

**OREGON WATERSHED ENHANCEMENT BOARD**

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# LAND ACQUISITION GRANT APPLICATION

Revised

**October 2009**

A down-loadable electronic application form is available on the OWEB website:

[www.oregon.gov/OWEB](http://www.oregon.gov/OWEB)

## ***DOWNLOAD INSTRUCTIONS SEPARATELY***

OWEB's document entitled Instructions for Completing the Land Acquisition Grant Application provides information about how to complete the application form and describes the evaluation criteria used by OWEB to make land acquisition funding decisions. **Please read the instructions before completing the application form.**

## **SUBMISSION OF GRANT APPLICATIONS**

Grant applications may be submitted to OWEB at any time.

To learn of the next deadline and review schedule, please contact OWEB staff or visit

[www.oregon.gov/OWEB](http://www.oregon.gov/OWEB)

**Section I**  
**APPLICANT INFORMATION**

Please type in information in Sections I and II, **using the spacing and layout shown.**  
**DO NOT EXCEED THREE PAGES**

**Name of project:**

**Project location:**

<b>Watershed Name</b>	<b>Sub-Watershed/Stream Name(s)</b>	<b>Township Range Section(s)</b>
<b>Latitude and Longitude</b>	<b>County</b>	<b>Nearest city</b>

**OWEB dollars requested:** \$0.00

**Total cost of project:**

**Applicant Name:**

**Phone:**

**Fax:**

**Applicant Contact:**

**Email:**

**Applicant Address:**

Street

City

Zip

**Mailing Address (if different):**

Street

City

Zip

**Applicant Website Address:**

**Applicant Organization Type:**  Local Government  Non-Profit  Tribe  
 Watershed Council  Soil and Water Conservation District  Individual

**Technical Contact (main contact – if different than applicant):**

**Technical Contact Name:**

**Technical Contact Affiliation:**

**Email:**

**Phone:**

**Fax:**

**Address:**

Street

City

Zip

**Proposed Holder of Fee Title, Conservation Easement, or Lease:**

**Proposed Holder Name:**

**Email:**

**Phone:**

**Fax:**

**Address:**

Street

City

Zip

**Section II**  
**PROJECT SUMMARY**

**Project Type – Check the primary type of activity proposed:**

	<u><b>Protection:</b></u> Out of Production	<u><b>Restoration &amp; Protection:</b></u> Out of Production	<u><b>Restoration &amp; Protection:</b></u> Working Farm, Ranch or Forestland
<u><b>Fee Title Acquisition</b></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><b>Conservation Easement</b></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><b>Lease</b></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Short Description of Project**

**Describe the proposed acquisition(s) including project type, acreage, purchase price, amount requested from OWEB, the conservation need addressed by the project, and the conservation goals of the project. Use 200 words or less.**

**Project Timelines**

Describe the timelines for the project, including purchase. If there is an option to purchase or lease, when does it expire? If match is not yet secured, when are match funding decisions anticipated? If applicable, describe the timelines for development of a management plan, restoration activities, and a monitoring schedule.

Section III  
**LAND ACQUISITION PROJECT**

**USE 8½-inch x 11-inch SINGLE-SIDED PAGES**

Please answer the following questions. If there are multiple locations or properties, be specific for each site or property.

**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. Copies of the Basin Ecological Priorities are available from OWEB’s main office at 775 Summer Street NE, Suite 360 in Salem, Oregon, or on OWEB’s website ([http://www.oregon.gov/OWEB/GRANTS/acquisition\\_grants.shtml](http://www.oregon.gov/OWEB/GRANTS/acquisition_grants.shtml)).*

1. **First, state the total acreage proposed for fee title acquisition, a conservation easement, or a lease. Then list the priority habitats and acreages, rare or at-risk plant communities and acreages, and species and acreages (if applicable) identified in the Basin Ecological Priorities that the proposed project seeks to protect or restore.** 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.
2. **Specify the approximate stream miles within the boundaries of proposed project.** State whether both sides of the stream are within the boundary of the property to be acquired.
3. **Describe how the proposed project will benefit the priority habitats, plant communities, and species listed above.** Include a description of the proposed protection and management goals and objectives. Discuss habitat restoration goals, activities, and timelines, if applicable. If no restoration is planned for the property, explain why not. Attach a copy of the management plan, if one exists. If a management plan has not yet been developed, attach a management plan outline or vision statement and the timeline for developing the management plan.
4. **Explain why you think the proposed fee title acquisition, conservation easement, or lease is the best method to accomplish the protection, management, and restoration goals and objectives for the property.**
5. **Describe the project’s consistency with one or more of the following conservation principles, which are described in the Basin Ecological Priorities:**
  - a. Protect a large, intact area
  - b. Stabilize an area “on the brink” of ecological collapse
  - c. Secure a transition area, protecting it from development

