



INSTRUCTIONS FOR COMPLETING THE LAND ACQUISITION GRANT APPLICATION

Revised
February 2008

**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 merit and in OWEB's central office on all criteria. Therefore 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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For the most recent OWEB staff directory, see our website at:
www.oregon.gov/OWEB

GENERAL APPLICATION INSTRUCTIONS

The application contains the questions and the forms that must be completed. **Section I should be completed using the space provided.** Sections I and II should not exceed three (3) pages total. OWEB is seeking an overview of the project in the first two sections only. Starting with Section III, the specific activity questions request full explanation of project specifics. Answer all questions, *using additional sheets of paper as needed.*

Please number your answers to correspond to the questions. Retype the questions (the language in bold) immediately before your response. The budget, match funding and legal requirements sheets must be attached to the application. **Please use 8½" x 11" paper and provide a single-sided original to facilitate copying. All materials included with the application must be single-sided, unstapled, and unbound. Avoid color and other detail that will not photocopy clearly.**

If any of the information requested on the application form cannot be supplied, be sure to include an explanation.

Section I APPLICANT INFORMATION Complete the form provided

While preferred, these pages need not be typed. **Do not exceed 3 pages for Sections I and II.**

Name of project: Provide a name that can be used for the project on all related correspondence and/or agreements. Give the project a name, which helps to define it. For example, "Rock Creek Land Acquisition," "Beaver Creek Conservation Easement."

Project location: Identify the watershed, sub-watershed, stream name, county, and city, if applicable, 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.

Applicant Name: An applicant can be an individual, non-profit, watershed council, public or private entity, local, state or federal agency (however, any state or federal agency must be a co-applicant with another eligible entity).

Applicant Contact: If the applicant is not an individual, list the person who should be contacted or notified during the grant evaluation process.

Applicant Phone, Fax, Email, Website, and Address: Provide all contact information for the applicant.

Technical Contact Name, Affiliation, Phone, Fax, and Email: If an individual, other than the applicant or 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 who will hold title to the land interest once acquired, but the applicant isn't responsible for technical issues such as title, appraisal, or other due diligence issues, provide the name and contact of the person who is responsible and can respond to questions about those issues.

Proposed Holder of the Property Interest: If the proposed holder of the fee title, conservation easement, or lease will be different than the applicant or technical contact, please provide the requested information. If the applicant or technical contact is the proposed holder of the interest, fill in which one is the proposed holder.

Proposed Holder Phone, Fax, Email, and Address: Provide all contact information for the proposed holder of the property interest.

Section II PROJECT SUMMARY

Check the primary type of activity proposed: Check one box that best represents the combination of the type of acquisition and type of management or management change proposed. A land acquisition project is either a fee simple, conservation easement, or lease acquisition. Then check the box under the heading that best represents whether the proposed acquisition is primarily for protection, restoration and protection, or restoration and protection on a working farm, ranch, or forestland.

Short description of project: Using 200 words or less, please describe the proposed acquisition including project activity type (see above), acreage, purchase price, amount requested, the conservation need (Section IIIA, Questions #1-2), and conservation goals of the project (Section IIIB, Question #3). 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 the media, legislators, and the public about proposed grant projects. Prepare a clear description that captures the key features of the proposed projects within the size limitation requested.

Timeline: Describe the timelines for the proposed acquisition project, from securing match to when the option expires to when you anticipate purchase of the interest. If match funding has not already been secured, describe when match funding decisions are anticipated. If applicable to the proposed project, 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

As described in Oregon Administrative Rules 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 Section 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. Evaluation criteria (f) is addressed through the due diligence materials, which are requested separately by OWEB after review of the previous criteria.

The questions in Section III subsections A through F, come from the application requirements described in OWEB’s land acquisition administrative rules, which are available either on the Secretary of State’s Web site, or with the land acquisition grant materials on the OWEB website (www.oregon.gov/OWEB). Most of the questions include instructions and suggestions on the types of information requested. Those questions staff felt needed further explanation or definition are described below by application subsection.

A. ECOLOGICAL BENEFITS

Questions #A1-4: Basin Ecological Priorities and Conservation Principles

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 can be found on file at OWEB’s main office at 775 Summer Street NE, Suite 360 in Salem, Oregon, or on OWEB’s website at www.oregon.gov/OWEB with the other land acquisition guidance materials. The online report can be downloaded in parts. The “Introduction and Framework” document includes further description of the Conservation Principles. 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 fifteen 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 system and species priorities. Lists and tables of priority ecological systems, species and plant communities are provided.

