LAND ACQUISITION

PROGRAM MANUAL


Basket Slough: by Joan Amero, cc

OREGON WATERSHED ENHANCEMENT BOARD

September 2026

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Overview

Program Purpose

The Oregon Constitution specifies that OWEB may fund voluntary projects using the Watershed Conservation Grant Fund to secure long-term protection for lands that provide significant habitats for native fish and wildlife.

Oregon Revised Statutes (ORS) 541.956 and 541.932(9) limit use of the funds to land acquisition projects that will protect, restore, or maintain watershed and habitats for native fish and wildlife.

The land acquisition program is administered unmder Oregon Administrative Rule Chapters 695-005

and 695-045. In the case of any conflicts between the content of this manual and OWEB statutes and administrative rules, OWEB statutes and administrative rules will prevail.

OWEB encourages applicants to carefully review this manual and associated information to ensure that submitted applications are complete and competitive, and to understand what is required of successful applicants.

Program Contact

For pre-application consultations:
Robin Meacher
Phone: 971-301-1578
Email: robin.m.meacher@oweb.oregon.gov

For all other matters:
Miriam Forney
Phone: 971-345-7023
Email: miriam.forney@oweb.oregon.gov

Eligible Projects

OWEB's administrative rules for land acquisition grants allow for future acquisitions of property interests and the reimbursement of purchases of property interests that occurred no more than 18 months before the grant application deadline. Refer to the Budget section of this manual for more information.

Land acquisition grant funds may be used for the purchase of fee simple absolute and perpetual conservation easement interests in land. Fee simple absolute is referred to as "fee simple" throughout this manual. The program does not fund the purchase of any other type of property interest.

A fee simple interest in land is complete ownership, whereby the buyer is granted title to the property, including the land and any improvements to it. When OWEB grants funds for the purchase of a fee simple interest in property, the recipient of the funds is required to grant OWEB's perpetual, standard form conservation easement to the State of Oregon, to ensure that use of the property remains consistent with the purpose of the OWEB grant. The conservation easement template used by OWEB for such projects is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Under the program's administrative rules, a conservation easement is a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include protecting or restoring native fish or wildlife habitats. When OWEB grants funds for the purchase of a conservation easement, the recipient of the funds is required to include certain OWEB-related terms and conditions in the conservation easement to ensure that use of the property remains consistent with the purpose of the OWEB grant. The terms and conditions include the right of OWEB to enforce the conservation easement. Refer to the Conservation Easements Purchased with Grant Funds section of this manual for more information.

Eligible Organizations

OWEB-funded interests in land may be held by local, state, and federal agencies, Tribes, not-for-profit land conservation organizations and trusts, Oregon institutions of higher education, independent not-for-profit institutions of higher education or political subdivisions of the state, as long as the entity continues to use the land for the purposes specified in the Oregon Constitution.

OWEB does not make acquisition grants to state or federal agencies or private landowners; however, these parties may partner on a project with an eligible grantee.

OWEB works directly with grantees, which are responsible for coordinating with other project partners to develop and implement the project.

2026 Land Acquisition Grant Offering

Land acquisition grant applicants are **required** to consult with OWEB staff before applying for a grant. Consultations will be held **September 1 – September 30, 2026**. Refer to the Pre-Application Consultation section of this manual for more information.

Land acquisition grant applications are due by **5:00 pm on October 15, 2026**. Grant applications must be submitted in [OWEB's Online Grant Application](). The matching costs requirement is 25%. Land acquisition applications will be considered for funding at the April 2027 OWEB board meeting.

All information submitted in association with the application (e.g., support letters, maps, title reports, etc.), whether required or optional, must be submitted online with the application, by the application deadline. No material is accepted separately. Refer to the Application Instructions section of this manual for more information.

If you intend to apply for matching funds from the US Fish and Wildlife Service's National Coastal Wetlands Conservation Grant Program, please review the information on the Coastal Wetlands grants webpage and contact Jillian McCarthy, Partnerships Coordinator, at (971) 345-7016 or jillian.mccarthy@oweb.oregon.gov.

Program Modernization

In July 2026, after more than one year of deliberations by the Acquisitions and Restoration Committee of the OWEB board, the full board approved initial changes to the land acquisition program, to address ongoing concerns and challenges and identify refinements and alternative approaches to solve problems and improve program utilization. Significant changes adopted by the board include implementing a statewide technical review team for the evaluation of grant applications and increasing the level of risk OWEB is willing to incur at the application stage of projects. These and additional changes are described in the July 2026 staff report to the board. Further program changes will occur in subsequent grant cycles.

Process Overview

STEP 1: PRE-APPLICATION CONSULTATION

- ✓ September 1, 2026 – September 30, 2026
- ✓ Consultations will be held after September 30, 2026 only if there is a significant change in project status, such as a loss of other funding, which makes an OWEB application time-sensitive

Applicant Responsibility

- Review consultation checklist and prepare for discussion
- Review program materials
- Provide project map and preliminary title report, or title insurance policy if applicable
- Determine whether tenants are on the property

OWEB/Applicant Shared Responsibility

- Discuss items on consultation checklist

STEP 2: APPLICATION SUBMISSION

- ✓ Application opens: September 1, 2026
- ✓ Application deadline: 5 pm on October 15, 2026. No late applications accepted.

Applicant Responsibility

- Submit complete application

STEP 3: APPLICATION REVIEW

- ✓ October 16, 2026 – approximately February 5, 2027

OWEB Responsibility

- Application eligibility review

- Determine whether application edits are necessary

Applicant Responsibility

- Application edits, if requested by OWEB

OWEB/Applicant Shared Responsibility

- Coordinate site visit with technical review team (TRT)

OWEB & TRT Responsibility

- Ecological outcomes review
- Project soundness review*
- Community benefits or impacts review
- Organizational capacity review

***Process for Clarifying Application Information**

- *Optional*: OWEB contractors that review project soundness may request clarifications of soundness-related application content; new information may not be sought
- OWEB compiles reviewer questions and sends them to the applicant
- *Optional*: the applicant responds to reviewer questions; new information may not be provided
- OWEB compiles applicant responses and provides them to OWEB contractors
- OWEB contractors complete their reviews

STEP 4: PUBLIC INVOLVEMENT

✓ Approximately October 26, 2026 – April 20, 2027

Applicant Responsibility

- *Optional*: provide written responses to OWEB regarding any issues raised in the public hearing (fee simple projects only) or in written comments received by OWEB by the deadline specified in public notifications (all applications)

OWEB Responsibility

- Complete public and Tribal notification process
- Schedule and advertise public hearing (fee simple projects only)

OWEB/Applicant Shared Responsibility

- Participate in public hearing (fee simple projects only)

STEP 5: BOARD MEETING PREPARATION

✓ Approximately February 5, 2027 – April 20, 2027

OWEB Responsibility

- Prepare project evaluations and a funding line based on TRT discussions
- Prepare funding conditions for projects recommended for funding and ranked above the funding line
- Post project evaluations with board meeting materials

OWEB/Applicant Shared Responsibility

- Discuss project evaluations as needed
- Agree to funding conditions if the project is recommended for funding and ranked above the funding line

Board Decision (April 2027 Board Meeting)

- Fund with conditions; or
- Do not fund (no further steps)

STEP 6: DUE DILIGENCE

✓ Approximately April 27, 2027 – October 27, 2028

Grantee Responsibility

- Submit materials to meet all grant conditions

OWEB Responsibility

- Prepare grant agreement, conservation easement for fee simple purchases, and notice of federal participation and conveyance agreement if applicable
- Review all due diligence items
- Complete any relocation required by law
- Obtain federal funder review, if applicable
- Obtain legal sufficiency review

OWEB/Grantee Shared Responsibility

- Finalization of project documents

STEP 7: CLOSING - RELEASE OF OWEB FUNDS FOR THE TRANSACTION

✓ Approximately October 27, 2028 (no later than 18 months after Board award)

OWEB Responsibility

- Prepare supplemental escrow instructions

Grantee Responsibility

- Submit and obtain approval of any overdue reports
- Provide wire information and estimated settlement statement
- Prepare to obtain conservation defense insurance upon closing
- Provide GIS information for property boundaries, and maps required by federal funder if applicable

STEP 8: SITE STABILIZATION

✓ If included in the Board funding award, complete no later than 24 months after closing

Grantee Responsibility

- Complete activities in accordance with the application and any funding conditions
- Document completed activities
- Submit site stabilization reimbursements and completion documentation
- Include site stabilization activities in the management plan if the site stabilization is not completed before the management plan deadline

OWEB Responsibility

- Review and approve site stabilization expenses and completion documentation, and issue reimbursements

OWEB/Grantee Shared Responsibility

- Agree on any changes to site stabilization activities

STEP 9: MANAGEMENT PLAN, STEWARDSHIP, AND REPORTING

✓ Management plan approved by OWEB no later than 18 months after closing

Grantee Responsibility

- Complete management plan and obtain OWEB approval
- Implement plan
- Obtain approval of any plan updates
- Monitor the property
- Complete project progress report and obtain OWEB approval

OWEB Responsibility

- Review management plan and updates
- Review requests for property uses not covered in the management plan
- Monitor the easement
- Review project progress report

Good-Standing Requirement

Any grantee that is out of compliance with management planning and reporting requirements of any grant agreement it has with OWEB must become compliant with the obligations prior to executing a grant agreement for a new land acquisition funding award. Delays in executing a grant agreement caused by outstanding reporting obligations may impact a grantee's ability to close a transaction within the timeframe required by OWEB. OWEB will not release grant funds to close a transaction if the grantee is not in compliance with the terms of all grant agreements it has with OWEB.

Application Instructions

Pre-Application Consultation

Land acquisition grant applicants are **required** to consult with OWEB staff before applying for a grant, to discuss: (i) the project's opportunities, benefits, potential challenges, and schedule; (ii) the applicant's community engagement to date and strategy for future engagement; and (iii) the grant application and review processes.

Consultations will be held **September 1 – September 30, 2026**. Applicants are encouraged to request a consultation early by contacting Robin Meacher. Refer to the Program Contact section of this manual for more information.

Pre-application consultations are held via conference call and attended by multiple OWEB staff. The consultation is an informal conversation and an opportunity for applicants to get advice on successfully competing for grant funds and an understanding of what to expect if funds are awarded. The consultations are informational and no funding decision is made during the consultation. Applicants do not need to convey information as a presentation or proposal.

The following items should be sent to OWEB at least **three business days** before the scheduled pre-application consultation:

- A map of the property, prepared from an aerial photo with the property boundaries depicted; and
- If the property has not been purchased: a preliminary title report or status of record title report that is no more than one year old and includes vesting information that is consistent with the current ownership of the property; or
- If reimbursement is being sought for a completed property purchase: the title insurance policy issued at the time of purchase.

Applicants should be prepared to discuss the following aspects of their project:

- Transaction and Long-term Protection
    - Property interest intended for purchase
    - Intended long-term holder
    - Match funder
    - Timing of match
    - Project budget, including estimated purchase price
    - Project team and expertise
    - Community engagement, including local government, to date and planned
    - Tribal engagement, to date and planned
- Conservation Values
    - Consistency with OWEB's conservation principles (pages 7-8 of linked document)

- Consistency with the State Wildlife Action Plan's (SWAP) Key Conservation Issues
    - Consistency with local, regional, or state conservation plans for land acquisitions
    - Property's location relative to SWAP Conservation Opportunity Areas (COA)
    - SWAP Key Habitats addressed by the project
    - SWAP Species of Greatest Conservation Need and other priority species that will be addressed by the project
- Proposed Property Use and Management
    - Actions for protecting and restoring habitat for fish and wildlife
    - Additional intended uses
    - Funding
    - Partners
- Due diligence
    - Land use
    - Historic and current property uses
        - Property improvements
        - Known contamination issues
        - History of public use, or trespass
        - Tenants
        - Other
    - Constraints on any intended restoration
        - Potential impacts on neighboring properties
        - Concerns of diking or irrigation districts
        - Other
    - Property boundaries
    - Use of adjacent properties
    - Access
    - Rights intended for reservation by seller, either via deed reservation (fee title project) or in conservation easement
    - Deeds of trust and other liens
    - Rights of third parties
        - Easements
        - Resource extraction
        - Other
    - Tax deferrals
    - Water rights

Accessing the Application System

The grant application system is accessed online through OWEB's Online Grant Application System. Information about the system, including how to obtain a login, is available on the OGMS help webpage.

An application template and budget worksheet are available on the land acquisition webpage, linked in the Program Purpose section of this manual. OWEB recommends that applicants use these documents to prepare application information, then copy the information into the online grant application. The application template and budget worksheet are not accepted in place of the online grant application.

Documents to Include with the Application

Instructions

- Review the following information carefully and ensure that you submit all required documents with your grant application. All documentation must be submitted online. Incomplete applications will not be considered for funding.
- The recommended size limit for a file uploaded to the online grant application system is 36 MB.
- The name of each uploaded file should be clear, ensuring that the file is easily identifiable without opening it. For example: VicinityMap.pdf.
- Applicants are encouraged to enter a file description in the comment field of the uploads section of the online grant application, when doing so will further assist reviewers with easily identifying files.
- When uploading documents to the online application system, select the upload type specified for each document to ensure that your information is properly identified, and kept confidential as applicable. Refer to the Confidentiality section of this manual for more information.
- Property-specific documents such as maps, the Landowner Acknowledgement Form, and title-related documents must be submitted for each property proposed for OWEB funding.

