



INSTRUCTIONS FOR COMPLETING THE LAND ACQUISITION GRANT APPLICATION

Revised
October 2009

**Grant applications may be submitted to OWEB at any time.
To learn of the next application deadline, please contact OWEB staff, or visit
www.oregon.gov/OWEB**

Oregon Watershed Enhancement Board (OWEB)
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OWEB STAFF ASSISTANCE

Land acquisition projects are reviewed both regionally for ecological and educational merit and in OWEB's central office on all criteria. It may be beneficial to contact your local field staff and OWEB's acquisition grant staff for assistance as you develop your proposal.

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GENERAL APPLICATION INSTRUCTIONS

OWEB is seeking an overview of the project in Sections I and II. **Sections I and II should be completed using the spacing and layout shown and should not exceed a total of three pages.**

Provide full explanations of project specifics in Section III. **If you choose to reproduce the questions on your computer, please number your answers to correspond to the questions.** Retype the questions (the language in bold) immediately before your response.

All materials must be on 8½-inch x 11-inch paper, single-sided, unstapled, and unbound. Include all required attachments. Avoid color and other detail that will not photocopy clearly. Provide 25 copies of any maps or photographs that you want OWEB reviewers to see in color.

If any of the information requested on the application form cannot be provided, be sure to explain why.

Section I APPLICANT INFORMATION **Complete the form provided**

Typed pages are preferred but not required. **Do not exceed three pages for Sections I and II.**

Name of project: Provide a name that can be used for the project on all related correspondence. Give the project a name that specifies the project location and type. Examples: “Rock Creek Land Acquisition,” “Beaver Creek Conservation Easement.”

Project location: Identify the watershed, sub-watershed, stream name (if applicable), county, city (if applicable), and **latitude and longitude** where the proposed project is located.

OWEB dollars requested/Total cost of project: Fill in the dollar figures as appropriate. These amounts should match those on the budget form. The total cost of the project includes all amounts associated with all budget categories.

Applicant name, phone, and fax: An applicant can be an individual, non-profit organization, watershed council, soil and water conservation district, tribe, or local, state, or federal agency. A state or federal agency must be a co-applicant with another eligible entity.

Applicant contact and email: If the applicant is not an individual, list the person who should be contacted during the grant evaluation process.

Applicant addresses: Provide the applicant’s physical, mailing, and website (if applicable) addresses.

Technical contact name, affiliation, email, phone, fax, and address: If an individual other than the applicant or the applicant contact should be the primary contact for the project during the grant evaluation process, provide the requested information. For example, if the grant applicant is the entity that will hold the fee title, conservation easement, or lease once it is acquired, but the applicant is not responsible for technical issues such as the title, appraisal, or other due diligence, provide contact information for the person who is responsible for technical issues.

Proposed holder name, email, phone, fax, and address: Provide all contact information for the proposed holder of the property title, conservation easement, or lease.

Section II PROJECT SUMMARY

Project type: Check one box that best represents the combination of the type of acquisition and the type of management or management change proposed. A land acquisition project can be a fee simple acquisition, conservation easement, or lease. The land can be out of production for protection, out of production for both restoration and protection, or in production (working farm, ranch, or forestland) but managed for restoration and protection.

Short description of project: Using 200 words or less, describe the proposed acquisition, including the project activity type (see above), total acreage, acreage of priority habitats, purchase price, amount requested, and the conservation need and conservation goals of the project. OWEB uses a brief description of proposed projects in internal communications with regional review teams and with the OWEB Board, and in external communications with legislators, the media, and the public. Prepare a clear summary that captures the key features of the proposed project within the length limitation.

Project timelines: Describe the timelines for the proposed acquisition project, from securing match to when the option expires to when you anticipate purchase of the fee title, conservation easement, or lease. If match funding has not already been secured, describe when match funding decisions are anticipated. Describe a post-purchase timeline that includes the development of a management plan, management activities, restoration activities, and/or monitoring.

