



## Oregon Environmental Restoration Council Meeting

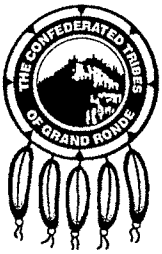
Wednesday, May 6, 2026

12:00pm – 5:00pm

### Submitted Written Public Comment

Received through 5/5/26

Name	Topic(s)
Confederated Tribes of Grand Ronde	Support for Agency Program Fund Pre-Proposal project
Parrott Creek	Overall support; sharing Parrott Creek's model of ongoing environmental remediation and restoration
Metro	Habitat restoration priorities and connection to public health
Defenders of Wildlife, Oregon Wild, and the Western Environmental Law Center (collectively)	Strategic Priorities; Agency Program Fund Pre-Proposal projects; Monsanto Settlement Agreement
Craft3	Support for Agency Program Fund Pre-Proposal project
Portland Harbor Community Coalition	Strategic Priorities; Environmental Justice communities and lands therein that have been disproportionately impacted by PCB contamination
Oregon Association of Conservation Districts	Support for Agency Program Fund Pre-Proposal projects
Hood River Soil and Water Conservation District	Support for Agency Program Fund Pre-Proposal project
Oregon Hunters Association	Strategic Priorities
Trout Unlimited	Monsanto Settlement Agreement; definitions; Agency Program Fund Pre-Proposal projects
WaterWatch of Oregon	EJC Consultation; Staff Report: APF Needs Assessment; Agency Program Fund Pre-Proposal package; Strategic Priorities; Monsanto Settlement Agreement
Theodore Roosevelt Conservation Partnership	Strategic Priorities; definitions



## The Confederated Tribes of the Grand Ronde Community of Oregon

Natural Resources Department  
Phone (503) 879-2424  
Fax (503) 879-5622

47010 SW Hebo Road  
Grand Ronde, OR 97347

April 21, 2026

To:

Geoff Huntington, Natural Resources Office of Governor Tina Kotek  
Chuck Sam, Co-Chair, Oregon Environmental Restoration Council  
Michael Dembrow, Co-Chair, Oregon Environmental Restoration Council

cc:

Nicole Maness, Oregon Environmental Restoration Program Manager  
Claire Lanasse, Oregon Environmental Restoration Program Council Liaison

I am writing to express my strong support for the Kellogg Creek Restoration & Community Enhancement Project. In this current process for initial allocation of funding from the Agency Fund of the Oregon Environmental Restoration Fund that is occurring currently, I urge the Governor's Office

Kellogg Dam is the #1 Priority Fish Passage Barrier in Oregon owned by ODOT. The removal of Kellogg Dam and restoration of Kellogg Creek listed Endangered and Threatened Species and culturally significant species to the Confederated Tribes of Grand Ronde including Pacific lamprey, winter steelhead, Coho salmon, cutthroat trout, and Chinook Salmon. The removal of Kellogg Dam will open 17 miles of quality spawning and rearing habitat and allow access to the full Kellogg and Mt. Scott watersheds. The benefits of this project to ESA-listed and culturally significant species are important to the watershed and people that call this land sacred. Kellogg Dam is located within the Ceded Lands of the Confederated Tribes of the Grand Ronde and removal will provide important habitat that has not been used since the dam's construction in 1848.

The Kellogg Project advances restoration, water quality, and public health objectives as defined by the terms of the Monsanto Settlement Agreement. The 14-acre impoundment is currently wide and shallow, increasing water temperatures and causing the growth of harmful algae blooms that are a risk to human health. The sediments behind the dam have are contaminated with a variety of contaminants including PCBs and pesticides directly linked to the settlement. The Project will remove or cap these contaminated sediments. The restoration plan will enhance fish and wildlife habitat by turning the stagnant backwater impoundment into a natural free-flowing stream, reducing water temperature, creating off-channel refuge areas, reconnecting the creek with the floodplain, adding large wood for habitat complexity, and planting riparian species – all of which are critical for recovery of five threatened and endangered fish species in the watershed.

The Confederated Tribes of the Grand Ronde site on the Technical Advisory Committee and are committed to assisting this ecologically important project which will benefit species such as salmonids and lamprey which are culturally significant to the Confederated Tribes of Grand Ronde. Just this past Saturday, we also celebrated the placement of the First Fish Heron Sculptures with the City of Milwaukie on the Willamette River in Milwaukie Bay Park, the site of Kellogg Dam.

The support of the OEF is vital in this window of opportunity. The design is fully funded and will be at permit-level this summer/fall. The remaining need is construction funding. Metro has committed \$10M. An application

for an anticipated NOFO (Spring 2026) to FHWA Culvert Aquatic Organism Passage, is imminent; Culvert AOP is anticipated to disburse \$800M. OEF support will allow the project to request more federal funds by increasing the nonfederal match, allowing the project to move to construction sooner (2028-29) and at lower cost. While future opportunities may exist via the OEF, the time to act is now to maximize this window of opportunity and complete a once-in-a-generation project.

Sincerely,



Kelly Dirksen  
Fish and Wildlife Program Manager  
Confederated Tribes of Grand Ronde



**Date:** May 1, 2026

**To:** Oregon Environmental Restoration Council

**Re:** Public Comment & Feedback

**Submitted via email attachment to:** Clare.K.Lanusse@OWEB.oregon.gov

We were recently made aware of the creation of the Oregon Environmental Restoration Council and the found to be administered by the Oregon Watershed Enhancement Board over many years to come. While it seems that the process of fund allocation and priorities are yet to be fully finalized, we wanted to voice our support for the general framework that you have outlined, being:

- TRIBAL NATION NATURAL RESOURCE PROGRAM FUND: 25% of the biennial disbursement dedicated to the 9 federally recognized tribal nations in the state of Oregon to invest in their stewardship of natural resources.
- STATE AGENCY PROGRAM FUND: 50% of the biennial disbursement dedicated to support the work of state agencies whose mission has a nexus with the settlement terms.
- COMMUNITY IMPACT FUND: 25% of the biennial disbursement dedicated for a grant program will support projects and programs that directly benefit impacted communities.

While you are finalizing the scope and criteria for these funds, we would be honored to share with you the model of the ongoing environmental remediation and restoration project we are carrying out at Parrott Creek Child & Family Services on an 80 acre parcel of land we call k<sup>h</sup>anumakwst chaku-lush (Healing together/Become Well together) in Chinook Wawa. A snippet of what this combined community healing and environmental healing project can be found in these two sections of our website which I encourage you to review.

- Cultural Ecology: <https://pcreek.org/cultural-ecology-project/>
- Vision of Care: <https://pcreek.org/bright-futures-campaign/>

We would welcome the opportunity of speaking before the Council as part of its learning process in the development of vision and process to heal our landscapes and our communities.

Thank you,

A handwritten signature in black ink, appearing to read "SIMON FULFORD", with a stylized flourish underneath.

