

1 Division 97  
2 PRIVATE FOREST ACCORD ~~[MITIGATION]~~ GRANT PROGRAM

3 635-097-0000  
4 **Purpose**

5 The purpose of the Private Forest Accord ~~[Mitigation]~~ Grant Program is to fund projects that  
6 mitigate the impacts of certain forest practices on ~~[certain aquatic]~~ species covered by the Private  
7 Forests Accord Habitat Conservation Plan (HCP), which is to be submitted by the Board of  
8 Forestry to meet requirements of Oregon Laws 2022, chapter 33, section 11. The rules governing  
9 the Private Forest Accord ~~[Mitigation]~~ Grant Program are OAR 635-097-0000 through 635-097-  
10 ~~[0110]~~0090, referred to herein as the "PFA Grant rules".

11 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
12 Sections 30-32  
13 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32  
14 **History:**  
15 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

16 635-097-0010  
17 **Definitions**

18 These definitions apply for 635-097-0000 through 635-097-~~[0110]~~0090 only:

19 (1) "Agreement" means a documented mutual assent between the Department and a project  
20 applicant describing the project and the financial support to be provided from the Private Forest  
21 Accord ~~[Mitigation Fund]~~ **Grant Program**.

22 (2) "Applicant" means an eligible entity that provides a project application for the Private Forest  
23 Accord ~~[Mitigation Fund]~~ **Grant Program**.

24 (3) "Commission" means the Oregon Fish and Wildlife Commission.

25 (4) "Covered Activities" are forest practices conducted on private forestland excluding the  
26 application of pesticides or fertilizers.

27 **(5) "Covered Species" means the specific fish and amphibian species identified in the PFA**  
28 **Authors Report (dated February 2, 2022, and published by the State Forestry Department**  
29 **on February 7, 2022)**

30 ~~(5)~~ **(6)** "Department" means the Oregon Department of Fish and Wildlife.

31 ~~(6)~~ **(7)** "Forest practice", as defined in ORS 527.620, means any operation conducted on or  
32 pertaining to forestland, including but not limited to:

33 (a) Reforestation of forestland;

34 (b) Road construction and maintenance;

35 (c) Harvesting of forest tree species;

36 (d) Application of chemicals;

37 (e) Disposal of slash; and

38 (f) Removal of woody biomass.

39 ~~(15)~~ **(8)** "[Regular] Grant" means a funding opportunity through competitive solicitation.

40 (7) **(9)**"Grantee" means an applicant that enters into an agreement with the Department to  
41 accomplish a project.

42 (8) **(10)** "HCP" means the anticipated Oregon Private Forest Accord Aquatic Habitat  
43 Conservation Plan to be submitted by the State Board of Forestry to the National Marine  
44 Fisheries Service and the United States Fish and Wildlife Service consistent with requirements of  
45 Oregon Laws, Chapter 33, Section 11(1)".

46 (9) **(11)** ~~["MAC" means the Private Forest Accord Mitigation Advisory Committee.]~~ **"PFA**  
47 **Advisory Committee" means the Private Forest Accord Mitigation Advisory Committee**  
48 **which is an advisory committee to the State Fish and Wildlife Commission and the State**  
49 **Department of Fish and Wildlife for the Private Forest Accord Grant Program.<sup>22</sup>**

50 (10) **(12)** ~~["Mitigation" for the purposes of the PFA Mitigation Grant Program is defined as~~  
51 ~~implementing measures that offset and compensate for impacts of covered forest practices on~~  
52 ~~HCP covered species, based on the biological needs of the covered species.]~~ **"Mitigation" for**  
53 **the purposes of the PFA Grant Program is defined as implementing measures that provide**  
54 **conservation benefit to covered species.**

55 (11) ~~["Mitigation] Fund" means the Private Forest Accord [Mitigation] Fund established in~~  
56 ~~Oregon Laws 2022, Chapter 33, Section 28.]"~~

57 ~~(12)~~ **(13)** "PFA" means the Private Forest Accord.

