



2416 SE Lake Road, Milwaukie, OR 97222 - 503-550-9282 - northclackamaswatersheds.org

December 11, 2025

Oregon Environmental Restoration Fund
Chuck Sams, Co-Chair
Michael Dembrow, Co-Chair
Cheyenne Holliday, Vice-Chair
Molly Kile, Public Member, Scientific Expertise
Alaí Reyes-Santos,
Geoff Huntington, Governor's Natural Resources Office
Leslie Wu, Attorney General's Office
Representative Ken Helm
Senator David Brock Smith,
Leah Feldon, DEQ
Debbie Colbert, ODFW
André Ourso, OHA

Dear Chairs Sam and Dembrow, Vice-Chair Holliday, and Committee Members,

RE: Oregon Environmental Restoration Fund Priorities

I am writing on behalf of the 168,000 people who live in North Clackamas Watersheds to urge you to take key steps necessary to ensure that the Oregon Environmental Restoration Fund has the maximum beneficial impact on the waterways and people of Oregon. The Committee, while newly formed, is already at a key juncture that will determine whether the resources provided to mitigate past harm are used impactfully, or frittered away with little impact on the ground.

We urge you to use the fund to support large projects, rather than diluting the funds across many small projects, many agencies, many years, or using it to backfill agency budgets. The Oregon Environmental Restoration Fund poses Oregon's first opportunity to fund large restoration projects at scale that could not be funded any other way. As we watch salmon return to the upper Klamath Basin, we are all reminded how impactful these large projects can be, and how challenging it can be to push projects like this over the finish line.

Since the inception of OWEB and the Oregon Plan, Oregon has lacked the resources to fund large projects. For instance, the largest OWEB restoration grant awarded in 2024 was \$841,780, in an era where significant restoration costs multiple millions. This has left project managers relying heavily on federal funds. As we all know, federal funds have become unreliable, even after having been awarded. To move these projects forward, the Oregon Environmental Restoration Fund can fill the gap of having a state source for large-scale restoration.

One example is the [Kellogg Creek Restoration and Community Enhancement Project](#), located in an Equity Focus Area, will remove the highest-priority fish passage barrier in Oregon owned by ODOT, restore volitional passage to 17 miles of habitat, and restore a stream next to a high school that is 59% free/reduced lunch students. Like the Klamath, this project has been a community priority for decades. Community Leaders have been working on it since the 1990s, looking for a path forward. Now we have one: the project is being designed with federal funding. But its path to construction is at risk due to the pausing of appropriated funds, changing priorities, and unreliability at the federal level. Delays due to funding pauses or the cobbling together of multiple small funding streams cause significant price increases that could put projects beyond reach.

For these reasons, we urge the Committee to deploy these funds both in large allotments and quickly. While it can be tempting to be frugal to extend the Fund for many years, projects will only become more expensive during that time, and more projects can be completed the more quickly the funds can hit the ground. Dispensing the funds across many projects and many years will largely mimic existing funding structures in OWEB, DEQ, ODFW, etc. These funding structures already do a good job at funding modest restoration efforts. What is needed is the engine that can achieve the larger projects that uplift our ecology and our communities, and that we have no other way of funding at a state level.

We urge you to think big with the Oregon Environmental Restoration Fund, and to make it the engine that allows Oregonians to take the bold, big steps necessary to restore our environment for fish, wildlife, and people.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Schulman".

Neil Schulman
Executive Director



James Fraser
Oregon Policy Director, james.fraser@tu.org, (971) 278-8085

December 16, 2025

Oregon Environmental Restoration Council
Via email to clare.k.lanusse@oweb.oregon.gov

Re: Trout Unlimited input for 2nd Meeting of the Oregon Environmental Restoration Council (Fund Purpose and Strategic Priorities)

Dear Co-Chairs Dembrow and Sams, Vice-Chair Holliday, and Members of the Council:

Trout Unlimited (TU) is a nonprofit dedicated to conserving coldwater fish (such as trout, salmon, and steelhead) and their habitats. We have more than 350,000 members and supporters nationwide, including many members in Oregon.

TU supported Senate Bill 1561, which established this program during the 2024 session. We have continued to participate in the program's formation and believe the Environmental Restoration Fund and this Council can achieve a tremendous amount of good work for Oregon over the next half century in the areas of conservation, pollution abatement, and environmental justice.

