

# ANALYSIS

## Department of Fish and Wildlife

### Private Forest Accord Habitat Conservation Plan

---

**Analyst:** Katie Bannikov

**Request:** Approve the submission of a federal grant application to the U.S. Fish and Wildlife Service, through the Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund, in the amount of \$1,012,541 for continuing development of the Private Forest Accord Aquatic Habitat Conservation Plan.

**Analysis:** Habitat Conservation Plan (HCP) Planning Assistance Grants, available through the U.S. Fish and Wildlife Service (USFWS) Cooperative Endangered Species Conservation Fund, provide federal financial assistance to states and territories to support the development, renewal, or amendment of habitat conservation plans, with the requirement that state fish and wildlife agencies serve as the applicant. The Oregon Department of Fish and Wildlife (ODFW) seeks approval to apply on behalf the Oregon Department of Forestry (ODF). If approved, and awarded, funding will be passed through to ODF for the continued work on the Private Forest Accord (PFA) Aquatic HCP which will provide regulatory streamlining opportunities for private forest landowners throughout Oregon while promoting conservation of aquatic species.

This is the third federal funding request through USFWS for this project. The previous two grant awards funded development of the Administrative Draft HCP and the development of the Public Draft HCP and Draft Environmental Impact Statement. This funding request, if awarded, would support development of an additional Administrative Draft HCP that addresses major questions regarding the HCP structure and content.

The USFWS application deadline is March 14, 2025, with award announcements expected by May 30, 2025. There is a three-year period of performance for planning assistance grants and a 25% cost share requirement, which ODF plans to meet through in-kind existing staff match. If awarded, ODFW may need to return to the Legislature for expenditure authority to pass the funds to ODF.

**Recommendation:** The Legislative Fiscal Office recommends approval of the request.

## Department of Fish and Wildlife Filimoehala

---

**Request:** Authorization to apply for a grant of \$759,386 for the development of the Private Forest Accord Aquatic Habitat Conservation Plan from the U.S. Fish and Wildlife Service Endangered Species Act Section 6.

**Recommendation:** Approve the request.

**Discussion:** The Department of Fish and Wildlife (ODFW) is requesting authorization to apply for a grant from the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act (ESA) to make updates and amendments to the Private Forest Accord Aquatic Habitat Conversation Plan (HCP). The HCP is managed by the Department of Forestry (ODF). The grant would support obtaining an Incidental Take Permit (ITP) under the ESA as required by the Private Forest Accord. The grant is the third federal funding request made to the USFWS for the acquisition of a ITP and will be used to develop an additional administrative draft HCP to address requested information from the USFWS. ODFW plans to pass-through the grant funding to ODF to implement the grant.

The grant requires a 25 percent match that would be met through in-kind staff contributions from ODF staff. The grant application is due March 14, 2025. If awarded, ODFW will make a request for Federal Funds expenditure limitation to pass funding through to ODF.



# Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Office of the Director

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6044

FAX (503) 947-6042

odfw.com

February 26, 2025

The Honorable Senator Katie Lieber, Co-Chair  
The Honorable Representative Tawna Sanchez, Co-Chair  
Joint Committee on Ways and Means  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301



Dear Co-Chairpersons:

## Nature of the Request

Oregon Department of Fish and Wildlife (ODFW) requests approval to apply for an Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund (Conservation Planning Assistance Grant) in the amount of \$759,386 federal funding from the U.S. Fish and Wildlife Service (USFWS).

## Background

This funding opportunity is provided through the USFWS Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund. The opportunity requires that state fish and wildlife agencies serve as the applicant. If this request is approved and the grants are awarded, funding will be passed through to Oregon Department of Forestry (ODF). State proposals must contribute a minimum non-federal match of 25 percent of the total program costs. All required non-federal match will be paid by ODF state General Fund and Other Funds in-kind staff match. This grant will not require any additional FTE at ODF.

The grant proposal requests \$759,386 in federal funds for the continued development of the statewide ODF Private Forest Accord Aquatic Habitat Conservation Plan (HCP). With guidance from the Governor's office, members from major interest groups for both timber industry and conservation interests signed a Memorandum of Understanding, and over the subsequent year found common ground on revisions to the Oregon Forest Practices Act (FPA). The revised FPA actions were formalized in the Private Forest Accord (PFA), which was passed by the Oregon legislature in March 2022.

The legislation directed the Board of Forestry to develop new rules under the FPA to implement the terms of the PFA Agreement and develop an HCP for the purposes of obtaining an incidental take permit under the federal Endangered Species Act (ESA) for the covered aquatic fish and amphibian species. The purpose of pursuing the PFA Aquatic HCP is to provide regulatory streamlining opportunities for private forest landowners throughout Oregon while promoting conservation of aquatic species. The programmatic nature of this HCP allows large and small private forest landowners, and potentially for Tribes, to participate in a streamlined approach to protecting aquatic species covered under the ESA.

This is the third federal funding request through USFWS for this HCP Project. The first award funded the ongoing development of the Admin Draft HCP that is complete. The second award was for funding that will be used to fund development of the public draft HCP document and development of the Draft NEPA Environmental Impact Statement (DEIS). This funding request is for bridge funding to develop an additional administrative draft HCP that addresses major questions from the Services (USFWS and NMFS) about HCP structure and content. This task was not anticipated in earlier project plans and is being added to ODF's overall project plan as a new task.

**Agency Action**

The application deadline with USFWS is March 14, 2025. Notification of award to the agency is expected by May 30, 2025. If ODFW is awarded this grant, work by ODF using these grant funds is anticipated to start in late 2025 and be completed by May 30, 2030. If grant funding is awarded, ODFW anticipates making a future request for federal funds expenditure limitation to pass through funding to ODF.

**Action Requested**

ODFW requests approval to submit a federal grant application in the amount of \$759,386 to the U.S. Fish and Wildlife Service Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund.

**Legislation Affected**

None

Sincerely,



Debbie Colbert  
Director