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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 698
OREGON WATERSHED ENHANCEMENT BOARD
OREGON AGRICULTURAL HERITAGE PROGRAM

FILED

11/25/2024 1:07 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Revisions to Oregon Agricultural Heritage Program Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/03/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Eric Hartstein
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/19/2024

TIME: 1:00 PM

OFFICER: Eric Hartstein

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-503-446-4951

CONFERENCE ID: 175225935

NEED FOR THE RULE(S)

The Oregon Agricultural Heritage Program (OAHP) aims to protect, maintain, and enhance farming or ranching on working lands throughout the state while enhancing wildlife habitat, water quality and other natural resources. OAHP rules were first adopted by the OWEB Board in 2019. Now with experience in administering the program, draft revisions to the rules have been developed by OWEB staff and the Oregon Agricultural Heritage Commission that are intended to result in improvements to each grant program associated with OAHP.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The April 2024 OWEB Board meeting staff report which requested board authorization to initiate rulemaking in OAHP is located here: <https://www.oregon.gov/oweb/Documents/2024-Apr-ItemG-OAHP-NWL-Funds-Rulemaking.pdf>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The rules are not expected to affect racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

The proposed rule revisions will be used to administer grant programs related to working land conservation and succession planning. Grants will be provided to eligible entities engaged in voluntary conservation and succession planning efforts with working landowners. As this is a voluntary grant program seeking to maintain working lands in rural communities, it is expected to result in only positive fiscal impacts.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) It is not expected that there will be a cost of compliance to state agencies, units of local government, and members of the public as the proposed administrative rule revisions are updates to a voluntary grant program.

2) a) Small businesses as defined by ORS 183.310(10) do not include eligible applicants for OWEB grants. OWEB grantees may contract with small businesses to implement activities and work within the scope of the grant agreement, but the proposed rule revisions do not dictate any element of that contractual relationship. b) Any reporting, record keeping, and administrative activities required by the rules are principally borne by program grantees that are voluntarily entering the program and are not defined as small businesses. c) Similar to section b, the cost of professional services, equipment, supplies, labor, and increased administration to comply with the rules will be borne principally by program grantees that are not defined as small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

As noted in "Cost of Compliance", the proposed revisions to the OAHP rules will not impact small businesses. However, the proposed rule revisions were developed with a Rulemaking Advisory Committee, which was comprised of the commissioners of the Oregon Agricultural Heritage Commission. Several of the commissioners are involved in small businesses and understand if any of the proposed rule revisions would have a negative impact on small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

698-005-0010, 698-005-0020, 698-005-0030, 698-005-0040, 698-005-0045, 698-005-0050, 698-005-0070, 698-005-0080, 698-005-0090, 698-005-0100, 698-010-0010, 698-010-0020, 698-010-0030, 698-010-0040, 698-010-0045, 698-010-0050, 698-010-0060, 698-010-0070, 698-010-0080, 698-010-0090, 698-010-0100, 698-010-0110, 698-010-0120, 698-010-0130, 698-010-0140, 698-010-0150, 698-015-0010, 698-015-0020, 698-015-0050, 698-015-0060, 698-015-0070, 698-015-0080, 698-015-0090, 698-015-0100, 698-015-0110, 698-015-0120, 698-015-0130, 698-015-0140, 698-015-0150, 698-015-0160, 698-015-0170, 698-015-0180, 698-020-0010, 698-020-0020, 698-020-0030, 698-020-0040, 698-020-0050, 698-020-0060, 698-020-0070, 698-020-0080, 698-020-0090, 698-025-0010, 698-025-0020, 698-025-0030, 698-025-0040, 698-025-0050, 698-025-0060, 698-025-0070, 698-025-0080, 698-025-0090, 698-025-0100, 698-025-0110

AMEND: 698-005-0010

RULE SUMMARY: Describes purpose of OAHP rules.

CHANGES TO RULE:

698-005-0010

Purpose

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

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

(1) Increased economic viability of Oregon's agricultural operations and economic sector;¶

(2) Reduced conversion and fragmentation of Oregon's working land; and¶

(3) ~~Enhanced~~ The maintenance or enhancement of fish or wildlife habitat, water quality, and other natural resources on Oregon's working land.

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

Statutes/Other Implemented: ORS 541.977-541.989

RULE SUMMARY: Provides definitions on terms found throughout the OAH rule divisions.

CHANGES TO RULE:

698-005-0020

Definitions

- (1) "Agricultural ~~L~~andowner or ~~o~~perator" means a landowner, operator, manager or other person having responsibility for exercising control over the day-to-day operation of a farm or ranch.¶
- (2) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.900.¶
- (3) "Carbon Sequestration" means the process of capturing and storing atmospheric carbon dioxide.¶
- (4) "Carbon Storage" means the storage of carbon in plants, soils, geological formations, and the ocean.¶
- (5) "Commission" means the Oregon Agricultural Heritage Commission created under ORS 541.986.¶
- (46) "Conservation ~~m~~Management ~~p~~lan" means specific actions planned for working lands to improve or maintain the agricultural and natural resource values. A ~~e~~Conservation ~~m~~Management ~~p~~lan is independent of a working lands covenant or easement.¶
- (5) "~~Conservation management plan holder~~" means an entity that is eligible to hold a conservation management plan that is or would be responsible for developing, implementing, monitoring or enforcing the agreement under an OAH grant agreement.¶
- (67) "Conversion":¶
 - (a) "Conversion" means:¶
 - (A) Cessation of accepted farming practices;¶
 - (B) Construction of dwellings not occupied by farm operators or workers or other structures not related to agriculture;¶
 - (C) Removal of infrastructure required for accepted farming practices unless necessary to accommodate a change in accepted farming practices; or¶
 - (D) Cancelling or transferring rights to use water for irrigation in a manner that reduces the long-term viability of agriculture on the working land.¶
 - (b) As used in this definition, "accepted farming practices" shall have the meaning set forth in ORS 215.203(2)(c).¶
- (78) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.¶
- (89) "Farming and ~~r~~Durable Adaptation and Resilience for Ecosystems" means the extent to which a project is expected to help an ecosystem, including human communities, adjust to, respond to, or recover from the effects of a changing climate.¶
- (10) "Farming and Ranching" means "farm use" as defined in ORS 215.203(2).¶
- (911) "Fragmentation" means the division of a working farm or ranch, or the isolation of a farm or ranch from other agricultural operations and/or from the agricultural infrastructure necessary to bring farm products to their appropriate markets.¶
- (102) "Grant ~~a~~Agreement" means the legally binding contract between the Board and the grant recipient in which the Board is not substantially involved in the funded program or activity other than involvement associated with monitoring compliance with the grant conditions. It consists of the conditions specified in these rules, the notice of grant award, special conditions to the agreement, a certification to comply with applicable state and federal regulations, the project budget and the approved application for funding the project.¶
- (113) "Grantee" means an organization or individual that is awarded a grant under one or more of OAH's grant programs.¶
- (124) "~~Management plan~~" means a description of the stewardship, monitoring, and uses of working land intended to carry out the purposes of a working lands easement or covenant. Limited Resource Farmer or Rancher" means an applicant with direct or indirect gross farm sales that are not more than the current indexed value in each of the previous 2 years, and who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years. An entity or joint operation can be a Limited Resource Farmer or Rancher if all individual members independently qualify.¶
- (15) "Local Communities Disproportionately Impacted by Climate Change" includes communities such as Native American tribes, communities of color, rural communities, coastal communities, communities experiencing lower incomes, and other communities traditionally underrepresented in public processes, including seniors, youth, and persons with disabilities.¶
- (136) "OWEB" means the Oregon Watershed Enhancement Board state agency.¶
- (147) "Technical committee" means a team of individuals who have expertise relevant to the ranking of OAH grants, or other issues before the Commission.¶
- (15) "Socially Disadvantaged Farmer or Rancher" means an Agricultural Landowner or Operator who is a member of

a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. Those groups include African Americans, American Indians or Alaskan natives, Hispanics, and Asians or Pacific Islanders.¶

(18) "Technical Committee" means a team of individuals who have expertise relevant to the ranking of OAHF grants, or other issues before the Commission.¶

(19) "Veteran Farmer or Rancher" means a person who served in United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof, and who was discharged or released therefrom under conditions other than dishonorable.¶

(20) "Working Land" means land that is actively used by an agricultural owner or operator for an agricultural operation that includes, but need not be limited to, active engagement in "farm use" as defined in ORS 215.203541.977(2).¶

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

(1722) "Working Land Conservation Easement" means a permanent nonpossessory interest in working land that imposes limitations or affirmative obligations for purposes that support the use of the land for agricultural production and for the maintenance or enhancements of fish or wildlife habitat, water quality or other natural resource values and must provide for carrying out a purpose of a conservation easement, as defined in ORS 271.715.¶

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-005-0030

RULE SUMMARY: Provides details on application requirements for OAHP grants.