Section III

SPECIFIC PROJECT ACTIVITY

Following are instructions for many, but not all, of the questions in Section III. OWEB opted to omit instructions for simple questions that do not need accompanying explanation.

The questions in Section III subsections A through F are derived from the application requirements and evaluation criteria described in OWEB's land acquisition administrative rules, which are available on the Secretary of State's website (http://www.sos.state.or.us/archives/rules/OARS_600/OAR_695/695_tofc.html) and with the land acquisition grant materials on the OWEB website (http://www.oregon.gov/OWEB/GRANTS/acquisition_grants.shtml).

As described in Oregon Administrative Rules (OAR) 695-045-0040, OWEB land acquisition grant applications are evaluated based on the following criteria:

- (a) The ecological benefits of the proposed project through reference to "OWEB Ecological Priorities for Land Acquisition by Basin" identified further in OAR 695-045-0080(1);
- (b) The capacity of the property manager to sustain the ecological benefits of the proposed project;
- (c) The educational benefits of the proposed project;
- (d) The strength of the partners in the project and support expressed for the project;
- (e) The effect of the proposed project on the local and regional community; and
- (f) The soundness of the legal and financial terms of the proposed real estate transaction.

The basis for evaluating criteria (a) through (e) is the applicant's response to the questions in Section III of the application and the required attachments. The questions are described below by application subsection. Evaluation of criteria (f) is addressed through the due diligence materials, which may be requested separately by OWEB after review of criteria (a) through (e).

A. ECOLOGICAL BENEFITS OF THE PROJECT

The ecological value of a proposed land acquisition project will be evaluated, in part, by reference to the "OWEB Ecological Priorities for Land Acquisition by Basin" (Basin Ecological Priorities) adopted by OWEB on September 14, 2004.

The Basin Ecological Priorities are on file at OWEB's main office at 775 Summer Street NE, Suite 360 in Salem, Oregon, and are on OWEB's website with the other land acquisition guidance materials. The online report can be downloaded in sections. The "Introduction and Framework" document describes the conservation principles OWEB uses in the evaluation of land acquisition proposals. The order in which the principles are listed is not intended to connote priority or relative importance. Because of Oregon's geographic and economic diversity, different regions have different resource conservation needs and goals. Consequently, application of a particular conservation principle may be more or less appropriate, or important, in different parts of the state.

The remainder of the Basin Ecological Priorities report consists of descriptions of specific priority attributes of land acquisition projects for each of the state's 15 major river basins. The report online is divided into one document per basin. Each basin summary begins with a brief narrative

describing the basin's physical characteristics and conservation issues and highlighting ecological systems and species priorities. Lists and tables of priority ecological systems, species, and plant communities are provided.

Question #A1: Specify the total acreage for which fee title, a conservation easement, or a lease will be acquired. List and describe the priority habitats, plant communities, and species identified in the Basin Ecological Priorities that your project seeks to protect or restore. Specify the approximate number of acres on the property that contain the priority habitats, plant communities, and species. Specify acreages occupied by the priority species if estimates are practicable; OWEB recognizes that acreage estimates for species might not be possible in all cases. If acreages of priority habitats, plant communities, or species are less than 50 percent of the total property acreage, explain why you are proposing the entire property for fee title acquisition, a conservation easement, or a lease.

Question #A2: Describe the number of miles of stream that will be protected. Specify whether both sides of that stream lie completely within the property proposed for acquisition or whether the stream is the property's boundary.

