



May 3, 2021

**To: Natural Resources Subcommittee, Joint Ways and Means Committee**

**RE: Support for HB 5009 – Oregon Department of Fish and Wildlife (ODFW) Budget**

Co-Chairs Representative Reardon and Senator Taylor:

The Oregon Association of Conservation Districts (OACD) supports HB 5009 relating to the 2021-23 biennial budget for the Oregon Department of Fish and Wildlife. Soil and water conservation districts (SWCDs) are special districts governed by a locally elected board that work to protect and enhance soil quality, water quality and quantity, and fish and wildlife habitat through voluntary conservation action in collaboration with private landowners, managers, as well as federal, state, and nonprofit partners.

One example of this work is how SWCDs work on the ground with farmers, ranchers, family forest landowners and others to implement actions that maintain, enhance and/or restore important habitat needed by Oregon's diverse populations of fish and wildlife. The Oregon Department of Fish and Wildlife is a valued partner in these efforts by not only leading Oregon in the development of the *Oregon Conservation Strategy* (aka State Wildlife Action Plan) that sets priorities and focal areas for fish and wildlife conservation, but also in housing much needed professional natural resource expertise in managing fish and wildlife populations and their habitat. SWCDs especially value ODFW's cadre of fish and wildlife biologists that are located in regional field offices (aka watershed districts) throughout Oregon.

Specifically, OACD supports the creation of a **Habitat Division** within ODFW as addressed in the Governor's 2021-2023 Budget appropriating \$3.3 million General Fund and \$1.25 million in Lottery Funds, as well as the expenditure limitation for \$6.1 million in Other Funds and \$10.4 million in Federal Funds. We see this as an important first step to ensuring that ODFW is organized efficiently and has the capacity to effectively advocate for Oregon's fish and wildlife in the face of Oregon's expanding human population and the threats to, and loss of, important fish and wildlife habitat from impaired oceans, drought, wildfire, invasive species and development.

OACD also urges the Subcommittee to recommend that creation of the Habitat Division go beyond what would be created in HB 5009. As currently proposed, the Habitat Division would only house seven existing regional habitat biologists--positions that currently reside in other fish and wildlife divisions. What is needed however is expanded field biologist capacity in the Habitat Division. As such, OACD urges an amendment to HB 5009 that includes the appropriation of additional General Fund monies for the nine additional regional habitat biologist positions called for in the Habitat Division's original design. Should these additional funds not be available, then OACD urges the Subcommittee to at least include a budget note that prioritizes the funding of these nine new positions when additional monies become available.

In summary, OACD sees the creation of an ODFW Habitat Division, including expanded capacity in regional habitat biologist positions within the Division, as essential to ODFW meeting its mission to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. A fully designed Habitat Division also gives ODFW the capacity to lead Oregon in the implementation of the *Oregon Conservation Strategy* through partnerships and coordination with other entities such as coordinating and leveraging the funding and capacity that can be provided by SWCDs.

Jim Cathcart, Member

Oregon Association of Conservation Districts

[jim@wmswcd.org](mailto:jim@wmswcd.org)

# BRING BACK OREGON'S WILDLIFE HABITAT TAX DEFERRAL

An Initiative of:  
Clackamas SWCD  
East Multnomah SWCD  
Jackson SWCD  
Marion SWCD  
Polk SWCD  
Tualatin SWCD  
West Multnomah SWCD  
Yamhill SWCD

*Photo provided by USFWS*

## Oak Habitats in Oregon are in Significant Decline

Oak woodland habitats are some of Oregon's most iconic, culturally important, and imperiled wildlife habitats and have been called out as one of a handful of priority habitats in Oregon's Conservation Strategy.

Over the past few decades, loss of oak habitats have accelerated at an alarming pace due to development and conversion to agriculture. The oak woodlands and forests that remain are severely degraded - altered by fire suppression; frequently dying in the shade of mature Douglas-fir trees that encroach into these habitats as a result of excluding fire from these systems. Only 5-10% of oak forests, woodlands, and associated prairie remain in Oregon.

- It is estimated that oak habitat in the Willamette Valley is found on less than 7% of its pre-settlement area while prairie is found on less than 1%.
- Oak woodlands and savannas have declined by more than 65% in the East Cascades.
- In the Umpqua Valley, oak woodlands have declined by almost 60%.

## Private Lands are Critical for Oak Conservation

Public lands are insufficient for meeting Oregon's oak woodland conservation and restoration goals as much of the remaining oak habitat is on privately held lands in small, isolated pockets surrounded by other land uses. In the Willamette Valley alone, 93% of the land is currently under private ownership.

Many private landowners want to conserve and restore oak however oak woodland conservation and restoration requires private landowners to incur significant up-front and long-term maintenance costs with little opportunity for direct economic return.



*Photo provided by ODFW*

## The Problem - Lack of Incentives for Landowners to take on Conservation

Some counties in Oregon recognize the value of oak woodlands to their tourism economy and iconic sense of place as well as their ecological value and are willing to offer private landowners a property tax deferral in recognition of this value. However, the Wildlife Habitat Conservation and Management Program (WHCMP), created by the Oregon Legislature in 1997 to give counties this option, didn't come with enough funding for the Oregon Department of Fish and Wildlife (ODFW) to administer.

As a result, private landowners have little incentive to protect, restore or establish oak woodlands on their land. And because oak woodlands do not typically generate an annual crop income or provide commercial forestry opportunities, those private landowners that wish to conserve and restore oak woodlands stand to lose their forestry or agricultural tax deferrals. In addition, many landowners not enrolled in the agricultural and forestry deferral program could benefit from the wildlife habitat deferral given the opportunity to manage their oak woodlands as habitat.

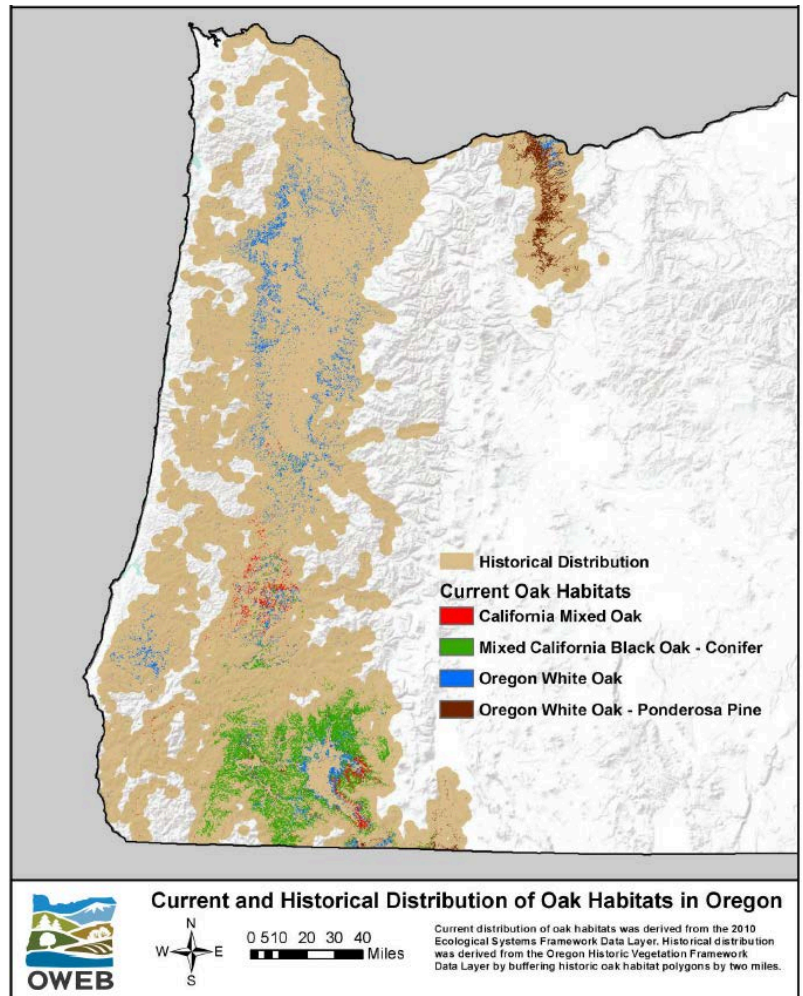
## The Path Toward a Solution

The governor's recommended budget for the 2021-23 biennium includes resources for the establishment of a Habitat Division within ODFW. It is very important that the legislature establish the Habitat Division and add to the Governor's request by funding the necessary field non-game biologist positions that ODFW originally requested. This will provide ODFW the capacity for administering tax deferral programs like the WHCMP as well as protect and preserve all wildlife and their habitats; thus protecting Oregon's natural and cultural heritage.