CHANGES TO RULE:

698-005-0030

Application Requirements

- (1) Applications must be submitted on the most current form. ~~Current applications will be made available on the OWEB website at required by OWEB.~~ An explanation must accompany the application if any of the information required on the application cannot be provided. ~~In addition to the information required in the application, an applicant may submit additional information that will aid the Commission in evaluating the project.~~
- (2) All applicants for Oregon Agricultural Heritage Program grants shall supply the following information:
- (a) Names, physical and email addresses, and telephone numbers of the applicant contact person(s) and the fiscal officer(s);
 - (b) Name and address of participating agricultural landowners or operators;
 - (c) Name and location of the proposed project. For conservation management plan and easement/covenant projects the location shall be described in reference to the public land survey, latitude and longitude using decimal degrees, North American Datum 1983, county, watershed, stream, or stream mile, as appropriate;
 - (d) Estimated line item budget for the project using the most current budget form prescribed by the Commission. Current budget forms are available on the OWEB website;
 - (e) Identification of specific project elements for which OAHP funds will be used;
 - (f) A description of any non-OAHP funds, services or materials available or secured for the project and any conditions which may affect the completion of the project;
 - (g) If the project is part of a multi-year project, and a new funding request continues a previously Commission-funded activity, a description of the previous project accomplishments and results as well as an accounting of past expenditures and revenues for the project;
 - (h) Identification of volunteers and partners (if any) and the contribution they will make to the project;
 - (i) A project schedule, including times of project beginning and completion; and
 - (j) Any information requested that is necessary to evaluate the project based on the evaluation criteria for that project type.
- (3) Applications will be considered complete as submitted. Clarification of information may be sought from the applicant during the evaluation process but additional, new information will not be accepted after the application deadline.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-005-0040

RULE SUMMARY: Describes process for OWEB processing OAHP applications.

CHANGES TO RULE:

698-005-0040

Application Processing

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

(2) ~~The Commission may require additional information to aid in evaluating and considering a proposed grant project~~ Applications will be considered complete as submitted. Clarification of information may be sought from the applicant during the evaluation process, but additional, new information will not be accepted after the application deadline.

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

Statutes/Other Implemented: ORS 541.977-541.989

ADOPT: 698-005-0045

RULE SUMMARY: Describes certain evaluation criteria that will apply to OAHP grant applications.

CHANGES TO RULE:

698-005-0045

Climate-Related Evaluation Criteria

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

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

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-005-0050

RULE SUMMARY: Describes conditions for grant agreements in the OAHP.

CHANGES TO RULE:

698-005-0050

Grant Agreement Conditions

- (1) ~~The Board~~OWEB will enter into new gGrant aAgreements with prior grantees only if all reporting obligations under earlier agreements have been met.¶
- (2) If the gGrant aAgreement has not been fully executed by all the parties within one year of Board approval, funding shall be terminated. The money allocated to the grant shall be available for reallocation by the Board for purposes of the Oregon Agricultural Heritage Program.¶
- (3) The Director shall establish gGrant aAgreement conditions for each grant type. Grantees shall comply with all gGrant aAgreement conditions.¶
- (4) The grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be completed under the agreement.¶
- (5) Upon notice to the grantee in writing, the Director may terminate funding for projects not completed in the prescribed time and manner. The money allocated to the project but not used will be available for reallocation by the Board.¶
- ~~(6) The grantee will account for funds distributed by the Board, using project expense forms provided by OWEB for purposes of the Oregon Agricultural Heritage Program.¶~~
- ~~(7) The grantee will obtain all necessary permits and licenses from local, state or federal agencies or governing bodies and provide a copy of each permit or license to the Board OWEB.¶~~
- ~~(8) The Board OWEB may place additional conditions in the gGrant aAgreement as necessary to carry out the purpose of the program, including:¶~~
 - (a) An enforceable agreement by the aAgricultural lLandowner or eOperator for continued access by OWEB and its designees for monitoring the project after completion;¶
 - (b) An enforceable agreement by the grantee to maintain the project for a period of time commensurate with the project approved by the Board;¶
 - (c) An enforceable agreement to supply future reports on the project as required; and¶
 - (d) Such other conditions as ~~the Board~~OWEB deems appropriate to the particular circumstances of the project.¶
- ~~(9) Rules and conditions in place at the time the grant is awarded shall govern throughout the term of the project unless changes are mutually agreeable to all parties.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-005-0070

RULE SUMMARY: Describes process for distributing OAHP grant funds.

CHANGES TO RULE:

698-005-0070

Distribution of Funds

(1) The Director may withhold payments to a grantee if there are significant and persistent difficulties with satisfying ~~Board~~OWEB requirements.¶

(2) Funds will be released upon ~~presentation~~receipt of a completed ~~fund release request form~~request, as ~~prescribed by OWEB~~, accompanied by documents as determined by the Director, and proof of completion of specific work elements of the project as identified in the ~~g~~Grant aAgreement.¶

(3) Advance funds may be released upon presentation of a detailed estimate of expenses for up to 120 days. Within 120 days of the date of the advance check, receipts or invoices for the advance must be submitted, a justification to extend the advance must be approved, or the unexpended advance funds must be returned to ~~the Commission~~OWEB. Additional funds will not be released until receipts for expenditures of previous fund releases are submitted, or an estimate of expenditures is approved by the Director.

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

Statutes/Other Implemented: ORS 541.977-541.989

REPEAL: 698-005-0080

RULE SUMMARY: Repeals rule describing OWEB Board reconsideration of funding decision.

CHANGES TO RULE:

~~698-005-0080~~

~~Funding Decision Reconsideration by Board~~

~~In the event that the Director determines a grantee has not met conditions imposed by the Board, the Director shall forward the determination in writing to the Board for its consideration. The grantee will be provided a copy of the written determination. The conditionally encumbered grant funds will remain encumbered until the Board either affirms the Director's determination or authorizes the continued encumbrance of all or part of the funds in accordance with a modified decision of the Board.~~

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

~~Statutes/Other Implemented: ORS 541.977-541.989~~

AMEND: 698-005-0090

RULE SUMMARY: Provides for technical committees to assist Commission.

CHANGES TO RULE:

698-005-0090

Technical Committees

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-005-0100

RULE SUMMARY: Describes process for the OWEB Director to waive rules in the administration of the Oregon Agricultural Heritage Program.

CHANGES TO RULE:

698-005-0100

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 005 unless required by statute, when doing so will result in more efficient or effective implementation of the Oregon Agricultural Heritage Program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission at the next meeting. The administrative rules for the ~~Oregon Agricultural Heritage Program~~ AHP shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0010

RULE SUMMARY: Describes the purpose of the OAHP Conservation Management Plans grant program.

CHANGES TO RULE:

698-010-0010

Purpose

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

(2) The purpose of a Conservation Management Plan as defined in OAR 698-005-0020(46) is to develop and implement conservation measures or other protections for maintaining or enhancing fish or wildlife habitat, water quality or other natural resource values in a manner consistent with the social and economic interests and abilities of the Agricultural Landowner or Operator. The plan may include provisions for addressing particular priorities related to natural resource values, including but not limited to soil, water, plants, animals, energy and human need considerations.

