

Private Forest Accord Mitigation Advisory Committee Operating Procedures

This document describes the background and operating procedures for the Private Forest Accord Mitigation Advisory Committee (MAC), created as part of the Private Forest Accord (PFA). The document seeks to clarify the MAC's basic procedures and goals for staff, MAC members, and the public. This document will be updated over time by the MAC to maintain a source of consistent information. A companion to these operating procedures with more detail on grant criteria can be found in the Expenditure Framework.

[Mitigation Advisory Committee Background](#)

The Private Forest Accord (PFA) Mitigation Fund (Fund) was established in the 2022 Legislative Session (Senate Bills [1501](#) and [1502](#); [House Bill 4055](#)) as an outcome of the landmark agreement to recommend changes to the Forest Practices Act. Details of the agreement among the timber, conservation, and fishing groups were captured in the Private Forest Accord Report (Report), including a mitigation chapter. The Private Forest Accord resulted in updated private forest land rules to better protect aquatic species. The new rules support a programmatic habitat conservation plan (HCP) for aquatic species covering almost all regular forest practices. Habitat conservation plans provide increased legal certainty to the landowning community, benefits to imperiled species, and a structured path to science-based changes. Habitat conservation plans may also include mitigation, defined herein as:

"...Avoiding, minimizing, rectifying, reducing over time, and compensating for impacts on natural resources." - Pg. 139. Private Forest Accord Authors Report to Legislature, quoting HCP Handbook from USFWS and NOAA Fisheries.

While the character and number of imperiled species affected by covered activities can be challenging to measure, the Private Forest Accord Report authors nonetheless recognized that some direct effects from forestry are likely to harm some members of the covered species. Therefore, the Private Forest Accord included the substantial Fund as a subaccount of the Oregon Conservation and Recreation Fund (ORS 496.252). The Fund is under the control of the Fish and Wildlife Commission and advised by the MAC. Furthermore, the authors recognized the vital importance and critical advantages made possible by coordinating across governmental bodies; thus, the MAC includes ex-officio members from relevant state and federal agencies. Ex-officio members are encouraged to participate in committee deliberations and to bring expertise and resources from their respective agencies.

[Purpose of the Mitigation Advisory Committee](#)

The MAC aims to ensure that Funds are invested in a manner that will most effectively mitigate the impacts of forest practices on species covered under the PFA HCP. The MAC will achieve this by advising the Oregon Fish and Wildlife Commission and Oregon Department of Fish and Wildlife on how to use the Fund through a grant award program. The Commission makes final decisions regarding expenditures from the Fund.

Focus of Mitigation

The PFA Mitigation Program seeks mitigation measures that offset the take of covered species in the HCP to the maximum extent practicable. Mitigation efforts will be focused on the following seven categories, with a priority given to categories 1 – 4 below:

1. Restoration of degraded habitat to natural condition/function, or to a condition likely to be resilient to projected changes.
2. Land, water, and habitat preservation.
3. Enhancement of habitat.
4. Threat reduction or elimination.
5. Creation of new habitat or new populations.
6. Translocation of affected individuals or family groups to establish new or augment existing populations.
7. Repatriation of species to formerly occupied and still suitable or enhanced habitat.

Mitigation Advisory Committee Membership

The MAC consists of twelve members, seven of whom are voting members appointed by the Governor. Each voting member serves a 4-year term after initial appointments and is eligible for appointment for up to two terms. All appointments to the MAC shall be made by the Governor as follows:

- Three members represent non-governmental organizations that promote the conservation of freshwater aquatic habitats,
- Three members represent the timber industry, and
- One member from the Oregon Conservation and Recreation Fund.
- The MAC shall consist of five ex officio members, including a representative from the National Oceanic and Atmospheric Administration, United States Fish and Wildlife Service, Oregon Department of Forestry, Oregon Watershed Enhancement Board, and Oregon Department of Fish and Wildlife.

