



Written Public Comment

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Joe Buttafuoco	The Coalition of Oregon Land Trusts (COLT) comments around Significant Habitats and Desired Future Conditions
Marc Hudson	Pacific Forest Trust comments about the 'Foundational Questions' for discussion by the OWEB Acquisition, Restoration and Emerging Issues Committee
Mark McLaughlin	North Coast Land Conservancy (NCLC) comments on Significant Habitat and Desired Future Conditions of the Land Acquisition Program



COALITION OF OREGON LAND TRUSTS

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December 9th, 2025

To: OWEB Acquisitions, Restoration and Emerging Issues Committee

From: The Coalition of Oregon Land Trusts (COLT)

RE: Significant Habitats and Desired Future Conditions

Members of the ARE Committee:

Thank you for the opportunity to provide testimony as this Committee continues its work to modernize the Measure 76 land acquisition program. The Coalition of Oregon Land Trusts (COLT) is a membership organization representing 31 land trusts, soil and water conservation districts, and conservation organizations working across Oregon to protect our habitat and natural spaces – for all people, forever. Collectively, our members have protected more than 782,860 acres of land across our state.

We look forward to your meeting and discussion around significant habitats on acquired lands: *Should OWEB's land acquisition program incorporate an expectation of active restoration of properties acquired, or is a land transaction that solely protects land sufficient to meet OWEB's interpretation of Constitutional and statutory requirements, even if existing habitat values are more modest, limited, or marginal?*

Measure 76 directs OWEB to use Lottery funds to “secure long-term protection for lands...that provide significant habitats for native fish and wildlife” (Article XV, Section 4b(1)(b)). ORS 541.956 outlines projects that will protect or restore important lands - recognizing protection as a foundational conservation outcome in its own right.



24 MEMBER ORGANIZATIONS: Blue Mountain Land Trust • Center for Natural Lands Management • Columbia Land Trust
Deschutes Land Trust • Ducks Unlimited • Forest Park Conservancy • Friends of the Columbia Gorge Land Trust
Greenbelt Land Trust • Klamath Lake Land Trust • Lower Nehalem Community Trust • McKenzie River Trust
North Coast Land Conservancy • Northwest Rangeland Trust • Oregon Agricultural Trust • Oregon Desert Land Trust
Pacific Forest Trust • Southern Oregon Land Conservancy • The Conservation Fund • The Nature Conservancy in Oregon
The Trust for Public Land • The Wetlands Conservancy • Willowa Land Trust • Western Rivers Conservancy • Wild Rivers Land Trust

8 ASSOCIATE MEMBER ORGANIZATIONS: Black Oregon Land Trust • Cerro Gordo Land Conservancy • Clackamas Soil & Water
Conservation District • East Multnomah Soil & Water Conservation District • Helvetia Community Association
Tualatin Soil & Water Conservation District • View the Future • Yamhill Soil & Water Conservation District

However, OWEB's current interpretation is that funded properties must either:

1. Already provide high-quality habitat, or
2. Be restorable to high-quality habitat within a relatively short timeframe and accompanied by detailed, OWEB-approved management plans outlining specific desired future conditions.

This interpretation is focused on high-quality habitat rather than significant habitat, and has undermined the effectiveness of the land acquisition grants program, especially when restoration funding is not provided alongside acquisition funding. The current approach limits land trust's ability to complete timely, cost-effective, and high-value conservation opportunities that could secure important lands before they are lost or degraded. Applicants then feel compelled to propose ambitious desired future conditions to remain competitive for land acquisition funds. We feel this risks undermining the importance of securing land for the long term - conditions will evolve over time, but ensuring the land remains intact and protected provides the foundation for future restoration and enhancement.

Issues and Concerns

The land trust community in Oregon is deeply committed to long-term protection, habitat restoration, and stewardship of our most important natural and cultural lands. The concerns we have identified around this foundational question today do not stem from disagreement over conservation goals, but from misalignment between OWEB's current interpretation and the realities of ecological science, work on the ground, and long-term stewardship.