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0020

RULE SUMMARY: Provides the definitions for the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0020

Definitions

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

(a) Material to the plan as defined in ~~Section 698-010-0120(5)~~; and

(b) Agreed to by the ~~Agricultural Landowner or Operator~~ implementing the plan and the ~~Conservation Management Plan~~ holder.

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0030

RULE SUMMARY: Describes eligibility for the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0030

Eligible Applicants

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

(a) Entities eligible to hold a conservation easement as defined in ORS 271.715, other than a state agency;¶

(b) Watershed councils; and¶

(c) ~~Not-for-profit~~ Tax exempt organizations other than a state agency under section 501(c)(3) of the Internal Revenue Code.¶

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

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

Statutes/Other Implemented: ORS 541.977-541.989

REPEAL: 698-010-0040

RULE SUMMARY: Repeals rule related to the Conservation Management Plan grant application.

CHANGES TO RULE:

~~698-010-0040~~

~~Application~~

~~Conservation Management Plan Grant applications shall:~~

~~(1) Be consistent with OAR 698-005; and~~

~~(2) Include the duration and any terminating events for the plan.~~

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

~~Statutes/Other Implemented: ORS 541.977-541.989~~

ADOPT: 698-010-0045

RULE SUMMARY: Describes eligible properties for Conservation Management Plan Grants.

CHANGES TO RULE:

698-010-0045

Eligible Properties

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0050

RULE SUMMARY: Describes requirements for match in the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0050

Match Contributions

(1) All applicants shall demonstrate that some portion of the ~~proposal~~application is being sought as match.¶

(2) The following funds and activities qualify as match:¶

(a) In-kind contributions to activities listed under OAR 698-010-0060; and¶

(b) Funding commitments made by others as a result of grant applicant efforts; and.¶

(3) The ~~OWEB~~ Director retains the discretion to determine whether specific proposed matching costs not specifically identified above can be recognized as qualifying matching costs.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0060

RULE SUMMARY: Describes how funds may be used in the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0060

~~Conservation Management Plan Activities~~ Use of Funds

~~(1) Funding may be utilized to develop, implement, carry out or monitor e~~ Conservation management plans.

~~(2) If there is a stream on the project:~~

~~(a) The planning process must present the agricultural landowner or operator with alternatives that address the local Agricultural Water Quality Management Area Plan goals in place at the time of plan preparation.~~

~~(b) If the program pays for plan implementation, the selected alternative must address the local Agricultural Water Quality Management Area Plan goals at the time of plan implementation~~ Management Plans.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0070

RULE SUMMARY: Describes the terms for grants provided through the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0070

Term of Payment for Conservation Management Plan Implementation

(1) If an ~~a~~Agricultural ~~l~~Landowner or ~~e~~Operator is reimbursed for the implementation of a ~~e~~Conservation ~~m~~Management ~~p~~Plan, the plan must be for a term of at least 20 years and no more than 50 years.¶

(2) If a plan is associated with a ~~w~~Working ~~l~~Land ~~e~~Conservation ~~e~~Covenant that would also be funded by OAHP, the term of the plan must be the same as the term of the covenant.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0080

RULE SUMMARY: Describes the components of a conservation management plan funded through the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0080

Conservation Management Plan Components

At a minimum, ~~e~~Conservation ~~m~~Management ~~p~~Plans must include:¶

- (1) A summary describing how the ~~e~~Conservation ~~m~~Management ~~p~~Plan meets ~~OAHP's~~the purpose of the OAHP as defined in OAR 698-005-0010;¶
- (2) The contact and location information for the ~~a~~Agricultural ~~l~~Landowner or ~~e~~Operator and ~~e~~Conservation ~~m~~Management ~~p~~Plan holder;¶
- (3) Relevant background and context of the working land and operation;¶
- (4) ~~Inventory, including site characteristics and current management;~~¶
- (~~5~~) Short- and long-term social, economic, and conservation goals of the ~~a~~Agricultural ~~l~~Landowner or ~~e~~Operator;¶
- (~~6~~5) Resource analysis and identification of resource and management concerns;¶
- (~~7~~6) Identification of potential plan activities and a justification for the activities that were selected for implementation;¶
- (~~8~~7) The implementation plan, including a budget;¶
- (~~9~~8) If applicable, a maintenance plan for infrastructure associated with the plan that may affect neighboring lands if not maintained over time;¶
- (~~10~~9) The expected agricultural, fish or wildlife, water quality or other natural resource outcomes, and related social outcomes of the plan once implemented;¶
- (~~11~~0) How the ~~e~~Conservation ~~m~~Management ~~p~~Plan will be ~~evaluat~~monitored and managed;¶
- (11) Provisions for mutual modification as necessary to reflect changes in practices or circumstances;¶
- (12) A conflict resolution protocol for the ~~a~~Agricultural ~~l~~Landowner or ~~e~~Operator and the ~~e~~Conservation ~~m~~Management ~~p~~Plan holder if the grant program would fund the implementation of the plan; and¶
- (13) The term of terminating event for the plan.

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

Statutes/Other Implemented: ORS 541.977-541.989

RULE SUMMARY: Describes the evaluation criteria for the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0090

Evaluation Criteria

Conservation Management Plan Grant applications will be evaluated on:

- (1) The significance of the agricultural, natural resource, and related social values of the working land subject to the Conservation Management Plan(s), as measured by:
 - (2a) The extent to which implementation of the plan(s) would protect, maintain, or enhance farming or ranching on working land, including how implementation of the plan(s) would:
 - (a) Maintain or improve the economic viability of the operation; and
 - (b) Reduce the potential for future conversion or fragmentation of the property and surrounding viability of the property for agriculture, including but not limited to soil types, suitability for producing different types of crops, and water availability;
 - (b) The land's contribution to long-term conservation of the region's agricultural land base;
 - (c) The regional significance of the agricultural operation based on location, its associated infrastructure, and other relevant factors including supporting land;
 - (3) The extent to which implementation of the plan would protect, maintain, or enhance significant agricultural values important to the region; and
 - (d) Supporting implementation of local, regional, state, federal or Tribal priorities and plans that support fish or wildlife habitat, water quality, or other natural resource values by:
 - (a) Protecting, maintaining, or improving the land, including soil, water, plants, animals, energy, and human needs considerations;
 - (b) Supporting implementation of the Oregon Conservation Strategy, Oregon's Agricultural Water Quality Management Program, and Oregon's Agricultural Water Quality Management Program.
 - (2) The extent to which implementation of the plan(s) would protect, maintain, or enhance farming or ranching on working land, including how implementation of the plan(s) would:
 - (a) Maintain or improve the economic viability of the operation; and
 - (b) Reduce the potential for future conversion or fragmentation of the property and surrounding working land.
 - (3) The extent to which implementation of tribal priorities or plans that support the plan would protect, maintain, or enhance significant fish or wildlife habitat, water quality, or other natural resource values; including:
 - (a) Protecting, maintaining, or improving the quality and connectivity of plant or wildlife habitat on and around the working land; subject to the plan;
 - (b) Protecting, maintaining, or improving water quality or quantity; and
 - (c) Sustaining ecological values, as evidenced by the conservation management plan; and
 - (4) The extent to which implementation of the plan(s) would protect, maintain or enhance significant the Conservation Management Plan would protect agricultural outcomes, or benefits, or other investment gains, including from other regional significance of the agricultural operation, or its suitability based on soils, slope, location or other relevant factors related investments.
 - (5) The capacity and competence of the prospective Conservation Management Plan holder to enter into and (if implementation funding is awarded) monitor and carry out implementation of a Conservation Management Plan, including:
 - (a) The financial capability to manage the plan(s) over time;
 - (b) The demonstrated relevant commitment, expertise, and track record to successfully develop, implement, carry out, and monitor plan(s); and
 - (c) The strength of the conservation management plan holder as measured by effective governance.
 - (6) The extent to which the benefit to the state may be maximized, based on:
 - (a) The ability to leverage grant moneys from other funding sources; and
 - (b) The duration and extent of the Conservation Management plan, with a preference for longer term agreements if implementation funding is awarded; and
 - (7) The potential for setting an example that will encourage additional working land projects.
 - (8) The impacts of plan implementation and nature of the plan impacts on owners or operators of neighboring lands, including:
 - (a) A plan for communicating with neighboring owners and operators once a conservation management plan is

