



COALITION OF OREGON LAND TRUSTS

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August 4th, 2026

To: Private Forest Accord Mitigation Advisory Committee

From: Coalition of Oregon Land Trusts

RE: Land Transaction Guidance Documents

Members of the Mitigation Advisory Committee:

On behalf of the Coalition of Oregon Land Trusts (COLT), thank you for the opportunity to provide comments as the Mitigation Advisory Committee (MAC) continues refining the Land Transactions Manual and guidance documents for the Mitigation Grant Program.

COLT is a network of 32 organizations working across Oregon to protect our natural world – our water, wildlife, and open space – for all people, forever. Together, our statewide community of land trusts, soil and water conservation districts, and conservation organizations have protected more than 981,000 acres of land.

We appreciate the Committee's continued work to improve these documents and the responsiveness demonstrated since earlier drafts. As a volunteer Committee, we truly appreciate the many hours you have spent in reviewing and considering what's best for the program. In particular, we appreciate the broader framing around "protecting riparian areas," rather than limiting conservation easements solely to riparian acreage, and the decision to rely on the Private Forest Accord definition of forestland. These revisions move the program closer to the legislative intent and improve its practical implementation.

Land Transactions Manual Review

Eligible Land Transaction Types

We appreciate the Committee's revisions to better align the Manual with the statutory direction to "protect riparian areas," and including the definition of forestland provided by the Private Forest Accords. The Committee agreed during its July meeting that including upland areas that follow legal lot boundaries is



22 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 • Lower Nehalem Community Trust • McKenzie River Trust
North Coast Land Conservancy • Oregon Agricultural Trust • Oregon Desert Land Trust

Pacific Forest Trust • Southern Oregon Land Conservancy • The Conservation Fund • The Nature Conservancy in Oregon
Trust for Public Land • The Wetlands Conservancy • Wallowa Land Trust • Western Rivers Conservancy • Wild Rivers Land Trust

10 ASSOCIATE MEMBER ORGANIZATIONS: Bird Alliance of Oregon • 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 • Willamette River Preservation Trust •
Yamhill Soil & Water Conservation District

an appropriate and practical approach to protecting riparian areas through this program. We therefore recommend explicitly acknowledging this in the Manual to provide greater clarity and certainty for applicants.

Small Forestland Owners

The PFA Authors Report states, “easements on covered lands may be useful to help small forestland owners comply with new standards,” so we respectfully urge the Committee to explicitly recognize this intended use of the program and provide a pathway for easement projects that support small forestland owners. This inclusion would provide an additional voluntary, and incentive-based option for landowners facing new requirements, help maintain working forests in private ownership, and secure long-term conservation outcomes for covered species.

Match Eligibility

Because the program does not require applicants to provide matching funds, we are uncertain why the guidance establishes a 25% threshold for allowable contributions of land as match. We encourage the Committee to clarify the policy rationale for these restrictions and explain how they further the goals of the program. Additional flexibility in financing projects would help leverage conservation funding and make participation more feasible for landowners and applicants.

Management Plan

We believe that the Manual and the template may confuse the role of management plans in conservation easements. Management plans are adaptive management tools, allowing landowners flexibility to engage in multiple different management practices to meet the goal of the conservation easement. The easement is the contract agreement, whereas the management plan is the place the landowner described how they may take any number of different paths to meet the goals of the conservation easement and not violate its terms.

The proposed management plan has several opportunities for refinement. First, it allows the easement holder to require new and elevating land management expectations over time. Not only does this change the nature of the notice and approval nature of the document, but it fundamentally impacts and undermines the ability to value the conservation easement. When the appraiser evaluates the property, they review the restrictions in the conservation easement and value the impact of those restrictions on the market value of the property. Burying restrictions in the management plan which isn't completed until after the easement closes places the landowner in the position of agreeing to restrictions for which they are not being compensated.

Further, the agency may mandate new restrictions every 5 years thereafter, potentially adding new costs and lost value without compensation. We recommend that all obligations to the landowner be included in the conservation easement terms only. While the easement holder/agency may recommend better management practices than what is proposed in the management plan, they do not typically have the authority to require the best practices if the ones proposed by the landowner otherwise meet the goals of the easement or do not violate its terms.