58 ~~(13)~~ **(14)** "PFA Grant Program" is the program authorized by Oregon Laws 2022, chapter 33,  
59 section 32 for the purpose of funding projects that ~~[mitigate impacts of forest practices.]~~ **provide**  
60 **conservation benefits to covered species.**

61 ~~(14)~~ **(15)** "Quorum" means a majority of the ~~[MAC]~~ **PFA Advisory Committee** voting  
62 members.

63 (16) "Solicitation" is a notice that invites entities to apply for funding to the Private Forest  
64 Accord ~~[Mitigation]~~ Grant ~~[program]~~ **Program**. The solicitation will outline the goals of the  
65 grant program, activities eligible (or ineligible) to be performed as part of the grant program, and  
66 application requirements, amongst other essential details.

67 (17) "Review Team" is a team of designated persons with interdisciplinary expertise drawn from  
68 entities deemed appropriate by the Department to evaluate grant applications based on evaluation  
69 criteria.

70 ~~[(18) "Urgent Grant" means a time-sensitive, high-priority project in need of funding more  
71 quickly than available via a Regular Grant.]~~

72 **(18) "Tribe(s)" means a federally recognized Indian tribe(s).**

**Commented [AS1]:** Confirming with DOJ that we can add a plural to it from "Tribe" to "Tribe(s)" and note that this states "federally" recognized which allows more broad distribution of the funding.

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
90 Sections 30-32

91 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

92 **History:**

93 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

94 [635-097-0020](#)

95 **Private Forest Accord Grant Program [~~Mitigation Fund~~]**

96 (1) The Private Forest Accord Mitigation Subaccount (hereafter referred to as "PFA [~~Mitigation~~  
97 Fund" or "Fund") shall consist of all moneys appropriated to the Department for deposit in the  
98 Fund or otherwise transferred to the Fund, and gifts, grants, contributions or other donations that  
99 are received by the Department from any public or private source and caused to be deposited and  
100 credited to the Fund.

101 (2) The Department shall fund projects approved by the Commission with funds from the PFA  
102 [~~Mitigation Fund~~] **Fund** consistent with advice from the PFA [~~MAC~~] **Advisory Committee** and  
103 these PFA Grant rules.

104 (3) The Department shall expend moneys in the PFA [~~Mitigation~~] Fund only for:

105 (a) Projects recommended by the [~~MAC~~] **PFA Advisory Committee** to the Department, and  
106 approved by the Commission that meet eligibility requirements in OAR 635-097-~~[0070]~~**0050**.

107 (b) Projects that conduct outreach to further the purpose of PFA Grant Program, and

108 (c) Administrative costs associated with the PFA Grant Program.

109 (4) The Department and [~~MAC~~] **PFA Advisory Committee** shall submit a joint biennial report  
110 to the Legislature on the expenditure of funds for the PFA [~~Mitigation Fund~~] **Grant Program**  
111 and the status of funded projects.

112

113

114

115

116

117

118

119 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
120 Sections 30-32

121 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

122 **History:**

123 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

124 [635-097-0030](#)

125 ~~[Private Forest Accord (PFA) [Mitigation] Advisory Committee (MAC)]~~ **PFA Advisory**  
126 **Committee Purpose and Duties**

127 (1) The purpose and duties of the ~~[MAC]~~ **PFA Advisory Committee** are to:

128 (a) Review Department policies regarding the use of moneys deposited in the PFA ~~[Mitigation~~  
129 ~~Fund]~~ **Grant Program** and make recommendations to the Department and Commission  
130 regarding the use of the moneys in the Fund, and

131 (b) Solicit and review grant applications under the PFA Grant Program as described in OAR  
132 635-097-0040.