~~ready to be implemented~~The extent to which the project will benefit the local area, as evidenced about how to mitigate potential impacts; and

~~(b) A maintenance plan for infrastructure that may impact neighboring lands if not maintained over time.~~

~~8) The level of threat of conversion or fragmentation of the working land~~by engagement with and support from the local community and Tribes.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0100

RULE SUMMARY: Describes the process for technical review and funding grants in the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0100

Technical Review and Funding Process

~~(1) Technical review of Conservation Management Plan Grants. The Commission and OWEB shall jointly appoint one or more Technical Committees to evaluate and rank applications shall occur based on information provided in the grant application and technical review team expertise about the area and the project. The Commission shall appoint one or more for grants for Conservation Management Plans.~~

~~(2) Applications shall be evaluated according to criteria described in OAR 698-010-0090 and 698-005-0045.~~

~~(3) OWEB shall convene the Technical Committees(s) to evaluate and rank applications for grants for conservation management plans. Those rankings, OWEB will be provided to the commission to inform Technical Committee rankings to the Commission's final ranking and, along with a funding recommendations to the OWEB board.~~

~~(2) Applications shall be evaluated according to criteria described in OAR 698-010-0090.~~

~~(3)~~

(4) The ranking system shall provide for the ranking of Conservation Management Plans alone and not as part of an application that includes a Working Land Conservation Covenant or Working Land Conservation Easement.

~~(4) The technical committee(s) Commission shall provide ranking recommendations to OWEB staff. OWEB staff will review and consider the Technical Committee recommendations and provide funding recommendations to the Commission.~~

~~(5) The Commission shall review and consider the recommendations of the technical committee(s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications.~~

(6) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund.

(7) The Board approves Conservation Management Plan Grants. The Board may fund a grant application in whole or in part.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0110

RULE SUMMARY: Describes grant agreement conditions for the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0110

Grant Agreement Conditions

~~(1) Grant funding is subject to the signed statement of understanding and agreement by the participating agricultural landowner(s) or operator(s) to the roles and responsibilities under the conservation management plan.~~

~~(2) All Conservation Management Plan Grant Agreements for Conservation Management Plan development authorized by the Board shall have a clause that requires the retention of up to 10 percent of project funds until the final report, as required in the Grant Agreement, has been approved. Any unexpended program project funds must be returned to the Commission.~~

~~(3) The grantee must agree to complete the project as approved by the Board and within the timeframe specified in the Grant Agreement unless proposed amendments are submitted and approved by the Director prior to the beginning of any work proposed in the amendment.~~

~~(4) The Director will consider project amendments, including expansion of funded projects with moneys remaining from the original project allocation, if the purpose and intent of the amendment remains the same as the original project.~~

~~(5) All changes to the Conservation Management Plan must be reflected in writing and provided to the Commission.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0120

RULE SUMMARY: Describes process for modifying conservation management plans in the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0120

Conservation Management Plan Mutual Modification

If funding is provided for ~~e~~C~~onservation m~~M~~anagement p~~P~~lan implementation:~~

~~(1) Any changes to conservation management plans must achieve the same or greater level of benefits as the original plan, as evaluated by the criteria in OAR 698-010-0090.~~

~~(2) The Conservation mManagement pPlans must include provisions that provide for flexibility and allow for mutual modification as necessary to reflect changes in practices or circumstances.~~

~~(3) Any change in the conservation management plan must be mutually agreed to by both holder and the aAgricultural landowner or eOperator and the conservation management plan holder.~~

~~(4) To ensure consistent review of all conservation management plans, must review the ~~e~~C~~onservation m~~M~~anagement plan holder and the agricultural landowner or operator must review the conservation management pPlan~~ at least annually and may request to mutually modify the ~~e~~C~~onservation m~~M~~anagement p~~P~~lan~~ if necessary.~~

~~(5) The agricultural landowner or operator must contact the ~~e~~Any changes to Conservation mManagement pPlan holder immediately if any of the following changes occur that will impact either implementation of the conservation management plan or its expected outcomes:~~

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

~~(b) Changes in the grazing or cropping system(s) not identified in the plan. For changes in grazing or cropping systems, the landowner must notify the conservation management plan holder in advance; must achieve the same or greater level of benefits as the original plan and be consistent with OAR 698-010-0090.~~

~~(c) A natural disaster occurs that will impact implementation of ny change in the ~~e~~C~~onservation m~~M~~anagement p~~P~~lan;~~ or~~

~~(d) Other changes that ar must be eoutside the agricultural landowner's or operator's control.~~

~~(6) The conservation management plan holder must contact actually agreed to by both the aAgricultural landowner or eOperator if changes in site conditions significantly affect the expected outcomes of conservation management plan implementation.~~

~~(7) Modifications to the plan may include:~~

~~(a) The addition of new conservation practices, measures or benefits; or~~

~~(b) Changes to practices, measures, or benefits in response to:~~

~~(A) Changes in management approaches based on new scientific understanding of expected outcomes;~~

~~(B) Changes in management or ownership of the working land;~~

~~(C) Changes in the grazing or cropping system;~~

~~(D) A natural disaster; or~~

~~(E) Other changes outside the agricultural landowner's or operator's control, the Conservation Management Plan holder, and OWEB.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0130

RULE SUMMARY: Describes process for monitoring conservation management plans in the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0130

Conservation Management Plan Monitoring

If funding is provided for ~~e~~C~~onservation m~~M~~anagement p~~P~~lan~~ implementation:[¶]

~~(1) Notwithstanding (2), t~~The ~~e~~C~~onservation m~~M~~anagement p~~P~~lan~~ holder must conduct at least one site visit to the property every three years, or as prescribed by a match funder if their interval for site visits is shorter than ~~three years~~year, to document the implementation of the ~~e~~C~~onservation m~~M~~anagement p~~P~~lan~~.[¶]

~~(2) The agricultural landowner or operator and the conservation management plan holder may agree to establish specific monitoring protocols and site visit intervals more frequent than once every three years to identify trends in fish or wildlife habitat, water quality or other natural resource values, and must establish protocols if a modification of the conservation management plan results in specific monitoring or site visit needs. Protocols must be in writing and agreed to by both the agricultural landowner or operator and the e~~OWEB ~~or its designees may conduct monitoring to ensure Conservation m~~Management plan holder. ~~The Commission may provide guidance for consistent monitoring protocols.~~[¶]

~~(3) The Commission or its designees may conduct spot checks to ensure management p~~P~~lan~~ implementation as ~~identif~~scribed in the plan and associated reporting. The ~~a~~Agricultural ~~L~~andowner or ~~e~~Operator shall allow site access to ~~the Commission~~, OWEB, or their contractors or representatives upon reasonable notification by ~~the Commission~~OWEB.[¶]

~~(43) The Commission may also develop~~provide guidance to OWEB for the development of monitoring protocols to evaluate the outcomes of ~~e~~C~~onservation m~~M~~anagement p~~P~~lan~~ implementation on a programmatic level.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0140

RULE SUMMARY: Describes reporting requirements for the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0140

Grant Reporting Requirements

(1) For grants that include funding for ~~€~~Conservation ~~m~~Management ~~p~~Plan implementation:¶

(a) ~~At least once per year, the agricultural landowner or operator must meet with the conservation management plan holder.~~ Conservation Management Plan holder must meet with the Agricultural Landowner or Operator and provide ~~this holder~~ OWEB with a written report of the ~~€~~Conservation ~~m~~Management ~~p~~Plan activities completed that year on a form approved by ~~the Commission.~~ Reports may also OWEB. OWEB may require reports include photo points or other methods that appropriately track plan implementation.¶

(b) Annual reporting must identify any mutual modifications to the ~~€~~Conservation ~~m~~Management ~~p~~Plan.¶

(c) Reports must be submitted to ~~the Commission~~ OWEB on a date set by ~~the Commission~~ OWEB.¶

(2) Upon development of a ~~€~~Conservation ~~m~~Management ~~p~~Plan or completion of ~~€~~Conservation ~~m~~Management ~~p~~Plan implementation, the grantee will provide ~~the Commission and OWEB's Board~~ OWEB with a copy of the project completion report. ~~Final project accounting and reporting are due no later than 60 days following the project completion date specified in the grant agreement.~~¶

(3) Upon receipt of the final report, ~~the Commission shall have 90 days to~~ OWEB shall approve the completed report or notify the grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved, the final payment shall be promptly processed.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-010-0150

RULE SUMMARY: Describes process for the OWEB Director to waive rules in the Conservation Management Plan Grant Program.