Significant Habitat Interpretations. OWEB has increasingly equated "significant habitat" with high-quality existing ecological composition and structure. Habitat significance includes composition and structure but is most notably indicated by habitat function. Habitat function in turn is often context dependent (in both time and space). The program's narrow focus on the immediate, compositional indicators of "significance" does not recognize the dynamic nature of functional habitat or the importance of acting now to protect future habitat function or sites with strategic, and context dependent, conservation value.

Along those lines, by limiting project funding to properties that already have high quality habitat or a clear pathway to restoration in a short timeline, OWEB is, in some ways, limiting acquisition opportunities to the "low hanging fruit." This approach disincentivizes acquisition of degraded but strategically important properties that may need longer recovery and restoration periods, far beyond OWEB's current view point. For example, a hay field that protects a threatened migration corridor between intact



habitats may be essential and significant for long habitat function but limited in immediate composition.

Several of OWEB's [acquisition principles](#)¹ recognize the value of protecting strategic parcels with functional habitat and neither provide nor reference explicit time limits for restoration. Despite this recognition, OWEB's operating premise appears to be "If it could be made better, it must be restored," placing nearly all projects into the desired future conditions category and complicating the grant application process. OWEB's acquisition program focuses almost exclusively on habitat composition and structure as opposed to habitat function in its interpretation of significance. This focus mischaracterizes the high significance of strategic sites and unnecessarily forces a diversion of critical restoration resources.

Unfunded Restoration Expectations. Requiring detailed desired future conditions without commensurate restoration funding creates unfunded obligations and forces applicants to prematurely develop restoration prescriptions in dynamic systems.

- Informed restoration practice often requires multiple seasons of careful observation to effectively assess restoration potential and strategies, and prioritize and fund the work. Yet, OWEB's acquisition program requires applicants to establish specific, near-term desired future conditions and commit to implementation without assurance of restoration funding. By requiring restoration on a prescribed timeframe and without funding, OWEB undermines grantees' ability to strategically allocate restoration resources. For context, no other known public or private conservation funder creates this requirement as a condition of funding.

Timing Considerations. Sometimes land trusts are not granted sufficient access to properties to make comprehensive restoration assessments, despite having identified the property as a priority acquisition due to other existing ecological factors. Many landscapes - particularly dynamic landscapes such as estuaries and floodplains - cannot be fully assessed pre-acquisition. Ecological processes like rebuilding soil, vegetation succession etc., unfold over multiple decades. Acquisitions are often opportunistic, and restoration design and implementation can take 10-20 years to complete, especially if there is required coordination with other landowners or agencies. Land trusts often work toward a broader, landscape-scale vision within their service areas, but must proceed property by property. Restoration typically begins only once the full set of key properties has been secured.

¹ For example, "Protecting Large, Intact Areas" describes protecting sites with "relatively intact, functioning systems," "Securing Transition Areas" describes protecting sites that provide "critical habitat or watershed function," and "Improving Connectivity" describes protecting sites "that contribute to habitat connectivity by expanding or connecting areas already managed to protect watershed resources and/or functions."



Potential Solutions

Land trusts are in the forever business and do not seek to perpetually own and manage low-value projects or bring these types of projects to this program. COLT is not advocating for watered-down habitat requirements, or arguing that land protection alone is sufficient in every acquisition context. To effectively achieve its Measure 76 mandate, however, it is essential that OWEB facilitate applicant's ability to 1) Bring acquisitions to this program which prevent fragmentation, conversion, and development of natural lands and 2) Complete restoration over time, in the right context and timeline for the property and other partners.

We have identified some potential solutions below that may get to issues with this foundational question:

1. **Eliminate desired future conditions as grant requirements.** Acquisition grants should not require restoration outcomes as a condition of funding, but should identify potential restoration opportunities as context for management plans.
2. **Recognize the dynamic nature of ecological systems.** Some sites may in fact require restoration to address a conservation priority. When restoration is needed on a property recognize that complexities in dynamic systems can unfold over decades, particularly in the context of a changing climate.
3. **Decouple acquisition funding from restoration obligations.** Applicants should not be required to guarantee restoration outcomes unless OWEB commits funding and a realistic timeline for implementation.

Thank you again for the time to comment on this foundational question.

