readiness, including, but not limited to, the capacity of the parties engaged in the Project to complete acquisition transaction and due diligence steps within OWEB established timelines, and quality of due diligence information provided by the applicant.
- (5) The Climate-Related Evaluation Criteria described in OAR 695-005-0045.
- (6) For applicants that form Partnerships with eligible Holders:
 - (a) Demonstrated capacity and resources for long-term protection, restoration, or enhancement of drinking water sources.
 - (b) A Partnership mission that is in support of protection or restoration of natural resources and/or drinking water.
 - (c) A clearly defined and documented Partnership including respective roles and responsibilities.
- (7) The impacts of at least one of the following limiting factors on the Water System that will benefit from the proposed project:
 - (a) The extent to which seasonal variations in the number of users is affecting the Water System;
 - (b) The extent to which drought or low water supply is affecting the Water System; or
 - (c) The extent of risks to water quality.
- (8) The Water Supplier is economically distressed due to a small population size, the population served is lower income, or the population served is rural.
- (9) The duration and type of the Protective Instrument, with a preference for longer term agreements.
- (10) Implementation of a Long-Term Management Plan or the intent to develop a Long-Term Management Plan that incorporates measures targeted at maintaining or enhancing drinking water quality and/or quantity. If the acquisition is for a Protective Instrument other than one accomplishing the conveyance of an estate in fee simple absolute or granting of a Conservation Easement and a Long-Term Management Plan is not proposed, the strength of the required justification and rationale about why a Long-Term Management Plan is not necessary given the type of Protective Instrument proposed.
- (11) The degree and urgency of risk to the land and the associated Drinking Water Source Area if the proposed protection, restoration, or enhancement of lands for the benefit of drinking water accomplished by the proposed Protective Instrument is not implemented.

695-048-0120

First Grant Solicitation Cycle

For applications submitted during the first grant solicitation cycle of the Drinking Water Source Protection Grant Program, Matching Contributions (OAR 695-048-0080), Use of Grant Funds (OAR 695-048-0100), and Evaluation Criteria (OAR 695-048-0110) are modified in the following respects (collectively, the “First Cycle Modifications”):

- (1) Loan repayment and associated eligible costs are eligible activities that can be funded by General Funds for transactions that have closed no more than 60 months before the applicable Drinking Water Source Protection Grant application deadline.
- (2) Eligible match for Projects described in OAR 695-048-0100(1)(a)-(c) can date back to 60 months before the applicable Drinking Water Source Protection Grant application deadline for projects funded by General Funds.
- (3) A third-party demonstration of market value of the Protective Instrument is not required for loan repayments.
- (4) OWEB retains discretion to not apply some evaluation criteria in OAR 695-048-0110 to applications submitted for loan repayment during the first grant solicitation cycle.
- (5) The First Cycle Modifications do not apply to any grant cycle other than the program’s initial grant cycle.

695-048-0130

Grant Agreement Conditions

Upon Board approval of a Grant, the Board shall enter into a grant agreement with the Grantee that shall include conditions as the Board deems appropriate to the particular circumstances of the Project, including but not limited to:

- (1) The Grantee agrees to develop a Long-Term Management Plan if deemed appropriate and necessary by the Board. In all cases for estates in fee simple absolute, that includes, but is not limited to the stewardship, monitoring, and uses of the property intended to carry out the purposes of ORS 448.370, developed in accordance with Long-Term Management Plan content described in the grant agreement with OWEB.
- (2) OWEB review and approval of the Partnership agreement between the Grantee and the Holder.
- (3) Subsequent conveyances requirements per OAR 695-048-0180.

695-048-0140

Board Approval and Delegation of Authority

- (1) The Board shall approve grants in accordance with this OAR Chapter 695, Division 48. The Director is delegated all necessary authority to ensure that funding conditions required by the Board are fully satisfied by the Grantee.
- (2) Other than provided for in OAR 695-048-0160(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 if all conditions required by the Board are not satisfied within 18 months of the conditional Board approval, unless a time extension is approved by the Board.

