



October 16th, 2024

To: Oregon Agricultural Heritage Commission and OAHP Staff

From: Megan Kempe, Executive Director, Oregon Climate and Agriculture Network (OrCAN)

Re: OAHP Rules: Chapter 698 Division 10 Conservation Management Plans and Division 20 Working Land Technical Assistant Grants

We're submitting comments on sections of the Division 10 Rules for OAHP that the RAC didn't get to at the September 2024 meeting as well as comments on Division 20 Rules. This is based on our review of [Draft Rules with staff comments](#) shared in meeting materials for the September 11th OAHP RAC meeting. I also plan to attend the meeting on October 21st for the staff presentation and the Commission's discussion.

Current or proposed rule language is in regular text. Our comments are in *italics*.

Division 10 Conservation Management Plans

698-010-0110 Grant Agreement Conditions

(1) 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.

We agree with Staff's recommendation to consider removal, as it may preclude offering development and implementation grants.

698-010-0120 Conservation Management Plan Mutual Modification

If funding is provided for conservation management plan implementation:

(6) Modifications to the plan may include: ... (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.

We appreciate inclusion of changes in practices, which will certainly change over time.

And we recommended removing the language about what the changes may be in response to.

Over a 20-50 year period there could be any number of reasons that a change in practices could be needed, in addition to those listed above.

Division 20 Working Land Technical Assistant Grants

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 010 (conservation management plans) and ORS 541-982 and division 015 (working land conservation covenants and easements).

After "development of" add "or supporting the implementation of". Land owners and land managers will need technical assistance with both development of their conservation management plans AND with implementation of their conservation management plans.

698-020-0030 Eligible Applicants

(1) Eligible applicants for Technical Assistance Grants are eligible to enter into agreements resulting in a conservation management plan under division 010 or acquire a working land conservation covenant or easement under division 015.

Add "or supporting implementation of" after "resulting in". Similar to our previous comment, land owners and land managers will need technical assistance with both development of their conservation management plans AND with implementation of their conservation management plans.

698-020-0050 Technical Assistance Activities

(1) Technical Assistance Grant funding cannot be used to fund specific conservation management plans, working land conservation covenants, or working land conservation easements.

Consider clarifying this language, to clarify that the purpose of technical assistance grants is to support the plans, covenants and easements rather than fund the plans.

(2) The Commission will only consider technical assistance projects that will lead to or are likely to lead to the development of conservation management plans, working land conservation covenants, or working land conservation easements.

Add "or support implementation of Conservation Management Plans" after "development of" for the reasons shared in our previous comments.

Thank you for your consideration of these comments.



Megan Kemple, Executive Director
Oregon Climate and Agriculture Network (OrCAN)