Required Documents

The following documents are required for all grant applications. (Note that "upload type" refers to the tag you will select in the document upload section of the online application system.)

1. Vicinity Map (upload type: map)

   A map that shows each property proposed for OWEB funding, any match property, and the location relative to the closest town. On the map, label each property by the name used in the application.

2. Property Map (upload type: map)

An aerial photograph of each property proposed for OWEB funding. Clearly depict the property boundaries, notate the ownership of parcels abutting the property, and do not include any shading on the photo.

3. Evidence of Organization Eligibility (upload type: evidence of organization eligibility)
    - Evidence of the applicant's conservation mission that includes the acquisition of interests in property for conservation purposes (e.g., applicable section of corporate charter, bylaws, statute, or board resolution).
    - Non-governmental organizations must submit their bylaws with the application.
4. Organizational Financial Documents (upload type: organizational financial documents)

    Documents appropriate to the applicant (or the long-term holder if a property interest will be transferred) that reasonably characterize the organization's existing financial circumstances. Examples include: a copy of the organization's year-end-budget-to-actual-outcomes report for most recent fiscal year; the summary of the organization's most recent annual financial audit or review; and balance statements for the organization's existing stewardship and legal defense funds. If the organization is a political subdivision of the state, documents can include applicable parts of adopted budgets which dedicate funds to the proposed project.
5. Support Letters (upload type: letters)

    At least two letters of community or partner support.
6. Landowner Acknowledgement Form (upload type: landowner acknowledgment form)

    The Landowner Acknowledgement form completed and signed by the seller or seller's representative, for each property interest proposed for OWEB funding. The form is available on the land acquisition webpage, linked in the Program Purpose section of this manual.
7. Preliminary Title Report (upload type: preliminary title report)
    - If the property interest has not been purchased: attach a preliminary title report that was **no more than one year old** at the time of the pre-application consultation and includes vesting information that is consistent with the current ownership of the property. Other title documents, such as status of record title reports, do not meet the application requirement for a preliminary title report.
    - If reimbursement is being sought for a completed property purchase: attach a preliminary title report that shows ownership vested in the entity from whom the property interest was purchased; such reports are routinely issued to buyers before closing. The one-year age limit stated above does not apply.
8. Title Report Documentation (upload type: documentation of title exceptions)

    A legible copy of recorded documents for the exceptions listed in the preliminary title report.

9. Vesting Deed (upload type: vesting deed)

   A copy of the deed that vested title in the party identified in the preliminary title report.

10. Stewardship Calculator (upload type: other)

    A long-term stewardship calculator that includes all of the following information for each property interest proposed for OWEB funding: (i) all necessary annual stewardship activities;* (ii) the estimated annual expense of each stewardship activity; (iii) the total annual expense of all stewardship activities; (iv) the amount of stewardship funding (principle) that will be secured to pay the total annual stewardship expense; (v) confirmation that the principle calculated in (iv) is reasonably expected to produce investment returns equal to or greater than the total annual stewardship expense, based on the past performance of the applicant's investments, net of inflation, management fees, and principal preservation.

    Applicants may develop their own Excel-based calculator, or use one that is available online, such as [The Nature Conservancy's long-term stewardship calculator.]

    *Stewardship activities and costs relate to monitoring, maintaining, managing, and improving a property interest (OAR 695-045-0010(3)). Examples include but aren't limited to: time, travel, and materials for weed treatments, maintenance of signage and gates, litter removal, and routine monitoring; conservation defense insurance annual premiums; and annualized costs of minor and major use violations such as trespassing. Stewardship activities and costs do not include the cost of one-time restoration projects.

Conditionally Required Documents

The following documents are required in the instances described below.

1. Information not accommodated by the application form, such as information about multiple property owners and proposed long-term holders (upload type: other due diligence)

2. Title Insurance Policy (upload type: title insurance policy)

   If OWEB funds are being sought as a reimbursement for a prior transaction, attach a copy of the title insurance policy issued for the transaction.

3. Title Policy Documentation (upload type: documentation of title exceptions)

   If OWEB funds are being sought as a reimbursement for a prior transaction, attach a legible copy of recorded documents for any exceptions listed in the title insurance policy that are not listed in the preliminary title report.

4. Accreditation Information (upload type: accreditation information)

   - If the applicant is accredited by the Land Trust Alliance, attach a copy of the accreditation letter.

- If a property interest or long-term management responsibilities for a property interest will be transferred to a long-term holder, and the long-term holder is accredited by the Land Trust Alliance, attach a copy of the accreditation letter.

5. Water Rights Information (upload type: water rights information)

   If property proposed for OWEB funding has appurtenant water rights, including any surface, instream, stored, or groundwater rights, attach the following information as applicable: (i) water rights applications, permits, certificates, transfers, and claims; (ii) the status of each right; and (iii) a map of the area of use and point of diversion or point of appropriation for each right. This information is typically available from the Oregon Water Resources Department website.

6. Long-Term Holder Letter (upload type: long-term holder letter)

   If an entity other than the applicant will be the long-term holder or manager of a property interest proposed for OWEB funding, attach a board resolution or letter from that entity that clearly demonstrates its intent and ability to accept, as applicable, long-term ownership, management, and monitoring and enforcement responsibilities for the property interest.

7. Draft Conservation Easement (upload type: conservation easement)

   If a conservation easement is being acquired, attach a copy of the draft easement with OWEB's required terms and conditions included. Refer to the Conservation Easements Purchased with Grant Funds section of this manual for more information.

8. Landowner Commitment Letter for Conservation Easement Project (upload type: landowner letter for conservation easement project)

   If a conservation easement is being acquired, attach a letter from the landowner that: (i) approves the draft form of the conservation easement submitted with the application; (ii) acknowledges that OWEB may request revisions to the draft conservation easement to ensure legal soundness and consistency with the land acquisition program's requirements, the grant application, and the grant agreement; and (iii) commits to management planning and implementation as described in the grant application. This letter is not the same as the landowner acknowledgement form, which is required for all projects.

9. Restoration Map (upload type: map)

   If restoration of the property is necessary to achieve and sustain desired future conditions, attach a map showing the approximate extent of intended habitat types after restoration. If the property is highly altered and requires extensive restoration to achieve the ecological outcomes that are the basis of the OWEB award, refer to the Description of Restored Conditions in the Baseline and Management Plan sections of this manual. In all cases, conceptual ideas and approximations are acceptable for conveying restoration intentions at the time of application, and flexibility is afforded for evolving restoration outcomes for projects that are awarded funding.

10. Federally Negotiated Indirect Cost Rate Agreement (upload type: federally negotiated indirect cost rate plan)

    When a grant program allows indirect costs, Federal Regulations (2 CFR 200.414 (d)) require OWEB to accept federally negotiated indirect cost rates. If your organization has a federally negotiated indirect cost rate, the current approved federally negotiated indirect cost rate agreement (FNICRA) letter should be uploaded with the application. A current FNICRA, defined as being authorized by a cognizant agency and with the effective period not expired, must be on file before indirect cost funds will be reimbursed.

11. Other Documents

    If any of the following documents have been prepared for a property proposed for OWEB funding, they should be attached to the application. Such documents are useful in conveying project soundness, including the likelihood that the project can be successfully completed in a technically sound manner by the end of the 18-month due diligence period, and minimizing questions or concerns during the evaluation process. Refer to the Project Soundness section of this manual for more information about the 18-month due diligence period.

    - Option, purchase and sale agreement, memorandum of agreement, or other agreement with the seller (upload type: sale agreement)
    - Appraisal, broker's opinion of value, assessment records, comparable sale information, or other documentation that supports the purchase price line item in the project budget (upload type: appraisal)
    - Environmental site assessment (upload type: environmental site assessment)
    - Boundary survey (upload type: boundary survey)
    - Title investigation results (upload type: other due diligence)
    - Relevant land use restrictions or requirements (upload: other due diligence)
    - Leases, permits, licenses, rental agreements, or similar agreements that affect the property (upload type: leases & similar agreements)
    - Access easements that benefit the property (upload type: access easements)
    - Property inventories such as infrastructure inventories (upload type: other due diligence)
    - Any other due diligence or transaction-related documents that have been prepared (upload type: other due diligence)

Optional Documents

OWEB encourages applicants that have the following documents to consider attaching them to the application, to further assist reviewers in understanding the proposed project. Some of the documents will be required if grant funds are awarded to the project. For more information about requirements for funded projects, refer to the grant agreement template available on the land acquisition webpage linked in the Program Purpose of this manual, and to the Due Diligence section of this manual.

ORGANIZATIONAL DOCUMENTS FOR NON-LTA ACCREDITED APPLICANTS (UPLOAD TYPE: EVIDENCE OF ORGANIZATION ELIGIBILITY)*

- Policies and procedures for selecting and acquiring conservation property interests
- Processes for keeping accurate financial records
- Conflict of interest policy
- Annual independent financial review or audit
- Records management protocols
- Policy and procedures for managing conservation property interests
- Property inspection protocols
- Other written policies, procedures, or plans pertaining to organizational capacity

*Accreditation by the Land Trust Alliance (LTA) helps to demonstrate an organization's capacity to soundly accomplish its mission. Accordingly, LTA-accredited applicants answer only a portion of the organizational capacity-related questions in the grant application. Applicants that are not accredited by LTA answer all the organizational capacity questions in the grant application and have the option of attaching the listed items, to support answers provided to the questions. Such documents are useful in conveying information about the project and applicant organization and may reduce questions or concerns during the evaluation process.

TITLE ANALYSIS SHEET (UPLOAD TYPE: DOCUMENTATION OF TITLE EXCEPTIONS)

A title analysis sheet includes each exception to title, explains the potential impacts of the exception on the conservation purposes of the Project and the reasoning involved, and describes the anticipated approach to resolving the exception if needed.

ADDITIONAL PROPERTY INFORMATION (UPLOAD TYPE: MAP, UNLESS OTHERWISE INDICATED BELOW)

- Topographic map(s)
- Habitat map(s)
- Tax map(s)
- Map(s) with urban growth boundary depicted
- Map(s) that depict the relationship to other conservation properties
- Soil map(s)
- Other maps as available
- Photo(s) – in PDF format, with two photos per page (upload type: photo (other))
- Natural resource inventories (upload type: other due diligence)
- Outreach materials (upload type: outreach materials)
- Draft management plan (upload type: management plan)

OWEB LAND USE INFORMATION FORM (UPLOAD TYPE: LAND USE FORM)

The land use information form is required only for land acquisition projects that disturb land. Refer to the Land Use Information Form section of this manual for more information.

Landowner Acknowledgement

Applications may only be submitted with the knowledge of the landowner, which must be demonstrated with an executed Landowner Acknowledgement Form. The form, which confirms understandings related to public records, relocation laws, conservation easement projects, and tax benefits, is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Confidentiality

Land acquisition projects may involve sensitive information. OWEB will endeavor to restrict access to the following sensitive land acquisition grant-related documents: appraisal; boundary survey; preliminary title report and title insurance policy, documentation of title exceptions, and vesting deed; property leases and similar agreements; environmental site assessment; landowner acknowledgement form; option, purchase and sale agreement, and other purchase price-related information; documentation regarding the applicant or landowner's financial or sensitive business information; and water rights information. Refer to the Documents to Include with the Application section of this manual for more information about what applicants must do to ensure that certain grant-related documents are not maintained in OWEB's public facing grant database.

Applicants should consider that Oregon Public Records law provides that, in general, any document used or retained by a public agency is a public record subject to disclosure in response to a public records request unless an exemption applies. In general, OWEB will make all its public records, not otherwise exempt from disclosure by law, available for inspection and copying during regular business hours as described in OAR 695-003-0020(3). Many of the exemptions to disclosure in Oregon Public Records law are conditional exemptions where, when presented with a public record request, the public agency must weigh the public interest in disclosure against the agency and public interest in nondisclosure. ORS 192.345 lists the categories of public records conditionally exempt from disclosure in a particular instance. This list includes, but is not limited to, "trade secrets" (192.345(2)), production and business records (192.345(5)), information relating to the appraisal of real estate prior to its acquisition (192.345(6)), and information regarding habitat, location, or population of threatened or endangered species (192.345(13). In the event of a public records request related to any of these documents, OWEB will inform the applicant of the request and will analyze whether public records law requires disclosure.

Conferring with Tribes, Local Governments, and Communities

Applicants are encouraged to engage with federally recognized Tribes, local government officials, and local and indigenous communities about the proposed project before applying, to facilitate a more fully informed public process.

Relocation of Displaced Persons

Background

OWEB has certain responsibilities under the Relocation of Displaced Persons statutes (ORS 35.500-35.530) and the federal Uniform Relocation and Real Property Acquisitions Policies Act of 1970 (Uniform Act). Specifically, business and residential tenants that are displaced because of an OWEB-funded acquisition may be eligible for advisory services and relocation benefits. Landowners are not eligible for relocation services or benefits in association with OWEB-funded acquisitions, which are voluntary transactions.

Grant applicants are not responsible for complying with the Uniform Act. However, grant applicants and landowners must not take any action that is inconsistent with the Uniform Act (e.g., attempt to negotiate a lease or rental agreement termination with a tenant).