133 (2) The ~~[MAC]~~ **PFA Advisory Committee** shall consist of seven voting members and up to five  
134 nonvoting members. The composition of the ~~[MAC]~~ **PFA Advisory Committee** is as follows:

135 (a) Voting Members:

136 (A) Six voting members are appointed by the Governor, which shall include three members who  
137 represent the timber industry, and three members who represent nongovernmental organizations  
138 promoting freshwater aquatic habitat conservation.

139 (B) One voting member is appointed by the Oregon Conservation and Recreation Advisory  
140 Committee from among themselves.

141 (C) The term of a voting member is four years. Voting members may be reappointed but may not  
142 serve more than two full terms.

143 (b) Nonvoting members: The Department shall appoint up to five nonvoting members  
144 representing and as recommended by each of the following agencies:

145 (A) The State Department of Forestry,

146 (B) The Oregon Watershed Enhancement Board,

147 (C) The State Department of Fish and Wildlife,

148 (D) The United States Fish and Wildlife Service, and

149 (E) The National Marine Fisheries Service.

150 **(3)** ~~(e)~~ The ~~[MAC]~~ **PFA Advisory Committee** shall select officers for such terms and with  
151 such duties and powers it considers necessary to carry out the responsibilities of the ~~[MAC]~~ **PFA**  
152 **Advisory Committee**. In addition, the members of the ~~[MAC]~~ **PFA Advisory Committee** shall  
153 choose a temporary officer in the absence of the officers.

154 (3) In undertaking the duties described in section (1) of this rule, the ~~[MAC]~~ **PFA Advisory**  
155 **Committee** may solicit and consider project recommendations from other grant programs such  
156 as the Oregon Conservation and Recreation Fund.

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175 ~~Statutory/Other Authority:~~ ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
176 Sections 30-32

177 ~~Statutes/Other Implemented:~~ ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

178 ~~History:~~

179 ~~[DFW 80 2023, adopt filed 08/10/2023, effective 08/10/2023](#)~~

180 ~~[635-097-0040](#)~~

181 ~~Private Forest Accord Grant Program~~

182 ~~(1) The Commission may award grant funding to projects throughout the State of Oregon that~~  
183 ~~mitigate impacts of covered activities on HCP covered species, with advice from the Department~~  
184 ~~and the MAC.~~

185 ~~(2) The Department, in collaboration with the MAC, may offer two pathways for funding~~  
186 ~~projects:~~

187 ~~(a) The Department shall offer a Regular Grant funding opportunity through competitive~~  
188 ~~solicitation no less than once yearly. The Regular Grant funding opportunity shall be the primary~~  
189 ~~pathway for applicants seeking funding from the PFA Mitigation Fund.~~

190 ~~(b) The Department may offer Urgent Grant funding opportunities to time sensitive, high-~~  
191 ~~priority projects outside of the Regular Grant funding opportunity. Projects seeking Urgent Grant~~  
192 ~~funding shall demonstrate the time sensitive need to occur outside of the Regular Grant~~  
193 ~~solicitation. In addition, they must demonstrate a meaningful conservation benefit for HCP-~~  
194 ~~covered species as recommended by the MAC and as determined by the Commission.~~

195

196

197

198

199

200

201

202

203

204

205 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
206 Sections 30-32

207 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

208 **History:**

209 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

210 [635-097-~~10050~~0040](#)

211 **Private Forest Accord [~~Mitigation Fund Regular Grants~~] Grant Program Solicitation**

212 The Department, [~~at the discretion of~~] **in collaboration with** the [MAC] **PFA Advisory**  
213 **Committee**, shall offer [~~Regular~~] Grant funding solicitations for proposals pursuant to the  
214 following:

215 (1) [~~Regular~~]Grant funding proposals shall be solicited no less than once per year through a  
216 request for proposals.

217 (2) Interested applicants shall submit a project application to the Department by the deadline  
218 described in the solicitation.

219 (3) The Department, in collaboration with the [MAC] **PFA Advisory Committee** and review  
220 teams, shall review all [~~Regular~~]Grant funding applications against the Evaluation Criteria in  
221 OAR 635-097-~~0090~~**0070**, and any other requirements deemed appropriate by the Department  
222 which will be made available in the current solicitation.