Sincerely,



Joe Buttafuoco
Coalition of Oregon Land Trusts





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December 8th, 2025

Re: Public Comments about the 'Foundational Questions' for discussion by the OWEB Acquisition, Restoration and Emerging Issues Committee

To the members of the ARE Committee and OWEB staff,

We thank you for your openness in receiving comments and of course all your time volunteered to serve better programs. Our comments are specific to the concerns laid out in Foundational Question #2:

“Foundational question 2: Should OWEB’s land acquisition program incorporate an expectation of active restoration of properties acquired, or is a land transaction that solely protects land sufficient to meet OWEB’s interpretation of Constitutional and statutory requirements, even if existing habitat values are more modest, limited, or marginal?”

Though PFT generally supports the restoration of habitat, it may not be always possible or necessary for every project. For conservation easements, there are some forms of restoration that are amenable to landowners, and others which are not. Most restoration comes at a cost to landowners that OWEB and the applicant have no fiduciary ability to guarantee over decades. Therefore, an open mind to the financial burdens of restoration should be balanced within the program with the understanding that a desire for restoration may serve as a harm to protection. Similarly, not all projects may require restoration, or restoration within the short-time periods desired by OWEB may not be possible. Further, we can find no textual evidence to support the idea that restoration should be a requirement and instead see legislative directives which support restoration’s optionality. We also debate the “high-quality” habitat standard pursued by OWEB as being the standard intended by Constitutional amendment and enabling legislation. The word “high-quality” never appears in either Measure 76 or the enabling legislation – and instead a significance test is intended. Moderate quality habitats should have no problem being considered for funding so long as they still can be said to be significant according to different wildlife, fisheries or habitat goals under the Oregon Conservation Strategy or other relevant plans.

The Watershed Conservation Grant Fund

As discussed in the OWEB-provided Memorandum, Article XV, Section 4b(1)(b) of the Oregon Constitution provides specific direction that funds spent under the Natural



Resources Subaccount should be spent on projects which “secure long-term protection for lands... that provide significant habitats for native fish and wildlife.” However, the natural resources subaccount only provides partial directive as to the expenditure of funds. Funds are directed from the subaccount to the Watershed Conservation Grant Fund (§ 541.956), from which they are expended. The text of the enabling legislation from this fund clearly intends that funds be used for protection **or** restoration, and there is no ‘and’ to tie one to the other. The text of the relevant guidance from the Watershed Conservation Grant Fund is below, emphasis ours.

*“(1) Acquiring from willing owners’ interests in land or water that will protect **or** restore native fish or wildlife habitats. The interests may include, but need not be limited to, fee interests, conservation easements or leases.*

*(2) Projects to protect **or** restore native fish habitat or wildlife habitat.*

*(3) Projects to protect **or** restore natural watershed or ecosystem functions to improve water quality or stream flows.*

(4) Resource assessment, planning, design and engineering, technical assistance, monitoring and outreach activities necessary for carrying out subsections (1) to (3) of this section.”

The emphasis here is on “or” as it was clear the legislature wanted to provide flexibility to achieve conservation goals through either protection **or** restoration activities.

Significant Habitats

According to the same provided memorandum, OWEB has traditionally required land protection projects to be high-quality habitat, or projects which could be restored into a high-quality habitat within a relatively short period of time. The Natural Resources subaccount, however, makes no mention of high-quality habitats, requiring only that funds be available, “for lands and waters that provide **significant habitats** for native fish and wildlife.”

While OWEB has interpreted this to mean “high-quality,” it is not synonymous with “significant.” Significant habitat in this reading is directly tied to the health and survival of fish and wildlife. While it is true that many threatened and endangered species are threatened because they have specific habitat requirements with little



tolerance for human disturbance, that is not true of all threatened species. Many species were harmed by high levels of human disturbance which, once moderated, can be compatible with specific or moderate ongoing disturbance. In fact, ODFW, within the Oregon Conservation Strategy, has identified hundreds of thousands of acres of land which are of a moderate habitat condition, or which are not purely habitat as they are found within working lands or some other form of open space. Though not high-quality habitat, they may contribute attributes such as connectivity which make them significant to fish and wildlife conservation. In fact, connectivity as an attribute could be more significant on certain properties than high-quality habitat may be on another. Further, there are many habitats for which restoration cannot happen quickly and may require dedicated restorative management practices over decades. If the property is otherwise located in a place in the landscape which is significant, requiring it be high-quality or restorable in a short period of time runs contrary to the purpose of the funding.

