

Landowner Guide to the Wildlife Habitat Conservation and Management Program

This document provides an overview of the Wildlife Habitat Conservation and Management Program, administered by the Oregon Department of Fish and Wildlife (ODFW), and the expectations of the program for interested landowners. ODFW recommends that interested landowners first read this Guide, and if eligible, contact the local ODFW biologists for more information. Additional resources are available on the following website: <http://www.dfw.state.or.us/lands/whcmp/>.

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A. Purpose of the habitat program: Provide an incentive for habitat conservation

The Wildlife Habitat Conservation and Management Program (habitat program), administered by the Oregon Department of Fish and Wildlife (ODFW), is a cooperative effort involving state and local governments and other partners to help private landowners voluntarily conserve native wildlife habitat. The Oregon Legislature created the habitat program to offer an incentive for private landowners who want to provide wildlife habitat on their properties instead of, or in addition to, farming, growing timber or other land uses. Incentive programs help promote voluntary conservation on privately owned land and support the state effort in reaching strategic conservation goals as described in The Oregon Conservation Strategy. Under the habitat program, land subject to an approved Wildlife Habitat Conservation and Management Program Plan receives a wildlife habitat special assessment, where property taxes are assessed at the relatively low value that would apply if the land were being farmed or used for commercial forestry.

[OAR 635-430-0000]

B. Objective of the habitat program: Preserve, enhance or improve significant native habitat

The objective of the habitat program is to preserve, enhance or improve the composition, structure or function of habitat for native wildlife species. Prior to 2003 the habitat program was available only to rural landowners with properties zoned for exclusive farm use or mixed farm and forest use. House Bill 3564 in 2001 expanded the habitat program to include lands with a forest special assessment for property tax purposes. House Bill 3616 in 2003 added land that is clearly identifiable as containing significant wildlife habitat. Currently, counties and cities can select lands for eligibility based on zoning and/or significant native wildlife habitat.

Significant native habitats are defined as those that:

- Are scarce, becoming scarce or of special ecological significance (e.g., identified in the Oregon Conservation Strategy or Oregon Plan for Salmon and Watersheds);
- Are important habitats for ecological restoration to prevent additional loss of native habitats or species;
- Are important to achieve objectives for native habitats or species in public or private land management plans covering multiple land ownerships;
- Provide habitat for federal or state threatened, endangered or sensitive species; and/or
- Are identified as significant wildlife habitat in city or county comprehensive plans or by Metro to address statewide land use planning Goal 5 (see www.oregon.gov/LCD/docs/goals/goal5.pdf for more information).

[ORS 308A.415; OAR 635-430-0020]

C. History of the habitat program

The Wildlife Habitat Conservation and Management Program (habitat program) began as a pilot in 1993 in Marion and Polk counties. It was expanded in 1997 as a voluntary program available to all Oregon counties. Only properties zoned for exclusive farm use and mixed farm and forest use were eligible.

House Bill 3564 in 2001 expanded the habitat program to include lands with a forest special assessment for property tax purposes. HB 3564 also made the habitat program mandatory, but gave counties the choice to opt out by the end of 2002. A county's decision to opt out or remain in the habitat program could not subsequently be changed, offering little flexibility for counties. Because of this inflexibility and various administrative issues, 22 counties opted out of the program by the end of 2002, leaving 14 counties participating. Since then, Washington County has opted back into the program. A map showing the participating counties is on page 4.

In 2002 a Conservation Incentives Work Group was convened to discuss the status of incentive programs in Oregon and to develop recommendations for the 2003 Legislature. The work group had diverse representation from state, federal and local governments, industrial and small woodland forestry, agriculture and conservation groups. One of the topics the work group discussed was the habitat program. House Bill 3616 in 2003 added significant new provisions to the habitat program, which:

- Allowed cities to participate in the program;
- Provided a way for counties and cities to add or remove lands eligible for the program;
- Clarified that establishing a home on a property in the program must meet all local and state requirements, the same as for property not in the program;
- Created a wildlife habitat special assessment that operates in parallel to other special assessments;
- Expanded eligible lands to include those zoned for forestry; and
- Expanded eligible lands to include significant habitat.

D. Calculating a property's assessed value

The habitat program provides two options for calculating a property's value: (1) for farm use, under ORS 308A.050 to 308A.128; or (2) as forestland, under ORS 321.354 or 321.812. Property that was specially assessed during the previous assessment year will continue to be valued as farm or forestland, whichever is applicable. Property that was not specially assessed during the previous assessment year is valued for the wildlife habitat special assessment as forestland if it meets relevant stocking and species standards or for farm use if it does not meet the forestland standards.

