

Exhibit G

**Supplemental
Public Correspondence Received as
of August 12, 2025**



COALITION OF OREGON LAND TRUSTS

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August 12, 2025

To: Oregon Department of Fish and Wildlife Commission

From: The Coalition of Oregon Land Trusts

RE: Proposed PFA Rule Revisions (OAR 635-097-0070: Grant Program Project Eligibility and Authorized Use of Grant Funds)

Chair Wahl and Members of the Commission:

On behalf of the Coalition of Oregon Land Trusts (COLT), thank you for the opportunity to provide comments on the proposed rule revisions to the Private Forest Accords Mitigation Grant Fund.

COLT is a membership organization representing 32 land trusts, soil and water conservation districts, and conservation organizations working across Oregon to protect our habitat and natural spaces – for all people, forever. Land trusts work with private landowners, filling a gap in conservation by empowering everyday people to voluntarily protect land for conservation. Collectively, our members have conserved more than 780,000 acres of land across our state – helping to keep working lands working and sensitive habitats protected.

We have reviewed the proposed changes (Exhibit G) to the rules relating to the grant program and appreciate this opportunity to share our thoughts. Specifically, we would like to comment on the rule revisions in 635-097-0070 (f)(g) regarding the authorized use of grant funds. **We urge the Commission to retain the current rule language supporting acquisitions of land and interests in land, and, as the program develops, to include strong land acquisition grant cycles.**

Land acquisitions, including conservation easements on both forestland and non-forestland, are an important tool for mitigation. The Private Forest Accord Report



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

identifies four mitigation categories to focus on, including restoration of habitat, land preservation, habitat enhancement, and threat reduction or elimination (PFA Report, 11.3). The Report describes land preservation as a *“mechanism for preventing the impacts of development threats to covered species and their habitats on a particular property,”* and in the HCP Handbook, land preservation is *“e.g. buy and protect, place conservation easements on land.”* (PFA Report, 11.3.1.2; HCP Handbook, p. 9-15.)

The Report also describes the benefits of easements, *“Riparian conservation easements outside of the covered lands may be used to mitigate impacts associated with timber practices. Easements on covered lands may be useful to help small forestland owners comply with new standards.”* (PFA Report, 11.3.1.2).

S.B. 1501 lists activities available for grants, including *“conservation easements on land other than forestland,”* and *“other measures that effectively conserve or restore habitat.”* **It has been suggested that this means that only conservation easements on non-forestland may be funded. However, given the language of the Report and the inclusive language of the statute, we believe it’s more accurate to interpret S.B. 1501 as just clarifying that easements do not have to be *only* on forestland.** S.B. 1501 says that rules are to be *“consistent with the requirements of the Private Forest Accord Report,”* and the Report specifically refers to easements on covered lands for small forestland owners, i.e. private forestlands.

The Private Forest Accord Mitigation Advisory Committee, in developing the current rules, seemed to take the above into account. The current rules identify eligible projects in paragraph (f) as *“supporting acquisitions of land, and interests in land including conservation easements to protect, enhance, or restore riparian areas or other critical habitat functions for HCP-covered species.”* (OAR 635-097-0070 (5)). These rules were officially adopted by the ODFW Commission at the August 4th, 2023, meeting.

The proposed rule changes are concerning because they will reduce the amount of mitigation that the state can achieve. The proposed replacement language reads, *“(f) Supporting establishment of conservation easements on land other than forestland to protect riparian areas”* and *“(g) Supporting acquisitions of an existing water right for conversion to an in-stream water right, as described in ORS 537.348, to improve in-stream flow conditions.”*

Not only is the new language in direct contradiction to The Report and SB 1501’s acknowledgement of its requirements, it is **also inconsistent with the Mitigation Advisory Committee’s previous discussions and decisions. At the October 2023 meeting, the Committee “voted as a Committee to not solicit applications for conservation easements and acquisitions in the first round. With intent to continue that discussion and hope to include those in the next round.”**

At the July 2024 meeting, the Committee adopted the following motion **“move that ODFW staff work towards the development of a comprehensive and transparent process for incorporating land easements and fee acquisition that is restricted to non-forested lands as well as water acquisitions into the PFA Grants Program as soon as practicable,”** with



the understanding that “there is another aspect of fee acquisition we made reference to and can talk about at another time” i.e., fee acquisition on forested lands. The Report also clearly states that “easements on covered lands may be useful to help small forestland owners comply with new standards.” The proposed rule revisions before you seem to close the door on that future discussion and the support for small forestland owners.

By significantly narrowing the use of critical conservation tools such as conservation easements and other land acquisitions, the proposed language will undermine the grant program’s effectiveness and, thus, the state’s ability to meet its mitigation goals under a Habitat Conservation Plan (HCP).