695-048-0150

Public Comment on Grant Applications

OWEB shall provide the public with meaningful opportunities to comment on grant applications being considered by the Board. In a manner consistent with this requirement, OWEB will provide written notice to the governing bodies of cities and counties with jurisdiction in the area of the proposed Protective Instrument, as well as affected governmental agencies and Tribes, of the Board's intent to consider:

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

695-048-0160

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 transaction closing as the following conditions are met:

- (a) A grant agreement is executed by the Director and the Grantee;
- (b) The funding conditions applicable to the allowable cost, if any, imposed by the Board are satisfied to the full satisfaction of the Director;
- (c) The legal and financial terms of the proposed real estate transaction are approved by the Director;
- (d) The Protective Instrument and any required title restrictions are approved by the Director;
- (e) The Director has reconciled conditionally approved funding with actual Project costs; and
- (f) The Grantee has satisfied the match requirements under OAR 695-048-0080.

(2) For grants established under these rules, the Director is authorized to reimburse the Grantee for allowable costs as identified in OAR 695-048-0100. Costs incurred in a Project by a Holder may be reimbursed if they have a Partnership established with the Grantee and reimbursements are requested through the Grantee.

(3) Notwithstanding OAR 695-048-0160(1)(c)-(f), funds may be distributed prior to transaction closing for staff costs and due diligence activities specified in OAR 695-048-0100 and included in the application budget.

695-048-0170

Compliance and Enforcement

(1) The ongoing use of the land addressed in the Protective Instrument acquired with Drinking Water Source Protection Grants shall be consistent with the purposes specified in ORS 448.370. OWEB may initiate any and all legal remedies available to OWEB to address compliance issues, including but not limited to recovery of the OWEB grant funds used to purchase the Protective Instrument, and reasonable interest and penalties at the option of the Director.

(2) A Grantee is responsible for fulfilling the terms and conditions of any agreement:

(a) Between the Grantee and the Board;

(b) Between the Grantee and a landowner, or other person or entity, necessary for the Grantee to carry out the Project for which a grant has been awarded; and

(c) If a Partnership is proposed, between the Grantee and the Holder.

(3) OWEB and the Board are not liable to any landowner, person, or entity for the failure of a Grantee to fulfill the terms or conditions of any agreement between the person or entity and the Grantee.

695-048-0180

Subsequent Conveyances

Any subsequent conveyance of an estate in fee simple absolute, assignment or modification of a Conservation Easement, transfer, assignment or modification of a real covenant, equitable servitude, or other agreement established for the purposes of protecting, restoring, or enhancing lands for the benefit of a drinking water source accomplished through a Protective Instrument acquired with Community Drinking Water Enhancement and Protection Fund monies must:

(1) Comply with the requirements of ORS 541.960 as applicable; be made subject to Board approval and, if applicable, Department of Administrative Services approval; and ensure that the modification, transfer, conveyance, or assignment shall not result in a Profit;

(2) For an estate in fee simple absolute and Conservation Easements, be transferred, conveyed, or assigned only to eligible applicants or eligible Holders; and

(3) Comply with the requirements of ORS 448.370 and OAR Chapter 695, Division 48.

695-048-0190

Waiver of Rules

The Director may waive the requirements of Chapter 695, Division 48 for individual grant applications unless required by statute, when doing so will result in more efficient or effective implementation of the Drinking Water Source Protection Grant Program. Any waiver must be in writing and included in the grant file to which the waiver applies.



OREGON
WATERSHED
ENHANCEMENT BOARD

Agenda Item T

Oregon Agricultural Heritage Program

Extensions and Commission Appointment

Board Meeting July 22-24, 2024



Oregon

Tina Kotek, Governor



OREGON
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Agenda Item T supports OWEB's Strategic Plan priority #5: The value of working land is fully integrated into watershed health.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Taylor Larson, *Oregon Agricultural Heritage Program (OAHP) Coordinator*
Renee Davis, *Acquisitions and Special Programs Manager*
SUBJECT: Agenda Item T – OAHP Extensions and OAHC Appointment
[July 22-24, 2024, Board Meeting](#)

I. Introduction

This staff report provides an overview of the need for timeline extensions for open Oregon Agricultural Heritage Program (OAHP) Conservation Easement Grants and the appointment of an Oregon State University (OSU) Extension representative to the Oregon Agricultural Heritage Commission (OAHC).