- Wildlife habitat tax deferral programs such as the WHCMP are needed and could become fully functional and available when other technical resources are recognized such as those provided by Soil and Water Conservation Districts (SWCDs) - local government entities specifically charged with working with private landowners to conserve soil, water and habitat.
- In 2019, SWCDs in the lower Willamette River basin entered into an Intergovernmental Agreement (IGA) with ODFW to explore how to leverage respective funding and technical expertise to determine what would be necessary to bring about fully functional wildlife tax incentive programs such as the WHCMP.

### Throughout the range of Oregon White Oak:

- There are **40 oak and prairie species listed as Threatened or Endangered** at the Federal, State and Provincial levels,
  - **23 that have been extirpated or near extirpated** from at least one ecoregion in their range,
  - and an additional **50 species are considered vulnerable and at risk** of continued decline to levels qualifying for listing as Threatened or Endangered.
- 
- There are **6 bird species in Oregon considered wholly dependent on oak**,
  - **20 additional bird species** are considered highly associated with oak,
  - and **5 species are primarily grassland species** but regularly occur in oak savannas
  - Of these **31 species**, many are declining throughout their ranges.



*Oak woodlands and associated savanna have been identified as a priority habitat type in the Oregon Conservation Strategy.*

- Phase I of the IGA has been completed with funding provided by the SWCDs. Plans are in the works for Phase II in 2021 - a pilot project demonstrating how SWCDs can work with ODFW in the North Willamette Watershed District to bring oak woodland conservation and restoration projects into the WHCMP.
- Continuation of the Oregon Conservation and Recreation Fund is another critical pathway for securing funding for much needed non-game habitat biologists in ODFW's Habitat Division since the fund is designed to support implementation of Oregon's Conservation Strategy. The fund is also necessary to secure Oregon's required state match for anticipated federal funds from the Recovering America's Wildlife Act.

### For more information, please contact:

Jim Cathcart, West Multnomah SWCD  
jim@wmswcd.org

Jason Faucera, Clackamas SWCD  
jfaucera@conservationdistrict.org

*Production and design of this document provided by Willamette Partnership*

## Working Toward Fully Functional Wildlife Tax Deferral Programs

**Purpose of the Agenda Item:** Information and Coordination

**Background:** In 2019 a coalition of soil and water conservation districts (SWCDs) in the lower Willamette River Basin entered in an Intergovernmental Agreement (IGA) with the Oregon Department of Fish and Wildlife (ODFW) entitled: *Working Towards Fully Functional Habitat Incentive Programs for Private Lands in Partnership with Soil and Water Conservation Districts*. Signatories to the agreement are: Clackamas SWCD, East Multnomah SWCD, Polk SWCD, Tualatin SWCD and West Multnomah SWCD. The agreement was centered on both the Wildlife Habitat Conservation and Management Program (WHCMP) and the Riparian Lands Tax Incentive Program (RLTIP) with ODFW's North Willamette Watershed District. The spirit of the agreement was to investigate and demonstrate how ODFW can leverage the technical resources housed in SWCDs as a means to expand ODFW's ability to administer these programs. The agreement identified three phases of work:

Phase 1 – Know What You Got – Monitoring and Compliance

Phase 2 -- Implement WHCMP and RLTIP Monitoring Schedule

Phase 3 -- Accept New WHMCP and RLTIP Applications

Phase 1 work was funded by the signatories and completed in 2019. The lack of capacity with ODFW's North Willamette Watershed District – specifically a Natural Resources Specialist (NRS) 2 Monitoring Biologist position – prevented movement on implementing Phase 2 of the agreement. In the fall of 2020, the signatory SWCDs regrouped and were joined by Marion, Jackson and Yamhill SWCDs. This reinvigorated and expanded SWCD coalition has developed a four pronged approach that essentially hybridizes phases 2 and 3 of the IGA into a single phase to be launched in 2021. The hybridized phase takes a four pronged approach:

Prong 1 – Pilot program for new enrollees in the WHCMP centered on Oregon oak woodland habitat conservation and restoration consistent with priorities set within the Oregon Conservation Strategy.

Prong 2 – Engage the legislature in 2021 to set the stage to coming back to the legislature in 2023 with legislative concepts and policy option packages that result in fully functional WHCMP and RLTIP.

Prong 3 – Fundraising. Secure funds that can increase the ODFW North Willamette Watershed District's capacity in the near term so as to begin work on addressing the monitoring backlog and accept new enrollees into the WHCMP in partnership with cooperating SWCDs.

Prong 4 – Messaging: (1) The importance of oak woodlands to Oregon, (2) private landowner willingness to conserve and restore oak woodlands, (3) barriers private landowners face in conserving and restoring oak woodland habitats and (4) how the WHCMP removes a significant barrier to private landowner conservation and restoration of oak woodland habitats.

**Of Interest to OACD** -- The coalition of lower Willamette River basin SWCDs hopes that its efforts to restore fully functional WHCMP and RLTIP to the ODFW North Willamette Watershed District – by working in partnership with ODFW – can be replicated elsewhere to affirm or restore the availability of these programs throughout Oregon.

**Status of Our Work (as of February 10, 2021):** ODFW – at both the Headquarters and North Willamette Watershed District administrative levels – wants to work with lower Willamette basin SWCDs to implement the hybridized Phase 2 and Phase 3 approach to the IGA despite not having the dedicated Monitoring Biologist position to do so and having an increased field workload in response to the Labor Day 2020 wildfires. Specifically, ODFW is open to working with Clackamas SWCD to begin addressing the monitoring backlog in Clackamas County and is receptive to enrolling a limited number of new projects centered on high quality oak woodland habitat conservation and restoration from within the lower Willamette River basin.

**Action Sought from the OACD Advocacy Committee:** Feedback, consensus and involvement with the lower Willamette River basin SWCD's legislative strategy for the WHCMP in the 2021 Oregon Legislative Session.

**Further Information** – See the attached November 4, 2019 Clackamas SWCD background letter, *Wildlife Habitat Conservation and Management Program of Critical Importance to Oregon White Oak Conservation*.

**Contacts** -- For more information, contact Jim Cathcart at [jim@wmswcd.org](mailto:jim@wmswcd.org) or Jason Faucera at [jfaucera@conservationdistrict.org](mailto:jfaucera@conservationdistrict.org).



# Clackamas Soil and Water Conservation District

---

November 4, 2019

## WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PROGRAM OF CRITICAL IMPORTANCE TO OREGON WHITE OAK CONSERVATION

### Summary

Oregon's Wildlife Habitat Conservation and Management Program (WHCMP) is a critical tool for the protection of oak habitats identified in the Oregon Conservation Strategy. With the program currently unavailable for use in the Willamette Valley, Clackamas Soil and Water Conservation District (SWCD) along with other Willamette Valley SWCDs are substantially hampered in efforts to assist landowners with oak habitat conservation on tax deferred agricultural and timber land, or land with no tax deferral.

There is a financial disincentive for landowners to engage in oak conservation work that provides great public benefit, but limited private benefit. WHCMP incentivizes oak habitat conservation projects on the ground with comparatively minimal overhead to the state as the cost for providing tax incentives are borne entirely by the county in which projects reside. In addition, several SWCDs in the Willamette Valley are willing to partner with ODFW to find methods to ease administrative burden and help streamline enrollment and monitoring.

It is essential for ODFW and SWCDs to make WHCMP available to landowners to support critical habitats such as those around Oregon white oak. Without it we will continue to miss opportunities to engage landowners in oak habitat conservation; a resource that can be eliminated in hours but cannot be replaced for hundreds of years once it has diminished on the landscape.

### Background

ODFW has identified Oregon white oak woodlands, oak prairies, and oak savannas as habitats of conservation concern throughout the Willamette Valley. In addition to habitat benefits, oak provides significant cultural benefits as well. Some oak trees on the landscape today persisted through Native American burning practices that reduced competition around the oak trees and at the turn of the century, oak was much more prominent on the landscape. Clackamas County possesses large areas of these habitats, much of which are under threat from a variety of competing land management interests.

Oak habitat loss continues to occur at a rate much faster than new habitat can be regenerated. Many of the trees used by oak obligate species are very old, and can take up to 100 years to reach the same

**221 Molalla Avenue, Suite 102, Oregon City, OR 97045**  
**Ph: 503.210.6000; fax: 503.655.1188 [conservationdistrict.org](http://conservationdistrict.org)**

functional level. As a result, once trees are removed, the impact is immediate and irreversible in our lifetimes.