Simon Fulford, Executive Director  
[sfulford@pcreek.org](mailto:sfulford@pcreek.org)  
(971) 280-6793



**Oregon Zoo**  
Together for Wildlife

4001 SW Canyon Road  
Portland, OR 97221  
503.226.1561  
[oregonzoo.org](http://oregonzoo.org)

May 1, 2026

Oregon Environmental Restoration Council  
Via email to [clare.k.lanusse@oweb.oregon.gov](mailto:clare.k.lanusse@oweb.oregon.gov)

Re: Metro input for the Oregon Environmental Restoration Council Meeting, May 6, 2026

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

Metro serves nearly 1.7 million people across 24 cities and three counties, and our work is grounded in a simple truth: environmental health and human health are inseparable.

Through Metro Parks and Nature, we steward more than 19,000 acres of natural areas, restoring habitats for the wildlife and people that depend on them. At the Oregon Zoo, we've spent nearly three decades recovering imperiled species alongside state and federal partners, while connecting millions of people to the natural world. This work is not peripheral to human wellbeing. It is foundational to it.

PCBs illustrate why. These persistent pollutants move through the soil, water and food web, slowing species recovery and elevating health risks, particularly in historically marginalized communities. At Whitaker Ponds Natural Area, Metro has partnered to remove PCBs and restore an urban wetland that now serves as a conservation classroom for BIPOC youth and families through the People of Color Outdoors Guardians program. Healthy environments and equitable access go hand in hand.

The Oregon Environmental Restoration Fund is a rare opportunity to scale this work at a moment when it matters most. While Oregon's general fund is necessarily focused on core services like education, healthcare, and housing, environmental restoration has historically been underfunded despite its essential role in supporting communities. Contaminated waterways, degraded habitat, and climate stress are not separate from public health costs. They drive them.

Strategic OERF investment can accelerate habitat restoration priorities already identified in the State Wildlife Action Plan, expand existing grant programs, and empower trusted on-the-ground partners and community organizations to deliver lasting results. Metro stands ready to collaborate. We urge the Council to seize this opportunity for our ecosystems and for the communities whose health depends on them.

Sincerely,

Hayley Brazier, Ph.D.  
Wildlife Conservation Specialist, Oregon Zoo



Western  
Environmental  
Law Center



Oregon Environmental Restoration Council

May 4, 2025

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

We are writing on behalf of Defenders of Wildlife, Oregon Wild, and the Western Environmental Law Center. Collectively, we are all members of the Oregon Wildlife Coalition, a network of wildlife conservation groups working proactively and collaboratively to advocate for policies that are science-based and humane, and reflect the state's conservation values<sup>1</sup>. We are writing to provide recommendations to the Environmental Restoration Council ("Council") on questions pertaining to the ongoing Strategic Planning process and the Agency Program Fund's ("APF") project pre-proposal.

### I. Recommendations on the Strategic Priorities Framework

We appreciate the Council sharing the list of clarifying questions in the Staff Report as its members engage in the process of determining strategic priorities. Section 9 of the implementing legislation requires the Council to establish strategic priorities for the APF and Council staff.<sup>2</sup> We understand that the OERC is prioritizing short-term projects for the first round of funding; however, for future project funding based on the strategic priorities, we wanted to draw attention to the legislation's language, specifically Section 10(3) which states "*To facilitate program outcomes and continuity, moneys in the fund may be committed for funding state agency projects or programs for multiple biennia.*"<sup>3</sup> This is critical to achieve long-term recovery goals for state agencies, especially for investments in the recovery and restoration of species and habitats.

For the following questions posed on Strategic Priorities Staff Report,<sup>4</sup> we recommend that the Council do the following:

**Question 6 in Purposes of the OERF:** Should OERF investments address specific contaminants / pollutants OR should any/all contaminants/pollutants be addressed with OERF investments?

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<sup>1</sup> OREGON WILDLIFE COALITION, <https://www.oregonwildlifecoalition.com/>

<sup>2</sup> *Agency Program Fund; Needs Assessment; Staff Report*, OREGON ENVIRONMENTAL RESTORATION COUNCIL 4 (May 6, 2026), <https://oregonerf.org/wp-content/uploads/2026/04/2026-05-salem-apf-staff-report.pdf>.

<sup>3</sup> Senate Bill 1561 (2024), <https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB1561/Enrolled>

<sup>4</sup> *Strategic Priorities; Staff Report*, OREGON ENVIRONMENTAL RESTORATION COUNCIL (May 6, 2026) <https://oregonerf.org/wp-content/uploads/2026/04/2026-05-salem-item-5-staff-report.pdf>.

- We recommend the Council select (Option 1) “*Specific contaminants, pollutants, or environmental harms should be prioritized with OERF investments*” with the clarification that the specificity around contaminants/pollutants we understand here is that the environmental remediation or restitutionary projects need to have 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.”<sup>5</sup> We recommend the Council support projects to remediate or address the harms identified herein and contaminants tied to projects of this type.

**Question 7 in Purposes of the OERF:** How do you think OERF investments should be used to address PCBs?

- We recommend the Council select (Option 2) “*Addressing harms caused by PCBs should not be considered differently than other contaminants or pollutants and should not be prioritized differently than other contaminants through investments*” because PCBs are not the sole pollutant “impairing waterways, sediments or soil or requiring the restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitat.”<sup>6</sup> We think that by taking this broader approach, the Council will be able to support projects that accomplish greater outcomes than those narrowly focused on PCBs.

**Question 8 in Purposes of the OERF:** How should OERF investments weigh environmental and human health benefits?

- We recommend the Council select (Option 3) “*Human health benefits should be an optional consideration for projects. The primary outcomes should be environmental benefits and human health benefits should not be a requirement for funding consideration.*” For APF, the mission and jurisdictional authority of a state agency will largely determine the overlap with human harm/health, hence it should not be a primary focus or a funding requirement. The “Disproportionately Impacted Community Fund” (CIF) is better suited to support projects focused primarily on human health benefits. Option 3 better reflects the terms of the settlement agreement, its focus on environmental remediation or restitutionary projects, and the examples of projects provided in Section 18 of the Settlement.

## II. Project Pre-Proposals

We appreciate the information about the list of projects submitted by agencies for consideration. While Appendix B lists projects that were not forwarded to the Council for consideration, it would be helpful and informative for the public to see the full details of those projects.

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<sup>5</sup> Section 18, Oregon v. Monsanto Settlement Agreement (Dec. 15, 2022), [https://oregonerf.org/wp-content/uploads/2025/10/2025-10-background\\_staff-reports\\_reference-docs.pdf](https://oregonerf.org/wp-content/uploads/2025/10/2025-10-background_staff-reports_reference-docs.pdf).

<sup>6</sup> Section 18, Oregon v. Monsanto Settlement Agreement (Dec. 15, 2022), [https://oregonerf.org/wp-content/uploads/2025/10/2025-10-background\\_staff-reports\\_reference-docs.pdf](https://oregonerf.org/wp-content/uploads/2025/10/2025-10-background_staff-reports_reference-docs.pdf).

The proposed projects have been grouped into five distinct categories. In line with our response to Question 8 above, and maintaining our position that the APF should have a strong nexus with the settlement terms, we urge the Council to prioritize funding projects in the following categories

- Clean-up, remediation or redevelopment,
- Remediation of impaired waterbodies
- Habitat/landscape restoration
- Improved environmental protection/resource management

The current available \$30 million can easily fund all projects in the current list that are in these categories and could potentially allow scaling up of some of these projects.