II. OAHP Conservation Easement Extensions

A. Background

In April of 2023, the board awarded seven OAHP Working Land Conservation Easement Grants. Since that time, staff have worked closely with grantees to move projects toward closing. Each grant awarded by the board is conditioned on general and project-specific due diligence requirements, which must be met before funds are released for the transaction. Several factors have resulted in project delays that may result in grantees being unable to complete their easement transactions by the closing deadlines identified in their grant agreements.

B. Considerations Regarding OAHP Conservation Easement Projects

Conservation easements are complex real estate transactions that involve significant considerations by the entity holding the easement, the landowner granting the easement, and the funding entities. Throughout the process to date, several factors have contributed to extended timing needs for all projects, including: the timing and availability of appraisers to complete the required appraisal reports; complicated conservation easement negotiations; alignment of multiple funders' timelines; and overall learnings regarding the first-time application of OAHP statutes, administrative rules, and program requirements in the context of each OWEB funded working lands conservation easement project. Recognizing these realities and being mindful of the importance of adaptively

managing the OAHP program based on learnings, staff believe providing additional time to grantees to complete work is warranted. During the OAHP rulemaking that is underway, and in the OAHC’s role in serving as the Rules Advisory Committee, the Commission will have an opportunity to consider whether 18 months is the appropriate amount of time to meet all conditions for this program.

III. OAHC Appointment – OSU Extension

In January 2024, the board appointed Jeff Reimer to the Oregon Agricultural Heritage Commission to represent the Oregon State University Extension Service. Due to a change in job duties, Jeff resigned from the OAHC effective May 22, 2024. On May 23, 2024, Dr. Daniel Bigelow was nominated by the Director of OSU Extension to fill the seat (**Attachment A**). Dr. Bigelow’s curriculum vitae (CV) is included as **Attachment B**.

IV. Staff Recommendation

Staff recommend the board approve extending the timeline for satisfying all conditions included in all open OAHP Working Land Covenant and Easement grant agreements, including closing dates, by nine months as detailed in Table 1 below. Staff also recommend the board appoint Dr. Daniel Bigelow to the Oregon Agricultural Heritage Commission for a term ending January 2028.

Grant #	Project Name	Award	Existing Closing Deadline	Proposed Closing Deadline
223-7100-22521	Seely	\$267,297	10/28/2024	7/28/2025
223-7101-22522	O’Keefe	\$277,776	10/28/2024	7/28/2025
223-7103-22597	Hagen	\$269,255	10/28/2024	7/28/2025
223-7104-22600	Wahl	\$2,702,395	10/28/2024	7/28/2025
223-7105-22611	Pitchfork T	\$121,134	10/28/2024	7/28/2025
223-7106-22616	Aspen Valley	\$263,779	10/28/2024	7/28/2025

Table 1. OAHP easement projects recommended for extension.

V. Attachments

- A. Dr. Bigelow Nomination Letter
- B. Dr. Bigelow CV

Oregon Agricultural Heritage Program (OAHP)

Elliott, Kristopher <kristopher.elliott@oregonstate.edu>

Thu 5/23/2024 9:10 AM

To:LARSON Taylor * OWEB <Taylor.LARSON@oweb.oregon.gov>

Cc:Tarrant, Kim <Kim.Tarrant@oregonstate.edu>;Dr Sam Angima <Sam.Angima@oregonstate.edu>;Bigelow, Daniel <daniel.bigelow@oregonstate.edu>;Jeff Reimer <Jeff.Reimer@oregonstate.edu>

You don't often get email from kristopher.elliott@oregonstate.edu. [Learn why this is important](#)

Hi Taylor,

I nominate Dan Bigelow to represent OSU Extension in the Oregon Agricultural Heritage Program. Dan will replace Jeff Reimer who is stepping down.

