



January 2, 2025

To: Oregon Agricultural Heritage Commission and OWEB Staff

From: Oregon Climate and Agriculture Network

Re: OAHP Proposed Rulemaking

We are submitting public comment on the [proposed rule revisions for the Oregon Agricultural Heritage Program \(OAHP\)](#). OrCAN has been previously engaged via public comment during the OAHP Rulemaking Advisory Committee meetings, and this written comment is following up on our verbal comment from the December public hearing.

Language from the proposed rule revisions is in *italics*.

Our suggested modifications are underlined.

## **DIVISION 5**

### *698-005-0045 Climate-Related Evaluation Criteria*

Division 5 section 45 "Climate Evaluation Criteria", line 1, reads:

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

Engagement in the project by communities disproportionately impacted by climate change is important and projects that engage those communities should be preferred. The current language is focused on how their engagement has informed the project. In addition to engaging to inform the project, they could actually be engaged *in the* project or be the applicant.

We recommend modifying the language to:

"How local communities disproportionately impacted by climate change are engaged in the project or have informed or will inform the project."

Division 5 section 45, Climate Evaluation Criteria, line 3 reads: *"How consideration of greenhouse gas emissions or long-term carbon sequestration or storage has informed the project."* It is not only desirable for applicants to consider these climate impacts or benefits, or to have them inform the project -- we want to see that the project is likely to actually result in these climate benefits.

We recommend this language instead: "How the project is likely to result in a reduction of greenhouse gas emissions or long-term carbon sequestration or storage."

## **DIVISION 10**

### *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: ...*
  - (b) The land's contribution to long-term conservation of the region's agricultural land base;*
  - (c) The regional significance of the agricultural operation based on location, its associated infrastructure, and other relevant factors including supporting agricultural values important to the region; and*
  - (d) Supporting implementation of local, regional, state, federal or tribal priorities and plans that support fish or wildlife habitat, water quality or other natural resource values including but not limited to the Oregon Conservation Strategy and Oregon's Agricultural Water Quality Management Program;*

Our understanding is that the Conservation Management Plan (CMP) Grant evaluation criteria in section 1 are intended to mirror, or align, with the evaluation criteria for the Covenants and Easements grant and with the overall purpose of OAHP. We are concerned that many of the proposed criteria would be very difficult to evaluate when applied to the CMP grants. Our understanding from communication with staff is that these criteria will be taken into consideration as part of a holistic package, but that applicants will not be scored on each of these criteria. We agree with that approach, and recommend removing "as measured by" (which implies that the application will be scored on this criteria) and replacing it with something like "taking into consideration".

Regarding lines 1 (b), (c), and (d) of the CMP Evaluation Criteria, we are concerned that these criteria would be very difficult to evaluate, and have concerns about some of them and their relevance to CMP grants. If the language is modified in section 1, to clarify that applications will not be scored on these criteria, our concerns are largely addressed.

*(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;*

Similar to our comments regarding section 1, we think these two criteria might be difficult to apply to a CMP grant application and we suggest a similar modification. We recommend changing "including how implementation of the plan(s) would" to "including, but not limited to, how implementation of the plan(s) would" or "taking into consideration how implementation of the plan(s) would".

*(4) The extent to which the Conservation Management Plan would protect agricultural outcomes or benefits from other related investments.*

We think the existing language is confusing and unclear and could be interpreted to read that the CMP would protect agriculture from other investments. To clarify, we recommend modifying it to read: "The extent to which the Conservation Management Plan would protect agricultural outcomes or benefits that have come from other related investments." We recommend a similar clarification/change to 698-015-0090 Evaluation Criteria Working Land Covenant and Easement Grants.

Related to Division 10 Conservation Management Plan grants and Division 20 focused on Working Land Technical Assistance Grant Program. In Division 20, section 60 describing the "Evaluation Criteria" for the Working Land Technical Assistance Grant Program, one criterion reads: "*The extent to which the applicant demonstrates a plan to engage one or more underserved populations, including Young or Beginning Farmers or Ranchers, Socially Disadvantaged Farmers or Ranchers, Veteran Farmers or Ranchers, or Limited Resource Farmers or Ranchers.*"

We ask that you consider adding similar language with this list of underserved populations to the Division 10 Evaluation Criteria for the Conservation Management Plan program as well. We believe engaging underserved populations is an important consideration for both grant programs.

## DIVISION 20

### *698-020-0010 Purpose*

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

We think the purpose of the Technical Assistance (TA) grants could be clarified further. We recommend adding "such as outreach and engagement" after "assistance" to clarify the purpose of this grant program.

It may also be helpful to clarify that the purpose is not just to provide general TA to these eligible entities, but to provide support resulting in CMPs or Covenants and/or Easements.

Alternative language could be:

"The purpose of Technical Assistance Grants is to provide assistance, such as outreach and engagement, to eligible entities included in 698-020-0030, to promote, encourage or support development of Conservation Management Plans, or acquisition of Working Land Conservation Covenants or Working Land Conservation Easements. Grant funding must support the public benefits in OAR 698-005-0010".

### *698-020-0070 Technical Review and Funding Process*

*(2) Applications shall be evaluated according to criteria described in OAR 698-020-0050 and 698-005-0045.*

One of the OAR numbers is incorrect. Evaluation criteria are in 698-020-0060 (not -0050) We think the correct language is: "Application's shall be evaluated according to criteria described in OAR 698-020-0060 and 698-005-0045".

Thank you for your consideration of these comments.

*Sophie Els and Megan Kemple, Oregon Climate and Agriculture Network*