From the list of projects submitted to the OERC, the following are particularly important, urgent and necessary projects dealing with priority issues related to the Settlement terms:

- ODFW's project "***Charting a future for Cleaner Water: Contaminant mitigation and habitat restoration in priority watersheds***" (\$4.5 million)
- ODFW's project "***From Assessment to Action: turning the tide on contaminants to restore Oregon's Aquatic Species and Habitats***" (\$5 million)
- ODOT's project "***Research data and planning tools to prepare for the emerging tire contaminant 6PPD-quinone (6PPD-q)***" (\$1.9 million)
- ODA's project "***Agricultural Water Quality Restoration Partnership***" (\$500,000)

In supporting these projects, we believe the Council will achieve the goal of "[establishing] a great narrative about the Fund and this Council" as identified in the APF portion of the March 18 Council meeting.<sup>7</sup>

## Conclusion

We close our comments by directing the Council's attention back to why Monsanto agreed to the settlement - because of generational harm to our environment, and fish and wildlife habitats. We therefore urge the Council to honor the terms of the Settlement through the projects it chooses to fund as well as by incorporating the purpose of the Settlement in the strategic priorities. As identified by the Settlement and the implementing legislation, the central purpose of the Environmental Restoration Fund ("Fund") is to fund environmental remediation or restitutionary projects having a nexus with harm to air, water, soil or natural resources - to include protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats.

The environmental purpose of the Fund is reflected in the language of the Settlement's implementing legislation, which repeatedly states its aim to manage the Environmental Restoration Fund in a manner "consistent with the terms of the Monsanto Settlement

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<sup>7</sup>*Council Meeting*, OREGON ENVIRONMENTAL RESTORATION FUND 30 (March 18, 2026) <https://oregonerf.org/wp-content/uploads/2026/03/2026-03-salem-slide-deck.pdf>.

Agreement” and that “allocations to state agencies that have a nexus with the projects and purposes described in the [Settlement] from the [APF]”<sup>8</sup>

Thank you for the opportunity to submit comments on the strategic framework process and projects for this “once-in-a-generation opportunity for Oregon.”<sup>9</sup> We look forward to working with the Council to improve the health of Oregon’s environment and the natural communities that depend on them.

Sincerely,

Sristi Kamal, Ph.D.  
Deputy Director  
Western Environmental Law Center

Danielle Moser  
Wildlife Program Manager  
Oregon Wild

Colin Reynolds  
Senior Advisor, Northwest Program  
Defenders of Wildlife

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<sup>8</sup> Senate Bill 1561 (2024), <https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB1561/Enrolled> (Emphasis Added).

<sup>9</sup> OREGON ENVIRONMENTAL RESTORATION FUND, <https://oregonerf.org/>



May 6, 2026

To: Oregon Environmental Restoration Council  
Re: DEQ Funding Pre-Proposal: Address Groundwater Contamination from Failing Septic Systems

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

Thank you for the opportunity to provide public comment on the Agency Funding Pre-Proposals. Craft3 is a nonprofit lender serving Oregon and Washington that provides loans to individuals and businesses without access to the traditional banking sector. We are excited by this effort by the Council, in partnership with the Governor and natural resources agencies, to quickly deploy funds to state agencies for critical needs.

Since 2016, Craft3 has partnered with the Department of Environmental Quality (DEQ) to provide financial assistance for septic tank repair or replacement to over 500 households, through a revolving loan fund. State and federal funds have supported the program, allowing DEQ and Craft3 to provide homeowners with affordable loans and, for those with the most need, with grants totaling nearly \$12 million. These loans and grants offset or cover the entire cost of their septic repair and replacement.

Unfortunately, as of March 31 of this year, this program shut down due to lack of funding. While DEQ and Craft3 continue to look for new sources of funding, the path is uncertain, and in the meantime, we know that septic failures continue.

Septic repairs are often urgent, unexpected, and costly. Imagine the impact on the physical, emotional, and financial well-being of homeowners across the state dealing with the breakdown of something so fundamental to the health and safety of their families. This can be an uncomfortable topic, but I hope you can join me in thinking about and prioritizing the importance of basic infrastructure to our daily quality of life.

Funding the Clean Water Loan program as proposed by DEQ and the Governor's Office will allow the program to restart and will:

- **Assess damage and restoration:** Septic funding programs include required site evaluations by county inspectors to determine local conditions including high water tables, damage from natural disasters, and proximity to surface and groundwater resources.
- **Cleanup contaminated sites and remediate impaired water and soil:** In areas of known groundwater impairment, septic systems can contribute to nitrate and other pollution. Replacing aging and failing systems with modern systems for long-term treatment of wastewater directly contributes to cleaner water.



- **Improve Water Quality and protect public health:** Failing septic systems contaminate ground and surface waters with nitrates, pharmaceuticals and potentially PFAS pollutants. They also cause a public health concern when sewage backs up into household plumbing or surfaces at ground level. Exposure to high nitrate levels in drinking water can have serious health effects, including Methemoglobinemia (blue-baby syndrome).
- **Address a significant and widespread contamination problem:** Septic failures will be addressed through immediate implementation and targeted resources for communities with demonstrated need.
- **Advance EO 25-26 and the Lower Umatilla Basin Groundwater Management Area Nitrate Reduction Plan:** Septic repair and replacement is identified in the Nitrate Reduction Plan as part of the state's efforts to address issues in the Lower Umatilla Basin Groundwater Management area.

Craft3 values our partnership with the State of Oregon, and we are eager to restart our work with DEQ to assist homeowners with septic repair and replacement.

Thank you for your consideration.

Sincerely,

*Tawny Reader*

Tawny Reader  
Director of Consumer Lending  
Craft3



**Cassie Cohen**, Executive Director  
[cassie@phccoalition.org](mailto:cassie@phccoalition.org)  
503-816-4342  
[www.phccoalition.org](http://www.phccoalition.org)

Dear OERC Council and Staff:

Portland Harbor Community Coalition was founded in 2012, as a collective centering communities that are disproportionately impacted by exposures to toxins in decision-making actions that address harms and secure community benefits, including a safer, healthier river and riverfront for future generations. Our geographic focus is on the Portland Harbor Superfund Site (PHSS), the most complex site in the state, scheduled to begin a 13 year cleanup in 2028.

Extensive testing in the area has found 29 different toxic compounds that pose a risk to human health and 89 compounds that pose a risk to ecological health. These contaminants include but are not limited to PCBs, DDT, PAHs, lead, arsenic, mercury, and other heavy metals. More than 140 responsible parties (RPs) including businesses and public agencies such as the Port of Portland, the City of Portland, State of Oregon, and the U.S. Military have been identified as responsible for this pollution. The contamination poses risks to human health, particularly from the consumption of fish such as bass, catfish, carp, and sculpin which spend their lives in the river. The Superfund Site also presents risks and impacts to ecological health and wildlife populations within this area and the broader region.

For this reason, PHCC has been well aware of the Monsanto settlement for the State of Oregon. We were encouraged by the passing of Senate Bill 1650 to create the legal framework and decision-making structure for the implementation of the bill and ethical utilization of the settlement funds.

