



## AGENDA ITEM SUMMARY

### BACKGROUND

**The Department is seeking the Commission’s approval to amend the Private Forest Accord Grant Program Administrative Rules.**

In August of 2023, the Fish and Wildlife Commission approved Oregon Administrative Rules (OARs) for the Private Forest Accord (PFA) Grant Program, formally implementing the program. Since then, the Grant Program has publicly solicited two Requests for Proposals (RFPs) and awarded over \$20 million in funding to provide conservation benefits to the fish and aquatic species covered by the pending PFA Habitat Conservation Plan.

Through the implementation of the PFA Grant Program OARs over the last 17 months, the Department and PFA Advisory Committee have identified some areas in need of revision to simplify the program, facilitate a prompter distribution of funding, and provide a clearer, more consistent process for applicants and grantees.

The Department notified and requested coordination with Oregon’s 9 federally-recognized tribes as a part of this rule revision process. The PFA Advisory Committee voted to recommend this request to the Commission at its July 15, 2025, public meeting.

### PUBLIC INVOLVEMENT

#### **Committee Meetings and Public Engagement**

The PFA Advisory Committee held public meetings on January 14 and July 15, 2025, to review proposed revisions to the Grant Program Administrative Rules. These meetings are open to public participation, with time allotted for public comments. A revised Notice of Proposed Rulemaking (Attachment 2) was filed with the Oregon Secretary of State on June 24, 2025.

#### **Stakeholder Concerns and Rule Interpretation**

Stakeholders focused on land acquisition eligibility in the PFA grant program. ORS 496.257(2) directs the State Fish and Wildlife Commission to fund projects that mitigate forest practice impacts by “supporting establishment of conservation easements on land other than forestland to protect riparian areas.” However, OAR 635-097-0070(f), adopted in 2023, interpreted this more broadly to potentially allow fee-title acquisitions, including forestland.

Committee members raised concerns that this interpretation went beyond the statute’s intent—particularly as some timber stakeholders feared the grant funds could remove land from Oregon’s active timber base, contrary to the goals of the Private Forest Accord.

### **Recommended Revisions and Public Testimony**

To resolve the issue, the Committee and Department proposed revising the rule to match statute, restricting acquisitions to conservation easements on non-forestland. This sparked testimony from land trust representatives, who argued that the change, while clarifying, might limit project eligibility and reduce benefits to covered species. They cited past support for fee-title acquisitions and working forest conservation easements. These comments were submitted for the February 2025 Commission hearing (see Attachment 4).

Ultimately, the Committee unanimously supported aligning the rule language with statute, viewing it as the most reasonable compromise given stakeholder disagreement.

### **Tribal Coordination**

Consideration of the proposed revisions at the February 2025 Commission meeting was delayed to enhance coordination with Oregon’s nine federally recognized tribes. The Department provided updates at the April 30 Tribal Natural Resources Cabinet meeting and conducted direct outreach to each tribe’s natural resource director (March 18 email, March 25 call, April 4 and June 27 emails). No further feedback or coordination requests have been received.

## **ISSUE 1**

Private Forest Accord Grant Program request to amend Oregon Administrative Rules, Division 97.

## **ANALYSIS**

### **Summary of Proposed Rule Revisions**

Attachment 3 includes a summary of proposed updates to the PFA Grant Program Administrative Rules, originally adopted in August 2023. The revisions aim to improve clarity, streamline processes, and align with state statutes and conservation goals.

### **Key Changes**

- **Definition Updates:** Revised for improved clarity.
- **Program Name Adjustment:** Removed the term “mitigation” to better align with the PFA Habitat Conservation Plan, which treats the program as a conservation measure.

- **Grant Pathway Consolidation:** Merged Urgent and Regular Grants into a single pathway. The Urgent option is being removed due to lack of use and limited funds, ensuring fairness and maximizing competitive funding.
- **Acquisition Language Alignment:**
  - Revised OAR 635-097-0070(5)(f) to match ORS 496.257(2), restricting land acquisition eligibility to conservation easements on non-forestland.
  - Updated subsection (g) to clarify that only existing water rights eligible for instream use conversion may be funded.
  - Expanded subsection (i) to allow a broader range of instream flow restoration strategies, including infrastructure upgrades, under ORS 537.348.
- **Community Engagement Requirement:**
  - Added subsection 635-097-0070(7) to reflect ORS 541.551, requiring local grantees to follow Oregon’s “10 Best Practices for Community Engagement around Water Projects,” ensuring inclusive and equitable participation.
- **Project Start Flexibility:**
  - Amended subsection 635-097-0110(1) to allow grantees to begin work after Commission approval and before contract execution, with conditions for reimbursement and risk acknowledgment.
- **Budget Amendment Authority:**
  - Subsection 635-097-0110(8) gives the Department flexibility to make administrative budget adjustments up to 10% without full Commission approval, provided a formal amendment is executed.

## Intent

These updates simplify the grant program, improve efficiency, and ensure alignment with statutory requirements and conservation priorities, while maintaining transparency and fairness.

## OPTIONS

1. Adopt staff recommendations for amending the Private Forest Accord Grant Program Oregon Administrative Rules.
2. Adopt amendments to the Private Forest Accord Grant Program Administrative Rules that are modified from staff recommendations.
3. No action.

**STAFF RECOMMENDATION:**

Option 1.

**DRAFT MOTION:**

I move to approve amendments to the Private Forest Accord Grant Program Oregon Administrative Rules as proposed by staff in Attachment 3.

**Effective Date:** August 15, 2025.