The management planning standard for OWEB being 20 years, the requirement to meet a high-quality habitat may not be possible for all portions of the property within two decades. Let's create a hypothetical scenario where 50% of a property is high quality habitat and the remainder has been totally impacted by wildfire. It is very likely the impacted areas will not be high-quality habitat in twenty years. Should the applicant neglect trying to acquire the fire-impacted area to avoid wildfire restoration? What if the landowner is unwilling to subdivide the high-quality areas from the fire impacted areas? What if they are forbidden from land-use laws from effectuating that subdivision, should the applicant forego trying to preserve the high-quality habitats because of a lack of acceptability of the Property overall to funders? We raise these questions to demonstrate the difficulties presented by mandating a total high-quality habitat requirement, and to demonstrate the benefits of using a significance standard. If the applicant is applying for the entire property, then the question is whether the entirety, high and lower-quality habitats, are together significant, either in their current state or their twenty-year restorative state if the applicant intends restoration.

We would like to point out that some flexibility to meet these kind of practical landowner concerns was also clearly intended by Measure 76, as subsections (e) and (f) mandate funds to be used in ways which... “Involve **people in voluntary actions** to



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protect, restore and maintain the ecological health of Oregon's lands and waters..." and, "Remedy the conditions that limit the health of fish and wildlife, habitats and watershed **functions in greatest need of conservation**". Emphasis ours. To involve people in voluntary actions to protect, restore and maintain ecological health, then it must be necessary to ensure there are adequate flexibilities to meeting landowners' reciprocal needs. Additionally, funds are directed towards serving the greatest needs, not necessarily every ecological need on a property, and therefore flexibility should be possible.

It is the position of PFT that restoration **should** be a consideration of the program and high-quality habitats **should** be heavily considered, but at the same time they **should not be required**. The review perspective should be wholistic to a significance test for the entirety of the application and whether it serves the conservation of fish and wildlife. Those considerations are more expansive than the straightforward assessment of a property for its wildlife quality, and that expansiveness is necessary to effectively preserve species. We believe that a close read of the Constitution and related legislation's text supports our beliefs in this regard.

Thank you for your consideration and your time,

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March 3, 2026

To: OWEB Acquisitions, Restoration and Emerging Issues (ARE) Committee

From: North Coast Land Conservancy (NCLC)

Re: Significant Habitat and Desired Future Conditions of the Land Acquisition Program

Members of the ARE Committee:

On behalf of the North Coast Land Conservancy (NCLC), thank you for the opportunity to provide testimony before this Committee on the vital work to modernize the Measure 76 land acquisition program. NCLC is a nationally accredited land trust based on the north Oregon coast, and for the last 40 years our organization has worked to conserve, protect, and restore nearly 25 square miles of significant terrestrial and aquatic ecosystems – a number of which used OWEB funds! Our service area extends from the mouth of the Columbia River south through Clatsop, Tillamook, and Lincoln Counties to the Siletz River, and from the tips of the Coast Range out to the nearshore environment.

I want to begin with an offer of gratitude for what the agency, its staff, Board, and this Committee have strived to attain – the protection and restoration of vital native habitats, critical natural and cultural resources, and essential ecosystem services for our communities and future generations! With all the work that OWEB has accomplished our region of the world is exceedingly more prosperous, resilient, and sustainable than it otherwise would be, and for that I sincerely extend our deepest thanks and appreciation. Yet there's still more that can be done.

I appreciate the opportunity to share some of NCLC's experiences and suggestions on how OWEB can better modernize the land acquisition grant process; how it can ensure greater collaboration between the agency, Indigenous Tribes, partners, and grant recipients so we may continue to strengthen these partnerships; and how it can achieve enhanced protection of watersheds, habitats, and culturally significant lands. Additionally, I hope these comments allow for thoughtful reflection and dialogue as a means to encourage this Committee to find ways in which OWEB could improve its methodology in carrying out its mission to help conserve more lands and waters for native fish and wildlife.