In Question #A1 list and describe the priority habitat(s), plant communities, and species identified in the Basin Ecological Priorities your project seeks to protect or restore.

In Question #A2, describe the approximate number of acres on the property containing the priority habitat(s), plant communities, and species identified in the Basin Ecological Priorities. If the number of acres on the property containing priority habitat(s), plant communities, or species is less than 50 percent of the total property acreage, describe why the entire property interest is proposed for acquisition. Also describe the number of miles of stream protected and include whether both sides of that stream lie completely within the property proposed for acquisition or whether the stream is the property's boundary.

Finally, in Question #A3 describe how the proposed project is consistent with one or more of the Conservation Principles.

- A. Protect a large, intact area, or
- B. Stabilize an area "on the brink" of ecological collapse, or
- C. Secure a transition area, protecting it from development, or
- D. Require active restoration to achieve its conservation purpose that would not occur without a change in ownership, or
- E. Protect a site with exceptional biodiversity value, or
- F. Improve connectivity of habitat, or
- G. Complete or complement an existing network of sites in the basin or region.

Question #A6: Relation to Other Efforts

Are there other restoration or protection efforts in the basin that will add to the cumulative benefit of protecting this site or land interest?

Question #A7: Referencing Current Conservation Plans

Do not just provide a list of the conservation plans that identify the property, or its habitats or species, as a protection or restoration priority. Attach pages that reference the property, area, habitats, or species from the most important and relevant conservation plans because OWEB may not have copies of those plans available to provide to reviewers.

For example, does the site support habitats identified as important elements in the Oregon Natural Heritage Plan or Oregon Biodiversity Plan, or does the property include streams identified by the Oregon Chapter of the American Fisheries Society as Aquatic Diversity Areas? Has a watershed assessment or action plan been completed, and does it identify this site or its habitats as important to watershed function? **Do not attach more than 10 pages total from all**

listed plans.

Question #A8: Watershed Functions/Water Quality Parameters

The location of the parcel and the specific habitats involved may have significance for watershed function. For example, “the parcel contains an important anadromous fish bearing stream and includes a relatively undisturbed steep valley channel and the braided section of the channel at the upper end of an alluvial valley. The stream is dynamic throughout this reach and annually produces significant spawning areas for salmonids”

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

Question #A10: Oregon Plan Goals

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 Web site (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.

B. SUSTAINING ECOLOGICAL BENEFITS

The questions in this subsection are designed to enable the Board to evaluate how a proposed land acquisition project’s ecological benefits will be sustained. Clearly describe management goals and the capacity of the management entity (the organization or entity who will be responsible for future management) or title holder (the organization or entity who will hold title to the interest) to ensure that the ecological benefits associated with the project will be sustained. Explain who would be successor in the property interest should the management entity or titleholder fail to perform or cease to exist.

Your responses to questions B1-B6 are critically important to OWEB. The Board especially seeks to understand whether the proposed acquisition will protect existing habitats or species or whether realizing the ecological benefits of the acquisition will require intensive management or comprehensive restoration of the site, and whether the management entity or titleholder has the capacity and resources to manage its responsibilities.

C. MEASURABLE ECOLOGICAL OUTCOMES

This question is designed to enable the Board to evaluate how the applicant, titleholder, or management entity will measure both short-and long-term success in meeting its management goals for the project. It may be helpful to describe management goals as quantifiable measures. Identify and describe any monitoring protocols or methods you plan to use to evaluate 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 higher ranking than a comparable project that does not have strong educational benefits. To

enable the Board to evaluate the potential for the proposed acquisition to enhance citizen understanding of watershed health, if a proposed project does have an educational component, the applicant should provide information about proposed educational benefits in the grant application. If the proposed property or property interest is not suitable for educational or public access, explain the reasons 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 they will contribute. Identify both non-governmental and governmental entities that support the proposed acquisition. 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, if any.

Question #E6: Contacting Local Organizations

- If there is a watershed council in the area where the project is proposed, provide the council name(s) and identify whether they are aware of this project. Contact OWEB, or visit <http://www.oregon.gov/OWEB>, if you are uncertain whether there is a watershed council in area where the acquisition is proposed.
- List the soil and water conservation district (SWCD) name and whether they are aware of this project. Contact the Oregon Department of Agriculture SWCD Program (http://www.oregon.gov/ODA/NRD/swcd_front.shtml, or 503-986-4705) for more information.
- If the proposed acquisition is located within a city, list the name of the local municipality and whether they are aware of the project.
- If the proposed acquisition is located within the boundaries of an irrigation or drainage district, list the name and whether they are aware of the project.