With Gratitude,

Kris

--

Kristopher M. Elliott, Ph.D. (*he/him*)

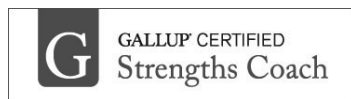
Interim Vice Provost for Extension and Engagement

Interim Director - OSU Extension Service

Oregon State University

102 Ballard Hall | Corvallis, OR 97331 | Direct: 541-737-1381 | Fax: 541-737-4423

[Email](#) | [Website](#)



Responsibility | Arranger | Communication | Maximizer | Individualization

Oregon State University is located in the traditional territory of the Ampinefu ("Mary's River") band of the Kalapuya. After the Kalapuya Treaty (Treaty of Dayton) in 1855, Kalapuya people were forcibly removed to what are now the Grand Ronde and Siletz reservations, and are now members of Confederated Tribes of the Grand Ronde Community of Oregon (<https://www.grandronde.org>) and the Confederated Tribes of Siletz Indians (<http://ctsi.nsn.us>).

Daniel P. Bigelow

Oregon State University
 Corvallis, OR 97331
 E-mail: daniel.bigelow@oregonstate.edu

Education

Ph.D. Applied Economics, Oregon State University, 2015
 M.S. Resource Economics, University of Massachusetts, Amherst, 2010
 B.S. Resource Economics, University of Massachusetts, Amherst, 2008

Professional Appointments

Oregon State University, 2022-present
 Assistant Professor, Department of Applied Economics
 Montana State University, 2019-2022
 Assistant Professor, Department of Agricultural Economics and Economics
 U.S. Department of Agriculture, Economic Research Service, 2015-2019
 Research Economist, Rural and Resource Economics Division
 Supervisor: Jeffrey Hopkins

Research

Journal Articles

14. Wing, H., D.P. Bigelow, and K.B. Fuller. 2024. "Does temporary land retirement promote organic adoption? Evidence from the Conservation Reserve Program." Forthcoming, *American Journal of Agricultural Economics*.
13. Kourakos, G., G. Brunetti, D.P. Bigelow, S. Wallander, and H. Dahlke. 2023. "Optimizing managed aquifer recharge locations in California's Central Valley using an evolutionary multi-objective hydrological model." *Water Resources Research*, 59 (5).
12. Bigelow, D.P. and T. Kuethe. 2023. "The impact of preferential farmland taxation on local public finances." *Regional Science and Urban Economics*, 98.
11. Reznik, A., A. Dinar, S. Bresney, L. Forni, B. Joyce, S. Wallander, D. Bigelow, and I. Kan. 2022. "Institutions and the economic efficiency of managed aquifer recharge as a mitigation strategy against drought impacts on irrigated agriculture in California." *Water Resources Research*, 58 (6).
10. Bigelow, D.P., D.J. Lewis, and C. Mihiar. 2022. "A major shift in U.S. land development avoids significant losses in forest and agricultural land." *Environmental Research Letters*, 17 (2).
9. Bigelow, D.P. and T. Kuethe. 2020. "A tale of two borders: Use-value assessment, land development, and irrigation investment." *American Journal of Agricultural Economics*, 102 (5): 404-424.
8. Bigelow, D.P., J. Ifft, and T. Kuethe. 2020. "Following the market? Hedonic analysis using sales prices versus self-reported values." *Land Economics*, 96 (4): 418-440.