We look forward to the discussion around the second foundational question the ARE Committee is currently considering:

Should OWEB's land acquisition program incorporate an expectation of active restoration of properties acquired, or is a land transaction that solely protects land sufficient to meet OWEB's interpretation of constitutional and statutory requirements, even if existing habitat values are more modest, limited, or marginal?

It is NCLC's opinion that **first and foremost, the protection of habitats for native fish and wildlife should be the ultimate focus, goal, and outcome of the land acquisition program, without an expectation of active restoration necessary in order to receive Measure 76 acquisition funding.** Protecting habitats is a standalone significant thing to do within the watersheds of this State, has significant value in and of itself, and any restoration opportunities are an added bonus of an acquisition project. Once these habitats are initially protected in perpetuity, then we can engage in adaptive management that might include activities to encourage, but not require, the expansion of particular ecological outcomes. **Conserving ecosystems now, even as they are, will still help us create more sustainable, long-term, and resilient landscapes overall.**

We propose that OWEB can administer this process while still maintaining constitutional and statutory language requirements and program sideboards. While we recognize the existence of restoration potential for certain conservation projects, these conditions should be aspirational and should be included as targets in the property management plan, and not tied directly to the receipt of acquisition funds. Even if significant investment in restoration funding is committed at the time of acquisition, that could certainly help, but there are still many factors outside of the control of grant recipients that impact project feasibility – *thus restoration should not be a prerequisite for acquisition funds.* The practice that restoration and desired future conditions be coupled with land acquisition funding without an adequate guarantee of support to carry out the required outcomes is in many instances impractical, inefficient, and counterproductive, as organizational capacity can be overburdened with trying to achieve mandated uncertainties.

Our concern is that if the past implementation of agency guidance and policy remains the status quo, OWEB could continue to play a role in the omission of viable conservation project opportunities – which could ultimately be to the detriment of native fish and wildlife and their habitats. Collectively as grant-eligible entities we have already missed out on numerous meaningful, cost-effective conservation efforts, some of which might never become available again or at the very least not for generations to come. This is in part because we feel the agency has been overly focused on ensuring *future conditions are met* rather than securing the protection and preservation of watersheds and habitats at the outset. And while there certainly is room with any conservation opportunity to improve its ecological functions to some degree, we feel OWEB could take steps within its guidelines and policies to focus agency efforts to implement the practice that for many projects the land transaction that solely protects land is, in fact, sufficient to meet OWEB's interpretation of constitutional and statutory requirements.

This is especially true as land trusts and other grant-eligible entities are ecological experts where they work, and are uniquely positioned to provide the relevant conservation context, locality, and scope of what constitutes “*significant habitat*” or even “*high existing habitat value.*” The process already exists for grantees to share these perspectives and project story, as this context can be told throughout the land acquisition grant application.

Yet the implication for many applicants is that restoration and desired future conditions should also be addressed in an application despite a project arguably meeting the M76 constitutional standards of “*significant habitat*” without additional restoration. NCLC has passed on applying to OWEB for consideration on what we felt were significant conservation projects because they didn't include more immediate restoration goals as part of their submission, or that in using past

experiences as an indicator, since there existed the potential for additional strings being attached to a project that we felt wouldn't be appropriate or reasonable. **That means we have brought fewer acquisition projects to OWEB's table than we otherwise would hope to.**

Even in removing agency policy and implementation that requires restoration and desired future conditions be coupled with acquisition funding, projects can still be evaluated on their ecological merits.

A few additional points we encourage agency staff and the ARE Committee to consider:

- Remove the requirement of “Description Restoration Conditions” section in Baseline Documentation, as it is not relevant to current conditions and could be included as part of a property’s management plan if necessary. There are many pathways and timelines to achieve “restored conditions” of a property. A management plan is a living document that adapts over time and is more suitable for addressing future conditions. The baseline is a permanent document that is tied to the easement that represents a single point in time, the condition of the property at the time of the acquisition.
- In order to truly “protect,” “maintain,” and “support” watersheds and habitats for native fish or wildlife, OWEB should consider providing stewardship costs as part of eligible acquisition funding as well as consider reducing the cost share requirements for grantees, at the very least on an equity-basis. This has been accomplished in other OWEB grant programs, and could help reduce entry barriers for grant-eligible entities.
- The term “desired” is self-fulfilling in itself: it is by definition **aspirational**, and we feel it should be treated as such in policy implementation and practice. Thus, any “desired future conditions” being *required* is in its very nature contradictory. Although desired future conditions being included in a management plan as a hopeful target is fully reasonable, what’s problematic is when desired future conditions become tied to acquisition funding, especially without associated funding conditions, and are to be achieved within specific timeframes - which notably does not appear to be in any agency guidance documents.