COLT and our members understand that there is a critical role for strategic acquisitions in this mitigation program and we urge the Commission to keep the current project eligibility rules relating to interests in land, as being most consistent with the statute, the Report, and the program’s goal of awarding grants to most effectively benefit the covered species.

COLT and its member land trusts are experienced partners to landowners in land acquisitions, easements, and restoration activities that create and sustain ecological uplift. We appreciate the opportunity to submit these comments and look forward to engaging with the Commission and the Mitigation Advisory Committee to support their work and ensure the success of the Private Forest Accord and associated grant program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Buttafuoco".

Joe Buttafuoco Executive
Director
Coalition of Oregon Land Trusts



BORISCH Roxann B * ODFW

From: Marc Hudson <mhudson@pacificforest.org>
Sent: Friday, August 8, 2025 8:11 PM
To: ODFW Commission * ODFW
Cc: Laurie Wayburn; SPYRKA Andy J * ODFW
Subject: Public Comment regarding Exhibit G: PFA Rules Revisions for the August 15th meeting
Attachments: PFAMitigationGrant_PublicComment_8.8.25.pdf

Some people who received this message don't often get email from mhudson@pacificforest.org. [Learn why this is important](#)

To whom it may concern,

Please see the attached public comments of the Pacific Forest Trust for Exhibit G of the ODFW Commission Agenda for August 15th, regarding the rules revisions for the Private Forest Accords Private Mitigation Grant Program.

We thank you for your consideration in accepting these comments and your time in reviewing them.

Marc

Marc Hudson
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PACIFIC FOREST TRUST

Private Forests. Public Treasures.

August 8th, 2025

Re: Public Comment Regarding Proposed PFA Rule Revisions (OAR 635-097-0050: Authorized Use of Grant Funds) for the August 15th ODFW Commission Meeting

To Chair Wahl and Members of the Commission,

We submit these comments on behalf of the Pacific Forest Trust, and in support of the comments provided by the Coalition of Oregon Land Trusts, of which we are a member. Pacific Forest Trust is a land trust with 33 years of experience in acquiring working forest conservation easements in Oregon and California. In each case we have successfully blended the goals of maintaining forest productivity while increasing biodiversity with direct benefits to many of the covered species in the Private Forest Accords.

The proposed changes to the rules regarding the authorized use of grant funds for the Private Forest Accord Mitigation Grant (635-097-0050(f)-(g)) employ new limits on the use funds in a manner which limits their use beyond what we believe is the intended purpose. Specifically, it would be restricted to the “establishment of conservation easements on land other than forestland to protect riparian areas,”. It is true that SB 1501 uses that language and the rule mirrors it. However, the the accord report itself states that, “...Riparian conservation easements outside of the covered lands *may* be used to mitigate impacts associated with timber practices. ***Easements on covered lands may be useful to help small forestland owners comply with new standards.***” Emphasis ours. This creates a clear conflict with intent from a strict reading of the legislation and the intent of the accord, which appears to clarify that easements should be applied to working forest properties, at least in the context of small woodland owners. Neither is “may” terminology which creates intent limiting expenditures on forests – it merely indicates funding can be spent on non-forests as well. Further, the direct recommendation in the mediated agreement between the accord partners, which was provided to the legislature in the creation of SB1501 was identical to the PFA report, reaffirming that the language was intended to be expansive in allowing for funding beyond forestlands could be positive, and specifically considered small forestland owners as an intended beneficiary.



PACIFIC FOREST TRUST

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We would further echo our colleagues at the Coalition of Oregon Land Trust's comments that managerially, describing easements only along certain ecological boundaries, such as footage from a winding, riparian course, can be extremely expensive to survey and managerially impossible to enforce. So long as the applied for boundaries are significantly (to our mind more than a majority) composed of the riparian area, that legal lot or other simplified legal boundaries be allowed for the application of the conservation easements.

We humbly request that the commission do not go forward with the approval of the rule recommendations in so far that it deals with conservation easements, and request that the PFA Mitigation Advisory Committee work with outside partners to craft a more nuanced rule around the acquisition of conservation easements.

At the July 2024 meeting, the PFA Mitigation Advisory Committee adopted a motion to "move that ODFW staff work towards the development of a comprehensive and transparent process for incorporating land easements and fee acquisition that is restricted to non-forested lands as well as water acquisitions into the PFA Grants Program as soon as practicable." The current rules have been proposed outside of any significant public process and without outside input we believe could have benefited rules development. We were optimistic, and held in wait, for a public process prior to the development of these rules. In all of this, as an organization heavily invested in the working forests and the survival of species, we are happy to work with the PFA Mitigation Grant Advisory Committee towards identifying acceptable practice standards under the conservation easements, and to discuss rules in defining what the acceptable application areas are. While we can only speak for ourselves, there are others within the land trust community

We thank you for your time and consideration.

Marc Hudson
Conservation Director
Pacific Forest Trust