7. Bigelow, D.P., A. Chaudhry, J. Ifft, and S. Wallander. 2019. "Agricultural water trading restrictions and drought resilience." *Land Economics*, 95 (4): 473-493.
6. Bigelow, D.P. and H. Zhang. 2018. "Supplemental irrigation water rights and climate change adaptation." *Ecological Economics*, 154: 156-167.
5. Ifft, J., D.P. Bigelow, and J. Savage. 2018. "The impact of irrigation restrictions on cropland values in Nebraska." *Journal of Agricultural and Resource Economics*, 43 (2): 195-214.
4. Jaeger, W. K., A. Amos, D.P. Bigelow, H. Chang, D.R. Conklin, R. Haggerty, C. Langpap, K. Moore, P. Mote, A. Nolin, A.J. Plantinga, C. Schwartz, D. Tullos, D. Turner. 2017. "Finding water scarcity amid abundance using human-natural system models." *Proceedings of the National Academy of Sciences*, 114 (45): 11884–11889.
3. Bigelow, D.P., A.J. Plantinga, D.J. Lewis, and C. Langpap. 2017. "How does urbanization affect water withdrawals? Insights from an econometric-based landscape simulation." *Land Economics*, 93 (3): 413-436.
2. Bigelow, D.P. and A.J. Plantinga. 2017. "Town people and country people: Effects of growth controls on equilibrium sorting and land prices." *Regional Science and Urban Economics*, 65: 104-115.
1. Dempsey, J.A., A.J. Plantinga, J.D. Kline, J.J. Lawler, S. Martinuzzi, V.C. Radeloff, and D.P. Bigelow. 2017. "Effects of local land-use planning on development and disturbance in riparian areas." *Land Use Policy*, 60: 16-25.

Working Papers

5. Bigelow, D.P. and M. Jodlowski. 2024. "Non-classical measurement error in farmland markets with implications for Ricardian analysis." Revise and resubmit. (Previously circulated as "Self-reporting and aggregation bias in Ricardian climate impacts: Evidence from observed farmland sales")
4. Aragon, N.U., Y. Xie, D. Bigelow, T. Lark, and A. Eagle. 2024. "Realistic potential of soil carbon sequestration in U.S. croplands for climate mitigation." Revise and resubmit.
3. Jaeger, W.K., J. Antle, S.B. Gingerich, and D. Bigelow. 2023. "Gauging Sustainable Groundwater Management with a Hydro-economic System Model: Investigations in the Harney Basin, Oregon." Revise and resubmit.
2. McCollum, C. and D.P. Bigelow. 2023. "Do agricultural conservation easements promote farm investment?"
1. Kuethe, T. and D.P. Bigelow. 2018. "Bargaining power in farmland rental markets."

Selected Research in Progress

2. "Does use-value assessment actually constrain land development?" (with T. Kuethe).
1. "The impact of urban growth boundaries on development density" (with J. Gallagher)

Government, Extension, and Other Publications

14. Bigelow, D. 2024. "Oregon Agriculture by the Numbers – Part 2: Distribution of Farms by Acreage and Sales". OSU Extension article.
13. Bigelow, D. 2024. "Oregon Agriculture by the Numbers – Part 1: Total Farms, Farmland Acres, and Sales". OSU Extension article.