OWEB Responsibilities

OWEB is responsible for providing relocation services and benefits in accordance with applicable laws. Any relocation costs will be paid by OWEB outside of grant awards. Lawful tenants will be eligible for relocation services and benefits when the property is purchased or upon receiving a notice to vacate the property, whichever occurs sooner. Relocation-related costs incurred by tenants prior to the eligibility date may not qualify for reimbursement by OWEB.

Grant Applicant Responsibilities

Grant applicants are required to:

- Submit a fully executed Landowner Acknowledgement Form with the grant application. The form is structured to meet the requirements of the Uniform Act and applicable Oregon law related to voluntary acquisitions. Specifically, to qualify as a voluntary acquisition, the seller must: (i) be advised in writing that the property will not be acquired if negotiations fail; and (ii) be provided with a written estimate of the property value and the basis of that estimate if matching funds for the project are sought from the National Coastal Wetlands Conservation Grant Program.
- Inform OWEB, in the grant application, of any tenants on the property and cooperate with OWEB to determine the estimated time, effort and cost that will be associated with OWEB fulfilling relocation obligations, if any, to tenants if the grant is awarded.
- If the grant is awarded, agree to a condition in the grant that requires the grantee to allow any tenants to remain on the property until OWEB has fulfilled its statutory obligations, if any, regarding relocation of displaced persons.

Cooperative Efforts

Prior to closing, OWEB grantees must not act independently of OWEB on any matters pertaining to tenants on a property for which OWEB has granted land acquisition funds. If tenants are on the property, or the potential exists for tenants on the property before the property is purchased (or conservation easement is purchased on the property), grantees must cooperate with OWEB's efforts to:

- Determine whether existing tenants may be eligible for relocation advisory services or benefits.
- Provide initial information to tenants who may be eligible for relocation advisory services or benefits.
- Advise existing tenants not to vacate the property until OWEB has fulfilled its statutory obligations, if any, regarding relocation of displaced persons.
- Avoid relocation obligations under any new tenancies.
- Complete other efforts necessary to comply with relocation laws.

Local Government Grantees

If OWEB's grantee is a local government that has demonstrated the experience and capacity to provide relocation benefits to tenants, OWEB, subject to approval by the grantee, may elect to delegate all or a portion of relocation duties to the grantee. In such a case, the grantee's role and responsibilities are described in the grant agreement.

Grantee Insurance Requirements

Land acquisition grantees and their contractors are required to carry certain types and amounts of insurance. Refer to OWEB's document entitled Guidance on Budgeting in Grants for more information about insurance requirements.

Project Budget

Eligible Uses of Funds

Under OAR 695-045-0170, land acquisition grant funds may be applied to:

- The purchase price and the purchase option fees associated with the property interest.
- The interest on bridge loans needed to secure closure on the property interest prior to when funding will be available for distribution through the program.
- The staff costs incurred as part of the acquisition process related to the property interest.
- The cost of due diligence activities, including appraisal, environmental site assessment, survey, title review, the applicant's legal fees incurred, and other customary due diligence activities.
- The cost of baseline inventory preparation.
- The cost of preparation of the initial management plan, including consideration of any restoration needs.
- The closing fees, including, but not limited to, recording and title insurance costs.
- The cost of securing and maintaining the conservation values associated with the property interest in accordance with the application or a management plan approved by the director.

Budget Guidelines

- Applicants should work with OWEB in developing project budgets, to ensure proposed budget items are eligible for reimbursement.
- For 2026 grant applications funded with Lottery funds, OWEB may reimburse costs that were incurred on or after **April 15, 2025**, which is 18 months prior to the application deadline.
- For grant applications funded with federal funds from the National Coastal Wetlands Conservation Grant Program, only costs incurred during the federal grant award period may be reimbursed, subject to approval by OWEB.
- A budget worksheet is on the land acquisition webpage, linked in the Program Purpose section of this manual. The worksheet is intended to assist applicants with preparing budget information for the grant application. The worksheet will not be accepted in place of or in addition to the budget in the online grant application and cannot be relied on when moving costs into the online grant application. Applicants are responsible for accounting for any differences between the worksheet and the online grant application.
- Budget categories, required documentation for expenditures, and other budget-related information are explained in OWEB's document entitled Guidance on Budgeting in Grants.
- Land acquisition grant funds are released on a reimbursement basis or to an escrow for closing a transaction. OWEB does not issue grant fund advances for land acquisition projects.
- Reimbursements are made for actual, allowable costs under OAR 695-045-0170.
- Project budgets should include all project costs regardless of funding source. The application allows applicants to designate funding sources for each project item and decide which items to include as matching costs for the OWEB grant.
- Grant funds applied to the purchase price of the property interest may not exceed the fair market value of the property interest as established by an appraisal conducted in accordance with OWEB's appraisal guidance and approved by OWEB.
- The purchase price of the property interest, bridge loan interest, bridge loan fees, and purchase option fees may not be included in the calculation of indirect costs for land acquisition grants.
- Bridge loan interest must be prorated to the amount of the loan for the portion of the property to which OWEB's funds will be applied, if less than all the property for which the loan was obtained.
- If bridge loan fees are scaled to the amount of the loan instead of a flat rate, the loan fees must be prorated to the amount of the loan for the portion of the property to which OWEB's funds will be applied, if less than all the property for which the loan was obtained.
- Contingencies, equipment, and post-grant costs (status reporting and plant stewardship) are not allowed in land acquisition project budgets.
- OWEB grant funds may not be applied to property taxes, or to legal fees or other costs incurred by the seller.

- OWEB will pay for typical and customary closing costs of the grantee (i.e., buyer's side only). Acceptable closing costs may include: one half an escrow fee, recording fees, title insurance (although this is often a cost paid by the seller), and E-filing fees.
- If the project includes reimbursement of the prior purchase of a property interest, OWEB may be able to pay for typical and customary costs associated with the closing at which the property was acquired, as well as the closing at which the grantee receives OWEB's funds. For example, OWEB may be able to reimburse escrow fees and recording costs associated with both escrows, subject to the limitations above.
- Grant funds may be distributed to the grantee, prior to the transaction closing, for due diligence activities specified in OAR 695-045-0170(4), including appraisal, environmental site assessment, survey, title review, the grantee's legal fees incurred, and other customary due diligence activities, provided: (i) the due diligence items or activities are included in the Contracted Services category of the approved project budget; (ii) the grantee obtains the written approval of the OWEB project manager prior to incurring the expenses if the expenses are incurred after the grant award; (iii) the due diligence items comply with all applicable grant funding conditions; and (iv) the due diligence items have been reviewed and approved by OWEB.
- OWEB's intent in reimbursing approved due diligence costs prior to closing is to share the financial risk of transactions with grantees but not to assume all the risk of transactions. Accordingly, OWEB may require a grantee to meet threshold requirements, such as obtaining an executed option approved by OWEB, before OWEB authorizes due diligence activities for which the grantee will request reimbursement prior to closing. OWEB may require the grantee to conduct certain due diligence in a stepwise manner for the purpose of limiting grant funds that are spent before an identified project soundness concern is addressed.
- At OWEB's discretion, grant funds for closing a transaction may be wired to an escrow or released to the grantee in the form of a check, direct deposit, or wire.
- The project budget may be revised after an award of grant funds, subject to the following requirements:
    - Budget revisions may be approved by the OWEB project manager, who, in consultation with OWEB's Business Operations staff, will assess the reasonableness of revision requests and their consistency with OWEB's established requirements, guidance, and policies.
    - OWEB's contribution to the purchase price of the property interest will not exceed the OWEB-approved appraised value of the property interest.
    - Formal budget amendments will be required in accordance with OWEB's guidance document entitled Guidance on Budgeting in Grants, accessible at the link in this section of the manual.
- OWEB funds may be proposed for the cost of preparing a management plan for the property, including the cost of developing subplans such as weed treatment and revegetation plans. Complex restoration plans, such as plans for re-meandering a stream or removing dikes from a

tidal wetland, should be proposed for other funding, such as OWEB technical assistance grant funding.

- OWEB funds may be proposed for the cost of completing site stabilization activities. Site stabilization funds may be requested in any budget category. Refer to the Site Stabilization section of this manual for more information.

Estimating the Cost of a Property Interest

This section of the manual provides questions and resources to consider when developing an estimate of the cost of acquiring a property interest for the purposes of the grant application. The resources are not exhaustive and do not limit the sources of information that might support a credible cost estimate. Using more than a single source of information may lend greater credibility to the cost estimate.

OWEB encourages grant applicants to provide information that is as complete as possible in support of the approximate cost of the property interest proposed for purchase. However, OWEB is not encouraging the applicant to act as an appraiser and develop a market value opinion for the property interest the applicant is seeking to acquire. Only an Oregon Certified Appraiser can develop a market value opinion.

1. Acquisition Types

OWEB land acquisition grant funds may be used to purchase an entire property in fee simple (a total acquisition), part of a larger property in fee simple (a partial acquisition) or a conservation easement on an entire property or part of a larger property.

A total acquisition is generally the least complex type of acquisition, in terms of estimating the cost to acquire the property interest. A conservation easement acquisition generally involves the most complex cost estimate, and a partial acquisition can present a unique set of complexities as well.

2. Recent Listing of the Property

If the property was listed recently, at what price was it listed? Was the listed price adjusted over time? For example, was the price lowered after a few months? Were there any offers? How long was the property on the market? Were there any failed sales or offers? For example, was there an offer that was conditioned upon development approvals that were not successful or were infeasible? In many instances, the listed price sets the upper limit for an acquisition cost estimate since no sale resulted.

3. Existing Appraisal

Does a reasonably current appraisal already exist, such as an appraisal recently obtained by the property owner? If so, is the party that obtained the appraisal willing to share it? Was the property interest marketed at the appraised value? If so, what are the reasons that it did not sell at that price? Grant applicants should consider that an appraisal obtained by the property seller or other party might not be consistent with OWEB's appraisal guidelines and therefore could include an unrealistic estimate of the property's value.

4. Sales of Nearby Similar Properties

Are there any sales of nearby properties that are similar in size, quality, or other factors, and therefore provide support for the acquisition cost of the property interest that is proposed for purchase with OWEB funds?

5. Broker's Price Opinion

A broker's price opinion should be sought only if it can be obtained from a broker that routinely lists and sells properties like the one the grant applicant proposes to acquire. Does the broker's website include listings of similar properties? Is there evidence that the broker is successful in selling similar properties?

6. Consultation with Knowledgeable Real Estate Appraiser

The grant applicant may have a relationship with a local, qualified appraiser that can be relied upon as a resource. However, professional standards, rules, and Oregon law prohibit appraisers from providing property value or comparability opinions without developing a basis for their opinions, which is, essentially, an actual appraisal. While appraisers might be able to provide sales of nearby properties if they have recently done appraisals in the area, the professional standards rules prevent them from characterizing such sales as comparable to the grant applicant's property of interest without expressing a qualitative opinion.

7. Restricted Appraisal

Although a USPAP (Uniform Standards of Professional Appraisal Practice) restricted appraisal is not consistent with OWEB's appraisal guidelines and will not be accepted by OWEB for the purposes of meeting appraisal requirements for a grant, it can be performed by an Oregon Certified Appraiser hired by the grant applicant **solely** to support the value of the property interest stated in the grant application. Some thought should be given to the probability of using the same appraiser for the OWEB-compliant appraisal that will be required if the applicant is awarded funds for the project. Using the same appraiser could facilitate consistency and cost savings.

8. Additional Considerations

While the foregoing resources can lend support for a grant applicant's estimate of the acquisition cost of a property interest, they are mostly applicable to a total acquisition. More complex property purchases, such as partial acquisitions and conservation easements, do not benefit from the same number of alternatives to estimating an acquisition cost. Acquiring part of a larger property, or placing a conservation easement on an entire property, or part of a larger property, involves additional issues not supported by most of the alternatives listed above. For example, a partial acquisition from a larger property might result in the remainder property, which is the part not purchased, being less desirable after the partial acquisition. In such a case, a realistic estimate of the acquisition cost of the property interest would incorporate consideration of the acquisition cost of the part being purchased as well as consideration of the less desirable remainder.

The estimated cost of a conservation easement to be placed on part or all a property must reflect the loss attributable to the property rights relinquished by the property owner. Therefore, the grant applicant must have a reasonably complete understanding of the rights the property owner will relinquish, such as specific development, timber cutting, or agricultural rights.

Matching Costs

Matching costs are defined by OAR 695-005-0020 as any contribution to a project that is non-board funds. Land acquisition grant applicants must demonstrate that they are seeking or have secured an amount of match that is equal to at least 25% of the total amount of funds they are requesting from OWEB, unless otherwise specified by OWEB.

Matching costs can include the following costs, including in-kind contributions to these costs where applicable:

- The purchase price and the purchase option fees associated with the property interest.
- The interest on bridge loans needed to secure closure on the property interest prior to when funding will be available for distribution through the program.
- The staff costs incurred as part of the acquisition process related to the property interest.
- The cost of due diligence activities, including appraisal, environmental site assessment, survey, title review, the applicant’s legal fees incurred, and other customary due diligence activities.
- The cost of baseline inventory preparation.
- The cost of preparation of the initial property management plan, including the cost of developing subplans such as weed treatment and revegetation plans.
- The buyer’s closing fees, including, but not limited to, recording and title insurance costs.
- The cost of securing and maintaining the conservation values associated with the property interest in accordance with the application or a management plan approved by OWEB (refer to the Site Stabilization section of this manual for more information).
- The donated portion of a bargain sale.
- Stewardship funds, if documentation demonstrates that the funds are dedicated to the project and deposited in a stewardship account before or at the time that OWEB funds are released for acquisition of the property interest.
- Indirect costs associated with the grant, if the grantee voluntarily charges less than the full amount of indirect costs allowed under the grant award.

