AGENDA ITEM SUMMARY

BACKGROUND

Created in 1993 by the Oregon Legislative Assembly, the seven-member Access & Habitat (A&H) Board (Board) reviews project proposals that improve wildlife habitat and/or enhance public hunting access in Oregon. Project applications, submitted by landowners, corporations, organizations, and agencies, are initially reviewed by Board-appointed Regional Councils established in five geographic regions of the state. Regional Councils forward proposals to the Board with recommendations to approve or deny projects. The Board provides the next level of project review and then forwards recommended proposals to the Oregon Fish and Wildlife Commission (Commission) for final consideration and approval to expend A&H Program funds.

Funding for the A&H Program, approximately $3.7 million per biennium, is from three primary sources:

- $4 from each hunting and combination license sold (approximately $1.5 million per biennium)
- Proceeds from the annual Big Game Auction and Raffle tags (approximately $2.2 million per biennium)
- Biennial allocation of approximately $91,000 from the Green Forage and Deer Enhancement and Restoration programs

The A&H Program dedicated account balance was $5,398,899 at the end of May 2026. A&H Program funds deposited in the dedicated account can only be expended for program activities. As of June 1, 2026 contracted A&H projects provide hunters with access to over 2.2 million acres of private land and have improved over 22,084 acres of habitat for wildlife during this biennium.

PUBLIC INVOLVEMENT

A&H provides an opportunity for public involvement at Regional Council and Board meetings, which are advertised by Oregon Department of Fish and Wildlife (department) news releases and on the department webpage. Meeting materials are posted on the department website and members of the public may review documents and submit comments. Interested parties may attend in person or virtually to provide public comment during these meetings. The Board most recently met in Salem on July 13, 2026.

ISSUE 1

A&H PROJECT FUNDING RECOMMENDATIONS

ANALYSIS

A summary of the three projects recommended for funding by the A&H Board is presented in the staff project summary (Attachment 2).

OPTIONS

Option 1. Approve A&H Board recommendations.

Option 2. Reject project proposals.

STAFF RECOMMENDATION

Option 1. Approve the projects recommended by the A&H Board.

DRAFT MOTION:
I move to approve the three projects recommended for funding by the Access & Habitat Board.

Effective Date: September 18, 2026

ISSUE 2

INSURANCE REQUIREMENT PAYMENT AMENDMENT

BACKGROUND

This agenda item proposes amending the Access & Habitat (A&H) recently approved project compensation structure to better support landowners in meeting required insurance obligations.

The Department of Administrative Services (DAS) requires insurance for all grant programs, with specific coverage determined by each project's proposed activities. In response to these requirements, the A&H Program established payments to compensate landowners for the time and expenses associated with obtaining the required insurance for access projects. Currently, the A&H program has an insurance budget of $3,000 per year to offset time and costs incurred by landowners to obtain the insurance required to be in place before their access contract can be executed. Landowners may receive $100 to compensate them for obtaining necessary insurance documentation from their insurance agent with reimbursement of increased insurance costs. Additionally, those landowners whose approved access project has an annual payment up to $35,000 per year may receive reimbursement for increased cost of insurance necessary to meet the contract requirements. This insurance compensation is limited to the first year of a contract and subsequent renewals will have insurance costs accounted for in the project funding. Projects with annual payments greater than $35,000 are not eligible to receive this reimbursement for increased cost of insurance, rather, with larger projects it is expected that landowners are considering insurance costs at the time of application.

An amendment to the existing insurance payment framework is necessary to address two recent developments. First, an A&H grantee was notified that their insurer would not cover recreational access, ultimately requiring the landowner to change carriers to remain in the program. The landowner's burden of securing a new insurance carrier is greater than what the compensation of $100 was intended to cover. Second, some landowners in eastern Oregon are encountering significantly higher insurance costs due to the need for additional coverage related to public recreational use of their lands for hunting. These landowners bear the cost of purchasing this required coverage before the department can finalize the contract. These emerging issues demonstrate increasing financial and administrative burdens for participating landowners and underscore the need for strengthened program support.

ANALYSIS

The DAS requirement that cooperating landowners obtain Commercial General Liability insurance with $1 million per-occurrence and $2 million aggregate coverage, listing ODFW as an additional insured and certificate holder, has become a growing barrier to landowner participation. This requirement is new for our landowners and recent increases in insurer scrutiny, variability among underwriters, and rising costs have made obtaining coverage more difficult for some landowners, particularly small to mid-sized farms and ranches.

Information gathered through consultation with Department of Administrative Services (DAS) Risk Management and Willis Towers Watson (WTW), the State of Oregon's insurance broker, indicates that insurance capacity for public-access programs still exists nationally. Approximately 25–30 states operate similar recreational access initiatives, and according to WTW, insurers are not broadly withdrawing from this market. However, WTW emphasized significant variability across carriers and underwriters, meaning that while coverage is generally available, access to it is inconsistent and challenges are likely to persist.

Underwriters assess several factors when evaluating landowners participating in hunting access programs, including firearms-related exposure, general public access, defense costs, and the indemnification requirements included in A&H agreements. Even where no access fees are charged, the shift from limited recreation access to actively encouraging recreational use increases exposure to accident risk, claims, and requirements to warn of hazards. Oregon's recreational immunity statutes help mitigate liability concerns, but each insurance underwriter ultimately makes independent judgments about acceptable risk levels for their policies.

Program experience shows a clear divide among landowners. Larger landowners, especially industrial timber companies, tend to already carry recreational-use insurance, making the addition of the state as additionally insured relatively straightforward and inexpensive. In contrast, farm and ranch landowners often face significant increases in premium costs when adding public recreation to their policies. Recent examples, including participating landowners in the Heppner area, show annual increases ranging from $600 to $1,000. Additionally, several landowners have been denied coverage outright by their providers, requiring that they secure new carriers, further increasing administrative burden and frustration.

These trends pose a direct risk to continued farm and ranch landowner participation in A&H access agreements. To maintain program viability and support landowners facing new financial and administrative obligations, the Department proposes amendments to existing support measures that more accurately reflect current insurance market conditions. The proposed adjustments include an increase in the annual budget, a first-year incentive for locating qualified insurance coverage, full funding of required annual insurance costs, and an increase in the maximum landowner payment cap to retain participation by mid-sized cooperators.

Proposed amendments to the insurance compensation program are:

- Increase the annual administrative insurance budget to $20,000;
- Boost the $100 incentive to $500 for those landowners that must secure a new insurance carrier to meet insurance requirements in the first year of the contract;
- Reimbursement of the increased cost of acquiring required insurance and adding ODFW as an additional insured for the first year of the agreement, up to $1,000;

- Make the insurance incentive available to landowners whose approved project has an annual access payment up to $50,000 (an increase from the current $35,000 annual access payment maximum).

These amendments are intended as a short-term (not to exceed three years) solution to a developing issue for the A&H program. As new access projects are approved and existing projects renew for the first time with the insurance requirement, additional insights into the costs to program landowner will allow incorporation of insurance costs into project awards. Additionally, the department is continuing conversations with DAS regarding long term solutions to ensure the program continues to be an attractive option to farm and ranch landowners.

OPTIONS

Option 1. Approve the amendments as proposed for a period of three years.

Option 2. Reject proposed amendments.

STAFF RECOMMENDATION

Option 1. Approve the amendments as proposed for a period of three years.

DRAFT MOTION:

I move to amend the Insurance Requirement Payment Administrative Budget for a three year period as proposed by staff.

Effective Date: September 18, 2026