



COALITION OF OREGON LAND TRUSTS

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October 22nd, 2025

To: OWEB Acquisitions & Restoration Committee

From: The Coalition of Oregon Land Trusts (COLT)

Members of the OWEB Acquisitions, Restoration, and Emerging (ARE) Issues Committee:

Thank you for the opportunity to share public comment following the September 4th ARE Committee Meeting focused on OWEB's use of a conservation easement to restrict the sale or transfer of fee simple acquisition projects. We hope that our panel presentation and case studies helped ARE Members better understand the limitations this requirement has created for land trust applicants to the program.

We appreciate the time and consideration the ARE Committee and OWEB staff have given to this discussion, and we are grateful for your time today to debrief the meeting and discuss more details with OWEB staff. We heard a few key takeaways from the September 4th Meeting, including more information on risk and the types of instruments discussed, more information on the relationship between the Department of Justice and OWEB staff, and an overview of the history of easement violations and enforcement actions. We also discussed what the definition of failure is for this program and how that impacts staff decisions and negotiations.

During this meeting, we heard a desire from the ARE Committee and OWEB leadership to dig deeper into some of the case studies we presented to understand where things went wrong. The land trust community could provide additional case studies or help with a deeper discussion on any of the case studies we presented.



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 • Wallowa 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

Our hope is to strike a balance between exploring an issue to a depth that is helpful with the ability to hold perspective on the bigger picture.

This Committee has also asked us to contemplate what being bold looks like. From our perspective, a bold acquisition program would include the following components:

1. The program leads with a culture of trust, partnership and transparency.

- a. One continuing area of confusion involves the relative roles of OWEB staff and the Department of Justice in risk assessment and tolerance. Allowing applicants to participate in these discussions can reduce confusion.
- b. A related area of confusion involves the relative roles of OWEB's contractors in the risk assessment process. As contractors, they are incentivized to identify every potential risk, real or not. Clarify who determines whether a given issue presents a material risk to the project.
- c. Explore how conservation easements and other protective mechanisms might reduce tribal sovereignty and impact the fee to trust process and ways to mitigate these barriers.

2. The program shifts its focus from risk analysis to achieving conservation outcomes.¹

- a. Incorporate the risk of loss of habitat and lost conservation opportunities into the risk matrix.
- b. Risk management is a functional task, not the purpose of OWEB programs; OWEB's program documents (i.e. title restrictions, funding conditions, etc.) should reflect that.
- c. Incorporate grantee's thoughts on risk assessment. OWEB develops and shares risk assessment with applicants, identifying 1) the risk and who identified the risk, 2) the likelihood the risk will materialize and 3) the worst case scenario if the risk does materialize. Applicants will review and respond to OWEB's risk assessment. All perspectives will be shared in the staff report. Only the most material risks will be incorporated into the grant agreement.

3. The program is more aligned with OWEB's restoration program.

- a. OWEB due diligence and risk analysis is narrowed to material elements. OWEB routinely spends millions of dollars on restoration that can be

¹ For example, the [Land Acquisition Application Review Process](#) begins with a project soundness review, not an ecological outcomes review. A more positive approach might be "The proposed project will have important ecological outcomes, how can we help the applicant mitigate any material risk to achieve those outcomes." This approach would mirror the [OAR on project review](#), which lists strategic fit, ecological outcomes, and organizational capacity before project soundness.



undone by future landowners or by superseding claims or rights. OWEB neither performs due diligence on restoration sites nor encumbers land on which restoration occurs.² The risk of loss to public restoration dollars is significant in many if not most restoration projects.

- b. OWEB builds its acquisition capacity and avoids hiring contractors and doling out management plans to non-acquisition staff which creates inconsistent results.
- c. OWEB increases biennial funding for land acquisition to reflect demand and need.

Conservation outcomes have broadened across OWEB programs to include habitat, agricultural lands, drinking water supplies, and cultural values. The broader programs are flexing to accommodate this breadth, but the CE approach is limiting that growth and innovation. Just as the watershed council community has long been seen as the partners for implementing the community engagement and habitat restoration elements of the Oregon Plan, land trusts should be seen as the partners for the land protection elements of the Oregon Plan. Land trusts have the expertise and capacity to restore and steward these conservation lands in perpetuity. This is their primary purpose as non-profits.

Thank you again for your time and consideration today. We look forward to the continued engagement on this work and are grateful for your commitment to these discussions.

Sincerely,



Joe Buttafuoco
Executive Director
Coalition of Oregon Land Trusts

² Compare OWEB's [landowner agreement](#) (on the low end of the enforceability spectrum and binding only on the current landowner) with OWEB's conservation easement requirement (the opposite end of the spectrum).