CHANGES TO RULE:

698-010-0150

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 010 unless required by statute, when doing so will result in more efficient or effective implementation of the Conservation Management Plan Grant Program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission at the next meeting. The administrative rules for Conservation Management Planning Grants shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0010

RULE SUMMARY: Describes the purpose of the Working Land Conservation Covenants and Easements Program.

CHANGES TO RULE:

698-015-0010

Purpose

~~The purpose of a w~~(1) This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for the Working Land Conservation Covenant or easement is to preserve and protects and Easements Grant Program.

~~(2) A Working Land Conservation Covenant or Working Land Conservation Easement must ensure the continued use of a working~~(2) A Working Land Conservation Covenant or Working Land Conservation Easement must ensure the continued use of the land for agricultural purposes, and while maintaining or enhancing fish or wildlife habitat, improving water quality; or supporting other natural resource values on the land.

~~Covenants and easements funded under this program:~~

~~(1) Must contribute to the public benefits in OAR 698-005-0010; and~~

~~(2) Must provide for carrying out a purpose of a conservation easement, as defined in ORS 271.715.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0020

RULE SUMMARY: Provides definitions for the Working Land Conservation Covenants and Easements Grant Program.

CHANGES TO RULE:

698-015-0020

Definitions

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

(2) "Stewardship" means ~~monit~~the management of the Working, maintaining, managing, and improv Land Conservation Covenant or Working Land protected by a Conservation eEasement or covenant, including providing signage, controlling access, providingafter its acquisition, including: monitoring, recordkeeping, processing amendments and landowner correspondence, managing stewardship funds, resolution of violations, enforcement actions, and resolving violations. defense. ¶

(3) "Stewardship fFund" means a ~~restricted~~ fund that is used to cover the holder's long-term costs for stewardship of the ~~land protected by the covenant or easement and payment of taxes and insurance associated with that land~~Working Land Conservation Covenant or Working Land Conservation Easement. If the funding source allows investment of sStewardship fFunds, funds may be used for investment management costs. ~~Stewardship funds may not be used for overhead or indirect costs.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0050

RULE SUMMARY: Describes the application requirements for the Working Land Conservation Covenant or Working Land Conservation Easement program.

CHANGES TO RULE:

698-015-0050

Application Requirements

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

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

(a) Be consistent with OAR 698-005;¶

(b) Be submitted on the most current form ~~and~~ at that conforms with the process prescribed by the Commission; OWEB.¶

(c) State the amount and type of match contribution; and¶

(d) If the application is for a ~~e~~Working Land Conservation Covenant, include the duration of the covenant.¶

~~(3) If the covenant is identical in duration to a conservation management plan for the w~~The Commission may consider proposals that are received for a Working L~~and that is funded by the OAHP Conservation Management Plan Grant Program, the covenant must refer to the e~~Conservation Covenant or Working Land Conservation manag~~Easement plan in the text of the covenant.¶~~

~~(4) If there is a stream on the project, the covenant or easement application shall describe how either the easement or the management plan and associated monitoring addresses the local Agricultural Water Quality Management Area Plan goals. Easement monit~~that were acquired by the applicant after the previous application deadline.¶

~~(4) Applications for grant funds that would apply to an OAHP Worki~~ng shall include any riparian monitoring identified in the application.¶

~~(5) If a pre-existing or new e~~Land Conservation Covenant or Working Land Conservation manag~~Easement plan is proposed as part of an application for a covenant or easement under this program, the proposed plan must be agreed to by the landowner, applicant, and commission before closing.¶~~

~~(6) The Commission may consider proposals that are received for covenants or easements that were acquired by the applicant after the previous application deadline~~Project with an open, active OAHP Working Land Conservation Covenant or Working Land Conservation Easement funded grant will not be considered.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0060

RULE SUMMARY: Describes requirements for match in the Working Land Conservation Covenants and Easements Grant Program.

CHANGES TO RULE:

698-015-0060

Matching Contributions

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

(2) The following funds and activities qualify as match:¶

(a) In-kind contributions to activities listed under OAR 698-015-0070;¶

~~(b)~~ (ba) Funding commitments toward the Project made by others as a result of grant applicant efforts;¶

~~(e)~~ (eb) A donated portion of ~~a sale~~ the sale of the Working Land Conservation Covenant or Working Land Conservation Easement; and¶

~~(d)~~ (dc) Funds deposited in a Stewardship Fund before the time that OWEB funds are released for acquisition of the ~~covenant or e~~ Working Land Conservation Covenant or Working Land Conservation Easement.¶

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0070

RULE SUMMARY: Describes how grant funds may be used in the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0070

Use of Grant Funds

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

(1) The purchase price and the purchase option fees associated with the ~~wWorking LConservation eCovenant or eWorking Land Conservation Easement~~:¶

~~(a)~~ The purchase price for ~~eA Working Land Conservation Covenant or Working Land Conservation Easements~~ shall be based on an appraisal and review appraisal completed in accordance with applicable appraisal standards, including the Uniform Standards of Professional Appraisal Practice, and if required by other funding sources or the Internal Revenue Service, the Uniform Appraisal Standards for Federal Land Acquisitions.¶

~~(b2)~~ The purchase price for ~~covenant interest on bridge loans~~ shall be based on an assessment of fair market value using methodologies similar to those described in OAR 698-015-0070 (1)(a);¶

~~(2)~~ The interest on bridge loans needed to secure closure on the property needed to secure closure on the Working Land Conservation Covenant or Working Land Conservation Easement prior to when funding will be available for distribution through the program;¶

(3) The staff costs incurred as part of the ~~covenant or eWorking Land Conservation Covenant or Working Land Conservation Easement~~ acquisition process related to the property;¶

(4) The cost of due diligence activities, including appraisal, environmental site assessment, survey, title review, and other customary due diligence activities;¶

(5) The cost of baseline inventory preparation;¶

(6) The legal fees incurred by the grantee related to the proposed transaction;¶

(7) The closing fees, including recording and title insurance costs; and¶

~~(8)~~ The cost of securing and maintaining the agriculture and conservation values associated with the property in accordance with the application or a conservation management plan approved by the Director; and¶

~~(9)~~ Up to 50% match for the value of a stewardship fund Up to 50% match for stewardship funding necessary for stewardship of the Working Land Conservation Covenant or Working Land Conservation Easement, but program funds contributed to a ~~sStewardship fFund~~ may not exceed 5% of the total appraised value of the ~~covenant or eWorking Land Conservation Covenant or Working Land Conservation Easement~~.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0080

RULE SUMMARY: Describes terms of working lands conservation easements and covenants.

CHANGES TO RULE:

698-015-0080

Terms of Covenants and Easements

(1) A ~~w~~Working Land ~~e~~Conservation ~~e~~Easement shall last in perpetuity.¶

(2) A ~~w~~Working Land ~~e~~Conservation ~~e~~Covenant shall last for a term of no less than twenty and no more than fifty years.¶

(3) The ~~e~~Working Land Conservation Covenant term shall be set at 12-month increments only and not partial years.¶

(4) The first day of the term of a ~~e~~Working Land Conservation Covenant shall be the date that both of these events have occurred:¶

(a) The ~~e~~Working Land Conservation Covenant holder and the owner of working land conveying the covenant sign the agreement; and¶

(b) The owner of ~~w~~Working Land has received Working Land Conservation Covenant and Easement Grant funding from this program for the ~~e~~Working Land Conservation Covenant.

