

Summary of 2024 OAHP Rule Updates

DIVISION 5 – OAHP ADMINISTRATION

698-005-0010

Purpose

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

698-005-0020

Definitions

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

698-005-0030

Application Requirements

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

698-005-0040

Application Processing

- Removed (2) and replaced with new language

698-005-0045

Climate-Related Evaluation Criteria

- Inserted Climate-Related Evaluation Criteria

698-005-0050

Grant Agreement Conditions

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

698-005-0070

Distribution of Funds

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

698-005-0080

Funding Decision Reconsideration by Board

- Removed this section to reduce ambiguity

698-005-0080

Technical Committees

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

DIVISION 10 – CONSERVATION MANAGEMENT PLANS

698-010-0010

Purpose

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

698-010-0020

Definitions

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

698-010-0030

Eligible Applicants

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

698-010-0040

Eligible Properties

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

698-010-0060

Use of Funds

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

698-010-0080

Conservation Management Plan Components

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

698-010-0090

Evaluation Criteria

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

698-010-0100

Technical Review and Funding Process

- Revised content to better align with actual process

698-010-0110

Grant Agreement Conditions

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

698-010-0120

Conservation Management Plan Mutual Modification

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

698-010-0130

Conservation Management Plan Monitoring

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

698-010-0140

Grant Reporting Requirements

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

DIVISION 15 – WORKING LAND CONSERVATION COVENANTS AND EASEMENTS

698-015-0010

Purpose

- Changed language to match ORS

698-015-0020

Definitions

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

698-015-0050

Application Requirements

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

698-015-0070

Use of Grant Funds

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

698-015-0090

Evaluation Criteria

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

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

698-015-0100

Technical Review and Funding Process

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

698-015-0110

Board Approval and Delegation of Authority

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

698-015-0130

Director Funding Approval and Distribution of Funds

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

698-015-0150

Grant Reporting Requirements for Covenants

- Revised language to give more flexibility

698-015-0170

Subsequent Conveyances

- (1) Added “and the Board”

DIVISION 20 – WORKING LAND TECHNICAL ASSISTANCE GRANTS

698-020-0030

Eligible Applicants

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

698-020-0040

Application Requirements

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

698-020-0050

Evaluation Criteria

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

698-020-0060

Technical Review and Funding Process

- Adjusted section to match process in Divisions 10 and 15

698-020-0070

Grant Agreement Conditions

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

DIVISION 25 – SUCCESSION PLANNING GRANTS

698-025-0070

Technical Review and Funding Process

- Adjusted section to match process in other OAHP rule divisions

698-025-0080

Grant Agreement Conditions

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

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

698-025-0100 Grant Reporting Requirement

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