[ORS 308A.427]

E. Dwellings and homesites

New dwellings must comply with all applicable state and local requirements, and the house location and landscaping must avoid impacts on native wildlife and habitat. Acreage associated with dwellings or homesites are not included in the WHCMP wildlife habitat special assessment.

[OAR 635-430-0060(6); 635-430-0100(1) - (2)]

F. Wildlife Habitat Conservation and Management Program County Participation

Wildlife Habitat Conservation and Management Program County Participation as of October 1, 2015



- Participating counties:**
Benton, Clackamas, Columbia, Deschutes, Douglas, Hood River, Lake, Lane, Marion, Morrow, Multnomah, Polk, Sherman, Washington, Wheeler
- Non-participating counties:**
Baker, Clatsop, Coos, Crook, Curry, Gilliam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lincoln, Linn, Malheur, Tillamook, Umatilla, Union, Wallowa, Wasco, Yamhill

G. Moving from one special assessment category to another

Statutory provisions (ORS 308A.706) allow a landowner to move between certain special assessment categories without incurring a bill for back taxes (also known as a “potential additional tax”). Related provisions (ORS 308A.703) specify the amount of back taxes a landowner must pay when the land no longer qualifies for any of the special assessment categories specified in ORS 308A.706, with a maximum of five or 10 years’ potential additional taxes. The Oregon Legislature amended these statutes, subsequent to House Bill 3616 in 2003, so that they now also apply to wildlife habitat special assessment.

Open space special assessment is not included in ORS 308A.703 and 308A.706. When a property receives an open space special assessment, the landowner receives a tax savings based on the difference between the property being assessed at its full market value and its value as open space. If a property eventually is taken out of open space assessment, the landowner must pay back, with interest, the tax savings for each year the property was in open space assessment. To avoid a situation in which property is moved from open space special assessment and to wildlife habitat special assessment to reduce or eliminate the open space potential additional tax liability, specific statutory provisions retain the full potential tax liability (without interest) during the time the property is in the habitat program. If the property is later taken out of the habitat program, the potential open space tax liability is the same as when the property entered the habitat program.

[ORS 308A.318]

H. Landowner process to participate in habitat program.

1. Obtain certification of eligibility from county or city:

To participate in the habitat program, an interested landowner first needs to contact the county or city planning department to ensure the property is eligible for the program. To be eligible, (1) the county or city must be participating in the habitat program, and (2) the property must be in an area selected by the county or city and designated by the Oregon Fish and Wildlife Commission for the program. No cities are currently participating, but they are eligible to participate since changes were made to the habitat program with House Bill 3616 in 2003. A local county or city official must complete the *Eligibility Certification Form* (see appendix a) to confirm the property’s eligibility.

[OAR 635-430-0040(1); 635-430-0050(1)]

2. Submit a WHCMP landowner interest form:

If a property is determined to have appropriate zoning for the WHCMP, the next step is to determine if there is eligible native wildlife habitat for enrollment into the WHCMP. The landowner should complete the WHCMP *Landowner Interest Form* (see appendix b) and submit it to the local ODFW District Office for review. This form will assist the local District Biologist in determining whether your property is a good candidate to be considered for enrollment in the WHCMP. If your property is eligible, the information provided in the Interest Form can be used in the development of a WHCMP Management Plan.

3. Develop a habitat plan:

The landowner must develop a wildlife habitat conservation and management plan that specifies the conservation and management practices that will be conducted to protect and restore native habitat and native wildlife species. The habitat plan must be developed in conjunction with a cooperating agency, such as the Oregon Department of Fish and Wildlife or another qualified agency or person (e.g., the U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Oregon State University extension service, soil and water conservation district or qualified contractor). The habitat plan must meet the standards and objectives of the program and can accommodate agricultural or forestry activities that are consistent with the habitat objectives of the program. Habitat plans should be written to emphasize native habitat values on the property and may need to exclude parts of the property where ongoing uses and activities do not support habitat conservation as the primary objective. A habitat plan does not grant public access to a landowner's property. A sample habitat plan can be found at <http://www.dfw.state.or.us/lands/whcmp/>.