12. Bigelow, D. 2023. "Most recent cash rental rate estimates paint a mixed portrait for Oregon". OSU Extension Article.
11. Bigelow, D. 2023. "Farmland value in Oregon continues to rise in most categories". OSU Extension Article.
10. Ayres, A. and D.P. Bigelow. 2022. "Engaging irrigation districts in water markets: Ideas to address modern water scarcity." Chapter in *The Future of Water Markets: Obstacles and Opportunities*. Property and Environment Research Center (PERC), Bozeman, MT.
9. Reznik, A., A. Dinar, S. Bresney, L. Forni, B. Joyce, S. Wallander, D. Bigelow, and I. Kan. 2021. "Can Managed Aquifer Recharge Mitigate Drought Impacts on California's Irrigated Agriculture? The Role for Institutions and Policies." *ARE Update* 24 (4): 5-8. University of California, Giannini Foundation of Agricultural Economics.
8. Bigelow, D. and D. Hellerstein. 2020. "In recent years, most expiring land in the Conservation Reserve Program returned to crop production." *Amber Waves*, finding.
7. Bigelow, D., R. Claassen, D. Hellerstein, V. Breneman, R. Williams, and C. You. 2020. *The Fate of Land in Expiring Conservation Reserve Program Contracts, 2013-16*. U.S. Department of Agriculture, Economic Research Service, EIB-215, January.
6. Bigelow, D. 2019. "Chapter 1.2 - Major Uses of Land in the United States", "Chapter 1.3 - Farmland Values", and "Chapter 1.4 - Farmland Ownership and Tenure". In D. Hellerstein, D. Vilorio, and M. Ribaud (Eds.), *Agricultural Resources and Environmental Indicators, 2019*. U.S. Department of Agriculture, Economic Research Service, EIB-202, May.
5. Bigelow, D. 2017. "A primer on land use in the United States." *Amber Waves*, data feature.
4. Bigelow, D.P. and A. Borchers. 2017. *Major Uses of Land in the United States, 2012*. U.S. Department of Agriculture, Economic Research Service, EIB-178, August.
3. Jaeger, W., A.J. Plantinga, C. Langpap, D. Bigelow, and K. Moore. 2017. *Water, Economics, and Climate Change in the Willamette Basin, Oregon*. Oregon State University Extension Service, EM 5197, February.
2. Bigelow, D., A. Borchers, and T. Hubbs. 2016. *U.S. Farmland Ownership, Tenure, and Transfer*. U.S. Department of Agriculture, Economic Research Service, EIB-161, August.
1. Bigelow, D. and T. Hubbs. 2016. "Land acquisition and transfer in U.S. agriculture." *Amber Waves*, feature article.

Blog posts

OSU Applied Economics Outreach Blog

10. Bigelow, D. "Have Oregon's urban growth boundaries been too conservation-friendly?" (2024/03/27)
9. Bigelow, D. "Does the Conservation Reserve Program promote organic transition?" (2024/02/28)
8. Bigelow, D. "California Forever: A glance at the underlying economic and policy issues" (2024/01/25)
7. Bigelow, D. "How well do surveys capture farmland market conditions in Oregon?" (2024/01/04)
6. Bigelow, D. "Most recent cash rental rate estimates paint a mixed portrait for Oregon" (2023/10/20)
5. Delbridge, T. and D. Bigelow "What does the EPA Vulnerable Species Pilot Project mean for Oregon agriculture?" (2023/08/28)

4. Bigelow, D. "Per latest USDA estimates, most categories of farmland value in Oregon continue to rise" (2023/08/09)
3. Bigelow, D. "Forestland accounts for a majority of land conversion in Oregon" (2023/07/07)
2. Bigelow, D. "Oregon develops far less forest and agricultural land than its neighbors" (2023/06/01)
1. Bigelow, D. "An overview and recent snapshot of farmland rental in Oregon" (2023/04/21)

Also authored 11 posts at AgEconMT.com in previous position at Montana State University.

Competitive Awards and External Funding

U.S. Department of Agriculture, Office of the Chief Economist, 2023. \$125,000. "Impacts of Changing Pesticide Regulations on Farm Operations, Farmland Values, and Agricultural Markets."

U.S. Department of Agriculture, U.S. Forest Service, 2023. \$998,289. "Assessing the Participation, Effectiveness, and Equity of Revegetation Assistance Programs for Private and Tribal Landowners in the U.S. using Evidence-based Policy and Participatory Action Research Approaches." OSU share = \$49,000.

U.S. Department of Agriculture, U.S. Forest Service, 2022. Joint Venture Agreement, \$198,425. "Are timberland markets forward-looking with respect to climate change?" (with D. Lewis).

U.S. Department of Agriculture, Economic Research Service, 2021. Cooperative agreement, \$15,000. "Major Land Uses report, 2017 edition."

National Institute of Food and Agriculture, Agricultural and Food Research Initiative Competitive Grants Program, 2020, \$499,686. "How Do Urbanization and Other Large-Scale Drivers Affect Timberland and Farmland Markets? A Parcel-Level National Econometric Analysis." (with D. Lewis)

Montana State University Initiative for Regulation and Applied Economic Analysis, 2020, \$9,000 (\$14,575 requested). "A Comprehensive Assessment of the Comparability of Self-Reported and Observed Farmland Prices."