Competing interests can be found along a wide continuum of compatibility with oak habitat, but there are several barriers that prevent oak conservation from occurring.

One significant barrier, especially in rural landscapes where land is generally within some kind of tax deferred status, is the incompatibility of oak habitat conservation with the existing agricultural or forest deferral activities that are most common in the rural areas. When landowners are faced with a choice between protecting oak habitats and losing tax deferred status on their land, economic forces weigh heavily in that decision. Many people will choose to convert from oak or replace it with other species in order to avoid negative economic impacts.

Oak habitat conservation is time and resource intensive work, especially in the early stages of restoration. Even if the SWCD can facilitate funding for oak habitat work, there is a long term maintenance cost that can be burdensome for landowners. We find ourselves frequently asking landowners to shoulder the brunt of the cost of providing habitat that benefits the public as a whole.

In Clackamas County, we are actively working in several areas to conserve oak habitats to meet the goals of the Oregon Conservation Strategy. However, one of the most frequent road blocks we encounter is that the land we are looking to conserve for oak habitat is in a deferral status that is incompatible with the work that needs to be done.

In those cases, we have to make compromises that diminish the impact of the work that needs done or find work arounds that are not sustainable solutions for the landowner to maintain their tax deferred status. If we are not able to make these compromises, the landowner generally declines to actively protect oak habitat and we lose that opportunity. Also, none of these work arounds we've used are permanent enough to protect oak habitat in the long term.

For land that is not in a deferral status, there is a financial disincentive for landowners to engage in oak habitat conservation. There is a cost to this work, and with generally no revenue generation opportunities to offset those costs, people will decline to participate in conservation activities. In essence we are asking individuals to incur financial burden on behalf of public interest to protect habitat.

There are many avenues to clear the hurdles facing habitat work in Oregon. Those pathways will require recognition of the importance of lands managed for habitat, and will take a shift in both public and private sector attitudes to elevate the value of land use for habitat to be more competitive with other possible uses.

In the meantime, the main tool we have to incentivize conservation on these important oak habitat lands is the WHCMP, which is no longer available to enroll new land in the Willamette Valley. WHCMP is the only tool that allows land managed for oak habitat to remain in a tax deferred status or to offset the cost of implementation and long term maintenance for lands not in a deferral status.

We appreciate Oregon Department of Fish and Wildlife's partnership in working to make WHCMP available again to help SWCDs engage in important habitat work. We have and will continue to make investments into oak habitat conservation, but feel that without this tool, our efforts will result in only a fraction of potential projects becoming a reality on the ground.

Here is a description of deferral requirements:

Timber deferral – Requires a minimum of two acres of trees that must be merchantable species and meet stocking rates of 200 living stems per acre. Landowners interested in oak woodland habitat could potentially keep a deferral under this designation so long as the assessor views oak as merchantable, but stocking rates are too high for healthy oak habitats over the long term.

Agricultural deferral – Farming activities on land zoned EFU must be done with intent to profit, but has no minimum income generation requirement. Farming activities on non-EFU land requires income generation of \$650 for farms less than 6.5 acres and \$100 per acre on farms greater than 6.5 acres and up to a max of 30 acres in 3 of 5 consecutive years. EFU zoned land allows for some areas of “wasteland” that can be included in deferral if it is not farmable or grazeable and also allows for woodlots on some soil types not suitable for farming. Allowed woodlots are limited in size (up to 20 acres). Commercial harvest in woodlots to release oak or plant oak trees will leave the woodlot subject to the Oregon Forest Practices Act reforestation requirements (200 living stems per acre).

Clackamas SWCD has worked directly with landowners who have expressed interest in oak habitat conservation. We believe a tool like WHCMP could be critical in helping these landowners make the decision to engage in oak habitat conservation. Here is a list of the number and total acreage of potential oak habitat conservation properties by zoning designation:

- Ag/Forest (AGF) – 8 properties – 365 acres
- Timber (TBR) – 2 properties – 67 acres
- Rural Residential Farm Forest (RRFF-5) – 4 properties – 18 acres
- Exclusive Farm Use (EFU) – 15 properties – 326 acres

The practical application for these customers is that if their oak habitat conservation opportunity areas are in an agricultural deferral status, they would lose their deferral to engage in oak work, unless the oak was on EFU land in an area of “wasteland.”

For forest deferral properties, if the areas of oak habitat opportunity were in the forest deferral area they would have to stock at high densities of 200 live trees per acre at free to grow stage, eliminating the ability to create healthy, long term oak habitats without losing their deferral. Sometimes oak and Willamette Valley Ponderosa Pine can be planted together at higher densities, but thinning to a lower density than 200 live trees per acre would be necessary to allow for a viable oak and pine woodland. In addition, there is question about whether the assessor views oak and Willamette Valley Ponderosa Pine as merchantable species for deferral.

All other areas not covered by deferral would also not be able to achieve a deferred status and would have to foot the bill for maintaining the habitat entirely on their own, even if the SWCD secured funding for the heavy lifting of the restoration.

Essentially these sites would lose deferral or have to pay out of pocket for habitat, which is often when landowners understandably walk away from oak habitat conservation projects.

We also have visited additional sites where there was observation by staff that oak conservation would be an opportunity to offer the landowner as an option if they were interested:

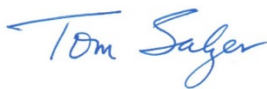
- 65 landowners – 2,904 acres

These sites are total acreages and not oak habitat acreages. Also, they are only the sites CSWCD staff has visited, which is only a fraction of properties where oak habitat opportunity exists. If a deferral option was available for wildlife, these properties may consider engaging in oak habitat conservation.

This problem is likely mirrored with other habitats that don't have the benefit of these tools. One of the best qualities of the WHCMP tax deferral tool is that the economic cost of the deferred tax revenue is borne by the county in which the deferral resides. This is because those counties recognize the value of these habitat lands and are willing to forego some revenue to encourage their presence in their county. Program administration costs are the only direct costs to the state.

It is essential for ODFW and SWCDs to make WHCMP available to landowners to support critical habitats such as those around Oregon white oak. Without it we will continue to miss opportunities to engage landowners in oak habitat conservation; a resource that can be eliminated in hours but cannot be replaced for hundreds of years once it has diminished on the landscape.

Sincerely,



Tom Salzer  
General Manager



Jason Faucera  
Conservation Planning Program Manager



# **INTERGOVERNMENTAL AGREEMENT**

## **Working Towards Fully Functional Habitat Incentive Programs for Private Lands in Partnership with Soil and Water Conservation Districts**

**THIS AGREEMENT** is made and entered into by and between the **CLACKAMAS SOIL and WATER CONSERVATION DISTRICT**, the **EAST MULTNOMAH SOIL & WATER CONSERVATION DISTRICT**, the **POLK SOIL and WATER CONSERVATION DISTRICT**, the **TUALATIN SOIL and WATER CONSERVATION DISTRICT** and the **WEST MULTNOMAH SOIL & WATER CONSERVATION DISTRICT**, hereinafter referred to as the "**CONSERVATION DISTRICTS**"; and **OREGON DEPARTMENT OF FISH AND WILDLIFE**, hereinafter referred to as "**ODFW**".