Question #E7: Tribal Contact

If there are tribal lands, including reservation lands, trust lands, or usual and accustomed sites, where the project is proposed, provide the tribal name and whether they have 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 (<http://www.leg.state.or.us/cis/tribes2.pdf>).

F. LEGAL & FINANCIAL TERMS

Question #F1: Conservation Values

If the application is proposing a fee simple acquisition, describe in detail the proposed conservation values to be legally protected by OWEB's required easement, covenant or deed restriction described in OAR 695-045-0140(7). Conservation values are the specific habitat types; specific plant community types; native fish and wildlife species and habitats; and specific water quality goals for the proposed acquisition. We are looking for a response that could be inserted into Section 3 of OWEB's Conservation Easement template (see land acquisition guidance materials for a copy of the template).

Question #F2: Landowner and Partner Information

In addition to listing the names and addresses of significant partners, be sure to include letters of support from those individuals or organizations as requested in the Required Attachments.

Question #F3: Property & Encumbrance Description

Generally describe the physical state of the property, including any current or proposed roads and structures and legal encumbrances. Describe the approximate location of any existing roads, structures, or improvements. Discuss the planned location and timeline for implementation of any proposed roads, structures, or improvements. OWEB is not looking for a legal survey of the property or a baseline condition report. Also describe whether the physical characteristics, current or proposed improvements, or legal encumbrances could potentially impact the habitats or species proposed for protection or restoration on the property.

G. REQUIRED ATTACHMENTS

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

Maps:

On a USGS 7.5min topographic quad map show the location of the proposed acquisition. Also attach a map showing the approximate locations and descriptions of the habitat and species the project proposes to protect and/or restore. Provide maps on 8½” x 11” pages and include a legend. 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.

Conservation Plans

Attach no more than 10 total page 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 as requested in Question #A7.

Letters:

- ✓ Attach two letters from natural resource professionals not affiliated with the applicant or project sponsors explaining how the proposed acquisition will address and benefit the priority habitats and/or species and Conservation Principles identified in the Basin Ecological Priorities (Questions #A1 to A4).
- ✓ Attach letter from the current owner(s) of the property interest stating that they are aware of and support the grant application.
- ✓ Attach other letters or documentation of support, as applicable, from project partners (Question #E2)

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 visioning statement or management plan outline in place of a completed management plan (Question #B3).

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 (Question #F1).

Even if you are still negotiating final language with landowners, attach your current draft of the easement or lease so that the Board can evaluate how the property's habitats and species are proposed to be protected, restored, and/or enhanced.

Prior Purchase Statement

Applicants may submit an application for funding for an acquisition of a land interest 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 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.

Land Acquisition Budget Page & Match Form:

OWEB funds are only eligible to be used towards the purchase price of a land interest. 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.

Please note the column marked, "Match Funds." This column is only for the amount of funds from sources other than OWEB. Match funding totaling 25% of the amount requested from OWEB is required. The "Source" column is for listing the sources of matching funds, while "Match Funds Status" is to explain whether funds are secured or pending. Verification that match funding totaling 25% of OWEB grant funds has been secured is required prior to the release of any OWEB grant.

Land Use Form:

OWEB requires that all watershed projects comply with the Statewide Planning Goals by ensuring compatibility with acknowledged comprehensive plans. The Land Use Information Sheet is the document OWEB requires to ensure a project's compatibility with local comprehensive plans. **While included in the grant application, the Land Use Form does not need to be submitted with the application. 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, the local comprehensive plan and zoning ordinance.

Legal Requirements Page:

This form provides acknowledgment that if OWEB awards funds for the project, you are willing and capable of the contractual and performance obligations required under the OWEB land acquisition program.

Photographs:

If applicable, please provide photographs to aid the OWEB Board, staff, and Regional Review Team in understanding the current conditions, habitats, or other characteristics of the proposed property or property interest. Avoid color or detail that will not photocopy clearly. Provide 25 copies of any photographs that you want OWEB reviewers to see in color.

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 Section III of the land acquisition grant application. The following materials are required. All must be submitted at least 90 days prior to the anticipated date of OWEB Board action.

1. **Option, Purchase of 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 land interest for the purposes described in section 4(b), Article XV of the Oregon Constitution.
2. **Donation & Disclosure.** Applicants are required to submit a statement of whether or not the seller or lessor of the land interest 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 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 value the fair market value of the property interest to be acquired through accepted appraisal techniques. 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 partial interest.

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), aka "the Yellow Book," specifications. An appraisal report that uses the UASFLA specifications meets OWEB's requirements.

4. **Title Report & 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 E1527-00 published in July 2000. 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 interest, 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.