Mitigation Advisory Committee Duties

The MAC develops and reviews program priorities, project criteria, and policies and makes recommendations to the Commission and the Department to shape successful mitigation efforts. The following are the primary duties of the MAC:

- Proactively identify and target investment opportunities in areas critical to mitigation.
- Solicit Requests for Proposals for grant funding at regular intervals.
- Explore requests for Direct Grant Funding opportunities throughout the year based on priorities and need of the project requesting funding.
- Review, score, rank, and make project recommendations to the Commission and the Department regarding using Fund monies in a transparent and fair manner.
- Work jointly with the Department to submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of monies deposited in the Private Forest Accord Mitigation Fund and the status of various activities funded by the monies.
- Fund projects that will generate the highest degree of mitigation possible for HCP-covered species.
- Support opportunities, as applicable, to leverage funds to obtain additional or matching funding for conservation efforts.
- Serve as ambassadors for the mitigation program by alerting contacts to the work of the MAC and the opportunities it creates.

Mitigation Advisory Committee Meetings

At times and places fixed by the Chair, the MAC shall meet at least four times per year. A majority of the seated MAC constitutes a quorum. A quorum is required for any official MAC meeting to occur.

All MAC meetings are public meetings subject to Oregon's public meeting laws. In accordance with State law, meetings will be remotely accessible when it is "reasonably possible."

Final decisions will be made by voice vote at MAC meetings. Each of the voting members of the MAC shall be entitled to one vote on any decision presented at meetings at which the member is present. Members of the advisory committee should not abstain from voting except on a matter involving a potential conflict of interest, in which case the reason for abstention will have been disclosed. The MAC makes decisions by a simple majority, but members shall take care to acknowledge minority opinions and allow deliberation. When needed for deliberation or voting, the MAC shall follow Roberts Rules.

Any two members may add an agenda item, but such requests should be made at least 5 days before the meeting, or they may not be added until the following meeting.

The Chair may establish subcommittees within the MAC to review and/or develop materials for the full committee, and subcommittees may make recommendations for the full MAC's consideration.

Subcommittees must not reach a quorum and cannot vote or make final decisions for the MAC. Subcommittee meetings do not fall under Oregon's public meeting laws, unless the subcommittee makes a recommendation to the MAC. However, they will be made public at the discretion of the Chair, and meeting outcomes will be provided at MAC meetings.

Mitigation Advisory Committee Recommendation Procedures

The MAC has established the following process to request and Fund projects from the public for the Private Forest Accord Mitigation Fund:

- The MAC will run yearly solicitations requesting project proposals.
- The MAC, the Department, and (when employed) technical reviewers will review all project proposals against evaluation criteria.
- The MAC will be responsible for determining whether the projects align with the MAC's purpose and goals.
- The MAC shall vote on projects recommended for funding to the Commission and present those projects in summary to the Commission for review and final approval. Voting procedures are outlined above in this document.

Mitigation Advisory Committee Officers

Officers are elected by the MAC and include a Chair and a Vice-Chair.

- Officers hold office for two years from the date of appointment and may be re-elected but not hold more than two successive terms as an officer
- Any voting member may make nominations for Chair and Vice-Chair.
- All MAC voting shall be by roll call. The member with the majority of affirmative votes shall be declared elected.

When the Chair and the Vice-Chair are absent, the members present shall select one of the members as Chair Pro Tem for the meeting. Upon the arrival of the Chair or Vice-Chair, the Chair Pro Tem shall relinquish the Chair after the business currently before the MAC or sooner if appropriate.

Duties of the Officers and Individual Members

- 1. The Chair** shall be the presiding officer at all MAC meetings. The Chair shall:
 - Prepare and implement the meeting agenda in consultation with ODFW staff.
 - Call the meeting to order at the time and place appointed for the meeting.
 - Preserve order and decorum and decide questions of order.