223 (4) Project match may not be required for [~~Regular~~]Grants but may be considered during the  
224 review process.

225 (5) Project monitoring may be required with conditions made available in the current solicitation.

226 (6) The [MAC] **PFA Advisory Committee** may request that an applicant amend a project  
227 application's scope of work and budget to meet program priorities, and Department staff may  
228 assist with such amendments.

229 **(7) The Commission may award grant funding to projects throughout the State of Oregon**  
230 **that provide conservation benefits to covered species, with advice from the Department and**  
231 **the PFA Advisory Committee.**

232

233

234

235

236

237 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
238 Sections 30-32

239 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

240 **History:**

241 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

242 ~~[635-097-0060](#)~~

243 ~~**Private Forest Accord Mitigation Fund Urgent Grants**~~

244 ~~The Department, at the discretion of the MAC, may offer an Urgent Grant funding opportunity~~  
245 ~~for critical need projects that are time sensitive and high priority projects that need funding~~  
246 ~~outside of the Regular Grant funding opportunity. All Urgent Grant funding project requests~~  
247 ~~shall submit applications pursuant to OAR 635-097-0070 through OAR 635-097-0090, in~~  
248 ~~addition to the criteria below:~~

249 ~~(1) All proposed projects for Urgent Grant funding may be required to:~~

250 ~~(a) Provide a one page pre application to ODFW staff and a full application upon request,~~

251 ~~(b) Attend a pre application conference with ODFW staff,~~

252 ~~(c) Present to the MAC on the proposed project prior to an award,~~

253 ~~(d) Perform project monitoring,~~

254 ~~(e) Have secured all project permitting or provide proof of submission,~~

255 ~~(f) Have secured all landowner access agreements, and~~

256 ~~(g) Be ready to implement upon award.~~

257 ~~(2) Urgent Grants may be required to provide up to a 25% project match.~~

258 ~~(3) Urgent Grants may be considered on a rolling basis, year round, to eligible applicants.~~

259 ~~(4) The timing of consideration of Urgent Grant funding requests shall be at the discretion of the~~  
260 ~~MAC, considering available funds and other business.~~

261 ~~(5) The MAC shall review all Urgent Grant funding applications against the eligibility~~  
262 ~~requirements, application requirements and evaluation criteria pursuant to OAR 635-097-0070~~  
263 ~~through OAR 635-097-0090, and any other requirements deemed appropriate by the Department~~  
264 ~~in collaboration with the MAC.~~

265 ~~(6) The MAC may request that an applicant amend a project application's scope of work and~~  
266 ~~budget to meet program priorities, and Department staff may assist with such amendments.~~

267 ~~Statutory/Other Authority:~~ ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
268 Sections 30-32  
269 ~~Statutes/Other Implemented:~~ ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32  
270 ~~History:~~  
271 ~~[DFW 80 2023, adopt filed 08/10/2023, effective 08/10/2023](#)~~

272 ~~635-097-10070~~0050  
273 ~~Private Forest Accord~~ **[Mitigation Fund] Grant Program Project Eligibility and**  
274 **Authorized Use of Grant Funds**

275 (1) Eligible Applicants are any local, State of Oregon, or federal agency, **Tribe(s)**, political  
276 subdivision of this state, college or university, non-profit or private corporation, or limited  
277 liability corporation. Individuals may partner with an eligible entity.

Commented [AS2]: Confirm the plurality of this

278 (2) An applicant may be deemed ineligible by the Department if they have had a previous project  
279 revoked for reasons listed in OAR 635-097-~~0100~~0080.

280 (3) A Grantee may only expend monies granted from the PFA ~~[Mitigation Fund]~~ **Grant**  
281 **Program** as authorized by a signed agreement with the Department for a purpose(s) authorized  
282 by these rules.