Question #A3: Describe how acquisition of the fee title, conservation easement, or lease will benefit the priority habitats, plant communities, and species listed in Section III, #A1 and #A2. The answer should include a discussion of protection and management goals and objectives for the property and provide an explanation for why acquisition of fee title, a conservation easement, or a lease is the best method to accomplish the goals. If a management plan has been developed for the property, attach it to the application. If not, discuss the timeline and process for developing a management plan. Habitat restoration goals, activities, and timelines should also be discussed, if applicable. If no restoration is planned for the property, explain why not. **Be sure to clearly differentiate between the ecological benefits that will be achieved by protection and the ecological benefits that will be achieved through future restoration or other activities not funded by this grant.**

Question #A5: Describe how the proposed project is consistent with one or more of the conservation principles in the "Introduction and Framework" portion of the Basin Ecological Priorities. OWEB does not expect a project to be consistent with all of the principles. Present information about each applicable principle separately, under a subheading that identifies the principle being addressed:

- a. Protect a large, intact area: a large area or a smaller but key portion of a larger landscape that contains diverse fish and wildlife and functioning systems.
- b. Stabilize an area "on the brink:" an area where natural systems are still functioning, but where a trend toward ecosystem degradation requires protection to prevent conditions from becoming unrecoverable or very difficult to recover. OWEB may invest in such areas if there are significant restoration activities planned or in place or if there is strong evidence that restoration of a key parcel can be a catalyst for broader efforts.
- c. Secure a transition area: an area or site that provides critical habitat or watershed function in an area undergoing transition from undeveloped to developed conditions.
- d. Restore function: an area in which restoration and active management are necessary to re-establish critical ecological functions in support of landscape-scale conservation strategies. Individual parcels in such an area may be in degraded condition but still have

potential for restoration within the geographic and management contexts of larger conservation efforts.

- e. Protect a site with exceptional biodiversity: an area containing aggregations of local endemic species or at-risk species and habitat types, where the species and habitat types are viable and sustainable.
- f. Improve connectivity: a site that contributes to habitat connectivity by expanding or connecting areas that already managed to protect watershed resources and/or functions (for example, acquisition of a parcel that links two sections of publicly owned migratory corridor for fish and wildlife). Discuss the proposed site's proximity to both protected lands and habitat restoration projects. **Include a map of protected lands, as instructed in Section III, subsection G.**
- g. Complement existing networks: a site that completes or complements an existing network or pattern of conserved areas (for example, a site contains a system type that is significantly underrepresented in the current network of lands managed for conservation purposes). **Include a map of conserved lands, as instructed in Section III, subsection G.**

Question #A6: The goals of the Oregon Plan for Salmon and Watersheds are described in the Oregon Revised Statutes (ORS 541.405). A one-page handout listing those goals is available with the guidance materials on the OWEB website (www.oregon.gov/OWEB). Do not just list the goals that relate to your proposed project; describe instead **how** the proposed acquisition will further the goals.

Question #A7: The location of the property and the specific habitats it contains should have significance for watershed function. For example: "The parcel contains an important anadromous fish bearing stream which meanders through a wide-bottomed coastal valley. The stream is one component of a fully connected network of healthy riparian corridors, lowland swamps, and mature forested uplands. The stream regularly overtops its banks, forming new channels, allowing off-channel habitat to persist, and facilitating sediment filtration. The project will permanently protect this system from impacts caused by timber harvest."

A watershed assessment, completed by a local watershed council or an agency, may be one way to identify current conditions and trends in watershed function and water quality that could be affected by the proposed acquisition.

Question #A9: Does the site support habitats identified as important elements in the Oregon Natural Heritage Plan or Oregon Biodiversity Plan? Does the property include streams identified by the Oregon Chapter of the American Fisheries Society as Aquatic Diversity Areas? Is the property identified as a Conservation Opportunity Area by the Oregon Conservation Strategy? These are only a few of the plans that could be discussed.