- Be allowed to vote on all questions.
 - Be the spokesperson to the Commission and the Legislature; however, the Chair may draw upon other MAC members as necessary.
 - As required, appoint individual MAC members or subcommittees to process MAC business, review projects, or attend public meetings on behalf of the MAC
- 2. The Vice-Chair** or Chair Pro Tem shall fulfill the duties of the Chair when the Chair – or in the case of the Chair Pro Tem when both the Chair and the Vice-Chair – is absent.
- 3. ODFW Staff** will:
- Develop concepts and recommendations for agendas, policies, calendars, meeting locations, schedules, and other MAC business as appropriate
 - Manage the PFA account and provide updates to the MAC.
 - Manage all aspects of grants solicitation, review, management, and processing.
 - Coordinate information on habitat restoration priorities consistent with the intent of the Fund, and present those to the MAC for review and consideration in future grant solicitations.
 - Manage website, outreach materials, and public information, and facilitate strategic planning for the MAC.
 - Serve as a technical resource for potential grantees on the application process, eligibility, and priorities.
 - Present recommendations to the MAC for approval and subsequent recommendation to the Commission.
 - Present MAC recommendations to the Commission. The Chair may assist in presenting recommendations.
 - Draft and submit the biennial report to the Legislative Assembly on fundraising and expenditure of funds for PFA grant programs.
 - Arrange for presentations and staff briefings related to issues of importance to the MAC.
- 4. MAC Members** will be expected to:
- Prepare for meetings by reviewing materials, considering project proposals consistent with agreed-upon review criteria to ensure fairness and transparency, and developing recommendations to the Commission.
 - Become familiar with the Oregon Conservation Strategy, the PFA Habitat Conservation Plan and conservation/recovery actions for the covered species, and the stakeholders of both the PFA and ODFW.
 - Suggest agenda items to the Chair as relevant to the purpose of the MAC.
 - Notify ODFW Staff or the Chair in advance of the meeting if they cannot attend.
- 5. Ex Officio Members** will be expected to:
- Actively contribute to MAC business by providing comments and suggestions
 - Serve as a liaison to their respective agencies regarding opportunities to work together to attain the MAC's purposes
 - Prepare for meetings by reviewing materials, considering project proposals consistent with agreed-upon review criteria to ensure fairness and transparency, and developing recommendations to the Commission.
 - Suggest agenda items to the Chair as relevant to the purpose of the MAC.

- Notify ODFW Staff or the Chair in advance of the meeting if they cannot attend.

Mitigation Advisory Committee Guiding Principles

Working with Each Other – MAC members agree to:

- Abide by Roberts Rules, as deemed appropriate by the MAC Chair.
- Attend all meetings and be prepared.
- Share individual ideas and opinions, but respect those of others.
- Make space for others once spoken on a topic.
- Operate in a public and open manner consistent with [Oregon Government Ethics Law](#).
- Be aware of public records requirements.
- Assume good intent from other MAC members.
- Avoid using MAC meetings as a personal platform.
- Follow the voting protocol in the PFA Authors Report and the MAC Operating Procedures document.

Developing Recommendations – MAC members agree to:

- Serve the public interest as a top priority
- Examine available information before making a judgment
- Learn about the issues impacting MAC recommendations
- Welcome a diversity of perspectives and embrace reasonable debate
- Bring creativity and critical thinking to the MAC

Appendix A. PFA MITIGATION ADVISORY COMMITTEE MEMBERSHIP

Seat	Term	Name	Affiliation
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Voting Members			
Industry	3-years	Fran Cafferata	Oregon Small Woodland Association
Industry	2-years	Heath Curtiss	Hampton Lumber Mills
Industry	1-year	Chad Washington	Nuveen Natural Capital (fmr. Greenwood)
Conservation	2-years	Chrysten Rivard	Trout Unlimited
Conservation	1-year	Bob Van Dyk	Wild Salmon Center
Conservation	3-years	Andrew Purkey	NW Guides and Anglers
Oregon Conservation & Recreation Fund	4-years	<i>Mark Stern</i>	Oregon Conservation & Recreation Fund
Non-Voting/Ex-Officio Members			
Oregon Watershed & Enhancement Board	Indeterminate	Mark Grenbemer	SW Regional Program Representative
Oregon Department of Fish & Wildlife	Indeterminate	Sara Gregory	Umpqua Watershed Manager
Oregon Department of Forestry	Indeterminate	Jennifer Weikel	Private Forest Wildlife Biologist
National Marine Fisheries Service (NOAA)	Indeterminate	Kate Wells	Willamette/OR Coast Branch Chief
United States Fish & Wildlife Services	Indeterminate	Chris Allen	Aquatic Resources Division Manager