**WHEREAS**, it is the Mission of ODFW to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations;

**WHEREAS**, soil and water conservation districts specialize in providing technical and financial conservation assistance to private forest, farm and range landowners as well as other private for-profit and not-for-profit organizations and entities including individuals through the authorities granted in Oregon Revised Statutes (ORS) Chapter 568;

**WHEREAS**, both ODFW and the Conservation Districts agree that the provision of both game and non-game wildlife habitat on private lands requires sound technical conservation assistance and the availability of financial incentive programs that align with private landowner objectives to provide fish and wildlife habitat;

**WHEREAS**, the Riparian Lands Tax Incentive Program (RLTIP) was established by the Oregon Legislature in 1981 under ORS 308A.350 through ORS 308A.383 to offer a property tax incentive to property owners for improving or maintaining qualifying riparian lands where property owners receive a complete property tax exemption for their qualifying riparian property which can include up to 100 feet of land from the edge of a stream;

**WHEREAS**, the Wildlife Habitat Conservation Management Program (WHCMP) was established by the Oregon Legislature in 1997 under ORS 308A.400 through ORS 308A.430 to encourage landowners to protect and enhance significant fish and wildlife habitat on private lands by providing property tax reductions to eligible and enrolled properties -- within Oregon counties that have adopted the program -- a wildlife habitat special assessment, with property taxes assessed at the same rate as farm or forest special assessments;

**WHEREAS**, both the RLTIP and WHCMP offer financial incentives to eligible private landowners to provide for both game and non-game wildlife habitat on their lands consistent with their objectives in owning their land;

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**

**WHEREAS**, both the RLTIIP and WHCMP require that sound technical conservation assistance be provided to the eligible private landowners wishing to become enrolled in the RLTIIP and WHCMP such that the goals and intent of the RLTIIP and WHCMP are met consistent with private landowner objectives in owning their lands;

**WHEREAS**, the conservation assistance provided for by the RLTIIP and WHCMP results in the development of specific and agreed upon requirements of the enrolled private landowner as documented in a mutually agreed upon and binding Riparian Management Plan or Wildlife Habitat Conservation and Management Plan (hereinafter referred to as the "Habitat Plans") that respectively identify the necessary landowner practices that benefit native wildlife species and native habitats for each program;

**WHEREAS**, ODFW lacks the resources necessary to provide the required technical conservation assistance as well as the resources necessary to conduct the requisite monitoring, administration, and assurance of landowner compliance with specific requirements of the RLTIIP and WHCMP programs as specified in the agreed upon Habitat Plans for each program; AND

**WHEREAS**, the Conservation Districts do have some technical capacity to share with ODFW in providing the needed technical assistance to develop and monitor Habitat Plans as well as to provide technical conservation assistance in the implementation of the agreed upon landowner practices that benefit native wildlife species and native habitats for both the WHCMP and RLTIIP;

**NOW, THEREFORE, BE IT RESOLVED** that ODFW and the CONSERVATION DISTRICTS agree to collaborate on ways to leverage resources as well as to develop information regarding the shared resources that both ODFW and CONSERVATION DISTRICTS need, including identifying existing barriers or gaps to fully implement both programs.

- 1. AUTHORITY.** By the authority granted in ORS 190.110 and 496.146 (11), state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all functions and activities that either party to the agreement, its officers, or agents have the authority to perform.

Under such authority, ODFW wishes to retain the services of the CONSERVATION DISTRICTS, so as to provide ODFW's North Willamette Watershed District added capacity to investigate how best to leverage shared resources, as well as develop solutions to removing existing barriers or gaps that currently prevent the implementation of fully functional RLTIIP and WHCMP programs as more fully described in the attached EXHIBIT A – STATEMENT OF WORK – *"Taking a Pilot Approach for Implementing the Wildlife Habitat Conservation and Management Program and Riparian Tax Incentive Program in ODFW's North Willamette Watershed District"*.

- 2. AGREEMENT DOCUMENTS.** This Agreement consists of the following documents that are listed in descending order of precedence: this Agreement less all exhibits and the attached Exhibit A - Statement of Work and Exhibit B – Phase I Intern Position Descriptions.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**

- 3. EFFECTIVE DATE AND DURATION.** This Agreement is effective on the date of the last signatory and shall expire on June 30, 2029, unless otherwise renewed or terminated.
- 4. CONSIDERATION.** The Conservation Districts agree to provide two interns for approximately twelve weeks each who will serve as agents of ODFW to implement Phase 1 (Know What We Got – Monitoring and Compliance) of the Statement of Work. One intern will focus on the RLTIIP and be housed at ODFW's Salem Headquarters facility. One intern will focus on the WHCMP and be housed at ODFW's North Willamette Watershed District in Clackamas. ODFW will provide workspace and computers for each intern to perform this work. Conservation funding for the implementation of Phases 2 (Implement Monitoring Schedule), Phase 3 (Accept New Applications) and Phase 4 (Secure Fully Functional Programs) is not authorized herein and will be determined after the completion of the Phase 1 work.
- 5. FUNDS AVAILABLE AND AUTHORIZED.** Conservation District obligations to pay for the interns per the terms of this Agreement is contingent upon the Conservation Districts receiving sufficient appropriations or other expenditure authority per the Conservation Districts budgeting process.
- 6. AMENDMENTS.** The terms of this Agreement may not be changed except by written instrument properly executed and signed by all parties.
- 7. TERMINATION.** This Agreement may be terminated by mutual written consent of all parties, or by one party, upon 30 days' notice in writing delivered to the other party by certified mail or in person.
- 8. SUBCONTRACTS.** ODFW shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from the CONSERVATION DISTRICTS.
- 9. COMPLIANCE WITH APPLICABLE LAWS.** ODFW and the CONSERVATION DISTRICTS agree to comply with all federal, state, and local laws, regulations, executive orders, and ordinances applicable to the work under this Agreement.
- 10. INDEPENDENT CONTRACTOR STATUS.** The CONSERVATION DISTRICTS shall perform the services under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
- 11. WORKERS COMPENSATION.** The CONSERVATION DISTRICTS, its assigns and subcontractors, if any, and all employees working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide worker's compensation coverage for all their subject workers.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**

**12. NOTICES AND REPRESENTATIVES:** All notices, certificates, or communications shall be delivered or mailed postage prepaid to the parties at their respective places of business as set forth below or at a place designated hereafter in writing by the parties.

**To ODFW:** Jon Germond  
Habitat Resources Program Manager  
Wildlife Division  
Oregon Department of Fish & Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302  
503-947-6088 (desk)  
[jon.p.germond@state.or.us](mailto:jon.p.germond@state.or.us)

**To the CONSERVATION DISTRICTS:** Jim Cathcart, District Manager  
West Multnomah Soil & Water  
Conservation District  
2701 NW Vaughn Street – Suite 450  
Portland, Oregon 97201  
(503) 238-4775, ext. 106 (desk)  
[jim@wmswcd.org](mailto:jim@wmswcd.org)

**13. Merger Clause; Waiver.** This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, except those specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by all parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODFW to enforce any provision of this Agreement shall not constitute a waiver by ODFW of that or any other provision.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**


**14. Signatures.**

**IN WITNESS WHEREOF**, the parties hereto have set their hands and affixed their seals as of the day and year written below.

**STATE OF OREGON, by and through  
its Department of Fish and Wildlife:**

\_\_\_\_\_  
By Erica Kleiner  
Title: Deputy Director for Administration  
Date \_\_\_\_\_

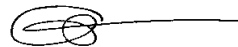
**CLACKAMAS SOIL and WATER  
CONSERVATION DISTRICT,**

  
\_\_\_\_\_  
By Tom Salzer  
Title: General Manager  
Date 6/10/19


**EAST MULTNOMAH SOIL & WATER  
CONSERVATION DISTRICT,**

\_\_\_\_\_  
By Jay Udelhoven  
Title: Executive Director  
Date \_\_\_\_\_

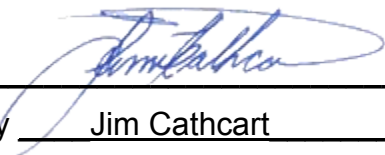
**POLK SOIL and WATER  
CONSERVATION DISTRICT,**

  
\_\_\_\_\_  
By Karin Stutzman  
Title: District Manager  
Date 6/3/19

**TUALATIN SOIL and WATER  
CONSERVATION DISTRICT,**

  
\_\_\_\_\_  
By Lacey Townsend  
Title: Executive Director  
Date 6/7/19

**WEST MULTNOMAH SOIL & WATER  
CONSERVATION DISTRICT**

  
\_\_\_\_\_  
By Jim Cathcart  
Title: District Manager  
Date 5/31/19

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**

**14. Signatures.**

**IN WITNESS WHEREOF**, the parties hereto have set their hands and affixed their seals as of the day and year written below.

