

Exhibit B

**Public Correspondence Received as of
July 20, 2023**

June 30, 2023



To the members of the Oregon Fish and Wildlife Commission

RE: Proposed Rules for the Private Forest Accord Mitigation Fund Grant Program

Members of the Commission-

On behalf of the Board and staff of the McKenzie River Trust, I express our enthusiastic support for the draft Private Forest Accord Mitigation Fund Program rules. In general, we are very pleased to see such a significant commitment of funds toward land and water conservation, in a program that seems to have a pragmatic level of flexibility baked in. Given the speed of change in both forest health and forest land ownership, such flexibility will be particularly valuable. With that in mind, I suggest you consider two particulars.

First, even in the best designed grant programs and best developed projects, time lags can affect budgeted expenses and actual costs. Please consider rules language that gives ODFW staff some discretion to adjust grant award totals after a grant decision has been made but before funds have been disbursed to account for inflation or other market factors. For example, if a grant decision of \$250,000 has been made, but the grantee finds in contract development that the real cost will be \$262,500, let the staff make the call on that 5% increase, rather than requiring the applicant to go back before the commission for the additional request. Consider an "up-to" limit on that discretion, such as 5 or 10% change, to ensure some program consistency.

Second, it is unclear whether or not an application could be submitted by an organization seeking reimbursement for a purchase of land or water that has already been completed. I encourage you to make that a clearly eligible option in the program. Because the market for forest land moves quickly, especially the market for forest land along watercourses, securing those lands for habitat conservation often requires completing a transaction with a loan or other financing on a very short timeline, too short to fit within a standard grant program's due diligence. While the Urgent Grant funding pathway takes a step in resolving this issue, allowing for grants to reimburse for completed acquisitions makes the approach more robust.

Again, we are very encouraged at the general direction of the program and appreciate the creativity and determination of the ODFW staff who are pulling it together. Thanks to all of you for supporting them in this good work.

A handwritten signature in black ink that reads "Joe Moll". The signature is written in a cursive, flowing style.

Joe Moll
Executive Director

BORISCH Roxann B * ODFW

From: Roxann.B.BORISCH@odfw.oregon.gov
Subject: FW: Private Forest Accord OARs

From: Owen Wozniak <owozniak@lta.org>
Sent: Friday, June 30, 2023 1:21 PM
To: ODFW Commission * ODFW <Odfw.commission@odfw.oregon.gov>
Subject: Private Forest Accord OARs

You don't often get email from owozniak@lta.org. [Learn why this is important](#)

Commissioners,

Thank you for the opportunity to comment on proposed rules for the Private Forest Accord Mitigation Fund. These are my personal opinions, informed by:

- Over a decade spent working on land conservation projects in Oregon with state agencies, municipalities, park districts, soil and water conservation districts, tribes, and land trusts
- Close collaboration with the Willamette Wildlife Mitigation Program (ODFW and BPA) on several projects funded through that program
- Past collaboration with the Oregon Watershed Enhancement Board on land protection projects
- Current participation in the Willamette Wildlife Mitigation Program's Wildlife Advisory Group
- Recent experience managing a major land acquisition funding program in Oregon, Idaho and Washington called the Pacific Northwest Resilient Landscapes Initiative

I strongly support the overall direction and aims of the Private Forest Accord Mitigation Fund. I offer the following recommendations, many of which specifically apply to the land protection component of the Fund.

- I urge you to robustly support land conservation (acquisition of land and easements) through this process. I believe all the proposed project categories merit support, but I urge the committee to ensure selection criteria don't inadvertently prioritize actions, such as removing fish passage barriers, that might offer more immediately quantifiable benefits. Protecting land in perpetuity is a foundational step for lasting benefits and is often the first step in a long process of restoration and stewardship. Recent projects such as the Willamette Confluence demonstrate this.
- If you have not done so already, please be sure to clarify in the rules that fee simple land acquisition is an eligible activity across the landscape. Conservation easements are also critically important and should be supported, but in my experience fee simple land acquisitions often are more efficient in the long run, especially when substantial restoration actions are envisioned.
- Oregon's land trust community, as well as certain soil and water conservation districts, have developed extensive expertise in restoring and stewarding lands. (My organization, the Land Trust Alliance, has helped to support this development, as has the Coalition of Oregon Land Trusts.) When it comes to land protection, land trusts and SWCDs, alongside Tribes, should be relied upon to the greatest extent possible to implement the Fund's goals. Where such organizations might need technical assistance or transaction support, I urge the Fund to make such support available.
- I urge to you make program rules as flexible as possible, especially as regards funding requirements. I support the proposed approach of not requiring match for the regular grants. Match funding requirements are great for boosting impact metrics, but in practice they often complicate projects and bias outcomes toward entities and projects that can sustain the greater cost and complexity. This doesn't always correlate to the greatest impact on habitat outcomes. In a state like Oregon, where sources of matching funds are limited, match requirements

can significantly skew such outcomes. Given the enormous potential of this fund to accelerate conservation across Oregon, simplicity and flexibility will be essential to deploying the funds efficiently and strategically.

- In my experience grant funders, whether public agencies or private foundations, tend to err on the side of being overly prescriptive and risk averse. All projects entail some risk of failure. Project proponents shoulder financial and reputational risk to make projects successful. Meeting funder requirements often requires significant time and resources. I urge the Fund to trust the expertise and commitment of its grantees and refrain to the greatest extent possible from requiring specific conservation restrictions, mandatory easement language, and/or redundant due diligence processes. Specific to land protection projects, I note that many of Oregon's land trusts are accredited – or on a pathway to accreditation -- by the Land Trust Accreditation Commission. Accredited land trusts have demonstrated their commitment to rigorous standards and practices. The State should feel confident in such partners and offer them the maximum feasible autonomy in completing funded projects.
- On a related point: if legally possible, I urge the State not to take any kind of legal interest in funded projects, such as be requiring the state be granted a conservation easement. This adds unnecessary administrative burdens on the state and does not necessarily ensure better outcomes. Trust the project implementors, provide adequate resources to help implementors where needed, and accept that some amount of failure is to be expected. If only "safe" and "fully baked" projects are funded, we'll miss out on important opportunities.
- That said, I urge you to clarify how and when this fund can interact with other major funding sources like OWEB and the Oregon Ag Heritage Program (which I fervently hope will be funded again in the future).
- The proposed rules appear to be silent on what if any role the Oregon Conservation Strategy will play in project consideration. I recommend you clarify this. ODFW has done an excellent job in developing this resource.
- I also urge the fund to take full account of climate change impacts, and mitigation and adaption opportunities, in further developing selection criteria.

Thank you for the opportunity to submit these comments. I'm very pleased the Oregon has committed to this mitigation fund and look forward to seeing its positive impact in years to come.

Best regards,

Owen Wozniak
Land Transactions Program Manager
Land Trust Alliance
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