- d. Require active restoration to achieve its conservation purpose that would not occur without a change in ownership
  - e. Protect a site with exceptional biodiversity value
  - f. Improve connectivity of habitat (attach map)
  - g. Complete or complement an existing network of sites in the basin or region (attach map)
6. **Describe how the acquisition project will further the goals of the Oregon Plan for Salmon and Watersheds as described in ORS 541.405 and available at [www.oregon.gov/OWEB](http://www.oregon.gov/OWEB).**
  7. **If applicable, describe the watershed functions or water quality parameters the project will directly affect, and the current condition and trend of watershed functions and water quality in the project area.**
  8. **Describe whether any water rights are associated with the property and whether they will be transferred to a protected instream water right as part of the project.** If the water right or portions thereof will be transferred instream, describe the watershed benefits associated with the transfer.
  9. **If applicable, reference current conservation plans that identify the property, or the habitats, plant communities, and species on the property, as a protection or restoration priority.** Attach relevant pages (no more than 10 pages total) from these plans.

**B. Sustaining the Ecological Benefits of the Project**

1. **Who will hold the fee title, conservation easement, or lease? Who will manage the property or lease or manage, monitor, and enforce the conservation easement? If multiple entities are involved, what is the relationship among them?**
2. **Describe the organizational capacity of the management entity to implement the management plan, management goals and objectives, and/or restoration described in Section III, #A3.** Provide information about the qualifications of the staff, volunteers, partners, and consultants. Attach documents showing the management entity's current operating budget and actual revenue and expenses for the most recent complete fiscal year.
3. **Describe how the management entity will finance ongoing management (and restoration, if applicable) to protect the property's conservation values, whether stewardship funding has been raised for the project, and if plans have been made to raise stewardship funding.**

**C. Measurable Ecological Outcomes**

1. Describe how the applicant, titleholder, and/or management entity will measure both short- and long-term success in meeting the protection and management goals described in Section III, #A3.

**D. Educational Benefits**

1. Describe the educational benefits of the proposed acquisition, if applicable, including:
  - a. A description of plans for education and outreach about the project
  - b. A description of how the proposed acquisition will enhance local, regional, and statewide citizen understanding of watersheds
  - c. A description of whether the public will be provided access to the property, and if so, under what conditions

**E. Partners, Support for the Project, and the Effect of the Proposed Acquisition Project on the Local and Regional Community**

1. List the project partners (entities contributing cash or in-kind match); what each will contribute; and the address, phone number, and contact person for each. Attach letters from all project partners.
2. List the project supporters (entities that, although not contributing resources to the proposed acquisition, are supportive of the project). Attach letters from project supporters.
3. Describe the property's current land uses and zoning, and describe the land uses and zoning on adjacent properties.
4. Describe the anticipated effect of the project on the local property tax base, including the amount of property taxes paid in the prior year, whether the property will remain on the tax rolls, or whether in-lieu-of payments will be made instead.
5. Describe the economic and social effects the proposed acquisition may have on the local and regional economy, community, and agriculture/forestry infrastructure.
6. List the name(s) of the watershed council(s) in the area (if any), the soil and water conservation district in the area, the local municipality in which the project is located (if applicable), and the irrigation or drainage district in which the property is located (if applicable). Have these entities been informed of the proposed project? If not, why?
7. Specify the tribe(s) whose tribal lands, including reservation lands, trust lands, or "usual and accustomed" sites, are affected by the proposed acquisition. Has the applicant contacted the tribe(s) to give notice about the proposed project and offer to consult with the tribe(s) about the project? If not, why?