Matching Costs Guidelines

- OWEB funds provided under OAR 695-045-0170 shall not qualify as matching costs.
- Any amount of funds paid for the property interest that is above the fair market value as established by an appraisal conducted in accordance with OWEB’s appraisal guidance and approved by OWEB are ineligible as match.
- Funds spent restoring project property may be eligible as match, subject to certain limitations. Under OAR 695-045-0010(8), “Project” is defined as the aggregate of eligible activities included in

OAR 695-045-0170 and 0175 that comprise an application and are specific to parcels of land, all of which are essential to the protection of a specific priority habitat at a local scale.

- If the grantee will contribute match from the restoration of project property, the restoration must be complete prior to the release of grant funds for the purchase of the OWEB-funded property interest.
- If the grantee will contribute match from the appraised value of a property interest other than the OWEB-funded property interest, the grantee must describe the match property as project property in the grant application and meet the following requirements prior to the release of grant funds for the purchase of the OWEB-funded property interest:
    - The acquisition of the match property must be complete.
    - A licensed, qualified appraiser must document that the match property's fair market value is sufficient to meet OWEB's match requirement for the Project.
    - The grantee must record a perpetual title restriction in the deed records that states that the match property will be protected and managed for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife.
- All funds necessary to complete the purchase of match property must be secured before OWEB releases its first payment on the grant.
- The OWEB director retains the discretion to determine whether specific matching costs are reasonable in a particular grant context and will be recognized as qualifying matching costs.
- At the time of OWEB's final payment on the grant, the grantee must submit a final accounting of match, on OWEB's current final match form. The match must be spent by that time, except for stewardship funds dedicated to the project.
- For 2026 grant applications funded with Lottery funds, costs incurred on or after **April 15, 2025** may qualify as matching costs, subject to approval by OWEB.
- For grant applications funded with federal funds from the National Coastal Wetlands Conservation Grant Program, only costs incurred during the federal grant award period may qualify as matching costs, subject to approval by OWEB, unless the federal program approves match accrued prior to the award period.
- For more information about matching costs, refer to OWEB's document entitled Guidance on Budgeting in Grants.

Project Schedule

OWEB's review of project soundness includes an assessment of the likelihood that the proposed transaction can be completed in a technically sound manner by the end of the 18-month due diligence period established in the program's administrative rules. This 18-month timeframe was incorporated into administrative rules as an indication of a project's readiness. The project schedule is an opportunity for applicants to demonstrate their plan for completing the transaction by the deadline. The schedule should include all due diligence steps necessary for the transaction, sequenced in a feasible manner (e.g., obtaining OWEB approval of a conservation easement before starting an appraisal of the easement). Refer to the Due Diligence section of this manual for more information about due diligence steps that should be included in the schedule, and the Project Soundness section of this manual for more information about how OWEB evaluates the soundness of projects.

Property Alterations

Applicants should consult with OWEB before making or agreeing to any changes to a property's condition, use, or title after a grant application has been submitted. Property changes may affect a grant award.

Application Review

Technical Review Team

Application evaluations are conducted by a technical review team (TRT) selected by OWEB staff. Use of a TRT that is convened by OWEB is new in this grant cycle. Refer to the 2026 Land Acquisition Grant Offering section of this manual for more information about program changes.

The TRT is comprised of experts who are representatives of federal, state, or local agencies, academic institutions, or Tribes, and others with expertise OWEB determines beneficial to the review process. The review team includes individuals that possess a statewide perspective and are recognized for their experiences and knowledge of conservation acquisitions, habitat restoration and stewardship, and fish and wildlife conservation and management. Given the statewide nature of the program, OWEB seeks TRT participation by individuals with localized knowledge of the region and resources where projects are located and encourages TRT members to confer with local field staff related to area-specific details.

The reviewers evaluate applications in accordance with the program's purpose, administrative rules, and evaluation criteria. Refer to the Program Purpose and Evaluation Criteria sections of this manual for more information.

The reviewers participate in a site visit hosted by the grant applicant in coordination with OWEB staff. Refer to the Grant Applicant Participation section of this manual for more information.

The TRT's evaluations and ranking will be utilized by OWEB staff in: 1) developing holistic written application evaluations that summarize TRT discussions for the applicant and support funding recommendations to the OWEB board; and 2) developing a funding line that distinguishes between: a) projects recommended for funding for which there is adequate funding available; b) projects recommended for funding for which there is inadequate funding available; and c) projects that are not recommended for funding. To facilitate thorough and forthright reviews, individual reviewer comments and all materials related to the work of the TRT are confidential.

Grant Applicant Participation

Site Visit

Grant applicants assist OWEB with scheduling a site visit for the TRT. The site visits will begin shortly following the application deadline and confirmation of application eligibility. Site visits are attended by the grant applicant, a subset of TRT members, and OWEB staff.

Public Hearing

OWEB conducts a public hearing for each acquisition grant application that proposes the purchase of fee simple title to land. Oregon law (ORS 271.735) requires a public hearing because OWEB will be granted a conservation easement if the land is purchased with OWEB funding. The grant applicant participates in the public hearing with OWEB staff. Refer to the Public Involvement section of this manual for more information.

Evaluation Criteria

Grant applications are reviewed in accordance with the criteria established in the program's administrative rules. The process includes evaluations of ecological outcomes, project soundness, organizational capacity, and community benefits or impacts. The review process also includes opportunities for public involvement, although public involvement is not an application evaluation criterion.

LAND ACQUISITION

Evaluation Criteria
OAR 695-045-0180

All projects must:

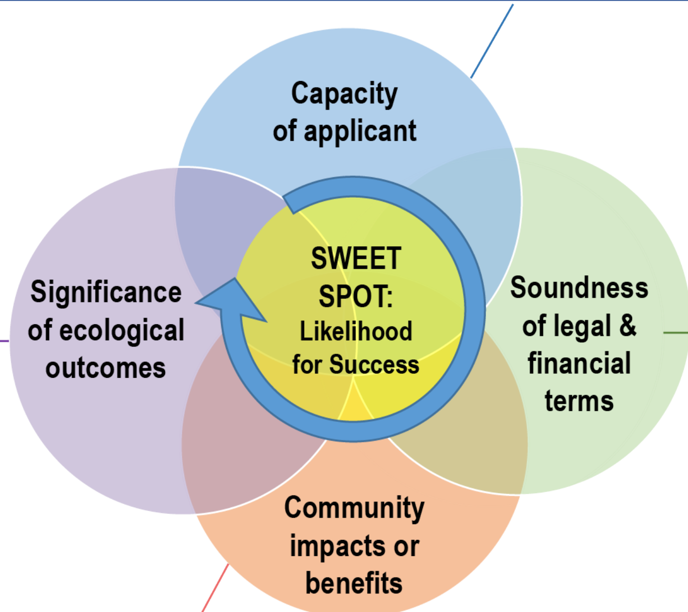
- Secure long-term protection for lands that provide significant habitats for native fish & wildlife
- Acquire lands, or interests therein, from willing sellers for the purpose of maintaining or restoring watersheds & habitat for native fish or wildlife
- Result in the property interest being held by a local, state, or federal agency; Tribe; not-for-profit land conservation organization or trust; public university; not-for-profit institution of higher education; or political subdivision of the state.

Capacity of Applicant

- Qualifications & capacity to complete the transaction soundly & on time
- Qualifications & capacity for long-term durability, enforceability, and stewardship of the intended conservation outcomes
- Past projects completed as proposed
- Proven track record of managing projects

Significance of ecological outcomes

- Addresses threats, and habitat condition & function
- Property management and proposed restoration outcomes are appropriate
- Consistency with Oregon State Wildlife Action Plan and other conservation plans
- Consistency with board's established conservation principles for land acquisition
- Changing climate conditions, greenhouse gas emissions, and long-term carbon sequestration are incorporated; and the project will contribute to durable adaptation and resilience for ecosystems



Soundness of Legal & Financial Terms

- Property and transaction circumstances are consistent with acquisition of a clear and secure property interest and the accomplishment and long-term durability, enforceability and stewardship of intended conservation outcomes
- Seller intentions are consistent with grant requirements
- Informed understanding of project costs, and a plan for bridge funding if needed
- Informed understanding of and plan for due diligence specific to the transaction
- Likely that transaction can be successfully completed in the 18-month due diligence period

Community Impacts or Benefits

- Engagement with, and input from, local communities disproportionately impacted by climate change
- Efforts to engage surrounding communities, Tribes, and local governmental entities, build support, and address any concerns

Ecological Outcomes

Ecological review is completed by the TRT and assesses the significance of the project's ecological outcomes, including the factors shown in the diagram above, by evaluating:

- Consistency with OWEB's conservation principles (pages 7-8 of linked document)
- Consistency with the State Wildlife Action Plan's (SWAP) Key Conservation Issues
- Consistency with local, regional, or state conservation plans for land acquisitions
- Property's location relative to SWAP Conservation Opportunity Areas (COA)
- SWAP Key Habitats addressed by the project
- SWAP Species of Greatest Conservation Need and other priority species that will be addressed by the project
- Proposed use and management of the property, including both habitat and non-habitat focused uses.

Applications are strongest when they convey a clear picture of the project's ecological outcomes and provide information about how the applicant intends to achieve the outcomes. However, OWEB does not expect final, complete, or detailed restoration or other property management information at the time of application. OWEB recognizes that not all properties require restoration and, for those that do, restoration outcomes may shift as property information is gathered after the transaction is completed.

Project Soundness

The project soundness review is a relatively high-level assessment of issues that may affect the acquisition of a clear and secure property interest, or the accomplishment and long-term durability, enforceability and stewardship of intended conservation outcomes. Applicants should be aware of such issues, have a plan for resolving them, and include this information in the application to demonstrate project soundness. The issues do not have to be resolved before an application is submitted.

In completing soundness review, OWEB will assess the likelihood that the acquisition of a clear and secure property interest can be completed in accordance with OWEB's program requirements and by the end of the 18-month due diligence period established in the program's administrative rules – an indication of project readiness, as described previously in this manual. The 18-month due diligence period starts when the grant is awarded. During this period, OWEB and grantees will work collaboratively in an iterative manner to complete due diligence. Refer to the Due Diligence section of this manual for more information.

Examples of priority soundness issues that will be assessed during application review include:

- Unclear or incomplete basis for estimate of fair market value
- Unclear level of commitment to the transaction by the seller, or no indicator of the seller's understanding of the applicant's intended purchase price or other terms of the transaction
- Unclear ownership vesting, such as inconsistencies between the legal descriptions in the vesting deed(s) and preliminary title report

- A legal description that does not close or is inconsistent with the property intended for purchase
- Unclear involvement of all necessary parties to the intended transaction
- Boundary issues such as unclear corners, encroachments, adverse possession claims, and discrepancies due to changes in waterways
- Contested or otherwise unclear water rights, or lack of detail or research to demonstrate an understanding of the nature of the water rights
- Property access that is not unencumbered, unrestricted, transferable, physical and legal (deeded), and insurable
- Access that is inadequate for the intended conservation management of the property
- Severed or reserved mineral rights without a plan to remedy the split estate or confirm that it will not compromise the conservation purposes
- Tenancies, life estates, leases, licenses or other possessory interests that could hinder future property ownership or conservation outcomes
- Parties with possessory interests that are using the property outside the scope of their rights
- Third-party contractual rights such as the right of first refusal for purchase of the property
- Encumbrances or regulations that could prevent or significantly hinder restoration of a property, such as a levee or utility easement or a diking district that would restrict flooding of property for wetland restoration
- Mortgages and trust deeds, including those that encumber only a portion of the property intended for purchase
- Historic property uses or features that are associated with contamination such as mills, mines, and buried storage tanks

The project soundness review is completed by OWEB staff working with advisors including a due diligence contractor. The due diligence contractor submits a project soundness review memo to the staff. The memo is confidential to support a thorough and forthright review. The information from the memo is synthesized by the staff and conveyed to the TRT for its consideration in evaluating and ranking the grant application for funding. The template for the soundness review memo is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

SOUNDNESS QUESTION AND ANSWER PROCESS

Project soundness reviewers may, but are not required to, seek clarifications of application content by submitting questions to OWEB staff, who compile questions for the applicant. Applicants may, but are not required to, submit responses to the questions. New information may not be sought or submitted during the clarification process and the identity of reviewers will be protected to maintain the integrity of the review process.

Organizational Capacity

Organizational capacity review assesses the consistency of the proposed project with the applicant's (and long-term holder's if applicable) mission, service area, strategic plan, and any priority investments in the vicinity of the project. The review also assesses organizational capacity considerations such as stewardship fundraising and the ability of the organization to meet the specific stewardship needs of the property as well as its ability to accommodate the additional work of the project relative to its broader portfolio of conservation property interests, the status of management plans for previous acquisitions, and the qualifications and experience of the team that will be involved in the transaction and is expected to be involved in property management. Strong organizational capacity includes an organization's ability to soundly complete the proposed property transaction within the 18-month due diligence period and accomplish meaningful ecological outcomes in perpetuity. Applicants are encouraged to provide thorough answers to the questions, as an opportunity to ensure understanding of organizational capacity to complete the proposed project. Refer to the Project Soundness section of this manual for more information about the 18-month due diligence period.