Do not provide just a list of the conservation plans that identify the property, or its habitats or species as a protection or restoration priority. Provide a short summary of the supporting information in each plan. Attach pages from the most important or relevant conservation plans that reference the property, area, habitats, or species. **Do not attach more than 10 pages from all listed plans.**

B. SUSTAINING ECOLOGICAL BENEFITS

Your responses to questions in this subsection are critically important to OWEB. The questions are designed to enable the Board to evaluate how a proposed land acquisition project's ecological benefits will be sustained. Clearly describe the capacity of the management entity, title holder, and project partners to accomplish and sustain the protection, management, and restoration goals discussed in Section III, #A3. Discuss topics such as the management entity's staff, conservation lands portfolio, community relationships, restoration experience, technical expertise, fundraising track record, and fundraising plans for long-term stewardship of the property proposed for fee title acquisition, a conservation easement, or a lease. **Attach documents showing the management entity's current operating budget and actual revenue and expenses for the most recent complete fiscal year.**

C. MEASURABLE ECOLOGICAL OUTCOMES

This question is designed to enable the Board to evaluate how the applicant, titleholder, and/or management entity will measure both short- and long-term success in meeting its protection and management goals for the property. It may be helpful to describe management goals as quantifiable measures. Identify and describe monitoring protocols or methods planned for use in evaluating success.

D. EDUCATIONAL BENEFITS

Not all proposed land acquisition projects should or will have an educational component. However, a proposed land acquisition project that has strong educational benefits may receive a more favorable review than a comparable project that does not have strong educational benefits. If a proposed project does have an educational component, the applicant should provide detailed information about proposed educational activities to enable the Board to evaluate the potential for the acquisition to enhance citizen understanding of watersheds. If the property proposed for fee title acquisition, a conservation easement, or a lease is not suitable for educational or public access, explain why.

E. PARTNERS, SUPPORT, AND COMMUNITY EFFECT

Questions in this section are designed to help the Board evaluate the level and nature of community support for the acquisition. Describe project partners and what each will contribute. Identify both non-governmental and governmental entities that support the proposed acquisition. **Attach letters from project partners and supporters.** Describe the effect of the acquisition on the local tax base. Discuss the economic and social effects the project will have on the local and regional economy, community, and agriculture/forestry infrastructure.

Question #E6:

- If you are uncertain about the presence of a watershed council in the proposed project area, contact OWEB or visit <http://www.oregon.gov/OWEB>.
- Contact the Oregon Department of Agriculture Soil and Water Conservation District (SWCD) Program at 503-986-4700 or <http://www.oregon.gov/ODA/SWCD/> if you need information about the SWCD in the project area.

Question #E7: If there are tribal lands in the area where the project is proposed, including reservation lands, trust lands, or usual and accustomed sites, provide the tribe name and state whether the tribe has been notified and the applicant has offered to meet and discuss the proposed project with the tribe named. Contact information for Oregon tribes can be found at <http://www.leg.state.or.us/cis/tribes2.pdf>

F. LEGAL AND FINANCIAL TERMS

Question #F3: This question is intended to help the Board determine if legal encumbrances could potentially impact the habitats or species proposed for protection or restoration on the property. OWEB is not requesting a legal survey of the property, a baseline condition report, or a title report.

G. REQUIRED ATTACHMENTS

The following must be received by OWEB in order for the grant application to be considered complete and eligible for review and funding consideration:

1. Maps:

Provide the following maps on 8½-inch x 11-inch pages, with legends included. Avoid color and detail that will not photocopy clearly. Provide 25 color copies of any maps that you want OWEB reviewers to see in color.

- On a USGS 7.5 minute topo map or aerial photo, show the location of the proposed acquisition **and** any other conservation lands discussed in Section III, #A5, subsections f and g.
- Attach a map showing the habitat and species the project proposes to protect and/or restore on the property.

2. Management Plan:

- If a management plan exists, include a copy with the application. If you are in the early stages of management planning, submit a vision statement or management plan outline in place of a completed management plan (Section III, #A3).

3. Conservation Plans:

- Attach no more than 10 total pages from current local, regional, or statewide conservation plans that identify the property, or the habitat, plant communities, and species on the property, as a protection or restoration priority (Section III, #A9).