**STATE OF OREGON, by and through  
its Department of Fish and Wildlife:**

\_\_\_\_\_  
By Erica Kleiner  
Title: Deputy Director for Administration  
Date \_\_\_\_\_

**CLACKAMAS SOIL and WATER  
CONSERVATION DISTRICT,**

\_\_\_\_\_  
By Tom Salzer  
Title: General Manager  
Date \_\_\_\_\_

**EAST MULTNOMAH SOIL & WATER  
CONSERVATION DISTRICT,**

Jay Udelhoven  
\_\_\_\_\_  
By Jay Udelhoven  
Title: Executive Director  
Date June 3, 2019

**POLK SOIL and WATER  
CONSERVATION DISTRICT,**

\_\_\_\_\_  
By Karin Stutzman  
Title: District Manager  
Date \_\_\_\_\_

**TUALATIN SOIL and WATER  
CONSERVATION DISTRICT,**

\_\_\_\_\_  
By Lacey Townsend  
Title: Executive Director  
Date \_\_\_\_\_

**WEST MULTNOMAH SOIL & WATER  
CONSERVATION DISTRICT**

\_\_\_\_\_  
By Jim Cathcart  
Title: District Manager  
Date \_\_\_\_\_

# **EXHIBIT A STATEMENT OF WORK**

## **Taking a Pilot Approach for Implementing the Wildlife Habitat Conservation and Management Program and Riparian Tax Incentive Program in ODFW's North Willamette Watershed District**

With this proposal, the Oregon Department of Fish and Wildlife (ODFW) enters into this Agreement with the Clackamas Soil & Water Conservation District, the East Multnomah Soil & Water Conservation District, the Tualatin Soil & Water Conservation District, and the West Multnomah Soil & Water Conservation District (Conservation Districts) to:

### **PHASE I – KNOW WHAT YOU GOT – MONITORING AND COMPLIANCE**

The Conservation Districts agree to fund and host two interns that will serve as ODFW agents to assist in completing the following objectives for ODFW:

#### Position #1 – Riparian Lands Tax Incentive Program (RLTIP) Intern (Statewide Focus)

- Objective 1: Review relevant background on Riparian Lands Tax Incentive Program
- Objective 2: Coordination with all ODFW Watershed District offices
- Objective 3: Investigate Use of the Wildlife Habitat Conservation and Management Program database for serving as a Riparian Lands Tax Incentives Program database.
- Objective 4: Develop Riparian Lands Tax Incentive Program Tracking Improvements
- Objective 5: Develop Riparian Lands Tax Incentive Program Application Improvements
- Objective 6: Develop Riparian Lands Tax Incentive Program Web/Outreach Materials
- Objective 7: Share enrollee information with appropriate Soil & Water Conservation Districts

#### Position #2 – Wildlife Habitat Conservation and Management Program (WHCMP) Intern (North Willamette Watershed District focus)

- Objective 1: Review relevant background on Wildlife Habitat Conservation and Management Program
- Objective 2: Gain Access to the WHCMP database
- Objective 3: Update the North Willamette Watershed District WHCMP database for completeness and consistency
- Objective 4: Review and update the WHCMP monitoring schedule
- Objective 5: Prioritize WHCMP monitoring based on available Conservation District resources by properties that have not been monitored for at least 5 years
- Objective 6: Share enrollee information with appropriate Soil & Water Conservation Districts

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**

**EXHIBIT A – Statement of Work**

**PHASE 2 – IMPLEMENT WHCMP AND RLTIIP MONITORING SCHEDULE<sup>1</sup>**

- Objective 1: Secure ODFW Monitoring Biologist position (at least Limited Duration or Job Rotation).
- Objective 2: ODFW Monitoring Biologist coordinates regularly with Conservation Districts
- Objective 3: Conservation Districts and ODFW Monitoring Biologist coordinate as appropriate to conduct WHCMP and RLTIIP monitoring based on priority schedule.
- Objective 4: Where appropriate, Conservation Districts provide technical conservation assistance to implement landowner practices to fully implement habitat plans; and where appropriate, may offer needed financial assistance.
- Objective 5: Where appropriate, ODFW Monitoring Biologist initiates compliance action and enforcement with the relevant County tax assessor office; including WHCMP disqualification.

**PHASE 3 – ACCEPT NEW WHMCP AND RLTIIP APPLICATIONS**

- Objective 1: Develop criteria for high quality, priority habitat properties for WHCMP based on regional/state (i.e., Oregon Conservation Strategy) conservation priorities.
- Objective 2: Review available Conservation District and ODFW resources to set the limit on the number of WHMCP applications that can be reviewed annually.
- Objective 3: Conservation Districts conduct outreach to, and complete habitat plans for, high quality, priority habitat properties and assist landowners with completing applications for the WHCMP or RLTIIP or both.
- Objective 4: ODFW Monitoring Biologist reviews and where appropriate accepts applications and enrolls landowners in either the WHMCP or RLTIIP programs (or both) until the agreed upon limit to the number of applications that can be reviewed is reached.
- Objective 5: Conservation Districts provide technical conservation assistance to implement landowner practices to fully implement habitat plan, and where appropriate, may offer needed financial assistance.
- Objective 6: Track new enrollees in appropriate database(s) and schedule monitoring.
- Objective 7: Conservation Districts conduct WHCMP and RLTIIP monitoring.
- Objective 8: Where appropriate, Conservation Districts provide additional technical conservation assistance to implement landowner practices to fully implement habitat plan; and where appropriate, may offer additional financial assistance.
- Objective 9: Where appropriate, ODFW initiates compliance action and enforcement with the relevant County tax assessor office; including WHCMP or RLTIIP disqualification.

---

<sup>1</sup> PHASE 2 and PHASE 3 implementation conditional on securing the ODFW Monitoring Biologist position at least on a Limited Duration or Job Rotation basis. Further, the geographic extent within the ODFW North Willamette Watershed District of which Phase 2 and Phase 3 implementation will occur is restricted to the geographic service territories for those Conservation Districts that are a party to this Intergovernmental Agreement.



**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**

**EXHIBIT A – Statement of Work**

**PHASE 4 – SECURE FULLY FUNCTIONAL PROGRAMS**

- Objective 1: Develop goals and performance measures to define what is meant by fully functional WHCMP and RLTIIP programs.
- Objective 2: Conduct an ODFW North Willamette Watershed District WHCMP and RLTIIP program review based on PHASE 3 implementation that identifies barriers to, or gaps preventing, the full implementation of these programs.
- Objective 3: Work with stakeholders, including Conservation District Board Directors, in conducting outreach and support for implementing fully functional programs.
- Objective 4: Work with the Oregon Association of Conservation Districts, the Governor's Natural Resources Office and ODFW leadership to develop any Legislative Concepts and/or Policy Option Packages necessary to implement fully functional programs.
- Objective 5: To the extent possible, replicate the ODFW-Conservation Districts North Willamette Watershed District WHMCP pilot program to other ODFW watershed districts based on the interest and capacity of the relevant Soil and Water Conservation District partners.

**EXHIBIT B**  
**PHASE I INTERN POSITION DESCRIPTIONS**

Taking a Pilot Approach for Implementing the Wildlife Habitat Conservation and Management Program and Riparian Tax Incentive Program in ODFW's North Willamette Watershed District



**WEST MULTNOMAH**  
Soil & Water Conservation District

## **EXHIBIT B-1**

# **WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PROGRAM PHASE 1 INTERN POSITION DESCRIPTION**

**DRAFT -- May 20, 2019 -- DRAFT**

### **SECTION 1. INFORMATION**

**Working Title:** Wildlife Habitat Conservation and Management Program (WHMCP) Intern

**Employee:** TBD

**Job Status:** Temporary, Full-time, Not to Exceed 600 Hours

**Salary:** \$15.72 per hour

**Work Period:** On or around July 1, 2019 for approximately 15 weeks ending in mid-October 2019.

**Work Location:** Oregon Department of Fish and Wildlife North Willamette Watershed District Office,  
Clackamas, Oregon

This is a temporary, full-time, position not to exceed 600 hours of employment. Per District policy, the position is eligible for 1.5 hour overtime for extra hours required that generally occur after 5:30 pm, exceed 10 hours per day or 40 hours per work week or occur on a regularly scheduled day off.

**Benefits:** Sick leave will accrue at the rate of 1 hour for every 30 hours worked. There is no vacation or other paid time off with the exception of paid Holiday Leave for District recognized Holidays. Liability coverage is provided to all employees, subject to the limitations of the Oregon Tort Claims Act, 30.260 through 30.300, and the Oregon Constitution.

### **SECTION 2. ORGANIZATIONAL CONTEXT**

The District's mission is to conserve and protect soil and water resources for people, wildlife, and the environment. The District operates around six goals: (1) improve water quality in our watersheds; (2) minimize erosion and build healthy soils; (3) enhance habitats, biodiversity and ecosystem function; (4) enhance the productivity and sustainability of working lands; (5) cultivate land stewards of all ages; and (6) ensure that the District is a vibrant agency. The District's service territory is that portion of Multnomah County lying west of the Willamette River, all of Sauvie Island including the Columbia County portion of Sauvie Island and a portion of Washington County's Bonny Slope region of the north Tualatin Mountains.