283 (4) Funding from the PFA ~~[Mitigation Fund]~~ **Grant Program** shall not be used for any prior or  
284 current compensatory mitigation obligations. Habitat projects funded by the PFA ~~[Mitigation~~  
285 ~~Fund]~~ **Grant Program** cannot be used for the purpose of generating compensatory mitigation  
286 credits to offset **or account for** other compensatory mitigation obligations.

287 (5) Eligible projects include, but are not limited to:

288 (a) Removing structures that block the passage of aquatic organisms or repairing the structures to  
289 promote the passage of aquatic organisms,

290 (b) Placing logs or other wood-based material in streams to promote natural stream functions,

291 (c) Conserving, recruiting, restoring, or reintroducing beavers and their habitats for the benefit of  
292 ~~[HCP-]~~covered species,

293 (d) Developing or sustaining healthy watersheds including riparian corridors, wet meadow  
294 complexes and forested uplands thereby reducing burn intensity during fires and protecting  
295 streams from excess sediment discharge after a wildfire,

296 (e) Applying restoration treatments to stands of trees to enhance or restore historic species  
297 diversity that benefits riparian function,

298 ~~(f) [Supporting acquisition of land, and interests in land including conservation easements, to~~  
299 ~~protect, enhance, or restore riparian areas or other critical habitat functions for HCP-covered~~

300 species;] **Supporting establishment of conservation easements on land other than forestland**  
301 **to protect riparian areas.**

302 (g) [~~Acquisitions which result in legally protected in-stream flow to maintain or restore~~  
303 ~~streamflows for the benefit of habitat for HCP-covered species;]~~ **Supporting acquisition of an**  
304 **existing water right for conversion to an in-stream water right, as described in ORS**  
305 **537.348, to improve in-stream flow conditions.**

306 (h) Installing fencing or otherwise excluding grazing in riparian areas or around seeps or springs  
307 for [~~HCP-~~]covered species,

308 (i) Installing off-stream stockwater systems or hardened watering gaps to reduce the effects of  
309 grazing on aquatic organisms,

310 (j) Undertaking other measures that effectively conserve or restore habitat for **covered species.**  
311 [~~species covered by the HCP that is consistent with the Private Forest Accord Report dated~~  
312 ~~February 2, 2022, and published by the State Forestry Department on February 7, 2022.]~~

313 (k) Projects may include funding requests for monitoring, maintenance, and permit  
314 administrative costs. Applicants may request reimbursement of pre-project costs if directly  
315 associated with the proposed activities in the grant.

316 **(6) Funds from the PFA Grant Program may be allocated to projects outside the standard**  
317 **grant solicitation process if the PFA Advisory Committee and the Department determine**  
318 **the project meets an urgent need, based on criteria established by both the PFA Advisory**  
319 **Committee and the Department.**

320 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
321 Sections 30-32

322 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

323 **History:**

324 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

325

326

327

328

329

330

331

**Commented [AS3]:** Request from Chairs, Pending DOJ review.

The intent is to allow the ability of the Grant Program to grant "urgent fund" requests as needed outside of normal yearly solicitation.

332

333

334 [635-097-10080|0060](#)

335 **Private Forest Accord [~~Mitigation Fund~~] Grant Program Application**

336 Project applications for [~~both~~] Regular [~~and Urgent~~] Grants must be submitted on the most  
337 current form prescribed by the [~~MAC~~] **PFA Advisory Committee**. In addition, applicants must  
338 provide a written explanation if they cannot provide any of the information required in the  
339 application.

