

Framework for Expenditures from the Private Forest Accord Mitigation Fund

Intent of Document

This document outlines the purpose, priorities, and funding formats within the Private Forest Accord Mitigation Fund (Fund). Information in this document is aimed at providing clarity to Oregon Department Fish & Wildlife (Department) staff and Commission, the Private Forest Accord Mitigation Advisory Committee (MAC), potential applicants for grant funding, and the public. It will be updated over time to maintain a source of consistent information.

Legislative Background

The Fund was established in the 2022 Legislative Session (Senate Bills 1501 and 1502; House Bill 4055) following 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 practices rules to improve protections of aquatic species. The new forest practices rules are meant to support a Private Forest Accord HCP (HCP) for aquatic species that covers almost all regular forest practices. HCPs provide increased certainty to the landowning community for forest management planning, and increased certainty for covered species protections through the conservation strategy committed to by the applicants. HCPs include mitigation documented in the conservation strategy and 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 covered species affected by covered activities can be challenging to measure, the Private Forest Accord Report authors recognized that some effects from forestry are likely to impact some members of the covered species. Therefore, the Private Forest Accord included the creation of a Fund under the control of the Fish and Wildlife Commission and advised by the Department in collaboration with the MAC.

Purpose of the Fund

The Fund is intended to provide financial investments for mitigation activities identified as appropriate offsets to covered activities that meet the goals and objectives outlined in the anticipated HCP. Given the millions of acres covered by the PFA and the diverse habitat types and species needs across those acres, many different mitigation measures might benefit covered species. The authors acknowledged that

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mitigation for private forest practices might, in some cases, be most effective if undertaken on non-forestlands. The authors saw that costly investments to provide private forest habitat might be for naught if other landowners, often downstream, either blocked species' access to private forests or failed to provide sufficient habitat for the full range of species life histories. Thus, the authors allowed for expenditures on non-forestlands and included projects such as acquiring water rights, conservation easements, fee ownership or limiting grazing.

PFA Mitigation Fund Priorities

The PFA Mitigation Program seeks mitigation measures that will mitigate the impacts to covered species in the HCP to the maximum extent practicable. Therefore, mitigation efforts are 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.

Furthermore, Senate Bill 1501 and the Report list a variety of activities likely to contribute to effective mitigation, including but not limited to the following:

- Aquatic organism passage
- Wood augmentation
- Beaver conservation and reintroduction
- Wildfire Resiliency Treatments
- Restoration treatments on densely stocked stands
- Riparian thinning to enhance species diversity
- Acquisition of land and interests in land, including conservation easements
- Acquisition and in-stream transfer of water rights
- Grazing management
- Other actions that meet the objective of the HCP

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All interested applicants should also reference the PFA Grant Guidelines (Grant Guidelines) to stay current on specific funding cycle priorities, which may vary from year to year. These Grant Guidelines will outline current funding priorities, reporting requirements, expenditure allowances, and funding availability. Reference may also be made to the Division 97 – Private Forest Accord Mitigation Grant Program Oregon Administrative Rules for additional clarity.

Grant Funding Formats

The Private Forest Accord Mitigation Fund will have two pathways for funding, Regular and Urgent Grants. Both grant funding pathways will support projects throughout the State of Oregon that mitigate the adverse impacts on covered species as discussed in the HCP, pursuant to ODFW Division 97 rules. ODFW expects that most applicants seeking funding from the Fund will apply for the Regular Grant Funding opportunity, a competitive solicitation offered no less than once per year. Therefore, Regular Grant Funding will support the vast majority of funding requests. Urgent Grant Funding will be available to fund high-priority projects that are time-sensitive. Any applicant can submit requests for the Urgent Grant Funds, which will be submitted directly to ODFW and considered for funding by the MAC. All Urgent Grant Fund requests should demonstrate project readiness and the project's scale, urgency, and impact in the application to the Department and MAC for funding consideration.