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

Statutes/Other Implemented: ORS 541.977-541.989

RULE SUMMARY: Describes the criteria that grant applications will be evaluated on in the Working Land Conservation Covenants and Easements Grant Program.

CHANGES TO RULE:

698-015-0090

Evaluation Criteria

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

(1) ~~The regional significance of the agricultural, natural resource, and related social values of the working land that will be subject to the Working Land Conservation Covenant or easement.~~ Working Land Conservation Easement, as measured by:

~~(2a) The extent to which the working land conservation covenant or easement would protect, maintain, or enhance farming or ranching on regionally significant viability of the property for agriculture, including but not limited to soil types, suitability for producing different types of crops, and working land water availability, including:~~

~~(a) Reducing the potential for future conversion or fragmentation of the property and surrounding working land;~~

~~(b) Maintaining or enhancing the ability of the land to be in productive agricultural use after the covenant or easement is in place;~~

~~(c) The potential viability of the property.~~ The land's contribution to long-term conservation of the region's agricultural land base;

(c) The regional significance of the agricultural operation based on location, its associated infrastructure, and other relevant factors including supporting agricultural values important to the region; and

(d) Supporting implementation of local, regional, state, federal or Tribal priorities and plans that support agriculture; and

~~(d) Improving or maintaining the economic viability of the fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation, including future transfer of ownership.~~

~~(3) The extent to which the covenant or easement would protect, maintain, or enhance significant fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation, including future transfer of ownership.~~ Strategy and Oregon's Agricultural Water Quality Management Program.

(2) The extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect, maintain, or enhance significant fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation, including future transfer of ownership.

(a) Reducing the potential for future conversion or fragmentation of the property and surrounding working land; and

(a) Protecting, maintaining, or improving the quality and connectivity of plant or wildlife habitat on and around the working land; and

(b) Maintaining, or improving, or enhancing the land, including soil, water, and air quality, and the ability of the land to be in productive agricultural use that supports, animals, energy, and human needs consistent with viable agricultural operations;

(b) Supporting implementation of the Oregon Conservation Strategy, Oregon's Agricultural Water Quality Management Program, or other local, regional, state, federal or tribal priorities or plans that support agriculture; and The extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect, maintain or enhance significant fish or wildlife habitat, water quality or other natural resource values; including:

(a) Protecting, maintaining, or improving the quality and connectivity of plant or wildlife habitat on and around the working land; and

(b) Protecting, maintaining, or improving water quality and/or quantity; and

(c) Implementing a management plan that is likely to sustain ecological values, as evidenced by a management plan, easement, or other legal instrument, that maintains or enhances the ability of the land to be in productive agricultural use that supports, animals, energy, and human needs consistent with viable agricultural operations.

~~(4) The extent to which the covenant or easement would protect, maintain, or enhance significant fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation, including future transfer of ownership.~~ (4) The extent to which the project supports the integrated management, maintenance or enhance significant

management of the agricultural outcomes, benefits or other agricultural or conservation values important to the region, including: and natural resource values on the working land.

(a) The parcel's contribution to long-term conservation of the region's agricultural land base; and

(b) The regional significance of the agricultural operation, or its suitability based on soils, slope, location or other relevant factors, and its associated infrastructure. extent to which the Working Land Conservation Covenant or Working Land Conservation Easement would protect agricultural outcomes or benefits from other related investments.

(5) The capacity and competence of the applicant and the proposed easement or covenant holder to purchase, accept, implement, hold, monitor, steward, and enforce a Working Land Conservation Covenant or Working Land Conservation Easement, including:

- (a) Accreditation from the Land Trust Accreditation Commission, or implementation of standards and practices that are similar to an organization that is eligible for accreditation; ¶
 - (b) Inclusion of working land preservation in the organization's mission, vision or other organizational documents; ¶
 - (c) ~~The financial capability of the organization to steward conservation covenants and e~~Working Land Conservation Covenants or Working Land Conservation Easements over time; and ¶
 - (d) Demonstrated relevant commitment, ability, expertise, and track record to purchase, accept, implement, hold, monitor, steward, and enforce ~~e~~Working Land Conservation e~~Covenants and e~~or Working Land Conservation Easements or other relevant projects; and ¶
 - (e) ~~The strength of the organization as measured by effective governance.~~ ¶
 - ~~(6.~~ ¶
 - (7) The extent to which the benefit to the state from the investment may be maximized, based on: ¶
 - (a) The ability to leverage grant moneys with other funding sources; ¶
 - (b) The duration and extent of the agreement, with a preference for longer term agreements; ¶
 - (c) The cumulative effect of similar conservation or agricultural investments in the community, including other OAHF funded plans, covenants, or easements; and ¶
 - (d) Consistency with local comprehensive plans and statewide planning goals; ¶
 - (e) ~~The po~~ext~~ential for setting an example that will encourage additional working lands proje~~ and nature of the impacts in~~of the region; and~~ ¶
 - (f) ~~The existence and implementation of a conservation management plan.~~ ¶
 - (7) ~~The impacts of the covenant or easement or the associate~~Working Land Conservation Covenant or Working Land e~~Conservation manag~~Easement plan on owners or operators of neighboring lands, and t. ¶
 - (9) ~~The extent to which there is a plan of engagement with neighboring landowners about how to mitigate any impacts resulting from the covenant or easement, if necessary~~project will benefit the local area, as evidenced by engagement with and support from the local community and Tribes. ¶
 - (8) ~~10~~ The level of threat of conversion or fragmentation of the working land. ¶
 - (9) ~~11~~ The soundness of the legal and financial terms of the proposed real estate transaction.
- Statutory/Other Authority: ORS 541.984, ORS 541.988, ORS 541.989
 Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0100

RULE SUMMARY: Describes the technical review and funding process for grant applications in the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0100

Technical Review and Funding Process

(1) The Commission ~~shall~~ and OWEB shall jointly appoint one or more ~~Technical e~~Committees to evaluate and rank applications for grants for ~~w~~Working L~~and e~~Conservation ~~e~~Covenants ~~and e~~ or Working Land Conservation Easements. ~~Those rankings will be provided to OWEB staff. OWEB staff will review to fulfill this responsibility, the Commission shall coordinate with OWEB on Technical e~~Committee recommendations and provide funding recommendations to the commission ~~appointments.~~ ¶

(2) Applications shall be evaluated according to criteria described in OAR 698-015-0090. ¶

~~(3 and 698-005-0045.) ¶~~

(3) OWEB shall convene the Technical Committee(s) to evaluate and rank applications for grants. OWEB will provide Technical Committee rankings to the Commission, along with a funding recommendation. ¶

(4) The Commission shall review and consider the Technical Committee(s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications. ¶

(45) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund. ¶

(56) The Board ~~approve~~wards Working Land Conservation Covenant and Easement Grants. The Board may fund a grant application in whole or in part.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0110

RULE SUMMARY: Describes the process that results in grant approval in the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0110

Board Approval and Delegation of Authority

(1) The Commission shall recommend, and the Board shall approve grants in accordance with ~~guidance adopted by the Board and made available to the public~~ this OAR Chapter 698, Division 15.

(2) The Director is delegated the responsibility of ensuring that funding conditions required by the Board are fully satisfied by the grantee.

(3) Conditionally approved grant funds shall be encumbered for disbursement only after all conditions are fulfilled. The encumbered funds may be made available for other uses by OWEB for purposes of the OAHP if all conditions required by the Board are not satisfied within ~~18~~24 months of the conditional Board approval, unless recommended by the Commission and approved by the OWEB Board.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0120

RULE SUMMARY: Describes public involvement opportunities for commenting on Working Land Conservation Covenant or Easement grant applications.