340 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
341 Sections 30-32

342 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

343 **History:**

344 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361 [635-097-10090|0070](#)

362 **Evaluation Criteria for Proposed Private Forest Accord [~~Mitigation Fund~~] Grant Program**  
363 **Projects**

364 All project requests shall be reviewed by the [~~MAC~~] **PFA Advisory Committee**, the  
365 Department, and additional review team(s) as deemed appropriate by the Department and [~~MAC~~]  
366 **PFA Advisory Committee**. Any project recommended for funding to the Commission shall, at  
367 the minimum, meet the following conditions:

368 (1) All project applications will be evaluated based on the following evaluation criteria:

369 (a) Clarity, technical soundness, cost-effectiveness, addressing the biological needs of [~~HCP~~]  
370 covered species, addressing conservation strategies [~~identified by the PFA HCP,~~] **in a** watershed  
371 context, readiness, measurability, available funding, capacity of the applicant, and any other  
372 metric deemed appropriate by the [~~MAC~~] **PFA Advisory Committee** or the Department.

373 (2) Project applications shall provide, at a minimum, the following:

374 (a) Well-defined and measurable goals,

375 (b) Measures to achieve project goals,

376 (c) A list of project proponents and collaborating and participating partners,

377 (d) The location and duration of the project, including the beginning and the ending date,

378 (e) Estimated project costs, including the amount to be funded by the PFA [~~Mitigation Fund~~]  
379 **Grant Program** and sources of other funding,

380 (f) A description of other conservation or natural resource benefits, if any, that may be supported  
381 by the proposed project,

382 (g) A monitoring plan to measure performance of the implemented project, and

383 (h) A list of necessary project permits and copies of collected permits, or the anticipated actions  
384 to collect the required permits. All Grantees bear sole responsibility to seek and obtain all  
385 necessary permits or authorizations that may be required to carry out such projects.

386 (3) The Department, at direction of the [~~MAC~~] **PFA Advisory Committee**, shall not recommend  
387 a project for funding to the Commission if the Department determines the project to be:

388 (a) Inconsistent with the intent of Oregon Laws 2022, Chapter 33, Section 11, and the Private  
389 Forest Accord Report dated February 2, 2022, and published by the State of Oregon Forestry  
390 Department on February 7, 2022,

391 (b) Contrary to sound biological, scientific, and engineering principles,

392 (c) Proposing inappropriate measures or methods to accomplish the project objectives,

393 (d) Inconsistent with local, regional, and statewide laws, including land use planning goals, and  
394 governments' acknowledged land use plans, or

395 (e) Violating Department or State of Oregon goals, policies, administrative rules, or management  
396 plans approved or adopted by the Commission.

397 (4) Projects recommended for funding shall use the best available science and management  
398 practices, as determined by the Department, including but not limited to the following:

399 (a) Demonstrating sound principles of watershed and/or species management,

400 (b) Using methods adapted to the project locale,

401 (c) Complying with state land use planning goals and is compatible with acknowledged  
402 comprehensive plans as required under ORS 197.180, and

403 (d) Following professionally accepted practices resulting in ecological or watershed benefits.

404 (5) The Department may reject incomplete project applications.

405 (6) All projects must provide a benefit to one or more [HCP] covered species.

406 (7) The Department, the [MAC] PFA Advisory Committee, or the Commission may require  
407 additional information to evaluate the project.

408

409

410

411

412

413

414

415

416

417 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
418 Sections 30-32

419 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

420 **History:**

421 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

422 [635-097-10100|0080](#)

423 **Revocation of Private Forest Accord [~~Mitigation Fund~~] Grant Program Application**  
424 **Project Approvals**

425 The Department may revoke an approved project if it determines that:

426 (1) Implementation of the project is inconsistent with the approved project scope of work,

427 (2) The Department does not receive funding at the levels necessary to completely fund the  
428 Project,

429 (3) Any of the design, permitting, or construction of the Project is not pursued with due diligence  
430 as determined by the Department,

431 (4) The construction of the Project is not permissible under state, federal, or local law, or the  
432 Project is inconsistent with current State of Oregon and Department goals, policies, management  
433 plans, laws, guidelines, and regulations, as determined by the Department,

434 (5) The Grantee does not abide by the nondiscrimination and affirmative action provisions of this  
435 [~~A~~] agreement,

436 (6) The Grantee otherwise commits any material breach or default of any covenant, warranty,  
437 obligation, certification or agreement under the project agreement,

438 (7) The Grantee has violated any term or condition imposed on the project agreement,

439 (8) The project does not meet its proposed objectives, or

440 (9) The project is inconsistent with current State of Oregon and Department goals, policies,  
441 management plans, laws, guidelines, and regulations.