The District's operating budget for the General Fund is \$2.73 million which includes a \$0.90 million beginning fund balance, \$1.60 million in property tax revenues, and \$0.23 million in grant funding and other contributions.

The position will work as an agent of the Oregon Department of Fish and Wildlife (ODFW) with day-to-day work assignments and work space provided by ODFW as the Position's Lead Worker. The position is supervised by the West Multnomah Soil & Water Conservation District's (WMSWCD) District Manager.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTIIP Phase 1 Intern Position Description**

### **SECTION 3. POSITION SUMMARY**

This position is dedicated to assisting the Oregon Department of Fish and Wildlife (ODFW) review and document information pertaining to enrollees in the Oregon Wildlife Habitat Conservation and Management Program within the ODFW North Willamette Watershed District in support of the Phase 1 Statement of Work for the Intergovernmental Agreement, *Working Towards Fully Functional Habitat Incentive Programs for Private Lands in Partnership with Soil and Water Conservation Districts* (dated xxxx yy, 2019) and incorporated herein by reference.

### **SECTION 3. DUTIES**

#### **Review relevant background on Wildlife Habitat Conservation and Management Program**

- Review applicable statutes and rule related to WHCMP implementation, including ORS 308a.400 to 430, ORS 308a.700 to 743, OAR 635-430
- Review Guidelines for ODFW implementation on the WHCMP
- Review WHCMP Manual for Counties and Cities
- Review Landowner Guide to the WHCMP
- Review the Oregon Conservation Strategy ([www.OregonConservationStrategy.org](http://www.OregonConservationStrategy.org))

#### **Access to the WHCMP Database (<https://nrimp.dfw.state.or.us/Habcon/>)**

- Obtain login credentials and access WHCMP database
- Review and become familiar with current database fields, conducting queries and viewing data
- Review WHCMP plans entered in database for the North Willamette Watershed District (NWWD)

#### **WHCMP Database Consistency and Compliance Monitoring Needs**

- Extract and review paper and electronic WHCMP plans from NWWD files. Compile all NWWD enrolled WHCMP plan information, monitoring data, and correspondence to landowners and counties.
- Compare the plans obtained in the NWWD files to the information on the agency WHCMP database (Task 2.3) and identify any discrepancies, by county, in the records
- Work with the Riparian Lands Tax incentive Program (RLTIIP) Intern to identify NWWD plans that combine property enrollment in both RLTIIP and WHCMP.
  - Identify plans that clearly separate acreages enrolled in both programs. If possible, create or highlight separate acreages on the plan maps. Otherwise, highlight as a task for the Monitoring Biologist to address. Create separate entries for these plans in both the RLTIIP and WHCMP databases.
  - Identify plans that lack clarity in which acres are enrolled both programs. Highlight as a task for the Monitoring Biologist to address.
- Contact the County Tax Assessors; confirm whether properties associated with WHCMP plans from local files are enrolled by the counties; resolve discrepancies in the records
- Update the WHCMP database based upon information obtained through Tasks 3.1 through 3.4
- Review plans and monitoring conditions for consistency. WHCMP database should identify past compliance monitoring dates. Compile a list of enrolled properties, by county, that have not been monitored in the past five years.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTI Phase 1 Intern Position Description**

- Prioritize plans by county for monitoring. Seek assistance/direction from Monitoring Biologist or NWWD staff as necessary.
- Assist Monitoring Biologist (if position filled) with physical inspection of properties as time allows and enter inspection results into WHCMP database
- Assist Riparian Lands Tax Incentive Program Intern as time allows

#### **SECTION 4. MINIMUM QUALIFICATIONS**

- Adults (18+ years old)

#### **SECTION 5. PREFERRED QUALIFICATIONS**

- Recent graduates (within the last 24 months) or active students working toward a vocational, Associate's degree or greater with course work in natural sciences, environmental education, natural resource management, soils, water quality, agriculture sciences, or a related discipline.
- Individuals who have participated in an environmental workforce development program such as AmeriCorps, VERDE, Wisdom Workforce, or Northwest Youth Corps.

#### **SECTION 6. CORE COMPETENCIES**

- Use of geographic information system software including the creation of spatial layers.
- Map creation, interpretation and editing.
- Data entry and management.

#### **SECTION 7. DESIRED INTERPERSONAL AND PROFESSIONAL ATTRIBUTES**

- Good oral and written communication skills.
- Flexibility and adaptability in performing job duties.
- Ability to conduct multiple tasks and actions at the same time.
- Ability to work closely with other staff in the field and in the office as well as work independently.
- Ability to work collaboratively with external partner organizations.
- Maintains positive, collaborative relationships with co-workers and conducts work in a professional and courteous manner.
- Ability to plan and organize work to meet required deadlines.
- Takes initiative and has strong problem-solving skills, but also knows when to ask for help.
- Ability to organize information and communicate effectively both verbally and in writing.
- Culturally responsive to people and communities from culturally diverse backgrounds in both the workplace and in the community.

#### **SECTION 8. DIVERSITY, EQUITY AND INCLUSION**

The District's work will only be successful if we are able to truly partner with all facets of the community, engage with respect, authentically listen, and have the courage to share decision making, control and resources with others. The District is committed to continuously evaluating and updating our programs to better serve people and communities of color. In recognition of the need to address unconscious bias,

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTI Phase 1 Intern Position Description**

remove cultural barriers in our programs and eliminate disparities in our work, the District's Board of Directors adopted a [Racial Equity Statement](#) containing the District's vision for racial equity, the need for it and how the District will hold itself accountable to it.

### **SECTION 9. SAFETY**

The WHCMP Intern is expected to use common sense and good judgment in work habits, to follow safe work practices, and to immediately bring any unsafe conditions to the attention of others. As an agent of the Oregon Department of Fish and Wildlife, the WHCMP Intern will abide by all ODFW safety policies.

The WHCMP Intern will:

- Dress with safety in mind.
- Use personal protective equipment and other safety equipment correctly;
- Not operate equipment while medications or other substances are present in the body that could impair use, unless employees provide the District with a doctor's written approval;
- Operate only the equipment on which training has been received;
- Avoid exposure to and contact with hazardous chemicals or materials; work only with hazardous chemicals and materials about which they have received training.

### **SECTION 10. ESSENTIAL AREAS OF RESPONSIBILITY (USED IN PERFORMANCE RATING)**

Performance will be evaluated with respect to the following Essential Areas of Responsibility:

- Core Competencies
- Desired Interpersonal and Professional Attributes
- Safety

The rating in each category will either be Outstanding (consistently exceeds expectations), Successful (meets expectations) or Needs Improvement (does not meet expectations). The rating will be performed by the WMSWCD's District Manager prior to the end of the position's work period.

### **SECTION 11. WORK ENVIRONMENT**

- The position works primarily in the office with occasional visits to WHCMP field sites.
- The fieldwork will include working in and around such locations as urban areas, farms, and working forests; rivers, streams, and ponds; properties with dense, thorny vegetation; and other areas with steep, slippery, muddy, rocky, or other hazardous terrain. Occasional interactions with farm animals and pets occur while in the field.
- The office work may include working at a desk; using a computer; or working or standing at a table.
- Travel in an ODFW vehicle is required to field sites, workshops, meetings and training sessions. If you possess a valid driver's license, you may occasionally be asked to drive an ODFW vehicle or a personal vehicle (mileage will be reimbursed). A valid driver's license is required for this internship position.
- Some physical exertion is required, such as walking over rough, uneven terrain and using or carrying technical or power equipment and hand tools.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTI Phase 1 Intern Position Description**

\*\*\*\*\*

*West Multnomah Soil & Water Conservation District does not discriminate based on any class or identity including age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, sexual orientation, and veteran status. The District is an equal opportunity employer and service provider. The District makes reasonable accommodations for persons with disabilities and special needs to provide access to district events, materials and services. If you have requests for accommodations or complaints about discrimination, harassment, inequitable treatment or being denied access to district events, materials and services, or for any questions at all, please contact us at our email [info@wmswcd.org](mailto:info@wmswcd.org) or call 503.238.4775.*



**WEST MULTNOMAH**  
Soil & Water Conservation District

## **EXHIBIT B-2**

### **RIPARIAN LANDS TAX INCENTIVE PROGRAM PHASE 1 INTERN POSITION DESCRIPTION**

**DRAFT -- May 20, 2019 -- DRAFT**

#### **SECTION 1. INFORMATION**

**Working Title:** Riparian Lands Tax Incentive Program (RLTIP) Intern

**Employee:** TBD

**Job Status:** Temporary, Full-time, Not to Exceed 600 Hours

**Salary:** \$15.72 per hour

**Work Period:** On or around July 1, 2019 for approximately 15 weeks ending in mid-October 2019.

**Work Location:** Oregon Department of Fish and Wildlife Headquarters Office, Salem, Oregon

This is a temporary, full-time, position not to exceed 600 hours of employment. Per District policy, the position is eligible for 1.5 hour overtime for extra hours required that generally occur after 5:30 pm, exceed 10 hours per day or 40 hours per work week or occur on a regularly scheduled day off.

