

ANALYSIS

Item 42: Department of Land Conservation and Development Cape Foulweather Land Acquisition

Analyst: Haylee Morse-Miller

Request: Approve, retroactively, the submission of a federal grant application to the National Oceanic and Atmospheric Administration in the amount of \$2,011,530 for acquisition of property on the Central Coast of Oregon on Cape Foulweather.

Analysis: The Department of Land Conservation and Development (DLCD) seeks retroactive approval to apply for a federal grant from the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Habitat Protection and Restoration Competition under the Infrastructure Investment and Jobs Act. No additional state funding for match is required.

Funding will be sub awarded through DLCD to the Confederated Tribes of Siletz Indians to acquire 27.32 acres of property on the Central Coast of Oregon on Cape Foulweather, in Lincoln County. The property was purchased by the McKenzie River Trust and is being held in the interest of the Confederated Tribes of Siletz Indians until funding can be secured to transfer ownership to the Tribe.

A joint letter of support for the project has been submitted by Lincoln County, the Lincoln County Board of Commissioners, the Lincoln County Department of Planning and Development, and the Lincoln County Land Legacy Program. The property will be placed in a conservation status once acquired, and the Confederated Tribes of Siletz Indians will pay property taxes based on that class. DLCD will coordinate due diligence work and will need to continue to monitor that the property is held in a conservation status. This monitoring will be funded with existing Coastal Zone Management funding from NOAA.

The grant application deadline was October 13, 2022 and DLCD provided timely notice of their intent to apply for the grant. No additional positions are requested, and if funding is awarded, any additional Federal Funds expenditure limitation will be requested by DLCD as part of the 2023-25 budget development process.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board approve the request.

Department of Land Conservation and Development
Crawford

Request: Retroactive authorization to apply for an Infrastructure Investment and Jobs Act (IIJA) grant of \$2.0 million from the National Oceanic and Atmospheric Administration (NOAA) to acquire a headland on Cape Foulweather.

Recommendation: Approve the request.

Discussion: The Department of Land Conservation and Development (DLCD) submitted a \$2,011,530 grant request to NOAA under the IIJA. The purpose of the grant is to enable a subaward to the Confederated Tribes of the Siletz Indians (CTSI) to acquire a 27.32 acre property on Cape Foulweather. Funding for match is not required by NOAA, but CTSI is proposing to offer \$40,334 in staffing and associated costs for the project. The McKenzie River Trust is the current property owner and is holding the property in the interest of CTSI. Once funding is secured, the CTSI will purchase the property from the McKenzie River Trust and will continue to manage for conservation and resiliency goals in perpetuity.



Oregon

Kate Brown, Governor

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October 21, 2022

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Joint Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301



Dear Co-Chairs

Nature of the Request

The Oregon Department of Land Conservation and Development (DLCD) is requesting appearing before the Emergency Board to request retroactive approval of our application for a \$2,011,530 grant to the Coastal Zone Management (CZM) Habitat Protection and Restoration Infrastructure Investment and Jobs Act (IIJA) Competition through the National Oceanic and Atmospheric Administration (NOAA). This funding will enable the Ocean and Coastal Management Program (OCMP) at DLCD to facilitate subaward funding to a project partner, The Confederated Tribes of Siletz Indians (CTSI) to acquire an iconic headland on the Central Coast of Oregon on Cape Foulweather.

This proposal focuses on OCMP/DLCD's goal to bring IIJA funding into the Pacific Northwest and to the state of Oregon to help achieve Oregon's coastal habitat conservation, restoration, and resilience goals, and show successes for NOAA and the IIJA funding program. This 27.32-acre property extends from a rich intertidal zone and marine mammal haul-out through rare salt spray meadow habitat and up steep slopes to a late successional coastal forest. It supports a diversity of sensitive species including the Federally threatened Oregon Silverspot Butterfly and the Marbled Murrelet. The McKenzie River Trust (MRT), in a buy and hold purchase structure, is the current property owner and is holding the property in the interest of CTSI. CTSI will work with MRT to manage the property for conservation, eliminating the threat of residential development. Once funding is secured, the Tribe will purchase the property from MRT and will continue to manage for conservation and resiliency goals in perpetuity. Partnership among conservation groups, County, State, Federal agencies, and CTSI reflect a trend toward collaboration for resiliency in long-term stewardship, increasingly guided by Indigenous leadership. Lincoln County, Lincoln County Board of Commissioners, the Lincoln County Department of Planning and Development, and the Lincoln County Land Legacy Program have submitted a (single) letter of support and commitment for the project. The project meets their goal to preserve properties that have shared conservation values, including but not limited to preservation of undeveloped lands, views, and unique natural habitats. CTSI plans to place the property in a conservation status and will pay property taxes based on that class.

Agency Action

Summary of Grant Application Information

Source of Grant: Infrastructure Investment and Jobs Act (IIJA) funding through National Oceanic and Atmospheric Administration

Amount Being Requested: \$2,011,530

Purpose of the Grant: DLCD to facilitate subaward funding to a project partner, The Confederated Tribes of Siletz Indians (CTSI) to acquire an iconic headland on the Central Coast of Oregon on Cape Foulweather.

Grant application deadline: October 14, 2022

Description of any state match required for the grant: Matching funds are not required but CTSI is proposing to offer \$40,334 in staff and associated costs for the project.

Description of impact the match will have on budgeted services and performance measures: The proposed matching funds are not anticipated to have an impact on budgeted services nor performance measures.

Estimate of any additional FTE that the grant will require: This grant is not proposing any FTE

Description of how the grant supports the agency mission and goals: DLCD's mission is to help communities plan for, protect and improve the built and natural systems that provide a high quality of life. This proposal focuses on OCMP/DLCD's goal to bring IIJA funding into the Pacific Northwest and to the state of Oregon to help achieve Oregon's coastal habitat conservation, restoration, and resilience goals, and show successes for NOAA and the IIJA funding program.

Action Requested

DLCD respectfully requests retroactive approval for the \$2,011,530 federal grant application for CTSI to acquire a 27.32 acre coastal headland property for conservation, for DLCD and partners to do due diligence on the property under NOAA's IIJA Habitat and Conservation funding opportunity.

Legislation Affected

No legislation is affected.

If you would like to discuss this proposal, please contact DLCD's Ocean and Coastal Management Program Manager, Lisa Phipps, at (503) 812-5448 or email, Lisa.phipps@dlcd.oregon.gov.

Respectfully,



Richelle Corbo, Interim Administrative Services Division Manager,
Department of Land Conservation and Development

cc:

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Brenda Ortigoza Bateman, Ph.D., Director, DLCD

Emergency Board Retroactive Request for Grant Application

10/21/2022

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