



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



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 • 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

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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