**F. Legal and Financial Terms**

1. **If the project will limit land uses to achieve the proposed protection, management, and restoration goals described in Section III, #A3, provide a complete list of land uses that will be limited and state explicitly how each will be restricted. If proposing a conservation easement or lease, attach the proposed easement or lease.**
2. **Provide the name(s) and address(es) of the current owner(s) of the property for which the fee title acquisition, conservation easement, or lease is proposed.**
3. **Describe the physical state of the property, including any current roads, structures, and legal encumbrances and their approximate location on the property.** Indicate whether planned physical improvements (e.g., roads, structures) or legal encumbrances could potentially impact the habitats or species proposed for protection or restoration on the property.
4. **Provide the contractually agreed-upon purchase price for the fee title, conservation easement, or lease acquisition. If a contractually agreed-upon price does not yet exist, state the anticipated price for the fee title, conservation easement, or lease acquisition and the basis for the anticipated price.**

**G. Required Attachments**

The following documents must be attached to this grant application, or received by OWEB by the grant deadline, for the application to be considered complete.

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.
  - a. 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.
  - b. Attach a map showing the habitat, plant communities, and species the project proposes to protect and/or restore, described in Section III, #A1.
2. **Management Plan (Section III, #A3).** If a management plan exists, attach a copy of the plan. If a management plan has not yet been developed, attach an outline or vision statement and a timeline for development.
3. **Conservation Plans (Section III, #A9).** Attach up to, but not more than, 10 pages from current conservation plans that identify the property or habitat and species on the property as protection priorities.

4. **Letters.** Attach the following letters to the grant application:
  - a. 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 the priority habitat and species and conservation principles identified in OWEB's Basin Ecological Priorities (Section III, #A1 to #A3 and #A7).
  - b. A letter from the current owner(s) stating that they are aware of, and support, the grant application.
  - c. Other letters that document project partnerships and support, as applicable (Section III, #E1 and #E2).
4. **Easement or Lease Document.** If the application proposes the acquisition of a lease or conservation easement, attach a copy of the draft conservation easement or lease document (Section III, #F1).
5. **Prior Purchase Statement.** Applicants may submit a grant application for a fee title, conservation easement, or lease acquisition that occurred prior to Board review of the application, only if the acquisition occurred after the previous grant application deadline. In such cases, applicants must submit the following with their application:
  - a. An explanation of the circumstances requiring acquisition prior to Board review of the application; and
  - b. 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, #B2 and #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**
9. **Land Acquisition Budget Form**
10. **Photographs:**
  - Provide photographs to aid in understanding the project. Avoid color and detail that will not photocopy clearly. Provide 25 color copies of any photographs that you want OWEB reviewers to see in color.

**H. Optional Attachment**

**1. Land Use Information Form**

**ACQUISITION BUDGET FORM**

<i>Itemize projected costs under each of the following categories:</i>	<b>Match Funds</b>	<b>Source</b>	<b>Match Funds Status*</b>	<b>OWEB Funds</b>	<b>Total Costs</b>
Purchase Price					
Option Purchase**/**					
Appraisal**					
Title Report & Exception Documents**					
Title Insurance**					
Phase I Environmental Site Assessment**					
Stewardship Endowment**					
Management Plan Development**					
Baseline Documentation Report**					
Legal Description Survey**					
<b>TOTALS:</b>					

\* List whether match funds are secured or pending – Section II Timeline should identify when pending match funding decisions are anticipated.

\*\* Not eligible for OWEB funding

\*\*\* An option to purchase a land or water interest may be counted as match funding if the amount of the option is considered a partial payment toward the final purchase price of the land or water interest.

**NOTE:** If a land or water interest will be acquired at a price exceeding appraised fair market value, the amount of matching funds required of the applicant will be increased by the amount by which the proposed purchase price exceeds the appraised fair market value.



# LEGAL REQUIREMENTS

## AGREEMENTS:

I/we, \_\_\_\_\_  
of \_\_\_\_\_, Oregon, hereby make application for  
financial assistance under the terms and conditions of the Oregon Watershed Enhancement  
Board in the amount of \$\_\_\_\_\_. The total cost of the project is \$\_\_\_\_\_, as  
shown on page 1.