We were grateful to have been tapped for an interview with Nicole Maness last year, prior to the full appointment of the OERC. However, we wish that we had been kept in the communication loop about the launch of the OERC, and all of its meetings. We would not have learned of this public comment period had it not been for a DEQ staff that alerted us.

We would appreciate responses to the following questions:

1. *How is the Governor's initiated strategic priorities process aligning with the timeline of the OERC to establish its own decision-making structure and guidelines? We are concerned that these strategic priorities are circumventing the OERC process.*
2. *How will OERC be accountable to environmental justice communities and lands therein that have been disproportionately impacted by PCB contamination from Monsanto?*

The most important feedback we have for OERC and the Governor and her team is that the Council must set clear criteria that prioritizes funds going to communities and Tribes whose health and/or environment have been harmed by PCB contamination. We also believe that funds should also be able to go towards acquisition of land to be held in perpetuity for native habitat restoration and maintenance overtime. PHSS has several upland sites that border the

Lower Willamette River that are frozen due to the superfund site not being remediated yet. We are well aware, that post cleanup, the land along the river that is underutilized, foreclosed and up for auction, or up for sale, will become highly profitable and fall prey to the marketplace. All endangered species in the Willamette River suffer because of the 10 mile stretch of heavy industrialization devoid of habitat resting and cooling areas. Opportunity sites already exist, to create a string of native habitat that could begin to restore balance to an area overburdened by 100 plus years of profit-driven, exploitation of land and workforce. It would be a huge opportunity lost to not fill the gap of acquisition and maintenance costs to secure huge swaths of land along the east side of the lower Willamette.

If given the opportunity, we would love to present on the specific opportunity sites, and invite agencies to join such as the US EPA region 10 and sovereigns from regional tribes as Yakama Nation fisheries staff.

We ask that all of the entities who participated in the initial round of interviews and consultations will be included in all future communications related to OERC and decision-making related to the Monsanto settlement funds. We also would like to see all proposals already submitted by state agency contacts to OERC, whether they are approved to move forward or not. This settlement fund requires the utmost level of transparency and accountability.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Cassie L. Cohen".

Cassie L. Cohen, Executive Director  
Portland Harbor Community Coalition



May 4, 2026

To: Oregon Environmental Restoration Fund Council  
Re: Agency Funding Pre-Proposal

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Dear Co-Chairs Sams and Dembrow and members of the Oregon Environmental Restoration Fund Council,

The Oregon Association of Conservation Districts (OACD) represents Oregon's 45 Soil and Water Conservation Districts, special districts governed by elected boards. The Districts protect and enhance soil quality, water quality and quantity, and habitat by providing technical services and supporting voluntary conservation in partnership with private landowners and managers, and with federal, state and nonprofit partners.

We are thankful to the Council for this opportunity to provide comments on the Agency Funding Pre-Proposal.

OACD firmly believes in the urgency of getting OERF agency funds on-the-ground as quickly as possible. Since the Council has yet to develop the strategic priorities for the fund, OACD strongly urges the Council to focus this initial funding on "pilot projects" so as not to set precedents nor commitments for future use of the fund. We suggest that this funding round focus on either discreet projects or projects that can be evaluated and repeated/continued if successful.

The Pre-Proposal includes a lot of excellent projects, both those proposed in Appendix A and those listed but not proposed in Appendix B.

In our March comments on strategic priorities, OACD urged the inclusion of soil health in the strategic priorities. Focusing on that leads us to strongly support the following projects:

- *ODFW Charting a future for Cleaner Water: Contaminant Mitigation and Habitat Restoration in Priority Watersheds*
- *ODA Pesticide Applicator Training Modernization*

Additionally, two other Appendix A projects have potential soil health benefits:

- *DOGAMI Enhanced Reclamation of Mine Sites*
- *DEQ/OHA Priority Borwonfields Initiative*

One project in Appendix B would also have strong soil health benefits and we urge funding for this project:

- *ODA Native Ecosystem Resilience, Invasive Species Prevention*

OACD is also very supportive of projects that improve water quality in ecosystems and habitats, particularly adjacent to agricultural land. There was one included project (Appendix A) and one not included (Appendix B) that fall into this category of projects OACD strongly supports:

- *ODA Agricultural Water Quality Restoration Partnership* (included, may have soil health benefits as well)
- *DEQ Enhanced DEQ Nonpoint Source Watershed Restoration Grant Program* (not included, and may have soil health benefits as well).

While, as we stated, there are many excellent projects, these seven (7) fall into the category of “pilot projects,” address our proposed strategic priority of soil health, and we urge the Council for provide for these early projects.

Thank you for the opportunity to provide these comments to the Council.

A handwritten signature in black ink, appearing to be 'A. Kreiner', with a long, sweeping horizontal line extending to the right.

Andrea Kreiner, Executive Director  
Oregon Association of Conservation Districts  
[Andrea.Kreiner@OACD.org](mailto:Andrea.Kreiner@OACD.org)



## Hood River Soil & Water

CONSERVATION DISTRICT  
3007 Experiment Station Dr.  
Hood River, OR 97031  
541-386-4588

Members of the Environmental Restoration Council,

My name is Kris Schaedel and I am writing on behalf of the Hood River Soil & Water Conservation District in strong support and encouragement for the council to consider the request from the Oregon Department of Agriculture to receive funding for their Pesticide Applicator Training Modernization efforts.

Our current pesticide applicator testing and licensing system is problematic and deeply disparate, adversely impacting Spanish speaking pesticide applicators. The proposed efforts would focus on making essential pesticide information available to Spanish-speaking pesticide applicators and improve both the access and pass rates of the Spanish language pesticide applicator license exams.

Spanish language pesticide education and applicator licensing have been central to my work in Hood River County with the tree fruit industry for almost a decade. The Oregon Department of Agriculture, Washington State Department of Agriculture, and Oregon State University, among others, have been core partners in this work. We have served thousands of people in the Spanish language through our programming over the years. We have served people of the Mid-Columbia region as well as people from over 35 different locations across the state, from Medford to Milton Free-Water and everywhere in-between.

Our programming has drawn people, not just from the tree fruit industry, but from Oregon's seed industry, nurseries, Christmas trees, berries, cannabis, hazelnuts, vineyards, hops, wheat, labor contractors, noxious weeds, landscape, and forestry; industries that make up the top commodities of Oregon's agricultural industry. People attending the trainings and events are farm owners, operators, foreman, crew leads and employees of essential businesses and services throughout Oregon.

Through these efforts, and our engagement with the state's Spanish speaking pesticide applicators and agricultural workforce, we have become aware of the significant and unmet demand for Spanish-speaking pesticide applicators to have access to education and to be able to fairly and reasonably obtain their pesticide applicator licenses in the state of Oregon.

The effort proposed by the Oregon Department of Agriculture are essential steps to serve Spanish-speaking pesticide applicators across industries and across the state- protecting the health and safety of pesticide applicators, supporting agriculture and the workforce, protecting environmental quality, and preventing harm. It is exactly in the spirit of the settlement.

As agencies working in agriculture and natural resources, we can achieve great things when we have the personnel in place, the work is prioritized, and the resources are allocated to achieve the equity we strive for in Oregon. I formally request that the council allocate the requested resources, so that the work can be achieved and the State can build an equitable and fair system.

