



Kate Brown, Governor



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**May 13, 2019**  
**Senate Committee on Rules**  
**Senate Majority Leader Ginny Burdick, Chair**

**Testimony on House Bill 2086 A**  
**Submitted by Senior Policy Coordinator Eric Hartstein**

Thank you for the opportunity to provide testimony in support of House Bill 2086 A which provides technical corrections to Oregon Agricultural Heritage Program statutes. These corrections came about in the course of rulemaking for the grant program, where the Oregon Agricultural Heritage Commission and the Oregon Watershed Enhancement Board (OWEB) identified several modifications to the statutes that would help articulate the intended purpose, administration, and eligibility criteria of the program.

The proposed corrections clarify:

- That the use of the land be preserved and protected for agricultural production. This recognizes that farmed land may not be able to be farmed every year and reduces potential for legal conflicts between landowners and easement holders.
- The language throughout the statutes to indicate that the program is intended to assist landowners in “maintaining or enhancing” any or all of these three values: fish or wildlife habitat, water quality, or other natural resource values.
- That conservation management plans are “developed,” whereas working land covenants and easements are “purchased.”
- The eligible participants and applicants in various programs.
- That the succession planning program is intended to benefit “agricultural owners or operators” with succession planning for “working lands,” using terms defined by statute.
- That the Oregon Agricultural Heritage Commission appoints technical committees alone and not jointly with OWEB’s Board, and that technical committees may report to OWEB staff or the commission.
- That OWEB’s Board approves program rules with assistance from the commission, including the terms of conservation covenants.

**-A5 Amendments**

In consultation with our attorney at the Department of Justice, the proposed –A5 amendments that would allow landowners to terminate conservation easements would

likely conflict with conservation easement enabling statutes (ORS 271.725) because a conservation easement is intended to run with the land. If a landowner can terminate an easement, then that easement would not run with the land.