4. Letters:

- Attach two letters from natural resource professionals not affiliated with the applicant, technical contact, or proposed holder of the title, conservation easement, or lease. The letters should explain how the proposed acquisition will address and benefit the priority habitats and/or species and conservation principles identified in the Basin Ecological Priorities. The letters should specifically address the information provided in Section III, #A1 through #A3 and #A7.

- Attach a letter from the current owner(s) of the property that states awareness and support of the grant application (Section III, #E1 and #E2).
- Attach other letters documenting partnerships and support, as applicable (Section III, #E1 and #E2).

5. **Easement or Lease Document:**

- If the application is requesting funding for the acquisition of a conservation easement or lease, attach a copy of the conservation easement or lease document (Section III, #F1). **Even if you are still negotiating language with landowners, attach your current draft of the easement or lease.**

6. **Prior Purchase Statement:**

You may submit an application for acquisition of fee title, a conservation easement, or a lease purchase that occurred prior to Board review of the application if the acquisition occurred after the previous grant application deadline.

- In such cases, applicants must submit an explanation of the circumstances requiring acquisition prior to Board review of the application; and a statement acknowledging that the applicant proceeded with the acquisition with the understanding that the Board might not approve funding for the project, and that the prior purchase and any financial consequences to the applicant will not be a factor in the Board's funding decision.

7. **Financial Statements:**

- Attach documents showing the management entity's current operating budget and actual revenue and expenses for the most recent complete fiscal year. This information is one measure of organizational capacity. It will be used by the Board, in conjunction with the rest of the information provided in Section III, #B3, to assess the management organization's ability to implement the management goals and objectives, and/or restoration described in Section III, #A3.

8. **Legal Requirements Form:**

- This form provides acknowledgment that if OWEB awards funds for the project, the signee is willing and able to meet the contractual and performance obligations required under the OWEB land acquisition program.

9. **Land Acquisition Budget Form:**

- Complete the OWEB budget page contained in the application form.

OWEB funds can only be used for the purchase price of fee title, a conservation easement, or a lease. All other categories listed on the budget form are not eligible for the use of OWEB funds, but are eligible match, as identified in OWEB's administrative rules.

The column marked "Match Funds" is to be used only for funds from sources other than OWEB. Match funding must total at least 25% of the amount requested from OWEB. The "Source" column is for listing the sources of match funds. In the "Match Funds

Status” column, state whether funds are secured or pending. Verification of secure match funding totaling not less than 25% of OWEB grant funds is required prior to the release of any OWEB grant.

10. **Photographs:**

- Provide photographs to aid the OWEB Board, staff, and regional review team in understanding the current conditions, habitats, or other characteristics of the property proposed for fee title acquisition, a conservation easement, or a lease. Avoid color or detail that will not photocopy clearly. Provide 25 copies of any photographs that you want OWEB reviewers to see in color.

B. OPTIONAL ATTACHMENT

1. **Land Use Form:**

- OWEB requires all watershed projects to comply with Oregon’s statewide planning goals by ensuring compatibility with associated comprehensive plans. OWEB’s land use information form is the document OWEB requires to ensure a project’s compatibility with local comprehensive plans. **Although the land use form is included in the acquisition application form, submission of the form at the time of application is optional. The form must be submitted prior to OWEB signing a grant agreement and releasing project funds.** OWEB will only release project funds if the project either is not regulated by, or is compatible with, local comprehensive plan and zoning ordinances.

DUE DILIGENCE MATERIALS

Submission of the following due diligence information is at the request of OWEB staff or the Board after an initial review of the information submitted in the land acquisition grant application. All listed materials must be submitted at least 90 days prior to OWEB Board action.