Thank you for your work on this council and your consideration of allocating these funds to the Oregon Department of Agriculture for their Pesticide Applicator Training Modernization efforts.

Respectfully,

A handwritten signature in black ink that reads "Kris Schaedel".

Kris Schaedel  
Conservation Program Manager  
Hood River Soil & Water Conservation District



# OREGON HUNTERS ASSOCIATION

Protecting Oregon's Wildlife, Habitat and Hunting Heritage

P.O. Box 1706, Medford, OR 97501 • (541) 772-7313

[oha@oregonhunters.org](mailto:oha@oregonhunters.org) • [oregonhunters.org](http://oregonhunters.org)

May 4, 2026

Oregon Environmental Restoration Council  
c/o Clare Lanusse, OWEB

Co-Chairs Sams and Dembrow, Vice-Chair Holliday, and members of the Council,

The Oregon Hunters Association (OHA) is the largest hunter-led conservation organization with over 12,000 members in 26 chapters across the state. OHA's mission is 'to protect Oregon's wildlife, habitat and hunting heritage' and we strongly support science-based wildlife management.

In 2024, OHA engaged on SB 1561 to establish the Oregon Environmental Restoration Council (OERC) and ensure the historic settlement against Monsanto remained focused on the impacts to, and restoration of, Oregon's wildlife, fish, water, and land.

Identifying the OERC's strategic priorities is listed on the March 18, 2026 agenda as one of the items for discussion. OHA strongly encourages the Council to focus on the settlement language when determining the strategic priorities. The settlement language expressly identified the intended focus on impacts to wildlife, fish, land and water. While human population benefits are an expected outcome from these actions, OHA recommends the Council sets its strategic priorities based on the primary work of restoration, remediation, and conservation of wildlife, fish, land and water.

In setting strategic priorities for the State Agency Program Fund, OHA urges the Council to acknowledge, and give the appropriate weight to, the agencies' input regarding identified priorities for issues under their jurisdiction and control. Agencies, such as Oregon Department of Fish and Wildlife, have identified specific areas of need, as well as projects that offer the most expedient use of fund dollars for wildlife, fish, and habitat benefits. This information should be used to guide the priorities for the State Agency Program Fund for the most beneficial outcomes that align with the settlement intent.

OHA will continue to monitor the process of establishing the strategic priorities to guide the OERC and the disbursement of the historic Monsanto settlement. We appreciate the service of the Council members and look forward to future engagement opportunities.

Thank you,  
Amy Patrick  
On behalf of Oregon Hunters Association



**James Fraser**

Oregon Policy Director, [james.fraser@tu.org](mailto:james.fraser@tu.org), (971) 278-8085

May 4, 2026

Oregon Environmental Restoration Council  
Via email to [clare.k.lanusse@oweb.oregon.gov](mailto:clare.k.lanusse@oweb.oregon.gov)

**Re: Trout Unlimited input for 5th Meeting of the Oregon Environmental Restoration Council  
(Distilling Guidance from Settlement Agreement, Input on Definitions and Interim Funding)**

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 continue to participate in the program's formation and Council meetings because we see tremendous opportunities for the Fund to improve Oregon's natural resources and environment.

**In this letter, we endeavor to distill guidance from the settlement agreement on strategic priorities (section I), then provide input on the process for defining key terms (section II) and the proposed interim distribution to state agencies (section III).**

**I. Distilling Guidance from the Settlement Agreement: An Exercise in Improving Readability**

As TU has testified in the past and the Oregon Department of Justice (DOJ) described in the March Council meeting, Section 18 of the settlement controls on the question of the Fund's purpose. Section 18 is also dense reading; it comprises 199 words in two sentences.

Below, we have attempted to improve readability of the settlement language in hopes of discerning direction on strategic priorities (and guidelines for the interim distribution). That's organized in three parts below: (A) Settlement section 18 with *only* formatting added and key language emphasized, but no new words added, (B) a list of 6 potential priorities taken directly from that formatted paragraph, and (C) a basic "theory of change" structure based on those exercises, setting forth a draft goal, objectives, and priority actions for the program.

**A. Settlement section 18 (with only formatting added, and key language emphasized, for readability)**

"... the Settlement Funds will be used for:

1. environmental remediation or restitutionary projects, or environmental remediation or restitutionary purposes
2. 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)
3. 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

1. **will** consist of projects having a nexus or connection with:
  - a) brownfields remediation or redevelopment,
  - b) environmental or natural resource damage assessment or restoration,
  - c) improvements to air and water quality,
  - d) cleanup of contaminated sites,
  - e) remediation of impaired waterbodies, sediments, or soil, or
  - f) restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but
2. **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.”

**B. Potential Strategic Priorities (or Guidelines for Interim Distribution to State Agencies (taken directly from above))**

1. Brownfields remediation or redevelopment
2. Environmental or natural resource damage assessment or restoration
3. Improvements to air and water quality
4. Cleanup of contaminated sites
5. Remediation of impaired waterbodies, sediments, or soil
6. Restoration or Protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats

**C. Theory of Change: Goal / Objectives / Actions (based on above, with some slight adjustments to language)**

1. The Program’s goal
  - a. is to remediate and retribute Oregon’s environment
2. With the objectives
  - a. to restore, maintain and enhance the quality of Oregon’s air
  - b. to restore, maintain and enhance the quality of Oregon’s land
  - c. to restore, maintain and enhance the quality of Oregon’s water
  - d. to restore, maintain and enhance the quality of other natural resources

3. By *focusing* on the following actions or priorities:
  - a. Remediating or redeveloping brownfields
  - b. Assessing and restoring environmental or natural resource damage
  - c. Improving air and water quality
  - d. Cleaning up contaminated sites
  - e. Remediating impaired waterbodies, sediments, or soil
  - f. Restoring and Protecting wildlife and wildlife habitats (including fish, aquatic life, marine mammal, or bird habitats)

We hope that this information and styling of the settlement contents is useful to the Council. By creating space and breathing room between the clauses and portions of the settlement's section 18, we find that there's good deal of guidance for the Council's next steps in establishing strategic priorities, providing direction to state agencies for the interim distribution, and reviewing projects recommended for interim distribution funding.

II. **The Settlement provides essential context for key terms, and the Council should apply the plain meaning of terminology in it.**

In our view, the settlement provides most of the necessary context and definition for key terms. During the March meeting, the Council discussed the idea of coming up with definitions for terminology such as "remediation" and "restitution" and "harm" because those words are not expressly defined terms in the settlement agreement or SB 1561 (2024). We recognize that statutes sometimes define words like this, but unlike many statutes, SB 1561 has the settlement agreement with a long backstory of litigation to provide important context.

Section 18 of the settlement gives six clear categories of work that qualify as "remediation or restitutionary" as shown above in section I. The language in those categories include the following verbs and descriptors: "assessment," "cleanup," "remediation," "restoring" and "restoration," "enhancing," "improvements," "redevelopment," "maintaining," and "protection." These capture the full range of activities that many people would consider remediation or restitution in the environmental or natural resources space: from evaluating and fixing a degraded condition, to sustaining and protecting a functioning or high-value resource.