I/we understand that if this proposal is funded, I/we will be required to:

- Sign a Grant Agreement, subject to legal sufficiency review by the Oregon Department of Justice, containing the terms and conditions upon which funds will be released, a certification to comply with state, federal and local regulations, and a release of liability for the State of Oregon;
- Agree to a conservation easement held by OWEB or another entity of OWEB's choosing if a fee title acquisition is proposed, or a third party right of enforcement held by OWEB, or another entity of OWEB's choosing, if a conservation easement or lease is proposed;
- Agree to provide a title insurance policy ensuring title to the land interest acquired is vested in the grantee in an amount equal to or greater than the Board grant award and that names the Board as an additional insured;
- Agree to use the property interest consistent with Article XV, Section 4b of the Oregon Constitution;
- Agree not to transfer the property interest without prior OWEB Board approval;
- Agree that if the property interest acquired with Board funds is used in a manner inconsistent with Article XV, Section 4b of the Oregon Constitution, or is transferred without Board approval, that Board funds shall be repaid with interest due and payable from the effective of the Grant Agreement described above at the rate provided for in ORS 82.010;
- Submit periodic reports, as required, to OWEB on the project's performance; and
- Agree that educational products resulting from projects are public domain.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_



# LAND USE Land Acquisition INFORMATION FORM

This information is needed to determine if the proposed project complies with statewide planning goals and is compatible with local comprehensive plans (ORS 192.180). This form must be submitted prior to OWEB releasing project funds. OWEB will only release project funds if the project either is not regulated by, or is compatible with, the local comprehensive plan and zoning ordinance. If the county requires additional local approvals, OWEB will not release project funds until these conditions are satisfied.

## 1. TO BE COMPLETED BY THE GRANTEE

Applicant Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

## 2. TO BE COMPLETED BY CITY/COUNTY OR TRIBAL PLANNING OFFICIAL

Complete this section only after section 1, above, has been completed. Check the box below that applies:

- This project (purchase of fee title, a conservation easement, or a lease) is not regulated by the local comprehensive plan and zoning ordinances.
- This project (purchase of fee title, a conservation easement, or a lease) has been reviewed and is compatible with the local comprehensive plan and zoning ordinances.
- This project (purchase of fee title, a conservation easement, or a lease) has been reviewed and is not compatible with the local comprehensive plan and zoning ordinances.
- Compatibility of this project (purchase of fee title, a conservation easement, or a lease) with the local planning ordinances cannot be determined until the following local approvals are obtained:

\_\_\_\_\_ Conditional Use Permit

\_\_\_\_\_ Development Permit

\_\_\_\_\_ Plan Amendment

\_\_\_\_\_ Zone Change

\_\_\_\_\_ Other

An application has \_\_\_\_\_ has not \_\_\_\_\_ been made for the local approvals checked above.

\_\_\_\_\_  
\* Signature of Local Official

\_\_\_\_\_  
Date

Print Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

***\*Must be an authorized signature from your local City/County or Tribal Planning Department, regardless of which box is checked above.***

# DUE DILIGENCE MATERIALS

*(Materials to be submitted at a later date by invitation of OWEB Board or staff)*

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 application. All listed materials must be submitted at least 90 days prior to OWEB Board action. For more information about the land acquisition evaluation process, please refer to the Instructions for Completing the Land Acquisition Grant Application.

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 option, purchase, or lease agreement limit the proposed transfer or lease in any way, or could affect the proposed use of the land acquisition for the purposes described in Article XV, section 4(b) of the Oregon Constitution.
2. **Donation and Disclosure**. Include the following information:
  - a. 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.
  - b. 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 purchase or lease price for the land interest. 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. Accepted appraisal techniques comply with the Uniform Standards of Professional Appraisal Practice (USPAP standards) or the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA, also known as "Yellow Book" specifications).
4. **Title Report and Exceptions**. A preliminary title report for the property. If exceptions are listed on the title report, 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 acquisition of fee title, a draft of the proposed conservation easement, covenant or deed restriction to be held by OWEB, described in OAR 695-045-0140(7), consistent with the template provided by OWEB. (*See the OWEB website or contact staff for a copy of the template.*) If the grant application requests funding to assist with the purchase of a conservation easement or lease, 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 in template form. If OWEB's conservation easement or lease elements are not acceptable, the applicant must describe what modifications are requested and why.