1. **Option, Purchase, or Lease Agreement.** A copy of the written option, purchase, or lease agreement for the proposed acquisition, or evidence that such an agreement exists. If a copy of the option, purchase, or lease agreement is not submitted, the applicant must submit a brief statement explaining whether the terms of the existing option, purchase, or lease agreement limit the proposed transfer or lease in any way, or could affect the proposed use of the acquisition for the purposes described in Article XV, section 4(b) of the Oregon Constitution.
2. **Donation and Disclosure.** Applicants are required to submit a statement of whether or not the seller of the fee title or conservation easement or the lease's lessor is contractually required by the written option, purchase or lease agreement, or other related documents, to donate or transfer funds to the buyer, applicant, or a third party who has assisted with or facilitated the proposed acquisition. Also, disclosure of the amount of a contractually required donation or payment is required after an initial staff recommendation has been made on the grant application if the donation or payment will exceed 15 percent of the price of the fee title, conservation easement, or lease. Disclosure of the amount of a contractually required donation or payment exceeding 15 percent of the purchase or lease price must be made to the Board in writing prior to the Board's consideration of the proposed funding request, or the grant application will not be considered for funding by the Board.
3. **Fair Market Value Appraisal.** Self-Contained Narrative Appraisal Reports are to be prepared by independent appraisers who are Certified General Appraisers through the State of Oregon. No Summary or Restricted appraisal reports will be accepted, according to OAR 695-045-0120(2)(d). The appraiser should be experienced in appraising partial property interests and in appraising similar property types. The appraisal should be completed within 18 months prior to submittal of the application to OWEB. The appraisal must, through accepted appraisal techniques, establish the fair market value of the fee title, conservation easement, or lease to be acquired. If proposing the purchase of a conservation easement, typically the best method of valuing a partial interest is to value the property in its "Before" situation and in its "After" situation. A comparison of the two values provides the market value of the conservation easement.

Appraisal reports submitted solely for the purposes of the Oregon Watershed Enhancement Board must be done to Uniform Standards of Professional Appraisal Practice (USPAP) specifications. If an applicant has identified federal funding sources as potential match, be aware that you may be required to have an appraisal done using the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), also known as the "Yellow Book" specifications. An appraisal report that uses the UASFLA specifications meets OWEB's requirements.

4. **Title Report and Exceptions.** Applicants must submit a preliminary title report for the property. If exceptions are listed on the title report, include the language of the exceptions, documentation explaining the exceptions, **and a map locating the exceptions on the property.**
5. **Environmental Site Assessment.** A phase one environmental site assessment (ESA) conducted by a qualified third party and complying, at a minimum, with American Society for Testing and Materials (ASTM) standard E1527-05 published in November 2006. If a phase one environmental site assessment indicates that further investigation is necessary, OWEB staff may require later submission of a phase two environmental site assessment. If a phase two environmental site assessment indicates that further investigation is necessary, OWEB staff may require submission of additional assessment information. The Board may require remediation prior to the release of grant funds. The final environmental site assessment report shall name OWEB as a third party beneficiary.
6. **Proposed Conservation Easement.** If the grant application requests funding for the purchase of land, applicants are required to submit a draft of the proposed conservation easement to be held by OWEB (as described in OAR 695-045-0140(7)) using the template provided by OWEB.

If the grant application requests funding to assist with the purchase of a conservation easement or lease, applicants must submit a draft of the proposed conservation easement or lease, giving OWEB a third party right of enforcement, and including the conservation easement or lease elements provided by OWEB.

If OWEB's template conservation easement or required easement elements are not acceptable to the applicant or holder of the fee title, conservation easement, or lease, then the applicant must attach a description of the modifications requested and why those modifications are requested.

OWEB's template easement and guidance for developing proposed conservation easements is available from OWEB staff or from the Land Acquisition grant application page on the OWEB website (<http://www.oregon.gov/OWEB>).

NOTE: The OWEB Director has the discretion to waive one or more of the listed due diligence requirements if a functional equivalent, one that provides the same information as the document or information required by the rule, is submitted for the Board's consideration.