[ORS 308A.409; OAR 635-430-0060(2)]

I. Information needed in a habitat plan

A habitat plan must include:

- A signed certification of eligibility from the county or city;
- Contact information for the landowner and cooperating agency;
- Location, tax lot numbers and acreage;
- Aerial photo and maps (scale 1"=400');
- Written descriptions of physical features, habitats, plants, animals and soils;
- Location of state or federal threatened, endangered or sensitive species;
- Location and nature of farming or forestry activities; and
- Habitat conservation and management objectives, practices and timeline.

[OAR 635-430-0040]

J. Conservation and management actions in a habitat plan

Each habitat plan must identify landowner practices that benefit native wildlife species and their habitats. These include, but are not limited to:

- Protecting, restoring, enhancing or creating wetlands, riparian areas or other native habitats;
- Planting native trees, shrubs, grasses and other native vegetation;
- Removing or controlling invasive, non-native plant or animal species;
- Leasing or selling instream water rights;
- Using prescribed burns to maintain fire-dependent native vegetation;
- Improving habitat diversity and structure by adding boulders and logs in streams or snags and downed wood in uplands;
- Installing fencing to exclude livestock and protect habitat and plant communities;
- Removing artificial features such as buildings, pavement, fences and culverts and placing new structures to minimize impacts on native habitat areas; and
- Using farm or forest management practices that protect, restore or enhance habitat.

[OAR 635-430-0030]

K. Resources counties and cities can provide to assist landowners

When developing a habitat plan, a landowner must include a map and aerial photo of the property. A county or city may be able to provide one or more of these:

- Aerial photos;
- Map with topography;
- Map with property boundary (plat map);
- Map with soils;
- Map with buildings and roads;
- Map with aquatic habitats (rivers, streams, lakes, ponds, wetlands);
- Map with upland habitats (oak woodlands, prairies, savannas, grasslands);
- Map with endangered, threatened or sensitive species; and/or
- Map with habitat resources related to statewide land use planning Goal 5.

L. Submission of a habitat plan for review

Once the habitat plan is complete, the landowner submits it simultaneously to ODFW and to the county or city planning department for review. The county has 30 working days to review the plan and provide comments to ODFW. Within 90 days of receiving a complete plan, ODFW will review the plan to ensure it meets the program standards. ODFW will approve, recommend changes or reject the habitat plan, and will notify the landowner of the decision in writing. The landowner can appeal the decision. ODFW also will send a copy of the approved plan to the county or city planning department.

ODFW may limit the number of plans reviewed each year due to workload constraints and may postpone consideration of additional plans until the following year.

[ORS 308A.412; OAR 635-430-0050(2)-(8); OAR 635-430-0080(1)-(3)]

M. Implementation of approved WHCMP plans

After the landowner has an approved WHCMP plan, the landowner must begin implementing the plan. After doing so, the landowner can request that the Department make a determination of implementation. After receiving a request for a determination of implementation, ODFW may physically inspect the property within 90 days of the request and determine whether the plan has been implemented. A plan is considered implemented when:

- (1) the landowner is carrying out and maintaining the conservation and management practices identified in the plan in accordance with the time frames established in the plan; and
- (2) the conservation and management practices are progressing toward the plan's objectives.

[ORS 308A.412(3); OAR 635-430-0080]

N. Application for wildlife habitat special assessment

The landowner may apply to the county assessor for wildlife habitat special assessment using a form created by the Oregon Department of Revenue and supplied by the assessor. Applications must be submitted by April 1 for the tax year for which special assessment is desired, for a habitat plan that was approved prior to January 1. The application must include a copy of the approved habitat plan, a copy of ODFW's notification of the plan's approval and a copy of the certification of eligibility. The Assessor's Office may require additional documentation to apply for special assessment. The application for wildlife habitat special assessment will be considered approved if the assessor does not notify the landowner of a denial before August 15.

[ORS 308A.424; OAR 635-430-0050(9)-(10)]

O. Monitoring by ODFW

ODFW periodically will monitor approved habitat plans (including an on-site inspection with prior notification), to ensure land is being managed in accordance with the habitat plan. If the property is not in compliance with the approved habitat plan, ODFW will notify the landowner in writing and indicate what changes need to occur within six months. If the plan objectives are still not being implemented as required by ODFW at the end of the six-month period, ODFW will notify the landowner and recommend to the county assessor, that the property will be disqualified from wildlife habitat special assessment.

Landowners should submit an annual status report on the WHCMP activities on the property using the *WHCMP Annual Status Report* form (see appendix c). The annual report should briefly state the WHCMP objectives, what actions were taken to meet those objectives, any habitat actions that need modifications and confirmation that property ownership did not change. Photo documentation of habitat conservation and restoration activities on the WHCMP property should also be submitted with the annual report.

