

September 15-16, 2009 OWEB Board Meeting Executive Director Update #C-3: Working Lands Easements

Background

Article XV, Section 4b of the Oregon Constitution states that “(m)oneys disbursed for the public purpose of financing the restoration and protection of wild salmonid populations, watersheds, fish and wildlife habitats and water quality” shall be used for purposes, including “(e)ntering into agreements to obtain from willing owners determinate interests in lands and waters that protect watershed resources, including but not limited to fee simple interests in land, leases of land or conservation easements.”

ORS 541.375 states that the “Oregon Watershed Enhancement Board may fund projects involving the acquisition of lands and waters, or interests therein from willing sellers, for the purpose of maintaining or restoring watersheds, habitat and native salmonids...as long as the entity continues to use the land or water for the purposes specified under section 4b, Article XV of the Oregon Constitution.”

In OWEB’s administrative rules contained in Division 45, a “Land Acquisition Project” is defined as “a project that proposes to acquire an interest in land from a willing seller for the purpose of addressing the conservation needs of priority habitat and species consistent with conservation principles identified by the Board. Interests in land may include a lease, purchase of a conservation easement, or purchase of fee simple title.” The Board has adopted priorities in rule for land acquisition projects that focus on ecological priorities defined in terms of specific habitat, plant communities, and species, and whether the land acquisition project meets one or more of the adopted conservation principles related to the protection of those priorities.

Applicants and reviewers have raised questions about how working lands conservation easement projects are evaluated for funding under OWEB’s statutes and rules. A number of working lands easement proponents feel that protection from land division and intensification of agricultural use, or protection from conversion to urban or residential uses, should be one of the criteria for OWEB funding.

Working Lands Easement Work Group

Staff anticipate scheduling a discussion with the Land Acquisition Subcommittee this fall, contingent upon the strategic planning outcomes, to frame working lands easement issues and develop a set of questions to be addressed by a work group. If identified as priority by the Board and Subcommittee, staff would convene the work group before the end of the year and report progress at the January and March 2010 meetings. Any proposed changes to the acquisition grant rules or application and evaluation materials would not be in effect until the October 2010 grant cycle.

Staff Contact

If you have questions or need additional information, please contact Melissa Leoni, Senior Policy Coordinator, at melissa.leoni@state.or.us or 503-986-0179.