**Benefits:** Sick leave will accrue Sick Leave at the rate of 1 hour for every 30 hours worked. There is no vacation or other paid time off with the exception of paid Holiday Leave for District recognized Holidays. Liability coverage is provided to all employees, subject to the limitations of the Oregon Tort Claims Act, 30.260 through 30.300, and the Oregon Constitution.

#### **SECTION 2. ORGANIZATIONAL CONTEXT**

The District's mission is to conserve and protect soil and water resources for people, wildlife, and the environment. The District operates around six goals: (1) improve water quality in our watersheds; (2) minimize erosion and build healthy soils; (3) enhance habitats, biodiversity and ecosystem function; (4) enhance the productivity and sustainability of working lands; (5) cultivate land stewards of all ages; and (6) ensure that the District is a vibrant agency. The District's service territory is that portion of Multnomah County lying west of the Willamette River, all of Sauvie Island including the Columbia County portion of Sauvie Island and a portion of Washington County's Bonny Slope region of the north Tualatin Mountains.

The District's operating budget for the General Fund is \$2.73 million which includes a \$0.90 million beginning fund balance, \$1.60 million in property tax revenues, and \$0.23 million in grant funding and other contributions.

The position will work as an agent of the Oregon Department of Fish and Wildlife (ODFS) with day-to-day work assignments and work space provided by ODFW as the Position's Lead Worker. The position is supervised by the West Multnomah Soil & Water Conservation District's (WMSWCD) District Manager.



**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RL TIP Phase 1 Intern Position Description**

### **SECTION 3. POSITION SUMMARY**

This position is dedicated to assisting the Oregon Department of Fish and Wildlife (ODFW) review and document information pertaining to enrollees in the Oregon Riparian Lands Tax Incentive Program within the State of Oregon in support of the Phase 1 Statement of Work for the Intergovernmental Agreement, *Working Towards Fully Functional Habitat Incentive Programs for Private Lands in Partnership with Soil and Water Conservation Districts* (dated xxxx yy, 2019) and incorporated herein by reference.

### **SECTION 3. DUTIES**

#### **Review relevant background on Riparian Lands Tax incentive Program (RLTIP)**

- Read and review applicable statutes and administrative rules related to RLTIP implementation, including ORS 308A.350 to 308A.383 and OAR 635-430-0300 to 635-430-0440
- Review the Oregon Conservation Strategy, emphasis on Strategy Habitat for Flowing Waters and Riparian Habitats, and the Key Conservation Issues for Private Lands ([www.OregonConservationStrategy.org](http://www.OregonConservationStrategy.org))

#### **Coordination with Watershed District Offices**

- Work with ODFW Land Use and Waterway Alterations Coordinator to contact ODFW field offices and obtain copies of all RLTIP plans and files in their offices. Consider scheduling field visits to meet with local Fish and Wildlife Biologists in counties with existing plans.
- Review District enrolled RLTIP properties and gather all plan information, monitoring data, and correspondence to landowners and counties
- Compile all enrolled RLTIP plans and metrics into Excel spreadsheet for all Districts
- Contact and confirm with local tax assessors that all enrolled plans are filed with local tax assessor with consistent landowner/stream miles enrolled
- Document any discrepancies discovered between county records and ODFW plan information; reconcile if possible or as time allows

#### **Access to the Wildlife Habitat Conservation and Management Program (WHCMP) Database**

(<https://nrimp.dfw.state.or.us/Habcon/>)

- Obtain login credentials and access WHCMP database
- Review and become familiar with current database fields, conducting queries and viewing data
- Work with ODFW Natural Resource Information Management Program (NRIMP) staff to assess whether:
  - RLTIP plans can be entered easily (or not) into WHCMP database;
  - WHCMP database template can be copied and used for RLTIP; or
  - Need for creation of new RLTIP database
- Work with the WHCMP Intern to identify NWWD plans that combine property enrollment in both RLTIP and WHCMP.
  - Identify plans that clearly separate acreages enrolled in both programs. If possible, create or highlight separate acreages on the plan maps. Otherwise, highlight as a task for the Monitoring Biologist to address. Create separate entries for these plans in both the RLTIP and WHCMP databases.
  - Identify plans that lack clarity in which acres are enrolled both programs. Highlight as a task for the Monitoring Biologist to address.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTIIP Phase 1 Intern Position Description**

**Program Tracking Improvements**

- Confirm/enter all existing District enrolled RLTIIP plans into spreadsheet (or database – whichever is most appropriate), including scanning PDFs of plans, monitoring reviews, and correspondence into ODFW folders by counties
- Assist with development of a training manual for District staff on tracking plans in spreadsheets, and opportunity for using existing WHCMP materials as templates. This should be similar to the existing WHCMP training manual.

**Application Improvements**

- Review existing plans and monitoring conditions for consistency
- Assist with revising and/or development of application templates for Districts, including a checklist for ODFW to evaluate properties, outlining measurable criteria for approval, template letters for approvals, denials, and compliance monitoring
- Assist with development of additional application fields for better tracking in database (e.g., ranking system for applications, revised application questions, link to OCS)
- Update application materials for landowners, including sample plan and online screening checklist. Use existing WHCMP application materials as template.

**Web/Outreach Materials**

- Read and review WHCMP Manual for Counties and Cities; develop similar manual for RLTIIP guidance for the counties and cities
- Read and review Landowner Guide to the WHCMP; develop similar landowner guide to include goals of RLTIIP, expectation for landowners, and example plans

**SECTION 4. MINIMUM QUALIFICATIONS**

- Adults (18+ years old)

**SECTION 5. PREFERRED QUALIFICATIONS**

- Recent graduates (within the last 24 months) or active students working toward a vocational, Associate's degree or greater with course work in natural sciences, environmental education, natural resource management, soils, water quality, agriculture sciences, or a related discipline.
- Individuals who have participated in an environmental workforce development program such as AmeriCorps, VERDE, Wisdom Workforce, or Northwest Youth Corps.

**SECTION 6. CORE COMPETENCIES**

- Use of geographic information system software including the creation of spatial layers.
- Map creation, interpretation and editing.
- Data entry and management.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTIIP Phase 1 Intern Position Description**

**SECTION 7. DESIRED INTERPERSONAL AND PROFESSIONAL ATTRIBUTES**

- Good oral and written communication skills.
- Flexibility and adaptability in performing job duties.
- Ability to conduct multiple tasks and actions at the same time.
- Ability to work closely with other staff in the field and in the office as well as work independently.
- Ability to work collaboratively with external partner organizations.
- Maintains positive, collaborative relationships with co-workers and conducts work in a professional and courteous manner.
- Ability to plan and organize work to meet required deadlines.
- Takes initiative and has strong problem-solving skills, but also knows when to ask for help.
- Ability to organize information and communicate effectively both verbally and in writing.
- Culturally responsive to people and communities from culturally diverse backgrounds in both the workplace and in the community.

**SECTION 8. DIVERSITY, EQUITY AND INCLUSION**

The District's work will only be successful if we are able to truly partner with all facets of the community, engage with respect, authentically listen, and have the courage to share decision making, control and resources with others. The District is committed to continuously evaluating and updating our programs to better serve people and communities of color. In recognition of the need to address unconscious bias, remove cultural barriers in our programs and eliminate disparities in our work, the District's Board of Directors adopted a [Racial Equity Statement](#) containing the District's vision for racial equity, the need for it and how the District will hold itself accountable to it.

**SECTION 9. SAFETY**

The RLTIIP Intern is expected to use common sense and good judgment in work habits, to follow safe work practices, and to immediately bring any unsafe conditions to the attention of others. As an agent of the Oregon Department of Fish and Wildlife, the RLTIIP Intern will abide by all ODFW safety policies.