[ORS 308A.430; OAR 635-430-0800(4); OAR 635-430-0090(1)-(6)]

P. Amending an approved habitat plan

A landowner may request an amendment to an approved habitat plan by contacting the local ODFW office. Review will follow the same procedures as review of the original habitat plan. Please see the ODFW website to contact a local biologist in your county:

<http://www.dfw.state.or.us/lands/whcmp/index.asp>

[OAR 635-430-0070]]

Q. Change of ownership

If a property enrolled in the WHCMP is sold and/or ownership changes, it is the responsibility of the landowner to inform the new property owners of the enrollment and provide a copy of the WHCMP

plan. The new property owners will need to agree to continuing enrollment in the WHCMP. If the new landowner does not continue to implement the habitat plan, the property will be disqualified from wildlife habitat special assessment. Back taxes would be determined in the same manner as with other reasons for disqualification from the program.

If the land changes ownership, ODFW will provide the new landowner with a copy of the approved habitat plan and coordinate on any plan revisions needed. ODFW may choose to recommend plan changes at this time for continued compliance with the WHCMP. This may include revising the baseline data, management objectives and/or monitoring criteria.

If ODFW recommends updating the WHCMP plan, the new landowner must agree to and sign the revised WHCMP plan for continued tax incentive. If the new landowner does not sign the updated WHCMP plan, ODFW will submit a letter to the tax assessor for disqualification of the WHCMP.

[OAR 635-430-0090(4)]

R. Disqualification of a property from wildlife habitat special assessment

The county assessor removes land from wildlife habitat special assessment when the property is disqualified from the habitat program. Disqualification will result when the:

- Habitat plan is not being implemented;
- Landowner requests to withdraw from the habitat program;
- Land is sold or transferred to an owner exempt from property taxes;
- Land qualifies for another special assessment; or
- Land is included in a recorded subdivision plat.

When land is disqualified from wildlife habitat special assessment, the county assessor provides a written explanation to the landowner. Upon disqualification, the landowner faces a potential additional tax liability. If the land does not qualify for another special assessment, the landowner will owe back taxes for up to five or 10 years, depending on zoning, land uses and the number of years the land received wildlife habitat special assessment. If the land was under open space special assessment prior to wildlife habitat special assessment and the land no longer qualifies as open space, back taxes will be owed for all years the land was under open space special assessment.

[ORS 308A.318; 308A.430, 308A.703-743; OAR 635-430-0080(4), OAR 635-430-0900(7)]

S. Appendix

- a. Certification of Eligibility Form
- b. Landowner Interest Form
- c. Annual Status Report Form



WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PROGRAM

To be completed by applicant:

Name:

Property Location (County / township / range / section / ¼ section / tax lot #):

Property Address:

Mailing Address (if different than property address above):

City / County Planning Department Eligibility Certification (To be completed by local planning official)

- This property **is** within an area or zone designated for participation in the Wildlife Habitat Conservation and Management Program.
- This property **is not** within an area or zone designated for participation in the Wildlife Habitat Conservation and Management Program.

Signature of local planning official

Title

City/County

Date

Wildlife Habitat Conservation and Management Program Landowner Interest Form

Prior to submitting this form, please review the Landowner Guide for requirements of the Wildlife Habitat Conservation and Management Program (WHCMP). If your property is eligible, this form will help the Oregon Department of Fish and Wildlife determine whether your property is a good candidate to be considered for enrollment in the WHCMP. The information provided can be used in the development of a WHCMP Management Plan.

Please note, ODFW staff may choose to limit the number of plans approved each year due to workload constraints (ORS 308A.412(4); OAR 635-430-0050(6)).

Applicant:	
Contact (if different than applicant):	
Address:	
Mailing address (if different):	
Phone:	Fax:
Email:	

Township:	Range:	Section(s):	Tax Lot(s):
Latitude:		Longitude:	
County:		Zoning:	
Total property acreage:		Acreage proposed for enrollment:	

How did you hear about the Wildlife Habitat Conservation and Management Program?

Please describe your interest and overall objectives for enrolling your property in the Wildlife Habitat Conservation and Management Program.

Has the proposed property been enrolled or is currently enrolled in other conservation programs (e.g., OWEB, CREP)? If yes, please identify.

Please describe the property's current use. Include any physical structures such as residences, sheds, roads, and fences. Describe the use of the land surrounding the proposed property.

