



OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY  
Administrative Services Division

<b>Title:</b> Real Property Acquisition and Disposition	<b>ASD_280_02</b>
<b>Supersedes:</b> N/A	
<b>Applicability:</b> All ODFW Employees	
<b>Reference:</b> ORS 270 OAR 125-045-0200 OAR 150-307-0010	
<b>Effective Date:</b> July, 2023	<b>Approved:</b> 

I. PURPOSE

The policy will serve to define a consistent department-wide process to allow the Department and Commission to assess the need to acquire or dispose of real property. This policy establishes circumstances and goals for Oregon Department of Fish and Wildlife (Department) in pursuing real property acquisition for the benefit of fish and wildlife habitat conservation, establishing field office locations, or to best serve Oregon in customer service, hatchery production, recreation and fish and wildlife management as well as defines circumstances under which the department may pursue disposition of real property.

II. DEFINITIONS

**Acquisition** – the receipt of title for property in a fee simple or some other vested interest in real property, such as an easement, by purchase, exchange, grant, or donation

**Conservation easement** – means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintain or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

**Disposition** – the transfer or sale of property in a fee simple or some other method, including vested interest in real property including easement transfer or dissolution.

**Nominator** – one who initiates or proposed the Department acquire or dispose some interest in real property. The nominator can be staff or an individual or other entity outside the Department.

**Real Property** – includes land, water, water rights attached to the property, associated easements of every nature and all appurtenances (equipment, fixtures, fencing, etc.) to the land.

### III. POLICY

#### Acquisition

The Department shall only acquire real property from willing owners within the Department's statutory authority and in support of the Department's mission. Consistent with the Department's mission, property may be acquired for the conservation of fish and wildlife and their habitats, to provide fish and wildlife-related public use for education and recreational purposes, or to establish infrastructure to serve the public.

- **Acquisition of Real Property for the Benefit of Fish and Wildlife Conservation**

If acquiring property for the benefit of fish and wildlife habitat conservation, properties may be pursued if the habitats are unique, highly unusual, or strategic to the survival of a species. Threatened or Endangered species are those which have been listed by either the Oregon Fish and Wildlife Commission (Commission) under the Oregon Endangered Species Act, or under the federal Endangered Species Act by US Fish and Wildlife Service or National Marine Fisheries Service.

Additionally, properties may be acquired whose habitats host complex species richness at risk of being lost (ex. wetlands). This category includes sites that are unique specifically because they have an unusually high diversity of habitat types and/or species and are in an area at risk of being lost to development or other causes.

Other important acquisitions may include lands that provide important habitat for a significant number of big game animals. Examples include wintering areas, properties to reduce or eliminate severe property damage in lieu of major population reductions, or which provide opportunities for population-level habitat enhancement.

- **Acquisition of Property for Fish and Wildlife Recreation**

Real Property may be acquired for the primary purpose of providing recreational opportunity, or to provide access to a recreational opportunity. Desirable recreational opportunities include wildlife viewing, angling, boating, hunting, photography, and field-oriented education and interpretation. Priority shall be given to properties that are adjacent to or adjoin with existing Department owned lands.

- **Acquisition of Field Office Locations and Other Administrative Locations**

Real property may be acquired by the Department to facilitate the performance of its mandates. These include locations for offices, storage and warehouse buildings, feeding barns, on-site staff residences, and laboratory facilities. Educational facilities, interpretive centers, communication sites and resource extraction sites (ex. rock quarries) would also be considered for acquisition if best facilitated by real property ownership. Property may also be acquired to resolve administrative conflicts and boundary disputes.

#### Disposal

When the Department owns or has vested interest in real property that no longer meets the Department's mission, mandates, or economic interests it may be disposed of through state and/or federal surplus property guidelines. Examples include:

- Properties that no longer meet their primary purpose to support habitat conservation, protection of a species, or providing recreational opportunities.
- Properties whose maintenance, labor, or other associated costs necessary to maintain the property exceed the benefits from fish and wildlife conservation, species protection, or recreation purposes.

For any properties acquired with grant funds, ODFW will review all proposed dispositions to ensure ODFW grantors are notified and, where applicable, any required grantor approval is received prior to carrying out the proposed action.