CHANGES TO RULE:

698-015-0120

Public Involvement

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

(1) Written comments received prior to the Board or Commission meeting at which the Board or Commission will consider the application;¶

(2) Comments made at public hearings held and ~~publiciz~~noticed in accordance with ORS 271.735; and¶

(3) Comments made at the Board or Commission meeting at which the grant application is considered.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0130

RULE SUMMARY: Describes process for the OWEB Director approving distribution of grant funds in the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0130

Director Funding Approval and Distribution of Funds

(1) The Director may approve the distribution of grant funds. Funds may be distributed throughout the time between approval by the Board and the ~~covenant or easement closing as the following conditions are met:~~

~~(a) A grant agreement is executed by the Director and the grantee that includes a signed statement of understanding and agreement to Working Land Conservation Covenant or Working Land Conservation Easement closing when the roles and responsibilities under the working land conservation covenant or easement by the participating owner of working land;~~ following conditions are met:

~~(b)~~ (a) The funding conditions, if any, imposed by the Board are satisfied to the full satisfaction of the Director;

~~(c)~~ (b) The legal and financial terms of the proposed real estate transaction are approved by the Director;

~~(d)~~ (c) The ~~required title restrictions are~~ Working Land Conservation Covenant or Working Land Conservation Easement deed is approved by the Director;

~~(e)~~ (d) The Director has reconciled conditionally approved funding with actual project costs;

~~(f)~~ (e) The grantee has satisfied the match requirements under OAR 698-015-0060;

~~(g)~~ (f) The Board is notified in writing ~~of the Director's intent~~ to hold or recover the grant funds, pending Board consideration under OAR 698-015-0140(1).

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0140

RULE SUMMARY: Describes process for compliance and enforcement of covenants and easements funded through the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0140

Compliance and Enforcement

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0150

RULE SUMMARY: Describes reporting requirements for covenants funded through the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0150

Grant Reporting Requirements for Working Land Conservation Covenants

Upon completion of the term of a ~~w~~Working Land Conservation Covenant, the ~~g~~Grantee will provide ~~the Commission and OWEB's Board~~OWEB with a copy of the project completion report. ~~Final project accounting and reporting are due no later than 60 days following the project completion date~~ in the manner prescribed by OWEB.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0160

RULE SUMMARY: Describes the payment relationship between a covenant and easement on a property funded through the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0160

Payment Relationship Between Covenants and Easements

If a ~~w~~Working ~~L~~and ~~e~~Conservation ~~e~~Covenant is funded through the ~~Oregon Agricultural Heritage Program~~AHP and a later application is submitted to the Commission for the same property for a ~~w~~Working ~~L~~and ~~e~~Conservation ~~e~~Easement:[¶]

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0170

RULE SUMMARY: Describes process for subsequent conveyances for covenants and easements funded through the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0170

Subsequent Conveyances

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

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

(2) Strictly comply with the requirements of ORS 541.977--ORS 541.989 and OAR ~~698-010~~ and OAR 698-015.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-015-0180

RULE SUMMARY: Describes process for the OWEB Director to waive rules in the Working Land Conservation Covenant and Easement Grant Program.

CHANGES TO RULE:

698-015-0180

Waiver and Periodic Review of Rules

The Director may waive the requirements of OAR Chapter 698, Division 015 unless required by statute, when doing so will result in more efficient or effective implementation of the Working Land Conservation Covenant and Easement Grant. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission by the next meeting. The administrative rules for Working Land Conservation Covenant and Easement Grants shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-020-0010

RULE SUMMARY: Describes the purpose of the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0010

Purpose

~~The purpose of technical a~~ (1) This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for the Working Land Technical Assistance Grant Program.

(2) The purpose of Technical Assistance gGrants is to provide assistance to organizations that are eligible to enter into agreements resulting in eConservation mManagement pPlans, or that acquire or propose to acquire wWorking lLand eConservation eCovenants or wWorking lLand eConservation eEasements. Grant funding must support the public benefits in OAR 698-005-0010.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-020-0020

RULE SUMMARY: Provides a definition for the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0020

Definitions

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

~~(2) "Young or beginning farmer or rancher" means someone who has been an agricultural landowner or operator for 10 consecutive years or fewer, or an agricultural landowner or operator who is 35 years old or younger.¶~~

~~(3) "Socially disadvantaged farmer or rancher" means an agricultural landowner or operator who is a member of a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. Those groups include African Americans, American Indians or Alaskan natives, Hispanics, and Asians or Pacific Islanders.¶~~

~~(4) "Veteran farmer or rancher" means a person who served in United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof, and who was discharged or released therefrom under conditions other than dishonorable.¶~~

~~(5) "Limited Resource Farmer or Rancher" means an applicant with direct or indirect gross farm sales that are not more than the current indexed value in each of the previous 2 years, and who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years. An entity or joint operation can be a Limited Resource Farmer or Rancher if all individual members independently qualify.~~

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

~~Statutes/Other Implemented: ORS 541.977-541.989~~

AMEND: 698-020-0030

RULE SUMMARY: Describes eligibility for the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0030

Eligible Applicants

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

REPEAL: 698-020-0040

RULE SUMMARY: Repeals application requirements in the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

~~698-020-0040~~

~~Application Requirements~~

~~Technical Assistance Grant applications shall be consistent with OAR 698-005.~~

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

~~Statutes/Other Implemented: ORS 541.977-541.989~~

AMEND: 698-020-0050

RULE SUMMARY: Provides details on activities that may be funded through the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0050

Technical Assistance Activities

(1) Technical Assistance Grant funding cannot be used to fund specific ~~e~~Conservation ~~m~~Management ~~p~~Plans, ~~w~~Working ~~l~~and ~~e~~Conservation ~~e~~Covenants, or ~~w~~Working ~~l~~and ~~e~~Conservation ~~e~~Easements.¶

(2) The Commission will only consider ~~t~~Technical ~~a~~Assistance projects that will lead to or are likely to lead to the development of ~~e~~Conservation ~~m~~Management ~~p~~Plans, ~~w~~Working ~~l~~and ~~e~~Conservation ~~e~~Covenants, or ~~w~~Working ~~l~~and ~~e~~Conservation ~~e~~Easements.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-020-0060

RULE SUMMARY: Provides the criteria through which grant applications submitted in the Working Land Technical Assistance Grant Program will be evaluated.

CHANGES TO RULE:

698-020-0060

Evaluation Criteria

Working Land Technical Assistance Grant applications will be evaluated on:

(1) The extent to which the proposed ed project will improve upon the ability of the entity or its partners to enter into eConservation mManagement pPlans, or acquire wWorking lLand eConservation eCovenants or eEasements.

(2) The extent to which the outcomes of the tTechnical aAssistance project would lead to activities that:

(a) Protect, maintain, or enhance farming or ranching on wWorking lLand;

(b) Protect, maintain, or enhance significant fish or wildlife habitat, water quality, ~~appropriate seasonal water flows, appropriate water retention,~~ or other natural resource values;

(c) Protect, maintain, or enhance significant agricultural outcomes, benefits, or other investment gains; and

(d) Maximize the benefit to the state based on the ability to leverage grant moneys; and

~~(e) Limit negative and maximize positive impacts on owners or operators of neighboring lands.~~

(3) The extent to which the applicant demonstrates a plan to engage one or more underserved populations, including yYoung or bBeginning fFarmers or rRanchers, sSocially dDisadvantaged fFarmers or rRanchers, vVeteran fFarmers or rRanchers, or lLimited rResource fFarmers or rRanchers.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-020-0070

RULE SUMMARY: Describes the technical review and funding process associated with grant applications submitted in the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0070

Technical Review and Funding Process

(1) ~~Applications shall be evaluated according to criteria described in OAR 698-020-0060.~~

(2) ~~The Commission shall~~ The Commission and OWEB shall jointly appoint one or more ~~Technical e~~ Technical e Committees to evaluate and rank applications for grants for ~~working land conservation covenants and easements. These rankings will be provided to technical assistance. To fulfill this responsibility, the e~~ Commission to inform the commiss ~~shall~~ coordinate with OWEB on Technical Committee appointments.

(2) ~~Application's final ranking and funding recommendations to the OWEB Board.~~

(3) ~~If a technie~~ shall be evaluated according to criteria described in OAR 698-020-0050 and 698-005-0045.