Accreditation by the Land Trust Alliance (LTA) helps to demonstrate an organization's capacity to soundly accomplish its mission. Accordingly, LTA-accredited applicants answer only a portion of the organizational capacity-related questions in the grant application. Applicants that are not accredited by LTA answer all the organizational capacity questions in the grant application. These applicants have the opportunity, but are not required, to upload documents related to their organization's policies, procedures, and plans, to support answers provided to organizational capacity questions. Such documents are useful in conveying information about the applicant organization and may reduce questions or concerns during the evaluation process.

For more information, refer to the section of this manual entitled Documents to Include with the Application.

The organizational capacity review is completed by OWEB staff working with a due diligence contractor. The due diligence contractor submits an organizational capacity review memo to the staff. The memo is confidential to support a thorough and forthright review. The information from the memo is synthesized by the staff and conveyed to the TRT for its consideration in evaluating and ranking the grant application for funding. The template for the organizational capacity review memo is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Community Benefits or Impacts

As part of the review process and in accordance with administrative rules, OWEB staff and the TRT evaluate applications for whether and how permanent protection of the property will benefit and/or impact the surrounding communities, especially communities disproportionately impacted by climate change. (See OWEB's Water and Climate Resources – dropdown B, for guidance on engaging communities disproportionately impacted by climate change.)

Benefits and impacts will vary by project. Example benefits include ecosystem services such as improved water quality, outdoor educational opportunities, and sourcing of supplies and services from local businesses. Example impacts include reduction in county revenues if property is removed from the tax rolls and potential concerns from neighboring landowners about trespass from the property.

Public Involvement

Introduction

OWEB completes a public involvement process for all land acquisition grant applications in accordance the program's administrative rules. The process gives the public a meaningful opportunity to receive information about applications and provide input for the board's consideration. The public involvement process differs depending on the type of property interest proposed for purchase, as described below.

Fee Simple Title Grant Applications

OWEB conducts a public hearing for each acquisition grant application that proposes the purchase of fee simple title to land. Oregon law (ORS 271.735) requires a public hearing because OWEB will be granted a conservation easement if the land is purchased with OWEB funding.

OWEB sends an email notice of the public hearing to the nine Federally recognized Tribes in Oregon and the Nez Perce Tribe, the governing body of the county in which the property proposed for purchase is located, the city council of the applicable city if the property is located within or immediately adjacent to an urban growth boundary, and any affected governmental agencies. OWEB also provides the opportunity for federally recognized Tribes to provide written comments via a government-to-government process rather than attendance at the public hearing. Affected governmental agencies are agencies that own or manage land directly adjacent to the property proposed for purchase, are listed as part of the project team in the grant application, or are a project match funder. Notice of the public hearing is also published in a newspaper of general circulation serving the project geography, and on OWEB's website.

Public hearings are typically held 2-3 months after the grant application deadline. Each hearing begins with a brief presentation in which the applicant describes the purpose and goals of the proposed project. Then OWEB staff invites input from attendees of the hearing about aspects of the project they think are positive, as well as concerns or questions they have about the project and anything they would like the board to know when it makes a funding decision. During the course of the hearing, OWEB staff may invite applicants to provide clarifying information in response to questions about factual aspects of the project during the hearing. However, applicants are not expected to respond to attendees' opinions. Applicants have an opportunity to provide written responses to OWEB regarding any issues raised in the public hearing.

Conservation Easement Grant Applications

OWEB sends an email notice of grant applications proposing the purchase of a conservation easement interest in land to the nine Federally recognized Tribes in Oregon and the Nez Perce Tribe, the governing body of the county in which the property proposed for purchase is located, the city council of the applicable city if the property is located within or immediately adjacent to an urban growth boundary, and affected governmental agencies as described above.

All Grant Applications

OWEB provides notice of the staff report that includes funding recommendations for land acquisition grant applications. Notice is sent by email to the nine Federally recognized Tribes in Oregon and the Nez Perce Tribe, and by OWEB's GovDelivery listserv.

All Tribal and public notices provide information about the grant application and opportunities to comment to the OWEB board. The public may address the OWEB board in writing or attend the board meeting virtually or in person, during which an opportunity will be provided for the public to address the board verbally. The public should use OWEB's website to register to address the OWEB board verbally. Written comments may be submitted through the website or to the OWEB staff listed in the notice. All written comments and requests to make verbal comments must be received no less than 5 days before the start of the board meeting. Applicants will be given an opportunity to respond in writing to written comments submitted to OWEB. Written responses must be received from applicants no less than 5 days before the start of the board meeting.

Written Evaluation

OWEB staff expect to provide written project evaluations to applicants in late March 2027. Evaluations include a staff recommendation to the OWEB board. Projects recommended for funding include funding conditions for the board's consideration. The number of funding conditions is relatively small, with the expectation that the grantee and OWEB staff will work collaboratively in an iterative manner to complete due diligence. Funding decisions will be made by the board at its April 2027 meeting.

Program Guidance

What to Expect if a Grant is Conditionally Awarded

Grant Agreement, Easement, and Notice of Federal Participation

The grant agreement, conservation easement for fee simple projects, and NOFP consist primarily of pre-established boilerplate. OWEB does not negotiate changes to the documents for individual projects. Applicants are encouraged to review the documents before applying for a grant. The documents are available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Availability of Grant Funds

PRIOR TO CLOSING

Grant funds may be distributed to the grantee prior to completion of the OWEB-funded transaction, for due diligence activities specified in the program's administrative rules, with certain limitations. Refer to the Budget section of this manual for more information.

AT CLOSING

The program's administrative rules allow 18 months for the completion of due diligence and the OWEB-funded transaction. Grant funds for the purchase of the property interest are distributed only if the grantee meets all related grant requirements, and only if the purchase closes. If a grantee does not meet the conditions and close the transaction by the deadline, the OWEB board decides whether to extend the closing deadline or rescind the remaining grant funds.

AFTER CLOSING

If the approved project budget includes funds for preparation of the property management plan or site stabilization activities, these funds are distributed to the grantee upon OWEB approval of the management plan or site stabilization activities.

Property Taxes

Property taxes may be deferred for land used in certain ways, such as farming or forestry. Land acquisition grant applicants that intend to remove a tax-deferred property from the tax rolls, or discontinue the use required under the deferral, should have a plan for paying any tax penalties or enrolling the property in a different tax deferral program.

Due Diligence

Funding awards are conditioned on due diligence requirements being fulfilled prior to closing. In this context, closing refers to the release of OWEB's funds for the purchase of the property interest, or the release of OWEB's funds for reimbursement of the prior purchase of the property interest, whichever is applicable to the project.

OWEB works collaboratively with grantees to complete due diligence and close the transaction by the end of the 18-month period established in the program's administrative rules. This period starts when the grant is awarded. The collaboration provides grantees with room to propose various alternative methods for resolving due diligence issues and distinguishes between issues that must be resolved and issues for which follow-up is recommended but not required. In determining whether a due diligence issue must be resolved, OWEB assesses the likelihood that the issue will cause a problem, the likely severity of the problem if it occurs, and the subsequent cost or impact of the problem.

OWEB's review of due diligence for match properties is limited to appraisals and the perpetual title instrument used to ensure the match property is protected and managed or the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife. Refer to the Matching Costs section of this manual for more information about match property.

If a grantee does not close the transaction by the end of the 18-month due diligence period, the OWEB board decides whether to extend the closing deadline or rescind the remaining grant funds.

Land Use Information Form

The land use information form is required for all grants that disturb land. Examples of land disturbance that are common in land acquisition projects include remediating soil contamination detected during an environmental site assessment and treating invasive species during a project's site stabilization period. If land disturbance is planned as part of the project, the land use information form must be signed and submitted before the first grant payment request. If an unexpected need for land disturbance occurs, the form must be signed and submitted before the first payment request following the determination that land disturbance is necessary. The land use information form is available under the All Grants heading on the Forms webpage of OWEB's website.

Binding Commitment to Sell

The purchase and sale agreement between the grantee and landowner must be submitted to OWEB for review. If the grantee is seeking compensation for a completed acquisition that qualifies for reimbursement, the purchase and sale agreement for the completed transaction must be submitted to OWEB for review. OWEB encourages applicants to use contemporary option or purchase and sale agreements when negotiating the purchase of the property interest and offers templates for discretional use by grant applicants. The templates are available on the land acquisition webpage, linked in the Program Purpose section of this manual. Applicants are responsible for determining whether the templates are appropriate and adequate for their project circumstances.

Grantees should be aware of the following issues related to purchase and sale agreements:

- OWEB is not obligated to release grant funds within the timeframe established in purchase and sale agreements negotiated between grant applicants and landowners. Grantees should consider whether a bridge loan may be necessary to complete the transaction in their preferred timeframe. Transactions closed with a bridge loan involve the possibility that grant funds will not be released if the grantee does not meet OWEB's grant requirements.

- The purchase and sale agreement, including but not limited to the seller's representations and warranties, should be consistent with OWEB's requirements for warranty deeds and all other due diligence items. The provisions of the purchase and sale agreement must not diminish the agreements or outcomes established by any other due diligence items.
- Tenant relocation obligations that may result from an OWEB-funded acquisition. Grantees should consult with OWEB regarding methods that can be used (e.g., rent agreement) to avoid new tenancies during the term of a purchase and sale agreement. Refer to the Relocation of Displaced Persons section of this manual for more information.
- Grantees should become familiar with ORS 311.411 (charges related to deferred taxes) and include any provisions in their purchase and sale agreement they determine are necessary to prevent unintended complications at closing.
- Grantees should consult with OWEB before initiating negotiations for a purchase that will involve National Coastal Wetlands Conservation Grant Program funds, to ensure compliance with negotiation requirements of that program.
- A statement of just compensation may be required from the landowner if: (i) the OWEB grant consists of federal funds from the National Coastal Wetlands Conservation Grant Program; and (ii) the property interest will be sold for less than its appraised value. If a statement of just compensation is required, it must specify the property's appraised value, confirm that the landowner is aware of the value, be signed by the landowner, and meet any other requirements of the federal funder.

Appraisal

Introduction

These appraisal guidelines and supplemental standards are meant to ensure high quality appraisals that provide a sound basis for OWEB grants for the acquisition of property interests. They provide information about the appraisal process as well as OWEB-specific requirements which the OWEB grantee and the appraiser must follow. OWEB requires that all appraisal reports adhere to the current version of the Uniform Standards of Professional Appraisal Practice (USPAP) as published by the Appraisal Foundation and in certain cases, to the current version of the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) a.k.a. "The Yellow Book" as well. OWEB recommends that OWEB grantees include this guidance, and the guidance of any project funding partners, in materials seeking bids for appraisals and in the scope of work included in appraisal contracts for OWEB-funded projects.

1. Intended User and Intended Use

OWEB must be an intended user of any appraisal submitted to support an OWEB grant. Any other public entity that will fund the acquisition should also be an intended user of the appraisal. Intended users of the appraisal must be limited to OWEB and other funders of the acquisition. The appraisal's intended use must be limited to valuation support for the appraisal client's OWEB grant and grants of other funders, as applicable.

If other public funders are possible but not confirmed at the time of the appraisal, the OWEB grantee should inquire whether the appraiser is willing to include "other public funders, if any, later identified" as intended users of the appraisal.

The OWEB grantee's supplemental assignment instructions must require the appraiser to distribute copies of the appraisal report to the client and intended users and authorize the appraiser to discuss the appraisal with the intended users. If any intended users have specific supplemental standards they expect to have addressed in the appraisal, the grantee and the appraiser should make themselves aware of such supplemental standards and appropriately include them within the appraisal report as intended by such Intended User.

The appraisal must include a copy of the engagement letter and any supplemental assignment instructions in the report addenda.

2. Client of the Appraisal

The OWEB grantee is responsible for selecting and hiring the appraiser and must be the sole client of the appraisal. The property owner may not be involved in the appraisal process, except to the extent allowed under *Involvement of the Property Owner*, below. OWEB grantees are expected to uphold the highest level of professional and ethical conduct during the appraisal process. Grantees must not attempt to influence an appraiser's analyses or valuation conclusion, nor encourage any other party to exert such pressure on the appraiser.

3. Appraiser Qualifications and Selection

The appraiser must be an Oregon state-certified appraiser with geographic competency in the area he or she is appraising as well as recent experience appraising similar property types and property interests. If the project entails a partial acquisition (i.e., a transaction involving a partition) or conservation easement, the appraiser should also have experience in "before and after" valuation. In addition, if UASFLA applies, the appraiser should have successfully completed a UASFLA appraisal course from a recognized appraisal education provider within the last 5 years and include a statement in the appraisal certifying which courses(s) the appraiser completed and the date(s) of completion. If the project involves the appraisal of a conservation easement, the appraiser must provide documentation of their completion of a conservation easement valuation, eminent domain appraisal course, or Yellow Book course.