During the Council's first meeting, Council members raised important questions about the Fund's purpose and the Council's next steps for setting strategic priorities. In this letter, we are providing Trout Unlimited's perspective on these matters, particularly with regard to the State Agency Program Fund:

Fund Purpose

Section 18 of the settlement controls on the question of the Fund's purpose. It provides:

"The State agrees that, except for the portion thereof used to pay costs and expenses associated with the Action, including attorney's fees, expert fees and other litigation expenses (collectively "Costs and Expenses"), the Settlement Funds will be used for environmental remediation or restitutionary projects or environmental remediation or restitutionary purposes having a nexus or connection with the types of environmental harm alleged by the State (i.e., harm to air, water, soil, or natural resources) as determined by the State in its sole discretion. Such environmental remediation or restitutionary projects or purposes include restoring, maintaining and enhancing the quality of Oregon's air, land, water and other natural resources and will consist of projects having a nexus or connection with brownfields remediation or redevelopment, environmental or natural resource damage assessment or restoration, improvements to air and water quality, cleanup of contaminated sites, remediation of impaired waterbodies, sediments, or soil, or restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but may also include at the State's sole discretion other similar air, water, soil, or natural resource environmental remediation or restitutionary projects or purposes within the scope of the projects and purposes described above."¹

¹ State of Oregon v. Monsanto Company, Case No. 18CV00540, Consent General Judgment at 6-7 (Dec. 15, 2022) (emphasis added).



As TU commented during the Council's first meeting, this language in the settlement includes a broad range of natural resources projects. Notably, it does not include any reference to people, humans, or human health (though certainly, people and human health are directly affected by the environment, and therefore, can be benefited by environmental projects).

On the topic of Fund purposes, the settlement's implementing legislation (SB 1561) repeatedly cites back to the controlling language in the settlement, stating in numerous provisions that the Fund's purposes and projects must be "consistent with the terms of the Monsanto Settlement Agreement..."²

At the Council's first meeting, some members expressed interest in requesting DOJ's guidance on the question of the Fund's purpose. TU welcomes that analysis if helpful to the Council, but we wish to point out that DOJ already addressed the matter in its testimony on SB 1561, where DOJ wrote:

"Per our settlement agreement, Oregon Environmental Restoration funds can be used for a wide variety of projects and purposes that improve or restore the environment in Oregon. They can also be used to assist communities who have been impacted by harm to their environment. Eligible projects or purposes could include those relating to environmental assessment, restoration, improvement and protection of wildlife habitat or natural resources, and creation of a fund or other methods of providing grants and resources that will help impacted communities."³

At the bill's only public hearing during the 2024 legislative session, then Attorney General Ellen Rosenblum testified:

"When we settled with Monsanto, DOJ wanted to make sure the funds coming into Oregon would be used for purposes consistent with the settlement and with the settlement agreement, and of course, why we brought the case in the first place: to undo the harms of PCBs and to restore Oregon's ecological health."⁴

Taken together, TU reads the settlement agreement, its implementing legislation, and DOJ's testimony on that legislation to mean that: (1) section 18 of the settlement agreement controls on the question of Fund purposes and thereby, specifies the permissible scope of Fund expenditures, and (2) Fund expenditures must be used for projects which relate—first and foremost—to natural resources and the environment.

Strategic Priorities

In light of the controlling law on Fund purposes discussed above, TU urges the Council to set strategic priorities that relate *primarily* to natural resources restoration, remediation, conservation, and protection. While the Fund purpose is not to address human health issues separately from these

² See, e.g., Senate Bill 1561 (2024) at Sections 1(1)(c) (describing the permissible scope of projects funded by earnings on investment funds), 1(2) (statement of legislative intent for the program's projects and purposes), 3(2) (specifying that moneys in the fund are consistently appropriated for expenditure consistent with the settlement), 6(1) (requiring that allocations to agencies from the State Agency Program Fund be consistent with the settlement).

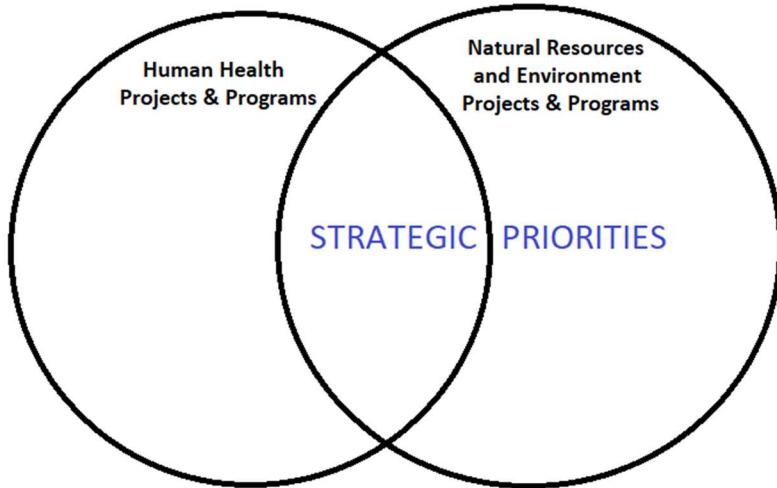
³ Oregon DOJ Written Testimony on SB 1561, Senate Committee on Natural Resources and Wildfire (February 8, 2024) (available at:

<https://olis.oregonlegislature.gov/liz/2024R1/Downloads/PublicTestimonyDocument/106326>).