Per OAR 635-430-0020, the objective of the WHCMP is to preserve, enhance or improve the composition, structure or function of habitat for native wildlife species. Please describe the native habitat(s) on the proposed property and how they meet one or more of the following using the table below:

- *(1) Have been identified as scarce, becoming scarce, or of special ecological significance. Sources of information that may be used to identify these habitats include, but are not limited to, the Biodiversity Gap Analysis Program of the USGS Biological Resources Division and the Oregon Department of Fish and Wildlife, the Metropolitan Greenspaces Master Plan or equivalent Metropolitan Functional Plans, the Oregon Natural Heritage Program, the Oregon Biodiversity Project, the Oregon Habitat Joint Venture, the Oregon Comprehensive Wildlife Conservation Strategy, and the Oregon Plan for Salmon and Watersheds.*
- *(2) Have been identified by state or federal resource agencies, local governments, regional governments, watershed councils, conservation organizations or other qualified entities as important habitats for ecological restoration to prevent additional loss of native habitats or species.*
- *(3) Are important to achieve the conservation or management objectives for native habitats or species in public or private land management plans covering multiple land ownerships.*
- *(4) Provide habitat for threatened or endangered species listed in or pursuant to 16 USC Section 1533, ORS 496.172(2), and OAR 635-100-0125.*
- *(5) Provide habitat for state sensitive species listed in pursuant to OAR 635-100-0040.*
- *(6) Are identified as significant wildlife habitat in the Goal 5 elements of city or county comprehensive plans.*
- *(7) Areas that have been adopted by the Metropolitan Service District (Metro) as significant natural areas, open spaces or fish and wildlife habitats or regional resources under Goal 5 pursuant to OAR 660-023-0080.*

Identified Habitat	Source of identification (from numbered list above)	Existing acreage on property	Acreage to be restored on property

Please identify three conservation goals for your property.

Describe some of the wildlife observed on the proposed property. Are you aware of any threatened, endangered, or sensitive wildlife, fish, or plant species on the proposed property? If so, please list them.

Is the property is located within a Conservation Opportunity Area as identified in the Oregon Conservation Strategy? If so, please identify.

Please identify any current or planned recreational activities that would occur on the property (e.g., off road vehicle, shooting range, wildlife viewing, hunting, events).

Will herbicides be utilized for restoration activities or maintenance? If so, what products do you plan to use? If not, are you opposed to using herbicides for restoration activities or maintenance?

Please list the species of any pets and/or livestock on the property. Do feral cats frequently roam the property? If so, approximately how many are there?

Who will manage and/or monitor the property to comply with the WHCMP Management Plan? Describe the management entity's capacity to implement the conservation and management practices necessary to restore and maintain the property.

Wildlife Habitat Conservation and Management Program

Landowner Annual Report Form

After the landowner has an approved WHCMP plan, the landowner must begin implementing the plan. The Oregon Department of Fish and Wildlife will conduct periodic monitoring of approved plans (including an on-site inspection with prior notification), to ensure land is being managed in accordance with the plan. If the plan is not being implemented as approved, ODFW will notify the landowner in writing and indicate what changes need to occur within six months. If the plan still is not being implemented as required by ODFW at the end of the six-month period, ODFW will notify the landowner and the county assessor, and the property will be disqualified from wildlife habitat special assessment. Completion of the annual status report assists the local ODFW District Office with monitoring WHCMP properties and identifying any immediate compliance concerns.¹

Directions: Complete the below information and submit to the local ODFW District office² (via regular mail or email) with photos of the enrolled WHCMP property.

Landowner:	
Address:	
Mailing address (if different):	
Phone:	Fax:
Email:	

Township:	Range:	Section(s):	Tax Lot(s):
Latitude:		Longitude:	
County:		Zoning:	
Total property acreage:		Acreage enrolled:	

Has the property been sold or is there a planned change in landownership?

- Yes
- No

¹ ORS 308A.430; OAR 635-430-0800(4); OAR 635-430-0090(1)-(6)

² <http://www.dfw.state.or.us/lands/whcmp/>

Please list the WHCMP plan objectives for your property for each habitat type. What actions were taken in the last year to meet those objectives? Please attach photo documentation of your WHCMP property, including which habitat type and date photo was taken.

Please describe any issues or challenges that were identified in the last year that hindered the implementation of the WHCMP plan and how they were and/or plan to be addressed in the coming year.

Landowner Printed Name

Landowner Signature