Illustrative of some of the viewpoints that have been discussed above, I wanted to briefly share some of NCLC’s experiences with two of our OWEB land acquisition projects: **1) Boneyard Ridge (2016)** and **2) Tillamook River Wetlands (2020)**.

1) Boneyard Ridge (340 acres, 2016):

Boneyard Ridge was purchased in 2016 with the assistance of an OWEB grant and is adjacent to the Conservancy’s Circle Creek wetland habitat reserve. This acquisition completed over 700 acres of continuous NCLC-owned and OWEB-investment-protected forests, streams, and wetlands, and helped established an approximate 3,500-acre corridor of conserved land stretching from the ocean to the summit of Tillamook Head and east to the Necanicum River.

In the grant application for Boneyard Ridge, **it was stated that no immediate restoration or enhancement was required, nor would a particular set of desired future conditions be necessary to achieve or sustain long-term ecological outcomes for this project.** The conservation values already present on the property constitute “*significant habitat*” due to the extensive habitat connectivity across the landscape, and since this property includes:

1. A number of OWEB ecological priorities, including: *protecting large, intact areas; restoring function; improving connectivity; and complementing existing ecological networks.*
2. A handful of priority habitats, such as *Sitka spruce forest, lowland riparian woodland and shrubland, and lowland non-linear forested wetland.*
3. Over a dozen OWEB priority, state strategy, and federally listed or threatened species.

Accordingly, the overall protection of 340 acres of coastal temperate forests, forested and emergent wetlands, and essential salmonid streams with this project was a significant conservation outcome, and the LA grant was awarded *without* a requirement of restoration or necessary future conditions. **Nonetheless, when it came down to completing the Baseline Documentation for Boneyard Ridge, there was significant pressure by OWEB staff in demanding that compulsory active management actions be included as part of the Description of Restored Conditions section of the report** – specifically, active forest restoration, the eradication of Pacific silver fir trees, and the decommissioning of roads.

There was significant discussion, staff time, and energy by NCLC devoted to discourse with OWEB staff to first classify the trees as nonnative or invasive species in the Baseline, despite written documentation from independent sustainable foresters, natural resource organizations, and other state agency and federal partners providing that the trees, Pacific silver fir, were not a threat to the conservation values of the property and would not need to be removed or actively managed to maintain ecological outcomes. NCLC ultimately capitulated and did include some management actions in the Baseline included in the “Description of Restored conditions” section. Thus, our organization agreed to cut down the trees, as well as reduce roads as appropriate, as it became increasingly clear that agency staff would not agree to remove those actions from satisfying funding conditions.

When we share with OWEB staff, committees, and board a need for trust, this case study is emblematic of what we mean – that our organization, federal and other state agency personnel, and natural resource practitioners all agreed on what was needed and not needed in order to maintain ecological functions and protect the conservation values for this project, but still OWEB staff was adamant to include particular management actions despite the contrary opinions of NCLC and its partners.

This is an example of what we feel was an overreach of any agency-mandated accountability and an excessive heavy handedness in implementing agency policy, as opposed to following the application-approved conservation outcomes or taking a more collaborative approach in management planning.