⁴ Attorney General Ellen Rosenblum Verbal Testimony on SB 1561, Senate Committee on Natural Resources and Wildfire at (February 8, 2024) (quoted comment begins at 57:45 mark in hearing video, full hearing on bill is between the 54:19 – 1:37:15 marks in hearing video) (available at

<https://olis.oregonlegislature.gov/liz/mediaplayer/?clientID=4879615486&eventID=2024021066>).

conservation matters, the Council can and should use the strategic priority setting process to determine where those natural resources efforts overlap with the needs of people and communities. In our view, the task of selecting strategic priorities includes the opportunity to identify areas where the Fund can make a difference for natural resources and the environment (as provided in the settlement agreement) while also benefiting people and communities, as shown in the Venn diagram below:



As a next step, TU recommends that the Council direct state natural resource agencies to present on the best available science and greatest areas of need related to matters within the scope of the Fund's purpose and their agency mission or expertise. TU urges that you use this information from state agencies to inform your strategic priorities, with a goal of identifying State Agency Program Fund priorities that address key needs for environmental or natural resources restoration and protection, with stacked benefits for human health and people affected by environmental harm.

Conclusion

To a great extent, the Fund's purpose is to address limiting factors for fish, wildlife, habitat, and environmental quality. With the strategic priority setting process, the Council has the opportunity to identify ways in which you can address human health concerns at the same time, achieving a strong return on investments for the program.

TU looks forward to continuing our engagement and collaboration with the Council. In the coming months, we intend to work with you and state agencies to identify ways in which this program can help meet the goals of Governor Kotek's recent Executive Order on resilience,⁵ and to ensure that the Fund is not used as a funding source to address legislative budget shortfalls.⁶

Thank you for considering our comments, and please let me know if you have any questions.

Sincerely,

James Fraser, Oregon Policy Director, Trout Unlimited, james.fraser@tu.org

⁵ State of Oregon Office of the Governor, Executive Order No. 25-26 "Directing State Agencies to Take Urgent Action to Promote the Resilience of our Communities and Natural and Working Lands and Waters" (October 21, 2025).

⁶ See SB 1561 at sections 6(2)(b), 7(2)(b), and 8(2)(c) (restricting use of the Fund to "supplant" other funding sources).



December 17, 2025

Oregon Environmental Restoration Council
775 Summer Street NE, Suite 360
Salem, OR 97301
Submitted via email

Re: Wild Salmon Center comments regarding the Environmental Restoration Fund

Dear Co-Chairs Dembrow and Sams, Vice-Chair Holliday, and Council Members:

Thank you for the opportunity to provide public comment on the implementation of the Environmental Restoration Fund. Wild Salmon Center is a nonprofit organization dedicated to conserving wild salmon and steelhead rivers in Oregon and around the Pacific Rim through solutions grounded in science.

Wild Salmon Center was engaged in the development of the legislation establishing the Environmental Restoration Fund (SB 1561) in the 2024 legislative session, and we look forward to supporting the implementation of this fund in a manner that is consistent with the terms of the settlement agreement, legislation and Executive Order 25-26.

Purposes of the Environmental Restoration Fund

The Monsanto Settlement Agreement, Section 18, and SB 1561 directed the funds to be used for the following purposes:

- "...environmental remediation or restitutinary projects or environmental remediation or restitutinary purposes having a nexus or connection with the types of environmental harm alleged by the State (i.e., harm to air, water, soil, or natural resources) as determined by the State in its sole discretion.¹

¹ *State of Oregon v. Monsanto Company, et al.*, Case No. 81CV00540 (Circuit Court of Oregon, Multnomah County), Consent General Judgment dated December 15, 2022, Section 18

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- Environmental remediation or restitutinary projects or purposes including restoring, maintaining, and enhancing the quality of Oregon's air, land, water, and other natural resources...”²; and
- “...restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats...”³

This language controls the use of the funds for environmental restoration projects, providing funding for projects that have the co-benefits of providing healthy aquatic systems supporting thriving wild fish populations; and clean, safe, reliable sources of drinking water for the communities.

Restoration funding can be directed to implementing the [Oregon Conservation Strategy](#) and State Wildlife Action Plan to protect and restore 11 Strategic Habitats, including Flowing Water and Riparian Habitats, Wetlands Habitat and Estuaries. These habitats support the protection of Strategic Species identified in the Strategy while having the co-benefits of supporting healthy communities.

Governor's Executive Order 25-26

The Governor's EO 25-26 directs state agencies to protect, conserve, connect or restore ten percent of lands and waters within ten years. Agencies are directed to prioritize key lands and waters by implementing durable and effective programs advancing the protection, conservation, restoration or connections of lands and waters.⁴

The EO encourages agencies to maximize co-benefits such as increased carbon sequestration, biodiversity, community health, cultural well-being, ecosystem health, and reducing the risk of wildfire and flooding.⁵

In alignment with the Settlement Agreement and SB 1561, we ask that the Council prioritize projects that protect and restore vital habitats for fish and wildlife and look to fund projects with co-benefits, consistent with Executive Order 25-26.

Thank you for considering these comments.

Michael Lang
Oregon Senior Policy Manager
Wild Salmon Center

² *Ibid*

³ *Ibid*

⁴ *Executive Order 25-26*, Page 4.

⁵ *Ibid*