442

443

444

445

446 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
447 Sections 30-32

448 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

449 **History:**

450 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

451 [635-097-~~10110~~0090](#)

452 Agreements

453 **(1) Upon Commission approval, the Department may issue a work authorization letter to a**  
454 **Grantee authorizing the Grantee to commence project work and begin incurring expenses**  
455 **on a specified date that is before a fully executed agreement with the Department. To be**  
456 **eligible for reimbursement of expenses incurred before entering into an agreement with the**  
457 **Department, a Grantee shall meet the following conditions:**

458 (a) **Enter into an agreement with the Department for a project funded by the PFA**  
459 **Fund; ;**

460 (b) **Complete any reporting requirements outlined in these rules.**

461 (c) **Acknowledge and agree that any expenses incurred, or actions taken, prior to the**  
462 **execution of an agreement between the Department and the Grantee, are at the**  
463 **Grantee's own risk and expense.**  
464

465 [~~(1) The Grantee shall enter into an agreement with the Department before initiating the project.~~]

466 [~~(2) The Department shall distribute no funds under a reimbursement agreement until the~~  
467 ~~agreement is fully executed. All requests for reimbursement of funds must be accompanied by a~~  
468 ~~progress report unless the agreement authorizes advance payments as described below.~~]

469 ~~(3)~~(2) The Department may award advanced payments at its discretion as specified in a fully  
470 executed agreement. The Department shall not make advanced payments unless the agreement  
471 explicitly provides for it.

472 ~~(4)~~(3) The Department [~~shall~~ **may**] retain a minimum of 10 percent of project funds until it  
473 receives the required close of project report and evaluates the project for completion and  
474 compliance with the agreement.

475 ~~(5)~~(4) If all the parties have not fully executed the agreement according to the timeline in an  
476 approved proposal, the Department may terminate funding, unless the applicant requests, and the  
477 Department approves, an extension.

478 ~~(6)~~(5) Following project completion, equipment purchased with project funds [~~shall remain with~~  
479 ~~the Grantee or another approved entity. Equipment~~]-with a value above five-thousand dollars  
480 shall adhere to any additional post-project requirements stipulated by the Department, **and**

481 equipment with a value of five-thousand dollars or less shall remain with the Grantee or  
482 another approved entity.

483 ~~(7)~~ (6) The Commission may award Grantee post-project monitoring and maintenance funding.

484 ~~(8)~~ (7) All agreements between the Grantee and the Department shall have a project expiration  
485 date.

486 (8) The Department shall have the authority to distribute to Grantee additional funds not  
487 to exceed 10% of the approved budget to provide for administrative corrections that the  
488 Department determines necessary.

489 (9) The Department may consider approval of project modifications or amendments,  
490 including expansion of funded projects, with moneys remaining from the original project  
491 allocation if the purpose and intent of the amendment remains the same as the original  
492 project, and the proposed activity is within the same watershed.

493 (10) The Grantee must complete all required report elements described in the grant  
494 agreement.

495 (11) The Grantee will allow the PFA Advisory Committee, Department members, or  
496 designated representatives access to the project area at a mutually agreeable time to  
497 monitor and evaluate the project.

498  
499 **Statutory/Other Authority:** ORS 496.012, 496.138, 496.146 & Oregon Laws 2022, Chapter 33,  
500 Sections 30-32

501 **Statutes/Other Implemented:** ORS 496.012 & Oregon Laws 2022, Chapter 33, Sections 30-32

502 **History:**

503 [DFW 80-2023, adopt filed 08/10/2023, effective 08/10/2023](#)

504