The second case study NCLC would like to share with the Committee is:

2) Tillamook River Wetlands (70+ acres, 2020):

The Tillamook River Wetlands (TRW) project is just over 70 acres of riparian wetlands, emergent and forested wetlands, and upland forest that was purchased in 2020 using OWEB funding. For this project it was submitted that the acquisition provided “significant opportunity to improve tidal wetland function, habitat complexity, species diversity, and water quality in the Tillamook Bay estuary,” and that reconnection of tidally-influenced freshwater wetlands via restoration (*i.e., elimination of tide gates, possible decommissioning of Burton-Fraser Road*) as well as the removal of invasive species currently present is extremely important. Although restoration of this site would be ideal, it should be noted that even without such future conditions we feel **this property already provides ‘significant habitat for native fish and wildlife’ in its current state.** As the TRW project:

1. Is consistent with at least five of the seven conservation principles, including *stabilizing areas “on the brink,” securing transition areas, restoring function, improving connectivity, and complementing existing ecological networks.*
2. Supports five OWEB priority ecological systems: *lowland non-linear forested wetlands, lowland riparian woodland and shrubland, mesic herbaceous wetlands, Sitka spruce forest, and tidally-influenced freshwater wetlands.* Including 63 acres of palustrine emergent wetlands, 2 acres of palustrine scrub-shrub and forested wetlands, and 5 acres of upland habitat.
3. Sustains nearly a dozen federal and state-listed and recognized priority species.
4. And provides important migratory bird habitat along the Pacific Flyway.

Accordingly, TRW is an example of where restoration was submitted as a greater opportunity to support ecological outcomes and was coupled with acquisition funding, with restoration actions included as part of the Baseline Documentation, and Management Plan, but is a project where future conditions were prescribed **without significant assurances of requisite restoration funding and before the full feasibility or potential costs of restoration was entirely known.**

Just a couple years after closing, and due to the existence of a number of unforeseen circumstances at the time of finalizing the acquisition grant agreement, it was determined that following the preferred alternative of restoration, restoration costs linked to this project could potentially be **100 times more than the initial OWEB acquisition investment.** After the acquisition of TRW, despite multiple grant awards for technical assistance and design related to restoration, additional funding for the implementation of the necessary work is still not guaranteed. **Thus, a crucial unknown still exists if the restored conditions are even feasible despite such future conditions being a required component of acquisition. The uncertainty that the legally binding obligations won’t be possible within an adequate timeframe, and what the resulting consequences could mean for our organization is of significant concern.**

As a final note, I’d like to share some suggestions of possible responses to the discussion topics included in the December 11, 2025 staff memo provided to this Committee:

1. How should OWEB staff and our partners think about interpretation of the “significant habitat” language referenced above? If we fund protection of land with limited existing habitat value, do we need to require active restoration to meet our constitutional mandate?

► **No, protection should be enough, and active restoration and desired future conditions should be aspirational targets and not explicitly required. Once habitats are lost or significantly degraded, it is much, much harder to bring them back. So, let’s focus efforts to protect as much habitat as legally possible now!**

2. Would it be helpful to more clearly define “significant habitat” in program rules? If so, what might that process and language look like? Who should we ask to help?

► **What constitutes “significant habitat” can be answered with the assistance of grant applicants and additional provided context given the locale, scope, and circumstances of the project in question. Land trusts and other grant-eligible entities are ecological experts where they work, and are uniquely positioned to provide the relevant conservation context, locality, and breadth of what constitutes “*significant habitat*.”**

3. If we determine that a proactive restoration requirement is appropriate, what kinds of changes should we consider in the way we document or enforce that requirement?

► **Set milestones with target dates, but allow for flexibility and don’t set them in stone; take an adaptive management approach as conditions on the ground become clearer, change, or are impacted by unforeseen circumstances; include a commitment of additional funds recipients can use towards restoration planning and implementation; fast-track these such acquisition projects for additional OWEB restoration funding.**

4. In easement structure and content, management planning, and funding conditions generally, how are we doing at striking the delicate balance between accountability of public funds vs. flexibility and the ability to respond to changing conditions? Do you see ways we can better balance these grantmaking values?

► **Presently, we feel the balance is heavily tilted towards accountability and risk aversion, and that greater flexibility is warranted and possible despite constitutional and statutory language and constraints.**

Thank you again for the opportunity to share NCLC’s thoughts and hopes for the work of this Committee and OWEB. I want to conclude with another reminder that we all want the same things → **greater protections for habitats and watersheds**! Let’s take this occasion now to work together to not lose sight of this ultimate goal for the betterment of future generations of Oregonians, its visitors, and Indigenous Tribes. Thank you!

Respectfully,



Mark McLaughlin
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