We also advise ODFW to consider their perpetual role in reviewing and approving management plans. Unlike the applicants who invest funds with every new conservation easement so that their capacity scales with the number of obligations they take on, ODFW staff are reliant on a fixed contribution from the mitigation fund or the general fund to maintain their capacity. As the number of conservation easements funded by the program grows, so will ODFW's review obligations. Because ODFW review will be



required, landowners will be dependent on the agency's capacity to complete those reviews, creating the potential for delays if staff resources are limited.

Active Restoration Expectations

Throughout the Manual, restoration and intensive habitat management appear to be treated as the expected condition for nearly all conservation easement projects. Several provisions (agriculture prohibition and commercial activity restrictions) suggest that ongoing agricultural, forestry, and other working land uses are generally inconsistent with the program. Many sections of the Manual (Property Management Plans, Baseline Document requirements), emphasize restoration planning, adaptive management, and ODFW approval of management changes, rather than the traditional conservation easement approach of permanently prohibiting incompatible uses and changing while protecting a property's conservation values. We encourage the Committee to only require active restoration terms in the management plan in projects where there are funded restoration activities applied for simultaneously, or else there may be unfunded mandates that set the conservation easement up for violation from day one.

Conservation Easement Template

Required Template vs. Required Terms. We encourage ODFW to select required conservation easement terms, rather than an entire conservation easement template itself. This is how OWEB has developed their template easement – as usable in its entirety as applicants wish, but for which there are mandatory sections to include in applicant conservation easements. As the perpetual holder of the conservation easement, easement holders often have good reasons for the form and construction of a conservation easement which may not be captured in the template.

Recreational Uses. As written the template allows for only 6 recreational uses on the Property, entirely in a non-commercial format. We feel this is overly restrictive to private landowner uses, both in potentially unconsidered forms of recreational use with a low likelihood of harm to covered species (such as rock climbing), or for which the commercial version of the activity is unlikely to be more harmful than the non-recreational (photography). Rather than specific allowances and prohibition of everything else, most easement holders identify specific restrictions (recreational motor vehicle use) while indicating others may be restricted if found to be harmful.

Commercial Prohibitions. As the program already restricts inclusion of commercial forestland, a whole prohibition of commercial agriculture use, of commercial recreation, and to even build new structures, the easement functionally forbids any income generating activities on the property. While restricting any activity which is necessarily harmful to the conservation values, a wholesale restriction of income generating activities makes the cost of the conservation easement so high it is almost equal to the cost of buying the land outright, and tends to attract landowners who have little interest, or economic means, to ensure beneficial property management for the future. A balance of sustainable economic activities which aren't harmful to covered species and specific species protections is the middle ground most easement holders are trying to strike. We are not aware of any conservation easement program nationwide as restrictive as the one proposed.

ODFW Approval of Liens and Mortgages. The conservation easement requires ODFW approval before any liens or mortgages may be placed on the property. We are unclear about the purpose of this provision, as subsequent liens or mortgages would be subordinate to the recorded conservation easement and therefore would not appear to diminish its legal protections. We also encourage the Committee to clarify how this review process would function in practice, including the criteria ODFW would use to evaluate



requests, the circumstances under which approval could be granted or denied, and whether the agency has the appropriate expertise and capacity to conduct these reviews efficiently.

Funds Recovery. Though we appreciate the dedication to having strong leverage for enforcement, we question the legal validity of full funds recovery of grant funds which paid for a conservation easement, when that conservation easement still exists. Damage assessments against the loss of conservation values are a normal action when pursuing violations, but a demand for repayment of funds towards the acquisition of an interest which is legally still in force is unprecedented.

COLT and our members appreciate the significant effort ODFW staff and the Committee have invested in developing this program. We are encouraged by the revisions made since earlier drafts and believe the remaining issues identified above can further improve the program's effectiveness, practicality, and long-term conservation outcomes. We appreciate your consideration of these comments and look forward to continuing to work together to make this important program a success.

Sincerely,



Joe Buttafuoco
Executive Director
Coalition of Oregon Land Trusts