If the Council crafts definitions for terms in the settlement or SB 1561, we encourage the Council to rely upon the plain meaning of the terms within the context of those documents. Oregon courts typically rely upon the *Webster's Third New Int'l Dictionary (unabridged ed 2002)* for the plain meaning of a word.<sup>1</sup> To the extent the Council relies upon dictionaries in interpreting words in the settlement or SB 1561, we recommend looking at that same source.

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<sup>1</sup> See Oregon Appellate Courts, Style Manual (Updated 2023) at p. 66 ("For questions regarding spelling, word usage, or proper hyphenation when dividing words, the appellate courts adopted Webster's, in 1993, as the official dictionary.") (available at: <https://www.courts.oregon.gov/publications/Documents/UpdatedStyleManual2002.pdf>).

Relatedly, TU recommends limiting the exercise of divining definitions for key terms by looking at: ORS chapters outside this program’s laws (i.e., ORS 541.857-ORS 541.882), statutes from other states, federal law, or other programs. The best guidance on the meaning of words like “remediation” or “restitutionary” for *this program* comes from the plain meaning of those words in *Webster’s Third* within the context of the settlement and the eligible purposes contemplated in it.

**III. TU’s Input on Interim Distribution**

TU continues to support the notion of making an interim distribution, and we support many of the projects described in the April 27<sup>th</sup> memo and related Appendix A. In our view, this first tranche of funding to the state agencies should focus on the core set of actions or priorities described in the settlement (and separated into 6 categories above in section I).

We strongly support quite a few of the projects recommended for funding, especially including:

- Both the DEQ/OHA “Brownfields” and DOGAMI “Reclamation of Mine Sites” projects in the “Site Clean-up, Remediation, and Redevelopment” category (totaling \$7 million)
- The ODA “Agricultural Water Quality Restoration” project in the “Remediation of Impaired Water Bodies category (totaling \$500K)
- Both the ODFW “Charting a Future for Cleaner Water” and “Assessment to Action” projects in the “Habitat/Landscape Restoration” category (totaling \$9.5 million)
- The ODOT “Emerging tire contaminant 6PPD-quinone” project in the “Improved Environmental Protection/Resources Management” category (totaling \$1.9 million)

TU also respectfully offers a couple points of constructive criticism on the categories and projects list:

1. The “Reducing human exposure to contaminants” category is the only category that is not elaborated in section 18 of the settlement. We also note that it is slated to receive more funding than any other category. TU submits that the “human exposure” category could be adjusted so that it is less human-focused (potentially, altering the qualifying project list) and re-oriented to reducing exposure for people, wildlife, and fish.
2. TU recommends providing more than \$500K to the “Remediation of impaired waterbodies” category. We greatly appreciate and support the ODA project currently recommended for funding there. However, the proposed funding list would provide *20x* the amount for the “Reducing human exposure to contaminants” category than the “Remediation of impaired waterbodies” category. We urge the Council to balance or adjust this so that there’s more funding for the critical and time-sensitive need of remediating impaired waterbodies in Oregon (to benefit fish, wildlife, and people).

**Conclusion**

Thank you for considering our comments. We recognize that this is a lot of input to transmit in one letter, and we appreciate the opportunity to provide it. Please let me know if you have any questions.

Sincerely,

James Fraser, Oregon Policy Director, Trout Unlimited, [james.fraser@tu.org](mailto:james.fraser@tu.org)



## WaterWatch of Oregon Protecting Natural Flows In Oregon Rivers

May 4, 2026

Oregon Environmental Restoration Fund Council  
Via email to [claire.k.lanusse@OWEB.oregon.gov](mailto:claire.k.lanusse@OWEB.oregon.gov)

### **Re: Public Comment, May 6<sup>th</sup> Oregon Environmental Restoration Fund Council Meeting**

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

WaterWatch of Oregon is a nonprofit river conservation group that works to protect water in Oregon's rivers, streams, wetlands and aquifers for the fish, wildlife and people who depend upon them. We appreciate this opportunity to comment.

We offer the following comments on meeting materials posted for the May 6<sup>th</sup> Oregon Environmental Restoration Council (ERC) meeting. The comments are in addition to WaterWatch's comments that were submitted for the March 2026 meeting, the contents of which are still relevant to ongoing discussions. Comments are offered in order of the meeting material appearance on the Oregon Environmental Restoration Council website.

#### **OERF Manager's Report:**

- **Consultation with the Environmental Justice Council (EJC):** As noted, SB 1561 Section 9 directs the Council to establish strategic priorities for the Agency Program Fund and the Disproportionally Impacted Community Fund in consultation with agencies (identified in Section 6(1)) and the EJC. That said, as noted in our March 2026 comments, in our view, because only two of the three Monsanto Settlement Agreement funds are subject to strategic priorities, combined with the fact that the statute directs very different types of funding under each distinct fund, the statute could be read to direct distinct strategic priorities for each of these two funds, with consultation directed to the agencies for the Agency Program Fund and the EJC for the Disproportionally Impacted Community Fund.

That said, from the materials presented in the Manager's Report, it appears that the ERC has taken the position that the EJC must be consulted on the strategic priorities for the State Agency Fund. We do not think that this interpretation aligns with the distinct statutory differences between the two funds. We would urge reconsideration of the ERC's position. That said, if the ERC takes the position that the strategic priorities for the State Agency Program Fund are subject to consultation with EJC, then for consistency in statutory application, the ERC must also consult with the Section 6(1) agencies on the strategic priorities not only for the Agency Program Fund, but also for the Disproportionally Impacted Community Fund. In other words, under the statutory interpretation the ERC is adopting, the ERC needs to apply the same process to both the agencies and the EJC.

We note this here because the Manager's Report notes that the ERC is working with the EJC as to a shared definition of what "consultation" between the two Council's means. Under the statutory interpretation that EJC appears to be using to guide the consultation, all agencies that qualify for funding under the OERF must also be part of this discussion. In other words--- consultation must be made up of ERC, EJC and the full spectrum of agencies that are eligible for funding under OERF (not just the agencies that sit on the Council). We did not see mention of consultation with the agencies, or inclusion of them in the discussions of what "consultation" means. The agencies cannot be left out under the Council's choice of application of the statute.

That said, again, as noted in our March 2026 comments, we believe a more common sense approach that will lead to strategic principals that are best aligned with the specific goals of each fund is to do ERC-Agency consultation on strategic principles for the Agency Program Fund, and an ERC-EJC consultation on the strategic principles on the Disproportionally Impacted Community Fund. We would urge reconsideration of the Council's chosen pathway. But again, if you move forward with EJC consultation on the State Agency Program Fund, you must also include all agencies in that consultation, not just those sitting on the Council. And this same full group must consult on the Disproportionally Impacted Communities Fund.