Montana State University Initiative for Regulation and Applied Economic Analysis, 2019, \$12,500. "A Comprehensive Assessment of the Comparability of Self-Reported and Observed Farmland Prices."

Economic Research Service, Rural and Resource Economics Division, Competitive Research Grant, 2018, \$29,638. "Land Tenure, Conservation, and Owner Absenteeism: Insights from Joint Analysis of Federal and State Survey Data."

Economic Research Service, Rural and Resource Economics Division, Competitive Research Grant, 2016, \$20,000. "TOTAL and Major Land Uses personnel extension funding."

Conference/Workshop Presentations and Invited Seminars

2024 Oregon State University, brownbag seminar, co-presenter (Feb.)
 Endangered Species Act @ 50 Symposium, presentation and panel discussion (Klamath Falls, OR; participated virtually)
 (upcoming) Pacific Northwest Regional Economic Conference 2024 (Bend, OR)
 (upcoming) WEAI Annual Conference, AERE-sponsored session (Seattle, WA)

2023 Oregon State University, brownbag seminar (Feb.)

- AAEA Annual Meeting (Washington, DC)
 TWEEDS (Portland, OR)
 Oregon State University, brownbag seminar (Oct.)
- 2022 JFKInterviews, Freie Universitat (virtual)
 Oregon State University, Department of Applied Economics (virtual)
 W4133 Multi-state Project 2022 Annual Meeting (Hood River, OR)
 The Forest Stewards Guild (virtual)
 Property and Environment Research Center, *The Future of Private Land Conservation: Obstacles and Opportunities* Workshop (Bozeman, MT)
- 2021 Montana State University Annual Agricultural Economics Outlook Conference (Bozeman, MT)
 Montana State University Brownbag Seminar Series (virtual)
 Property and Environment Research Center, *The Future of Water Markets: Obstacles and Opportunities* Workshop (virtual)
- 2020 Western Agricultural Economics Association Annual Conference (virtual)
 American Economic Association Annual Conference (virtual; non-presenting session chair)
 Montana State University Annual Agricultural Economics Outlook Conference (virtual)
- 2019 Montana State University Annual Agricultural Economics Outlook Conference (Bozeman, MT)
 Association of Environmental and Resource Economists Summer Conference (Incline Village, NV)
 Southern Regional Science Association Conference (discussant) (Washington, DC)
 Montana State University, Department of Agricultural Economics and Economics (Bozeman, MT)
 Utah State University, Department of Applied Economics (Logan, UT)
 Public Policy Institute of California, Water Policy Center (San Francisco, CA)
 University of Georgia, Department of Agricultural and Applied Economics (Athens, GA)
- 2018 World Congress of Environmental and Resource Economists (Gothenburg, Sweden)
 Northeastern Agricultural and Resource Economics Association Annual Conference (Philadelphia, PA)
 The Nature Conservancy Workshop on Soil Health and Land Ownership (Indianapolis, IN)
- 2017 Land for Good, Changing Lands Changing Hands National Conference (invited plenary speaker; Denver, CO)
 Association of Environmental and Resource Economists Summer Conference (Pittsburgh, PA)
 Multi-Resolution Land Characteristics Consortium Annual Workshop (Washington, DC)
- 2016 Southern Economics Association Conference, AERE sessions (Washington, DC)
 Agricultural and Applied Economics Association Annual Conference (2x, presentation and poster; Boston, MA)
- 2015 Southern Economics Association Conference, AERE sessions (New Orleans, LA)
 Association of Environmental and Resource Economists Summer Conference (San Diego, CA)
 Oregon State University, College of Forestry (Corvallis, OR)
 Food and Drug Administration (Silver Spring, MD)
 U.S. Department of Agriculture, Economic Research Service (Washington, DC)
 National Science Foundation (poster) (Arlington, VA)
 Western Michigan University, Department of Economics (Kalamazoo, MI)
- 2014 Oregon State University Graduate Student Seminar (Corvallis, OR)
 Oregon Resource and Environmental Economics Workshop (Salem, OR)