Grants made from the Fund must be for projects consistent with the conservation strategy of the HCP and must work to mitigate the impacts to one or more covered species from the covered activities discussed in the HCP.

The Review Team, MAC, and the Department will evaluate funding requests based on the Grant Evaluation Criteria. Applicants are encouraged to review the PFA Oregon Administrative Rules and the Grant Guidelines for additional detail into the review process. Applications for both Urgent and Regular Grants must be submitted on the most current form prescribed by the MAC. The Oregon Fish and Wildlife Commission provides final funding authority for any project proposal.

(1) Regular Grants

All proposals submitted during the Regular Grant solicitation, offered at least once a year, will be scored and ranked against one another for consideration of funding by the MAC and the Department. Please reference the most current Grant Guidelines for allowable project types, which can be found at the PFA webpage when posted <https://www.dfw.state.or.us/habitat/PFA/index.html>.

The MAC encourages applicants to pay particular attention to the list of Program Priorities previously listed, the Grant Guidelines, this Expenditure Framework, and the Fund review process documents, all of which are found on the ODFW PFA webpage. In addition, when applying, all applicants are encouraged to be prepared to describe how their work aligns with the PFA Program Priorities and any other relevant local, state, or federal action or strategic planning document.

Project applications may propose to start new efforts or to fund existing efforts, but it is recommended that project timeliness is considered when applying. Projects may be eligible for advancements, or post-project monitoring funding, discussed in detail in the Grant Guidelines and subject to change or at the discretion of the MAC, Oregon Department of Fish and Wildlife (ODFW), the Oregon Fish and Wildlife Commission, and reliant on available funding.

For a description of the Eligible Applicants and the Proposal Submission Process, please refer to the most current Grant Guidelines.

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(2) Urgent Grants

The purpose of Urgent Funding grants is to provide urgent funding throughout the year to meet high-priority resource needs.

All applicants considering Urgent Funding should contact the PFA Grant Coordinator as soon as practicable to ensure project eligibility. **The yearly Request for Proposals/Solicitation is NOT offered for Urgent funded grants.** Urgent-funded grants are available year-round and will prioritize applications involving time-sensitive projects where funding is unavailable in time to meet the need of the project. Urgent Funded grants will still be reviewed and evaluated by the MAC before recommendation to the ODFW Commission to ensure the proposed project aligns with the FUND priorities. All Urgent Fund requests will require a pre-application and full application.

Eligibility – Urgent Funding

All Urgent Funding requests must demonstrate the following:

- Address one or more of the priorities as identified and outlined by the Fund and the PFA Authors Report;
- Has an urgency to complete the work and an explanation of why work is needed and urgent;
- Capacity and skills to complete project objectives and has completed similar work on a similar timeline as proposed;
- Demonstrated connection to a strategic planning document(s);
- Have secured all project permitting or provide proof of submission;
- Have secured all landowner access agreements; and
- Provide at least twenty-five percent matching funds (in-kind or dollar).

Proposal Submission and Review Process – Urgent Funding

Before starting an application, interested grant applicants must contact the Fund Grant Coordinator for a pre-application conference to communicate intended project goals, outcomes, and urgency/need. At this time, a determination will be made on whether the proposed project meets the Fund Urgent Grant program priorities and guidelines. If so, a short pre-application will be requested and submitted to the PFA MAC Subcommittee. If the Subcommittee approves the proposed project by a majority vote, the proposal will be recommended for full review and consideration to the PFA Mitigation Advisory Committee at an upcoming meeting.

Proponents of projects recommended by the subcommittee will prepare a full grant proposal and present the project to the entire PFA Mitigation Advisory Committee (MAC). Committee members will engage with the project proponent and ask questions, concerns, or request scope of work changes prior to any funding recommendations to the ODFW Commission. Following any presentation from the project applicant. Urgent-funded grant requests will be reviewed and considered for funding by the MAC on a case-by-case basis and reliant on available funding. A consensus vote by the voting members of the MAC is required for any Urgent funded project to be recommended for funding to ODFW Commission.