## **Agenda Item 2: Agency Program Staff Report**

- **Project and Program Activities:** Water and Land acquisition for habitat purposes falls squarely within the scope of the Monsanto Settlement. We only mention this because, even though three agencies noted this in their responses, it did not make it into the "bulleted" list but instead was included as somewhat of an afterthought. We would urge the ERC to ensure that these are included in allowable projects/programs of the Agency Fund, as permanent land and water acquisition to protect habitat is some of the most impactful protective work the Agency Program Fund can support.
- **Areas of Opportunities:** As noted in our March 2026 comments, we have significant concerns with suggestions by some Council members to limit expenditures under the State Agency Program Fund in a way that is not directed by the Monsanto Settlement Agreement or SB 1561, including but not limited to: requiring co-benefits, narrowing the protective/restoration scope of the Agency Program Fund to projects/programs that benefit disproportionately impacted communities impacted by pollution, requiring that funded agency projects must be in collaboration with other groups (including timber, ag, local governments), payment of stipends to community groups, etc. While some of these are appropriate for the Disproportionally Impacted Community Fund, as they are directly aligned with that fund's purposes, these themes are not consistent with the state Agency Program Fund directives and, as such, could undercut precisely the type protection/restoration work the Agency Program Fund was set up to achieve. Again, we would urge the Council to develop separate strategic priorities for the two funds and ensure that those individual fund priorities help advance the unique directives for each separate fund.

### **Agenda Item 3 (first document): Interim Allocation Process Agency Program Fund**

- **Support of an interim allocation of State Agency Program Funds:** WaterWatch strongly supports the interim allocation of \$30 million dollars from the Agency Program Fund to state agency programs. Select comments on individual programs noted under Item 3 below, but we just wanted to say from the outset that we urge the Council to move forward with interim State Agency Program disbursements. Pressures on Oregon’s lands and waters and the diverse species they support are only getting worse. The Monsanto Settlement funds provide a unique opportunity to supplement existing agency work, we urge the council to move with urgency.
- **Appendix A, Synthesized feedback from questionnaire sent to OERF Council**

As noted previously, while we appreciate the Council’s work to create the forthcoming Agency Program Fund framework to help guide Monsanto Settlement disbursements, we have serious concerns at the narrow application it appears some Council members are seeking, including the suggested narrowing found in responses to survey questions 1 (alignment to PCB harm) and 2 (co-benefits) and feedback for potential additional Council discussion (including but not limited to: partnerships with local/special governments, projects must mitigate harm caused by chemical pollutants, DOJ interpretations that do not align with the DOJ presentation of March 6, addressing documented harm of the settlement, not allowing funds for general ecological benefit, etc.).

We would urge the Council, instead, to consider some of the categories as set forth by the Governor’s office in the preview package (Item 3, Interim Agency Program Fund Proposal Preview Package, bullets 1, 3, 4, 5). These four are consistent with the Monsanto Settlement Agreement and policy objectives of the enabling legislation.

### **Item 3 (second document): Interim Agency Program Fund Proposal Preview Package**

- **Considerations in the framing of the proposal:** We appreciate and support four of the five Governor’s office’s categories on the bottom of page two namely: site clean-up/remediation, remediation of impaired water bodies, habitat/landscape restoration, and improved environmental protection/resource management. As to the suggested grouping of “reducing human exposure to contaminants”, as written it is not tied directly to environmental remediation/restoration/protection as a means to reduce human exposure to contaminants. Under the Monsanto Settlement Agreement, there must be a tie to the environment. However, this failing could be easily rectified by inserting “and fish and wildlife” after “human”.
- **Appendix A:** We offer the following brief comments on the proposed packages for funding found in Appendix A. These are not the sum total of our comments, rather we are offering themes that we will supplement with more detailed comments via the public comment period outlined in the report.

First, as a sampling of the type of projects that clearly meet the intent and specific directives of the Monsanto Agreement and the Fund’s enabling legislation, we wanted to call attention to the following (with the caveat that there are more that we support than are listed here):

- ODFW Charting a future for Cleaner Water: This program will move forward shovel ready projects in the Santiam, Mid-Willamette, Umpqua, and Rogue Basins that will benefit amphibians, and other at-risk species.
- ODFW from Assessment to Action: Working with CRITFC, ODFW will advance Tribal priorities for Pacific lamprey and freshwater mussel. This includes on the ground restoration for these species.
- OWRD Backflow inspections: We strongly support the portion of this package that supports inspections. As we have seen in the Umatilla basin, absent inspections, historical compliance by irrigators has been very low, which risks human health and ecological integrity of connected surface water flows.
- DEQ and OHA Oregon Priority Brownfields Initiative: This has a strong nexus to the terms of the Settlement Agreement, and, in addition to helping human health will protect ecosystems, including Oregon's rivers.
- DOGMI: This will fund DOGAMI's work for project specific restoration of 13 abandoned mines to ensure protection of aquatic habitat and river health.

Second, a sampling of projects that likely need some refinement to fully adhere to the directives of the Monsanto Agreement and SB 1561 include:

- DEQ Failing Septic Systems: While we strongly support DEQ's work under this program, it seems to us that to be consistent with the Monsanto Agreement use of Agency Program Funds for this program needs to have direct ties to benefiting the environment. Thus, in addition to the program screens provided, we would urge DEQ, the Governor's office and the Council to ensure that these grants/loans are provided where the failing and/or damaged septic systems are also causing harm to Oregon's environment (e.g. connected to streams/lakes/wetlands and degrading soil health). And/or if the contention is that these tie to a healthy natural environment, then that should be clearly stated in the proposal.
- OHA Healthy Fish Consumption Program: While this is good and important work, what appears missing from this package is a commitment by the agency to not only post locations where consuming caught fish is harmful to human health, but to commit to working with other agencies to address the contamination problem. Without a commitment to restore and/or protect the waters these toxic fish are coming from, the package does not seem to sit within sideboards of the Agency Program Fund. On the other hand, the DEQ Science and Monitoring Plan, which proposed not only to test waters, but do work to remedy problems, does just that. We would urge OHA to look to DEQ's Package as an example.

Third, there is at least project subcomponent that we do not think qualifies for funding under the Agency Program Fund. We are still assessing other projects in whole or in subparts.

- ODA Agriculture Water Quality Restoration Partnership: While the proposed sub-grants for riparian fencing and native vegetation establishment could fall under Agency Program Fund, we strongly object to the use of Monsanto Settlement Funds for irrigation efficiency projects. Irrigation efficiency projects are already well funded by state and federal grant programs, as well as millions upon millions of state funds via direct

appropriations by legislators. Moreover, unless these projects dedicate saved water to be legally protected instream, they often times have a negative effect on the environment by decreasing recharge, lowering summer return flow, increasing consumptive use, etc. With so much important ecological protection and restoration needed across the state, it is inequitable and unfair to open up yet another state funding program to irrigators, with no required benefit to the environment.

And finally, would urge the Council to post on their website the descriptions of projects in Appendix B, many of which seem to align more closely with the directives of the Monsanto Settlement than a few in Appendix A. It would be helpful for the public to better assess packages if this information was posted.