While not intended to be a specific appraiser qualification requirement, the OWEB grantee is encouraged to request from the appraisers they are considering hiring, statements regarding: (i) Properties similar to the subject property they have appraised in the past three to five years; (ii) Properties in the general locale of the subject property they have appraised in the past three to five years; (iii) UASFLA appraisal assignments they have completed within the past three to five years involving properties similar to the subject property; and (iv) confirmation of the appraiser being in good standing with the Oregon Appraiser Certification and Licensure Board.

If federal funds from the U.S. Fish and Wildlife Service's (USFWS) Coastal Wetlands Conservation Grant Program (Coastal Wetlands Program) will be used for the acquisition, and an appraiser training is available online from the Appraisal and Valuation Services Office (AVSO) of the U.S. Department of the Interior, the appraiser should take the training, or confirm prior completion of the training, before beginning work on the assignment. It is the OWEB grantee's responsibility to work with OWEB to determine whether an online training is available.

The OWEB grantee's supplemental assignment instructions must require the appraiser to include a copy of their appraiser certification from the State of Oregon in the appraisal report.

Listings of potentially qualified appraisers may be obtained from the following sources:

- Land trusts that have completed similar OWEB-funded land acquisition projects.
- OWEB's acquisitions staff. The staff will facilitate contact with OWEB's review appraiser, who can provide names of appraisers who are experienced in the appraisal of rural properties. OWEB's review appraiser will not recommend a specific appraiser.
- American Society of Farm Managers and Rural Appraisers (ASFMRA) at http://www.asfmra.org
- Appraisal Institute at http://www.appraisalinstitute.org
- AgWest Farm Credit Services at Home - AgWest Farm Credit (agwestfc.com)

4. Information from the Client

RESPONSIBILITIES

It is the responsibility of the OWEB grantee, who is the client of the appraiser, to provide the appraiser with this document and guidance, if any, from other entities that will fund the acquisition. If appraisal guidance of any other party conflicts with OWEB's appraisal requirements, the appraiser should consult with OWEB's Review Appraiser to determine an appropriate course of action regarding the inconsistency. OWEB may, but is not obligated to, adopt another funder's appraisal guidance to the extent necessary to resolve inconsistencies.

The OWEB grantee is also responsible for providing the appraiser with all pertinent information about the property, including physical, economic, and legal characteristics; property sales and use history; and the property rights to be appraised. Typical items to be provided include a current preliminary title report (PTR); plot plans, maps, or surveys; water rights information; and signed agreements or contracts. The OWEB grantee should promptly provide new or updated property information to the appraiser.

The OWEB website contains an Appraisal Contracting Worksheet, designed to assist grantees in giving information to the appraiser. The worksheet provides a format for organizing relevant information including that pertaining to merchantable timber, mineral estates, and water rights. The worksheet is located on both the Land Acquisition Grants and Oregon Agricultural Heritage Program pages on the OWEB website. OWEB expects the grantee to provide all relevant property information to the appraiser at the beginning of the appraisal assignment, including any supplemental appraisal requirements from each funding source, to avoid appraisal cost increases caused by separately incorporating previously overlooked information.

TIMBER DATA

If the property includes merchantable timber of contributory value, a current, complete timber inventory including a qualitative analysis must be provided to the appraiser. The inventory may include raw data collected by the seller. However, the data must be verified and analyzed by an independent third party, free of any involvement by the seller.

PRELIMINARY TITLE REPORT

An appraisal's title information should be consistent with the current PTR for the property. If the OWEB grantee thinks the PTR is in error, the grantee should obtain corrections from the title company before engaging the appraiser. The grantee should not address errors in the PTR by having the appraiser make an extraordinary assumption or rely on a hypothetical condition that is contrary to the information in the PTR (see Section 13, As-is Market Value Appraisals). Preliminary title reports are the most complete account of a property's title condition. OWEB prefers the appraisal's title information to be consistent with a current PTR, rather than a Status of Record Title. However, if a PTR cannot be obtained prior to the commencement of the appraisal, the Grantee must require the title investigation include access rights and water rights information. If the Grantee is aware of a property condition that is crucial but may not be clarified in the title investigation, it should address these issues before the completion of the appraisal report.

If the legal description in the title documentation does not describe the property or conservation easement intended for purchase, then: (1) the OWEB grantee should inform their selected appraiser that the legal description in the title documentation includes additional property owned by the seller; (2) the grantee should provide the appraiser with the legal description of the property or conservation easement intended for purchase as prepared by a qualified person or, if such legal description has not yet been prepared, provide the appraiser with sufficiently accurate maps and land sizes to identify the property or conservation easement intended for purchase, and in cases of a before and after appraisal, the same information as related to the after condition; and (3) the grantee should provide the appraiser with a comprehensive description of the land use actions that must occur to create a discrete legal parcel for purchase by the grantee if the appraisal is for the purpose of determining the fair market value of a fee acquisition. During the time the appraisal is being prepared, if the legal description becomes available for the property intended for purchase, the grantee should provide the appraiser with the legal description, for inclusion in the appraisal report.

5. Consultation with OWEB Review Appraiser

Any appraiser preparing a report for use by OWEB after the grant application deadline **must** contact the OWEB Review Appraiser before beginning work to discuss the appraiser's approach to the appraisal problem and clarify any issues before beginning the assignment. Appraisers should ask their clients for the Review Appraiser's contact information, which OWEB staff will provide.

It is highly recommended, but not required, that appraisers preparing reports prior to the grant application deadline also consult with the OWEB review appraiser, if the client is certain that they will submit an OWEB grant application.

6. Role of the OWEB Review Appraiser

All appraisal reports submitted to OWEB must be reviewed and approved before they may serve as a basis for an acquisition grant. Once the appraisal assignment is complete, a copy of the appraisal report will be given to OWEB's Review Appraiser for technical review. Appraisers must agree to work with the OWEB Review Appraiser as needed to obtain an approvable report. In addressing any corrections requested, the report's principal appraiser will be required to communicate directly with the OWEB Review Appraiser.

OWEB may share review appraisals with match funders, if the engagement letter also states that the match funders are intended users of the appraisal.

7. Involvement of the Property Owner

If a UASFLA report is being prepared, the appraiser is required to give the property owner or designated representative of the property owner the opportunity to accompany the appraiser on the property inspection. This practice is also recommended for USPAP reports. The property owner is also invited to present pertinent information regarding property characteristics, history, and current uses as well as relevant area sales if known during the appraiser's interview with the owner.

8. Appraisal Standards

The report must be written to USPAP standards using OWEB's supplemental reporting standard (see Section 22 below). The supplemental reporting standard applies only to USPAP reports. If federal funds will be used for the property purchase, a UASFLA appraisal may be required. UASFLA specifies its own reporting requirements. Both are aimed at presenting a logical narrative with adequate supporting data. If preparing a UASFLA compliant appraisal report, the appraisal should rely on the market value definition as contained within UASFLA. If the appraisal is not intended to be UASFLA compliant, but instead USPAP compliant, the definition of market value should be that which is recommended in the Oregon Department of Transportation (ODOT) Guide to Appraising Real Property. If the OWEB grantee's project funding partner requires a different definition of market value, OWEB or the OWEB review appraiser can accept such definition as an equivalent substitute.

9. Coastal Wetlands Appraisal Requirements

If federal funds from the USFWS Coastal Wetlands Program will be used for the acquisition, the appraiser must comply with OWEB's appraisal guidelines and follow the current, relevant USFWS assignment conditions for a USPAP or USPAP/UASFLA conforming appraisal.

The OWEB grantee's supplemental assignment instructions must include USFWS 520 FW 7, Exhibit 1a, *Assignment Conditions for An Appraiser*.

It is important for OWEB grantees and appraisers to be aware that USFWS requires OWEB to obtain legal instructions from the Oregon Department of Justice (DOJ) if **any** hypothetical condition will be included in an appraisal of a property proposed for Coastal Wetlands funding. OWEB must also obtain legal instructions from DOJ if the ownership interests in all parts of the potential larger parcel, determined as required by UASFLA, are not identical. These requirements make it necessary for the appraiser to consult with the OWEB review appraiser before starting work and receive preapproval of all hypothetical conditions and larger parcel determinations.

See Section 3, Appraiser Qualifications and Selection, when choosing an appraiser for a project involving Coastal Wetlands Program funding.

10. Scope of Work

The appraiser's scope of work must result in credible assignment results for the intended use.

11. Date of Valuation

The date of valuation should be the date of final inspection. OWEB grantees are encouraged to ensure that the date of valuation is no more than 60 days apart from the date of the appraisal report. Furthermore, the report delivery date should be no more than 120 days from the date of the report.

12. Property Inspection

The appraiser must make an onsite inspection of the appraised property. Giving the property owner, or property owner's representative, the opportunity to accompany the appraiser on the property inspection is required by UASFLA and OWEB supplemental standards.

13. "As-is" Market Value Appraisals

OWEB requires that appraisals must be "as-is" market value appraisals using all applicable approaches to value. Therefore, any assignment conditions, or "extraordinary assumptions" or "hypothetical conditions" developed as a part of the appraisal project must be discussed with the OWEB Review Appraiser and preapproved for use in the report. An exception to this rule is that if the transaction involves a conservation easement valuation, the appraiser must assume a hypothetical condition in the after valuation: that the property is already encumbered with the easement (see Section 16 below). Preapproval of this hypothetical condition is required only if the project will be funded by the Coastal Wetlands Program.

14. Highest and Best Use

The appraiser must base the highest and best use of the property on an economic use. A non-economic highest and best use, such as *conservation, natural lands, preservation,* or any use that requires the property to be withheld from economic production in perpetuity, is not a valid use upon which to estimate market value. Nor may a highest and best use be speculative or conjectural. A highest and best use requires showing reasonable probability that the land is both physically adaptable for such use and that there is an economic need or demand for such use in the reasonably near future. A point-by-point highest and best use analysis is required in the report covering the four tests of physically possible, legally permissible, financially feasible, and maximally productive.

15. Partial Acquisition Valuations

For partial acquisition in fee of a larger ownership (i.e., a transaction involving a partition), identification of the larger parcel is required. OWEB recognizes that the appraiser may or may not determine that the larger parcel is the proposed fee acquisition area. In determining the larger parcel, the appraiser should consider market evidence from the open and competitive market as to how a typical private sector seller and buyer would evaluate the larger parcel. If the appraiser determines that the fee acquisition area is its own larger parcel, then it should be appraised independently. If, on the other hand, the appraiser determines that the larger parcel is the entire ownership (of which the land being acquired is a portion), then the before and after method is generally the accepted process to use. Elements to be considered in making the larger parcel determination include: 1) the current and potential use and utility of the remaining ownership; and 2) any damages or benefits to the remaining ownership or improvements. It is up to the appraiser to fully explain and support his or her larger parcel determination.

16. Appraisal of Conservation Easements

The following additional guidelines apply to the appraisal of conservation easements.

- All conservation easement appraisals will be based on the “before and after” methodology. The appraiser may refer to UASFLA or to the Appraisal Institute’s or ASFMRA’s courses on appraising conservation easements for further guidance.
- The “substantially agreed upon” or final copy of the conservation easement must be provided to the appraiser. Changes in the document will require the appraiser be given an opportunity to consider and address any possible impact to the valuation. The appraiser must assume a hypothetical condition in the after valuation, that the property is already encumbered with the conservation easement.
- All other documents pertaining to the property’s conditions and anticipated uses under the conservation easement including, but not limited to, wetland inventories if any, draft baseline inventory documentation, the draft management plan or management plan outline, easement zone maps, and zone acreages should be provided to the appraiser.
- Comparable sales used in the “after” valuation should be properties similarly encumbered, if possible. A larger geographic search is typical.

17. Property Photographs and Maps

Required map exhibits include an aerial photo with parcel boundary overlay, assessor's plat map, and a topographical map. The appraiser should also include other illustrative maps as appropriate (plot plan, soils, wetlands, floodplain, location/access, proposed conservation easement configuration etc.) Color photos taken at ground level should show both the exteriors and interiors of major improvements, views of road access to the property, any significant or unusual features, and views of the property's land types taken from enough locations to provide an adequate understanding of the property's physical characteristics to someone who has not visited the property.

18. Data Analysis

The appraiser must include a separate narrative for each comparable sale explaining what value it indicates for the subject, together with an overall summary conclusion. The preferred method of adjusting comparable sales is through supported quantitative adjustments (percentage, $/acre, etc.); qualitative adjustments (similar, inferior, or superior) are to be used only when the market variables cannot be quantified. Quantitative adjustments without support cannot be accepted. When the appraiser must resort to qualitative analyses, a discussion of the appraiser's reasoning why a comparable sale is similar, inferior, or superior to the subject property is required. A summarization of the appraiser's analysis in an adjustment grid is highly recommended and may allow for a more concise narrative. The final reconciliation must clearly state which indicators of value are the most reliable and explain how each indicator affects the appraiser's final conclusion of value.

19. Limited Market Conditions

OWEB recognizes that the appraisal assignment may involve a limited or inactive market. To the extent possible, the appraiser should use only private transactions for comparable sales. Valuations based entirely or mostly on government or land trust transactions are not acceptable unless there are no other reasonable alternatives. If it is necessary to base the appraisal on such transactions, their confirmation is subject to the requirements of UASFLA Sections 4.4.2.4 and 4.4.2.4.2(5), (6) and (7). If market data is limited in the market area of the subject property, it may be necessary for the appraisal to include additional market analysis to support the highest and best use conclusion.