Heartland Environmental and Resource Economics Workshop, University of Illinois, Urbana-Champaign (poster; Champaign, IL)

2013 Association of Environmental and Resource Economists Summer Conference (Banff, Alberta, Canada)
Oregon State University Hydrophiles Water Research Symposium (Corvallis, OR)

Teaching

Montana State University

ECNS 309: Managerial Economics

AGBE 345: Agricultural Finance and Credit Analysis/ECNS 345: Economic Finance, Organization, and Credit

Oregon State University

Teaching assistant, AEC 623: Advanced Econometrics II

Teaching assistant, AREC 250: Environmental and Resource Economics

University of Massachusetts, Amherst

Primary instructor, RESEC 102: Introduction to Resource Economics

Teaching assistant, RESEC 212: Introductory Statistics

Professional Service and Affiliations

Referee: *Agricultural Finance Review*, *American Economic Journal: Applied Economics*, *American Journal of Agricultural Economics*, *Applied Economic Perspectives and Policy*, *Applied Economics*, *Canadian Journal of Agricultural Economics*, *Earth's Future*, *Ecological Economics*, *Empirical Economics*, *Journal of Agricultural and Applied Economics*, *Journal of the Agricultural and Applied Economics Association*, *Journal of Agricultural and Resource Economics*, *Journal of Applied Farm Economics*, *Journal of the Association of Environmental and Resource Economists*, *Journal of Development Studies*, *Journal of Environmental Economics and Management*, *Journal of Environmental Management*, *Land Economics*, *Land Use Policy*, *PLoS ONE*, *Q Open*, *Science*, *USDA - Economic Research Service*, *Water Resources and Economics*, *Water Resources Research*, *Western Economics Forum*, *World Development*

Grant reviewer: Swiss National Science Foundation (2021), Western Sustainable Agriculture Research and Education (2021), National Science Foundation (2024)

Conference abstract reviewer: Northeastern Agricultural and Resource Economics Association (2019-2021), Agricultural and Applied Economics Association Annual Conference (2020-2024), Western Agricultural Economics Association Annual Conference (2020-2022; Environmental and Resource Economics Section Leader in 2022)

Member: Association of Environmental and Resource Economists (AERE), Applied and Agricultural Economics Association (AAEA), Western Agricultural Economics Association (WAEA), American Economic Association (AEA)

USDA, Economic Research Service Intern Mentor: Jason Troendle (2016; M.S. student at Cornell University), Margaret Jodlowski (2018; Ph.D. student at Cornell University), Sergio Cisneros (2019; M.A. student at San Diego State University)

Master's thesis advising: Tanner Bollum (2021; chair), Conner McCollum (2022; chair), Hannah Wing (2022; co-chair)

Financial Engineering Steering Committee, Montana State University, 2019-2021

Departmental seminar co-organizer, Montana State University, 2020-2022

Montana Department of Revenue, Agriculture Land Valuation Advisory Council, 2021-2022

Departmental seminar coordinator, Oregon State University, 2022-present

Assistantships and Scholarships

D. Barton DeLoach Distinguished Graduate Fellowship in Economics, 2014-2015

University Club Fellowship Award department nominee, Oregon State University, Applied Economics, 2012

Teaching/research assistantship with full tuition waiver for the Oregon State University Applied Economics PhD program, 2010-2014

Teaching/research assistantship with full tuition waiver for the University of Massachusetts, Amherst Resource Economics M.S. program, 2008-2010

Two-time recipient of the Edward Codding memorial scholarship, 2006-2007

References

Andrew Plantinga, Ph.D.
Professor, Bren School of Environmental Science and Management
University of California, Santa Barbara
Phone: 805-893-2788
E-mail: plantinga@bren.ucsb.edu

David Lewis, Ph.D.
Professor, Applied Economics
Oregon State University
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Jeffrey Hopkins, Ph.D.
Branch Chief, Farm Economy Branch
Economic Research Service, U.S. Department of Agriculture
Phone: 202-694-5121
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