#### **Agenda Item 5: Strategic Priorities Staff Report:**

- **Remediation and Restitution Projects and Purposes:** After listening to the DOJ’s March 6<sup>th</sup> presentation, we would offer that our understanding of the DOJ’s advice differs from that captured in the Staff Report. The DOJ reiterated that it is Section 18 of the Monsanto Settlement Agreement that governs distribution, which requires that remediation and/or restitution be tied to the environment, and includes, specifically, restoration or the protection of wildlife or wildlife habitat. The DOJ also noted that the legislation, while providing some guidance on policy, does not narrow the meaning of environmental remediation or restitution as provided in the Monsanto Agreement (Section 18). And while the legislation does provide some discretion to the Council, in the end, the legislature provided that the fund must be used “consistent with the terms of the Monsanto Settlement Agreement”. As the DOJ’s slides reiterate, the Council’s is to develop procedures and criteria for allocations consistent with the terms of the settlement agreement. In sum, the Council’s charge is to develop a program that is consistent with the Monsanto Settlement Agreement, namely Section 18.
- **Council Discussion:** Please see WaterWatch’s March 2026 Comments, as well as sections of these comments, for comprehensive comments on topics outlined for Council discussion. In short, we would urge consideration of the following:
  - Process: For the proposed process for setting strategic priorities we would urge that the Council adopt two sets of strategic priorities, one for the Agency Program Fund and another for the Disproportionally Impacted Community Fund, with consultation for the strategic priorities targeted as noted in these comments, namely: ERC/Agency consultation for the Agency Program Fund, ERC/EJC consultation for the Disproportionally Impacted Community Fund.
  - Definitions of remediation and restitution: We would urge the Council to align any definitions with the directives of Section 18 of the Monsanto Settlement Agreement, including but not limited to the Settlement’s stand-alone directives related to protecting and restoring wildlife and wildlife habitat.
  - Purposes of the Fund: We would urge the Council to align the purposes with four of the categories offered by the Governor’s office, namely: site clean-up/remediation, remediation of impaired water bodies, habitat/landscape restoration, and improved environmental protection/resource management. We would also support the “reducing human exposure to contaminants”, if it is directly tied to environmental remediation/restitution as set forth in the Monsanto Settlement.

- Consultation with the Environmental Justice Council: We would urge statutory interpretation that directs consultation with the EJC on the development of the Disproportionally Impacted Community Fund, with consultation on the Agency Program Fund limited to agencies that qualify for funding under the Fund. That said, if the Council decides to consult with the EJC on the Agency Program Fund, the Council must then consult with the full sweep of agencies on the Disproportionally Impacted Community Fund in order to align with statute.

In conclusion, again, we appreciate the hard work of the Council to get the Oregon Environmental Restoration Fund up and running. That said, it is important that the Council's work remain within the scope and purpose of the Monsanto Settlement.

Thank you for consideration of our comments and thank you for your service to Oregon on this Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Priestley", is written over a light blue rectangular background.

Kimberley Priestley  
Senior Policy Analyst

Oregon Environmental Restoration Council

Submitted via email to [clare.k.lanusse@oweb.oregon.gov](mailto:clare.k.lanusse@oweb.oregon.gov)

TRCP Input on Strategic Priorities, Definitions, and Interim Agency Program Fund

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

The Theodore Roosevelt Conservation Partnership (TRCP) is a national conservation organization that works to guarantee all Americans quality places to hunt and fish. We bring together a network of sporting and conservation organizations to engage in federal and state land use planning, wildlife policy, and natural resource funding decisions that shape the future of fish and wildlife habitat across public and private landscapes. We supported Oregon Senate Bill 1561 and see tremendous potential in the Oregon Environmental Restoration Fund to restore, maintain, and enhance Oregon's natural resources for current and future generations.

We offer our comments in two specific verticals with trust that the conservation impacts of mitigation and restoration will guide the decision process: 1) guidance from the settlement agreement on strategic priorities and 2) the process for defining key terms.

## The Settlement Offers a Ready-Made Framework for Strategic Priorities

Section 18 of the settlement agreement provides both the scope and the structure for strategic priorities. It identifies six categories of eligible projects: 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; and restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats. These six categories, taken directly from the settlement, offer a strong, legally grounded foundation for the Council's strategic priorities and carry the advantage of keeping the fund anchored to the instrument that created it.

TRCP wants to underscore the significance of the sixth category. ODFW's March 18 presentation to this Council documented that over 50 percent of Oregon's 300-plus at-risk species have documented impacts from pollutants. The 2025 State Wildlife Action Plan added 76 species to the at-risk list. Restoration and protection of wildlife and wildlife habitats is not peripheral to this settlement; it is one of its named purposes. The Council has an opportunity to give this category the same weight as site cleanup and water quality

in the strategic priorities, and doing so would reflect both the settlement's intent and Oregon's on-the-ground needs.

We also want to address a question that may arise: whether recent conservation investments, such as HB 4134's dedication of Transient Lodging Tax revenue for wildlife connectivity through ODFW, mean the Council can place less emphasis on fish, wildlife, and habitat restoration. We think the opposite is true. SB 1561 envisions OERF allocations supplementing existing programs, not replacing other funding. New revenue streams like HB 4134 create an opportunity to build on momentum rather than pull back. The settlement's core purpose is environmental remediation and the restoration and protection of wildlife habitats, and that purpose is the reason this fund was created. OERF investments in fish and wildlife restoration are additive to a need that existing programs, even with new revenue, cannot fully meet.

## The Settlement Provides Essential Context for Key Terms

The settlement agreement provides the necessary context for its own key terms. The language in section 18's six categories includes verbs and descriptors that capture the full range of what "remediation" and "restitution" mean here: assessment, cleanup, remediation, restoring, enhancing, improvements, redevelopment, maintaining, and protection. These span the spectrum from evaluating and fixing a degraded condition to sustaining a functioning resource. We see an opportunity for the Council to draw on the plain meaning of these terms within the context of the settlement itself. Unlike many statutes, the settlement has the backstory of specific litigation to provide context, and that context may prove more useful than definitions imported from other ORS chapters, other states' statutes, or agency-specific regulatory frameworks.

TRCP supports making an interim distribution and supports many of the projects in the April 27 pre-proposal package, and while we encourage the Council to evaluate each proposal against the six settlement categories identified above, we will forego making any specific recommendations at this time, instead we will offer two observations;

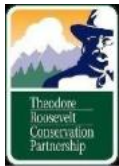
- First, the "Reducing Human Exposure to Contaminants" category is the only category in the pre-proposal package not directly elaborated in section 18 of the settlement, yet it is slated to receive more funding (\$9.775 million) than any other single category. Human health co-benefits are welcome and appropriate, but there is an opportunity to tighten the nexus between proposals in this category and the settlement's environmental remediation and natural resource restoration purposes. There is also an opportunity to rebalance toward the Remediation of Impaired Waterbodies category, which received only \$500,000 in the current

package. Bringing those two categories into better proportion would more closely reflect the settlement's framework.

- Second, the package does not yet include funding for instream flow restoration, and we see this as an opportunity for future rounds. Instream flow projects address multiple settlement objectives at once: they remediate impaired waterbodies, improve water quality, and restore aquatic habitats. Oregon's temperature-impaired streams would benefit directly from investments that maintain flows during critical low-flow periods. We look forward to working with the Council to ensure this category of work is recognized as eligible and considered in future funding cycles.

Thank you for considering our comments and for your service to Oregon. We look forward to continued engagement as the Council develops the strategic priorities and refines the interim distribution ahead of the June 22 decision.

Sincerely,



Tristan Henry  
Oregon Field Representative  
Theodore Roosevelt Conservation Partnership  
[thentry@trcp.org](mailto:thentry@trcp.org)