20. Analysis of Agreements Impacting the Subject Property

The appraiser must analyze and report all listings of the subject property, and all agreements of sale and options, including any such agreements into which a grantee has entered, all as of the effective date of the appraisal. Any contracts with the Natural Resources Conservation Service (NRCS), such as Conservation Reserve Program (CRP) or Conservation Reserve Enhancement Program (CREP) entitlements should also be analyzed.

21. Report Format

For USPAP reports, the narrative may follow the outline published by the Appraisal Institute[1]. For UASFLA reports, the narrative must follow the outline provided in Part 2, Appraisal Reporting of the current UASFLA. Appraisal reports submitted to OWEB must be in final form and signed by the appraiser.

If a grantee receives an appraisal, and before transmitting it to OWEB, the appraiser changes any of the appraisal's value conclusions, both the original appraisal and the revised appraisal should be forwarded to OWEB.

22. Supplemental Reporting Standard

As a public agency, OWEB requires full explanation and complete analyses to support stated value opinions. Therefore, OWEB requires that USPSP reports meet Standard One (Real Property Appraisal, Development) and Standard Two (Real Property Appraisal, Reporting). UASFLA reports must meet the standards described in Part One (Appraisal Development) and Part Two (Appraisal Reporting). Areas that are sometimes overlooked but are expected in USPAP and UASFLA reports submitted to OWEB include:

- Title report exceptions and their potential impact on value
- Type and extent of any water or mineral rights and their potential impact on value
- Area/neighborhood description including land use pattern and economic trends
- A detailed description of access to the property, both physical and legal, including directions to the nearest major arterial
- For partial acquisitions (i.e., a transaction involving a partition), a determination of the larger parcel with consideration given to all three elements of ownership, use, and contiguity
- Point-by-point highest and best use analysis
- Full explanation of exclusion of any approaches to value (per USPAP 2-2 (a) (viii))
- Either a full narrative of how each sale compares to the subject and the value indication thus derived, or a shorter narrative supplemented using Adjustment Grids for the Valuation Analyses (preferred)
- Proper analysis of the sales defining the value components recognized in the marketplace and analyzing the contribution each makes to the entire sales price. For rural properties, components would typically include irrigated cropland, dry cropland, pasture, woodlot, floodplain, or bottomland, etc. Other common allocations include home sites, residences, and outbuildings.

23. Waiver from Reporting Standard for Low-value USPAP Reports

[1] The Appraisal of Real Estate, 15th Edition, Appraisal Institute, 2020

The standard for self-contained reports is waived if the appraisal problem is uncomplicated[2] and the property is estimated by the OWEB grantee to be worth less than $100,000 based on current comparable sales within the applicable market area. This waiver only applies to fee acquisitions.

24. Comparable Sales Data

Under both the USPAP self-contained and UASFLA reporting standards, complete comparable sales write-ups are required with analyses/allocations of the contributory value of the various property elements. Documentation of each comparable sale should include the following information, which should be summarized for each sale on comparable sales sheet and included in the report or in the addenda of the report

- Name of buyer and seller
- Date of sale
- Legal description or tax parcel number
- Type of sale instrument
- Document recording information
- Price
- Terms of sale
- Location
- Zoning
- Present use
- Highest and Best Use (intended use)
- Brief physical description of the property
- Allocation of the sales price into appropriate contributory components
- A description of pertinent circumstances surrounding the transaction including buyer motivation
- Photograph (on the ground or aerial with property boundary delineation; aerial is preferred)
- Plat map and/or topo map of the property
- Name and phone number of the party that confirmed the transaction and the party's role in the transaction

25. Comparable Sales Location Map(s)

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[2] Definition of "Uncomplicated" is as follows:

- No change of Highest and Best Use.
- No Damages other than "Cost to Cure."
- The property consists of only one land type.
- Cost or Income approach to value not required to estimate value.

Sales map(s), showing the relative location of the comparable sales in relation to the property being appraised are required. Either this map or the maps used for each comparable sale should be detailed enough to locate the property on the ground using Google Maps or other digital mapping programs.

26. Appraisal Age Limits

OWEB may accept an appraisal with a date of valuation up to but not exceeding 18 months prior to the application deadline for the grant cycle during which the project is awarded funding except: i) appraisals will not be accepted for conservation easements that have not been reviewed and approved by OWEB; and 2) if the project is funded by OWEB using a grant from a federal program that has a shorter appraisal age limit than OWEB's, the OWEB grantee will be required to adhere to the federal age limit.

OWEB recommends but does not require that appraisals have a date of valuation not more than 12 months prior to the purchase of the appraised property interest.

Property Title

All title matters must be approved by OWEB prior to the release of grant funds. Applicants should consult with OWEB before making, proposing, or agreeing to any changes to a property's title after submitting a grant application. Title changes may affect a grant award.

Title Report

Refer to the sections of this manual entitled Pre-application Consultation and Documents to Include with the Application, for information about title report requirements for the pre-application consultation and grant application. Title report-related requirements are also included in the grant agreement for land acquisition.

Legal Description and Survey

When purchasing a property interest for which a legal description is already established, the grantee should plan to consult with a qualified professional to verify that the property's legal description forms a closed polygon that is consistent with the property boundaries as mapped. The grantee should be prepared to obtain a boundary survey and budget accordingly if the qualified professional determines that the legal description is inadequate, or an inspection of the property's physical boundaries indicates inconsistencies or potential encroachments. In most cases, a survey is necessary to obtain a legal description for the partial conveyance of a larger property. For projects involving the purchase of a conservation easement, the grantee should plan to obtain a boundary survey of any distinct management zones in the easement. Property-specific circumstances, such as failure of the legal description to form a closed polygon, or evidence of a boundary dispute, may raise additional survey considerations.

Encumbrances

The property's title must be free of encumbrances that are incompatible with the purpose of the OWEB grant (e.g., as explained in the Mineral Rights and Project Soundness sections of this manual). Mortgages and liens must be paid off at or before closing when fee simple title is acquired or subordinated when a conservation easement is acquired.

Mineral Rights

If mineral rights to the property are held by a party other than the vested owner (i.e., there is a split estate), the grant agreement will require the grantee to: 1) reunify ownership of the surface and subsurface estates by acquisition or extinguishment of the mineral rights; or 2) obtain a mineral assessment, as described below. The grantee many choose from the two approaches. However, if the grantee obtains a mineral assessment that does not reach the conclusions described below, OWEB may require the grantee to take additional steps such as acquiring or extinguishing the mineral rights before OWEB funds are released.

If a split estate is suspected but not confirmed by a title report, grant applicants are encouraged to review property records maintained by the federal Bureau of Land Management and the Oregon Department of State Lands.

Mineral Assessment

Mineral assessments must be conducted by an Oregon-licensed professional geologist or engineering geologist whose license is in good standing and who possesses the skills and experience necessary to: (i) assess the likelihood that the mineral resources, if any, associated with the mineral rights will be developed; and (ii) describe the likely impacts, if any, of the mineral resource development on the conservation values intended to be protected by the OWEB-funded acquisition project. Upon review and approval of the mineral assessment, OWEB may reimburse the grantee for the cost of the assessment, if it is included in the approved project budget.

To satisfy OWEB's requirements, the mineral assessment must conclude that:

- The probability of surface mining on the property that is the subject of the OWEB grant is so remote that it is negligible; and
- The exploration or extraction of subsurface resources associated with the mineral rights (e.g., oil, gas, coal bed methane or geothermal resource) through means other than surface mining (e.g., extraction wells) either: (i) is of such remote probability that it is negligible; or (ii) would likely be limited to activities that would not materially affect the conservation values that are intended to be protected by the OWEB-funded acquisition project.

The mineral assessment must contain and consider the following information at a minimum:

- The specific mineral right(s) severed from the surface estate as identified in the preliminary title report or other documentation for the property that is the subject of the OWEB grant, including the current holder of the right(s).
- The aerial extent of the severed mineral rights on, and as applicable, adjacent to, the property that is the subject of the OWEB grant.

- The geologic characteristics of the overall geographic area considered by the assessment, along with the mineral commodities (fuel and non-fuel) typically associated with that geologic environment.
- The known presence of non-fuel mineral commodities (e.g., aggregate, gold) and fuel mineral commodities (e.g., oil, gas, coal bed methane) in the general vicinity of the property that is the subject of the OWEB grant.
- The most recent activity, if any, related to the mineral rights (e.g., title transfer, lease activity) or to the mineral commodities associated with those rights (e.g., seismic exploration).
- Historic and current exploration, mining and extraction activities near the property that is the subject of the OWEB grant, or elsewhere in the region, if relevant.
- Infrastructure that is available to develop and market the mineral resources or plans to develop the necessary infrastructure.
- The feasibility of obtaining permits and any other authorizations necessary to exercise the mineral right(s).
- Mitigation and restoration actions that are likely to be required for mineral resource development and an explanation of how those requirements will relate to the conservation values intended to be protected by the OWEB grant.
- Other reasonably necessary information to determine the probability of mineral resource development affecting the property that is the subject of the OWEB grant, and the likely impacts of the resource development on the conservation values intended to be protected by the OWEB-funded acquisition project.

The mineral assessment report format: (i) may be flexible; (ii) must include a clear and concise conclusion regarding the probability, type, and extent of impacts from mineral resource development on or under the property that is the subject of the OWEB grant; and (iii) should incorporate information obtained from reasonable literature reviews, as well as from consultation with knowledgeable individuals relative to the key matters addressed in the assessment (e.g., real property, economic, ecological and permitting matters).

Water Rights

If an applicant is proposing to acquire fee simple title to property with appurtenant water rights, or a conservation easement with the authority to use appurtenant water rights, the use of those rights must be consistent with the management goals and strategies identified in the management plan, including use of water for restoration or in-stream purposes. Grantees may be required to take specific actions necessary to comply with this expected outcome as a condition of a grant award.

OWEB may require grantees to provide water rights information in a specific form, such as a table. A water rights information table should include applicable certificate or other identifying numbers, acreages, authorized use, and notes as necessary to understand the evolution of a particular water right.

The information in the water rights table should be easy to cross reference to the water rights maps submitted with the grant application.

Deeds

Fee simple title must be conveyed by statutory warranty deed except in limited instances where OWEB determines that an alternative form of deed is acceptable. Warranty deeds must cite specific encumbrances affecting the property. These encumbrances consist of: (1) encumbrances known to the owner and not recorded in the official records for the county in which the property is located; and (2) encumbrances listed in the preliminary title report as "special* exceptions," not "standard exceptions" (exceptions 1-5).

*Each property's title circumstances are unique and will require a review by OWEB to determine an acceptable form of warranty deed. Encumbrances listed in the preliminary title report as "special exceptions" that don't identify the official county recording information (book and page number) may be excluded, as determined in consultation with OWEB. OWEB may require additional title insurance coverage when approving such exceptions. Applicants should consult with OWEB before agreeing to a form of deed with a seller, to ensure that OWEB can fund the project with the intended deed. A deed template is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Grant-Related Title Restrictions

The purchase of fee simple title requires the grant of a standard form conservation easement to OWEB. The standard form conservation easement consists primarily of pre-established boilerplate that is streamlined for ease of use and consistency with the purpose of OWEB's land acquisition funding. OWEB does not negotiate changes to the standard form conservation easement for individual projects. Applicants are encouraged to review the conservation easement before applying for a grant. The document is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Conservation easement acquisitions must adhere to OWEB's conservation easement guidance document. Refer to the Conservation Easements Purchased with Grant Funds section of this manual for more information.

When an OWEB grant includes funds from the National Coastal Wetlands Conservation Grant Program, the grantee is required to record a notice of federal participation on the property's title at closing. The notice of federal participation will be prepared by OWEB from the federally approved template available on the land acquisition webpage, linked in the Program Purpose section of this manual. OWEB does not negotiate changes to the template for individual projects.

If a project involves match property, the grantee must record a perpetual title restriction in the deed records that states that the match property will be protected and managed for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife. Refer to the Matching Costs section of this manual for more information about match property.

Title Insurance

Title to OWEB-funded property interests must be insured in a manner and for an amount that sufficiently insures OWEB’s investment. All conservation easements to which OWEB is a party must include a provision that meets OWEB’s requirements for resolving title defects.

Boilerplate title defect provisions are included in the standard form and example conservation easements, available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Environmental Site Assessment

Introduction

OWEB grantees are required to employ all appropriate inquiries to determine if real property, including any improvements, is subject to environmental hazards known as recognized environmental conditions. The inquiries must also be sufficient to determine if and how any recognized environmental conditions can be remediated to ensure that the purpose of the OWEB grant can be met. An Environmental Site Assessment (ESA) performed in compliance with the American Society for Testing and Material (ASTM) standards specified below will satisfy these requirements.

Standards and Procedures

ESAs must be conducted by qualified third parties in compliance with ASTM standards issued under the fixed designation E1527 (Commercial Real Estate) or E2247 (Forestland or Rural Property).

OWEB grantees are responsible for working with their selected consultants to determine which of the two ASTM standards best accomplishes all appropriate inquiries for the property being assessed, and which version of the selected standards is in effect. Consultants must soundly explain the reason for their choice of standards, including the version of the standards, in the ESA or an accompanying cover letter. Grantees should contact OWEB staff with any questions about which ASTM standard to use.