The RLTIIP Intern will:

- Dress with safety in mind.
- Use personal protective equipment and other safety equipment correctly;
- Not operate equipment while medications or other substances are present in the body that could impair use, unless employees provide the District with a doctor's written approval;
- Operate only the equipment on which training has been received;
- Avoid exposure to and contact with hazardous chemicals or materials; work only with hazardous chemicals and materials about which they have received training.

**INTERGOVERNMENTAL AGREEMENT**  
**Working Towards Fully Functional Habitat Incentive Programs for Private Lands**  
**in Partnership with Soil and Water Conservation Districts**  
**EXHIBIT B-2 – RLTIIP Phase 1 Intern Position Description**

**SECTION 10. ESSENTIAL AREAS OF RESPONSIBILITY (USED IN PERFORMANCE RATING)**

Performance will be evaluated with respect to the following Essential Areas of Responsibility:

- Core Competencies
- Desired Interpersonal and Professional Attributes
- Safety

The rating in each category will either be Outstanding (consistently exceeds expectations), Successful (meets expectations) or Needs Improvement (does not meet expectations). The rating will be performed by the WMSWCD's District Manager prior to the end of the position's work period.

**SECTION 11. WORK ENVIRONMENT**

- The position works primarily in the office with occasional visits to RLTIIP field sites.
- The fieldwork will include working in and around such locations as urban areas, farms, and working forests; rivers, streams, and ponds; properties with dense, thorny vegetation; and other areas with steep, slippery, muddy, rocky, or other hazardous terrain. Occasional interactions with farm animals and pets occur while in the field.
- The office work may include working at a desk; using a computer; or working or standing at a table.
- Travel in an ODFW vehicle is required to field sites, workshops, meetings and training sessions. If you possess a valid driver's license, you may occasionally be asked to drive an ODFW vehicle or a personal vehicle (mileage will be reimbursed). A driver's license is required for this internship position.
- Some physical exertion is required, such as walking over rough, uneven terrain and using or carrying technical or power equipment and hand tools.

\*\*\*\*\*

*West Multnomah Soil & Water Conservation District does not discriminate based on any class or identity including age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, sexual orientation, and veteran status. The District is an equal opportunity employer and service provider. The District makes reasonable accommodations for persons with disabilities and special needs to provide access to district events, materials and services. If you have requests for accommodations or complaints about discrimination, harassment, inequitable treatment or being denied access to district events, materials and services, or for any questions at all, please contact us at our email [info@wmswcd.org](mailto:info@wmswcd.org) or call 503.238.4775.*

## **Soil & Water Conservation District Role in the Oregon Wildlife Habitat Conservation and Management Program**

**Purpose of this Agenda Item:** Discussion, possible action.

**Background:** The Wildlife Habitat Conservation and Management Program (WHCMP) is a cooperative effort involving state and local governments and other partners to incentivize private landowners to voluntarily conserve native wildlife habitat. The Oregon Legislature created the WHCMP to offer a property tax incentive to private landowners who want to provide wildlife habitat on their properties instead of, or in addition to, farming, growing timber or other land uses. Under the WHCMP, land subject to an approved wildlife habitat conservation and management 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. Counties must explicitly opt into the program for specifically identified eligible land uses.

**How the Topic Impacts SWCDs:** Due to a lack of staffing and capacity, the Oregon Department of Fish and Wildlife (ODFW) is not processing applications to the WHCMP. The concern is having too many active program participants that exceed ODFW's ability to monitor approved wildlife habitat conservation and management plans. In addition, ODFW does not have adequate capacity to write wildlife habitat conservation and management plans for new program participants.

The West Multnomah and Clackamas Soil & Water Conservation Districts have come across private landowners -- who otherwise have an interest in restoring native oak prairie and savanna habitats -- that are not willing to conduct this restoration for fear of losing their special tax assessment for either agriculture or forestry. The inability to offer the WHCMP to landowners located into counties that have opted in the program creates a barrier to moving forward with restoration projects.

**Possible Action Sought from the Lower Willamette Basis Team:** The West Multnomah Soil & Water Conservation District is interested in developing a Memorandum of Agreement with the ODFW whereby the West Multnomah Soil & Water Conservation District would write draft wildlife habitat conservation and management plans for ODFW approval and would conduct the necessary monitoring of plan implementation. Enforcement would remain with the county and ODFW. The idea is that we are already working with private landowners in this regard and as such could be used as a resource by ODFW in implementing the WHCMP. Further, our role in monitoring our own conservation plans and providing technical and financial assistance could be used to ensure landowners are properly implementing their wildlife habitat conservation and management plans; thereby staying on task and staying compliant with the program.

## Property tax benefit



### What is the property tax benefit of this program?

The 1997 Oregon Legislature created the Wildlife Habitat Conservation and Management Program to encourage landowners to protect and enhance significant fish and wildlife habitat on private lands. Through this program, landowners who manage their property for wildlife by protecting, enhancing or restoring native habitat may qualify for a property tax benefit.

The program, administered by the Oregon Department of Fish and Wildlife (ODFW), is a cooperative effort that rewards landowners for stewardship of native wildlife and habitat on their own land. Property enrolled in the program is eligible for a wildlife habitat special assessment, with property taxes assessed at the same rate as farm or forest special assessment.

### Does my county or city participate in the program?

Not all counties and cities participate in the wildlife habitat program. Interested landowners should first call their local planning or assessor's department to determine if the county or city is participating, or visit: [www.dfw.state.or.us/lands/whcmp](http://www.dfw.state.or.us/lands/whcmp) for a current list of participating counties and cities.

## Program objective

The objective of the wildlife habitat program is to protect, enhance or restore significant native wildlife species and habitats. The program emphasizes:

- Restoration of the composition, structure or function of native habitat;
- Native habitats that are scarce, becoming scarce or of special ecological significance;
- Native habitats that are important for ecological restoration to prevent additional loss of native habitats or species; and
- Habitat for federal and state threatened, endangered or sensitive species.

### Is my property eligible?

Each participating county or city has identified specific land use zones (exclusive farm use, mixed farm and forest use, or forest use) and/or significant wildlife habitat areas that are eligible for the program. Interested landowners should call the local planning or assessor's department to determine if their property is in an eligible area. A county or city official needs to fill out a form provided by ODFW to certify that the property is eligible. The form is available at: [www.dfw.state.or.us/lands/whcmp](http://www.dfw.state.or.us/lands/whcmp).



## Developing a plan



### How do I develop a wildlife habitat conservation and management plan?

An interested landowner with eligible property develops a wildlife habitat plan in conjunction with a cooperating agency. A cooperating agency can be ODFW, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, a city or county, a soil and water conservation district, extension service or other qualified persons.

### How do I submit my plan for approval, implementation and review?

The landowner submits their completed wildlife habitat plan to their local ODFW office and to their local county or city planning department simultaneously. ODFW will verify that initial implementation is under way and review the plan for approval. Once the plan is approved, the landowner can apply to the county to receive the wildlife habitat special assessment. ODFW will continue to periodically monitor the property.

### Can I withdraw from the program?

If the plan is not being implemented, or if the landowner chooses to withdraw from the program, the county assessor removes the land from wildlife habitat special assessment. If the land still qualifies for a previous farm or forest special assessment, the landowner may not owe back taxes. If the land does not qualify for another special assessment, the landowner may owe back taxes.



### Conservation and management practices

Each Wildlife Habitat Conservation and Management Plan identifies landowner practices that benefit native wildlife species and their habitats. These may include:

- Protecting existing native vegetation;
- 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 that minimize impacts on native habitat areas; and
- Using farm or forest management practices that protect, restore or enhance wildlife habitat.

### Can I build a dwelling?

If a landowner wants to establish a home on property in the wildlife habitat program, the dwelling must meet all local and state requirements, the same as for property not in the program. This program does not make it easier or harder for a landowner to obtain approval for a house on the property. The house location and landscaping need to avoid impacts on native wildlife and habitat.

### Interested?

For more information about the Wildlife Habitat Conservation and Management Program or other landowner incentive programs, call your local ODFW office or the ODFW headquarters office in Salem, or go to:  
[www.dfw.state.or.us/lands/whcmp](http://www.dfw.state.or.us/lands/whcmp).



### Oregon Department of Fish and Wildlife

3406 Cherry Avenue NE  
Salem, Oregon 97303-4924  
503-947-6000, 800-720-6339  
[www.dfw.state.or.us](http://www.dfw.state.or.us)

## WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PROGRAM



## Rewarding Private Landowners for Helping Wildlife

---

Oregon Department of Fish and Wildlife

## 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