(3) ~~OWEB shall~~ committee is used, nvene the t ~~Technical e~~ Committee shall provide ranking recommendations to OWEB staff, who(s) to evaluate and rank applications for grants. OWEB will review t ~~provide T~~ Technical e ~~Committee recommendat~~ ankings to the Commissions, and provide ~~long with a~~ funding recommendations to t.

(4) ~~The Commission. If a t~~ shall review and consider the Technical e ~~Committee is not used, OWEB staff will provide funding recommendations to the Commis~~ (s) rankings and the recommendations of OWEB staff and consult with the Board concerning grant applications.

(45) ~~The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund.~~

(56) ~~The Board approv~~ wards ~~Technical Assistance Grants. The Board may fund a grant application in whole or in part.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-020-0080

RULE SUMMARY: Describes grant agreement conditions for grants awarded in the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0080

Grant Agreement Conditions

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

(2) The grantee must agree to complete the project as approved by the Board and within the timeframe specified in the Grant Agreement unless proposed modifications are submitted and approved by the Director prior to the beginning of any work proposed in the modification. ¶

(23) The Director may consider project modifications, including expansion of funded projects with moneys remaining from the original project allocation, if the purpose and intent of the amendment remains the same as the original project and the proposed activity is within the same geographic area. ¶

(34) The Director may authorize minor changes within the scope of the original project plan. ¶

(45) The grantee must submit a report at completion of the project in accordance with reporting requirements described in the grant agreement. ¶

(5) Rules and conditions in place at the time funding for the Technical Assistance Grant is formally approved shall govern throughout the term of the project unless changes are mutually agreeable to both parties Grant Agreement.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-020-0090

RULE SUMMARY: Describes process for the OWEB Director to waive rules in the Working Land Technical Assistance Grant Program.

CHANGES TO RULE:

698-020-0090

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 020 unless required by statute, when doing so will result in more efficient or effective implementation of the Technical Assistance Grant program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission by the next meeting. The administrative rules for Technical Assistance Grants shall be periodically reviewed by the Commission, Board, and OWEB and revised as necessary and appropriate.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0010

RULE SUMMARY: Describes the purpose of the OAHP Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0010

Purpose

~~The purpose of succession planning~~ (1) This Division supplements the Oregon Agricultural Heritage Program Administration rules under OAR 698-005 and provides specific requirements for the Succession Planning Grant Program.

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0020

RULE SUMMARY: Provides definitions for the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0020

Definitions

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

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0030

RULE SUMMARY: Describes applicant eligibility for the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0030

Applicant Eligibility

(1) Eligible applicants for Succession Planning Grants are:

(a) Public institutions of higher learning,

(b) Nonprofit entities,

(c) Political subdivisions of the state that are not state agencies,

(d) Tribes, and

(e) Agricultural Cooperatives.

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0040

RULE SUMMARY: Provides application requirements for the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0040

Application Requirements

Succession Planning Grant applications shall:

(1) Not require match contributions; and

(2) Comply with ~~Oregon Agricultural Heritage Program~~ AHP general grant application requirements in OAR 698-005.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0050

RULE SUMMARY: Describes eligible activities in the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0050

Eligible Activities

The following activities benefitting agricultural landowners or operators in Oregon and the persons who advise them are eligible for Succession Planning Grants:

- (1) Education and outreach about the importance of sSuccession pPlanning and available resources;
- (2) Trainings on topics related to sSuccession pPlanning;
- (3) Development and distribution of educational materials and curriculum related to sSuccession pPlanning; and
- (4) Advising aAgricultural lLandowners or oOperators on sSuccession pPlanning.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0060

RULE SUMMARY: Provides the criteria on which grant applications to the Succession Planning Grant Program will be evaluated on.

CHANGES TO RULE:

698-025-0060

Evaluation Criteria

Succession Planning Grant applications will be evaluated on:

(1) The extent to which the proposed project would help achieve the purpose of this grant program as identified in OAR 698-005-0010;

(2) The capacity and competence of the applicant to deliver the proposed program;

(3) The applicant's relevant background and experience in delivering successful succession planning programs, including prior projects funded through this or other grant programs;

(4) The cost-effectiveness of the proposed project;

(5) The extent to which the proposed project reaches diverse audiences, including: producers of diverse commodities, agricultural landowners or operators in diverse geographic locations in Oregon, young or beginning farmers or ranchers, socially disadvantaged farmers or ranchers, veteran farmer or ranchers, limited resource farmers or ranchers, and participants in diverse stages of succession planning. The Commission may also consider the extent to which a suite of approved grant projects will combine to reflect this diversity; and

(6) The extent to which the project introduces participants to conservation tools as resources for succession planning.

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0070

RULE SUMMARY: Describes the process for technical review and funding grant applications in the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0070

~~Succession Planning Grant Application~~ Technical Review and Funding Process

~~(1) The Commission may fund projects submitted through an open sea and OWEB shall jointly appoint one or more Technical Committees to evaluate and rank applicitations for applications, or by requesting applications from one or more grants for working land conservation covenants and easements. To fulfill this re-specific eligible entitieonsibility, the Commission shall coordinate with OWEB on Technical Committee appointments. ¶~~

~~(2) Applications shall be evaluated according to criteria described in OAR 698-0025-0060. ¶~~

~~(3) The Commission shall appoint one or mor and 698-005-0045. ¶~~

~~(3) OWEB shall convene the tTechnical eCommittees(s) to evaluate and rank applications for grants for working land conservation covenants and easements. Those rankings will be provided. Those rankings will be provided to OWEB. OWEB will provide Technical Committee rankings to the eCommission to inform t, along with a funding recommendation. ¶~~

~~(4) The eCommission's final shall review and consider the Technical Committee(s) rankings and fundingthe recommendations to the OWEB board of OWEB staff and consult with the Board concerning grant applications. ¶~~

~~(45) The Commission shall make funding recommendations to the Board based on the availability of funding from the Oregon Agricultural Heritage Fund. ¶~~

~~(56) The Board may fund a grant application in whole or in partawards Succession Planning Grants.~~

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0080

RULE SUMMARY: Describes grant agreement conditions for the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0080

Grant Agreement Conditions

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

(2) The grantee must agree to complete the project as approved by the Board and within the timeframe specified in the gGrant aAgreement unless proposed modifications are submitted and approved by the Director prior to the beginning of any work proposed in the modification.¶

~~(23)~~ The Director will consider project modifications, including expansion of funded projects with moneys remaining from the original project allocation, if the purpose and intent of the amendment remains the same as the original project.

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

Statutes/Other Implemented: ORS 541.977-541.989

REPEAL: 698-025-0090

RULE SUMMARY: Repeals grant funding conditions in the Succession Planning Grant Program.

CHANGES TO RULE:

~~698-025-0090~~

~~Grant Funding Conditions~~

~~(1) All Succession Planning Grant agreements authorized by the Board shall have a clause that requires the retention of up to ten percent of project funds until the final report, as required in the grant agreement, has been approved. ¶~~

~~(2) Final reports are due within 60 days of project completion. Any unexpended OAHP funds must be returned to the Commission with the final report. ¶~~

~~(3) Upon receipt of the final report, the Commission shall have 90 days to approve the completed report or notify the Grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. ¶~~

~~(4) Once the final report has been approved the final payment shall be promptly processed.~~

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

~~Statutes/Other Implemented: ORS 541.977-541.989~~

AMEND: 698-025-0100

RULE SUMMARY: Describes grant reporting requirements for the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0100

Grant Reporting Requirements

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

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

Statutes/Other Implemented: ORS 541.977-541.989

AMEND: 698-025-0110

RULE SUMMARY: Describes process for the OWEB Director to waive rules in the Succession Planning Grant Program.

CHANGES TO RULE:

698-025-0110

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 025 unless required by statute, when doing so will result in more efficient or effective implementation of the Succession Planning Grant Program. Any waiver must be in writing, included in the grant file to which the waiver applies, and reported to the Commission by the next meeting. The administrative rules for Succession Planning Grants shall be periodically reviewed by the Commission and revised as necessary and appropriate.

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

Statutes/Other Implemented: ORS 541.977-541.989