The findings of a Phase 1 ESA may result in the recommendation of additional investigations, including, but not limited to, a Phase 2 ESA, to further assess environmental conditions. Grantees must consult with OWEB before proceeding with additional investigations and submit any additional investigative reports and action plans for review.

Inspection and Report Requirements

If an ESA is conducted for more property than is proposed for OWEB funding:

- The consultant must make a reasonable effort to inspect the area proposed for OWEB funding.

- The report's text must clearly explain which findings pertain to the area proposed for OWEB funding.
- The report's maps and figures must clearly delineate the area proposed for OWEB funding.
- The report's text and maps must clearly indicate if and how any recognized environmental conditions found on any relevant parcel may affect any other parcel.
- OWEB may require grantees to obtain an updated ESA, depending on the findings or age of the initial ESA or events known or reasonably assumed to be occurring on a property. For example, if a property has an in-use farmstead that includes old fuel tanks that will remain in use until the grantee purchases fee simple title more than six months after the date of the ESA, OWEB may require the grantee to obtain an updated ESA.

Property Access

Access to OWEB-funded properties must be unencumbered, unrestricted, transferable, physical and legal (deeded), insurable, and adequate for the intended conservation management of the property. If the preliminary title report for the property reflects a lack of acceptable access, the exception to title must be removed prior to closing, unless otherwise agreed by OWEB.

An access easement template is available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Conservation Easements Purchased with Grant Funds

Introduction

Grant applications proposing the purchase of a conservation easement must be accompanied by a draft of the conservation easement at the time the application is submitted. Review of the easement at the time of application is relatively high-level, to identify any priority project soundness concerns.

After a grant award, OWEB completes a thorough review of the conservation easement, to ensure that the easement language is consistent with: (i) sound conservation easement drafting protocols; (ii) OWEB's mission, statutes, and administrative rules; (iii) the grant application for the conservation easement; and (iv) the grant agreement for the conservation easement. Revisions may be required based on OWEB's review. The OWEB grantee is responsible for working with the landowner in making any easement revisions required by OWEB.

For general guidance on writing a conservation easement, OWEB suggests that grant applicants consult The Conservation Easement Handbook (ISBN 978-1-932807-00-4), written by Elizabeth Byers and Karin Marchetti Ponte, and published in 2005 by the Land Trust Alliance and the Trust for Public Land.

An example of a conservation easement that may be proposed for OWEB funding is available on the land acquisition grants page, at the link above. The example includes language **highlighted in yellow** which must be included as-is in any conservation easement funded by OWEB, unless OWEB, at its discretion, determines that edits are necessary for integrating the language with the rest of the easement.

The language highlighted in yellow in the conservation easement example establishes the OWEB grantee as the party that is responsible for enforcing the easement and meeting other obligations described in the easement. The required language also establishes OWEB's third-party right to enforce the conservation easement and states that OWEB may initiate legal remedies available to address easement compliance issues. Such legal remedies include, but are not limited to, the recovery of the OWEB funds used to purchase the conservation easement, together with interest. OWEB's intent is to enforce a conservation easement only when the OWEB grantee does not meet its obligations under the easement.

Language that is not highlighted in yellow in the conservation easement example can be worded differently, depending on the specific circumstances associated with the easement.

Management Plan

- OWEB requires conservation easements to specify the development and implementation of a management plan that is consistent with OWEB's guidelines for management plans. The management plan must contain an adequate framework for protection, restoration if applicable, and monitoring of the property's conservation values consistent with the terms of the conservation easement and the commitments made in the grant application.
- If a conservation easement allows farming, ranching, forestry, or other economic activities, the management plan must include the activities to ensure that they are undertaken in a manner that protects the property's conservation values.
- The management plan must be approved by OWEB. Refer to the Management Plan section of this manual for more information.
- Management plan-related language, which is highlighted in yellow in the conservation easement example described in the introduction, must be included in any easement purchased with OWEB funds.

Highly Altered Properties

OWEB requires that the conservation easement contain certain provisions if the property is highly altered and requires extensive restoration to achieve the ecological outcomes that are the basis of the OWEB award. Without the applicant's intent to restore the property to a functioning priority ecological system, the property would not be an OWEB acquisition priority. Refer to the Baseline section of this manual for examples of projects that require extensive restoration.

When OWEB requires restoration as a condition of its funds, the grantee and landowner are responsible for ensuring that the restoration is completed. The conservation easement must include a reference to restored conditions in the baseline inventory documentation (Description of Restored Conditions). The Description of Restored Conditions demonstrates the grantee and landowner's intent and willingness to pursue the restoration described in the grant application but is not intended to establish an obligation to highly specific restoration outcomes. Restoration-related language is highlighted in yellow in the conservation easement example described in the Introduction. Refer to the Baseline and Management Plan sections of this manual for more information, including the acceptability of evolving restoration outcomes.

Ecosystems Services Credits

If a conservation easement will reserve the right to sell, give, or otherwise make available mitigation credits, wetland credits, carbon credits, habitat credits, species credits, and other types of credits as may be established in the future ("Ecosystems Services Credits"), the easement must contain the ecosystem services language that is highlighted in yellow in the easement example described in the introduction. The required language states that the sale of Ecosystems Services Credits may be approved by OWEB, to the extent that such credits are not attributable to or derived from: (i) protections, restrictions, or obligations of the easement; or (ii) activities that are inconsistent with any terms of the easement or existing laws and regulations.

Working Lands Easements

- A working lands conservation easement protects a property's conservation values while maintaining the right of the landowner to use the land for farming, ranching, or forestry activities that are consistent with the purpose of the easement.
- To be eligible for funding from OWEB's land acquisition grant program, a working lands conservation easement must prioritize protection of conservation values over working lands uses.
- It is often complicated to structure a conservation easement that effectively achieves clear protection of the property's conservation values and continued economic use of the property. To simplify working lands conservation easements, OWEB suggests the use of zones to separate farming, ranching, and forestry activities from areas designated for habitat protection. If zones are used, the easement must state the allowed and prohibited activities for each zone and clearly define in the easement or baseline inventory documentation the location of each zone. OWEB requires a statement that economic uses conducted in economic-use zones are permitted only to the extent that they do not directly or indirectly alter, degrade, or otherwise diminish the habitat protection zones.

Tax Benefits

OWEB will not make any representations or warranties as to: (i) the suitability of the conservation easement for tax or any other benefits of the landowner; or (ii) tax consequences, if any, of the conservation easement or any other contract or financial transaction that is part of or associated with the grant application. If the landowner intends to obtain any tax benefits from the activities described in the grant application, the landowner and OWEB grantee are solely responsible for obtaining any tax or other financial advice necessary to determine whether OWEB's requirements for the project are compatible with the Internal Revenue Service's requirements for tax benefits.

Baseline Inventory Documentation

Introduction

OWEB requires land acquisition grantees to prepare baseline inventory documentation (the "Baseline") for all properties in which OWEB invests grant funds. The Baseline is incorporated by reference into the conservation easement granted to OWEB by an acquisition grant recipient in exchange for funds to purchase property in fee simple, or a conservation easement purchased from a private landowner by an acquisition grant recipient.

The Baseline records the property's existing physical conditions, natural and human-made, at the time the conservation easement is executed. When OWEB grants funds for the purchase of an interest in highly altered property that requires extensive restoration, the Baseline must also include information about the intended restored conditions.

The contents of the Baseline depend on the terms of the conservation easement, the property's features, and the conservation objectives for which OWEB has awarded funding. At a minimum, the Baseline must include the items below, to be approvable by OWEB. Additional information may need to be included in the Baseline to meet Federal Treasury requirements. Check with the Land Trust Alliance for additional details regarding Baselines.

Use of Baseline

OWEB uses the Baseline when monitoring property in which it has invested land acquisition grant funds. The Baseline assists OWEB in assessing changes in the property's conservation values and other features, determining whether the conservation easement is being complied with, and drawing general conclusions about project outcomes.

Ideally, the Baseline also serves as a valuable tool for the grantee's property monitoring. OWEB encourages grant applicants to include the cost of preparing the Baseline in their proposed project budget if necessary to ensure that adequate resources are available to produce a document that meets both OWEB's requirements and the grantee's needs.

Grantees may decide when and how to use the Baseline for their own purposes. OWEB recommends grantees consider conducting their property monitoring using the same methodologies as used in preparing the Baseline. Consistent monitoring methods assist in detecting and understanding property changes and implementing timely adaptive management strategies.

Baseline Requirements

Grantees may use the assistance of project partners and other parties to complete the Baseline. However, the grantee must be the author or co-author of the Baseline, is responsible for working directly with OWEB for review and approval of the Baseline, and is required to sign the document.

The information in the Baseline must clearly differentiate the conservation easement area from the property when the conservation easement does not encumber the entire property. Where necessary for context, the Baseline should include information about both the easement area and the property, when the two differ.

GENERAL CONTENTS

- Purpose of the conservation easement
- Date Baseline was prepared
- Date of Baseline site visit and photographs, if different than Baseline preparation date
- Baseline authorship and authorship qualifications
- Landowner contact information (name, address, phone numbers)
- Land manager contact information, if different than landowner
- Physical address of the property, including the county
- Directions to the property from the nearest town or major highway

PROPERTY DESCRIPTION AND DATA

- Acreage
- Township, Range, Section, tax lot numbers, and legal description
- Physical setting – a general description of the area surrounding the property, including adjacent land uses
- Historical ownership and use – a description of the history of the property, including past land uses such as agriculture, forest management, wildlife management, and residential
- Present land use – a description of the property's current zoning and uses such as agriculture, forest management, wildlife management, and residential
- Appurtenances, including any access easements and water rights that benefit the property
- Encumbrances on the property's title, with descriptions linked to document recording numbers or book and page numbers if document recording numbers were not assigned. This information may be arranged in a table if desired.
- Existing development – a description of human modifications of the property, such as structures, roads, trails, ditches, fences, and utility lines
- Conservation values – a description of the ecological features and conditions that will be protected by the conservation easement. Priority ecological systems, plant communities, and species, and acreages if applicable, must be documented and consistent with the conservation easement. The conservation values must be described in objective and specific terms, using quantitative information collected onsite (e.g., biological survey data) as appropriate for tracking changes in conditions over time.
- A description of any observed threats to the conservation values, such as invasive species, evidence of trespass, and erosion. The information should be presented in objective, specific terms, including quantitative data as appropriate for tracking changes in conditions over time.

- In this guidance, an invasive plant refers to any plant, non-native or native, that may degrade the property's conservation values. Invasive plants must be mapped as described in the Maps section of this guidance. An estimate of the abundance of each species must be provided, either as density (number of plants per area) or percent cover of each species per mapped polygon. Abundance estimates assist in detecting and responding to an increase in invasive plants.
- Survey and GPS data (e.g., invasive plant surveys, boundary data).
- If a prior assessment of the property (e.g., rangeland assessment, invasive plant survey, wetland delineation) is being relied on as Baseline information, the assessment must be:
    - Prepared no more than 18 months before the Baseline;
    - Appended to the Baseline; or at a minimum, incorporated into the Baseline by reference and a statement that the assessment will be kept together with the Baseline (see Baseline Format, below); and
    - Confirmed by a subject matter expert as accurately portraying the property's conditions at the time of the Baseline. The subject matter expert must inspect the property at the time of the Baseline and render an opinion free of bias or conflicts of interest.

PHOTOGRAPHS AND DRONE IMAGES

- Photographs of property features, including all the following as applicable: houses; barns; other structures; fences; roads; utility lines; trails; areas of potential restoration or future land use change (e.g., site of allowed future kiosk construction); threats or impacts present at the time of the Baseline (e.g., an unauthorized trail used by trespassers or a dumping area); and priority ecological systems, plant communities, and other features identified as conservation values in the grant application and conservation easement.
- Photographs must be taken at a distance that is appropriate for clearly depicting the features and conditions at the photo point.
- Photographs must be accompanied by directional notations and a label that describes what the photos depict.
- Photographs must be taken in the four cardinal and four ordinal directions when documenting 360-degree conditions.
- All photographs must be accompanied by GPS coordinates and the location of the photographs must be depicted on a map (see Maps, below).
- The amount of photo documentation that is appropriate for the property depends on the size and features of the property. For example, a large property that contains extensive infrastructure and ecological variation will require more photographs than a small property that lacks infrastructure and is ecologically homogenous. Grantees should consult with the assigned OWEB reviewer regarding a plan to photograph the property's features. The goal will be to reach agreement on the extent of photographs that is necessary for monitoring conservation easement compliance and ecological changes.

- Grantees should consult with the assigned OWEB reviewer regarding organization of the Baseline’s photographs. For a large property with numerous photographs, the reviewer may request that photographs be grouped by type or by zones or areas of the property, with a map of photo points for each grouping. The goal will be to ensure that the photographs are clearly linked to photo points on a map and the scale allows the map to be easily read.

Drone images may be included in the Baseline, with the following conditions:

  - The Baseline for conservation easement projects must include the landowner’s agreement to all future drone use that is necessary to replicate drone images.
  - Drone images no more than one year old must be provided to OWEB upon request. OWEB may request the images once every five years.
  - Drone images alone are not adequate for documenting all features of a property. Ground photographs must be used for features that can only be clearly depicted on the ground, including but not limited to structures, property boundaries such as entrances where trespassing is most likely to occur, instream habitat structures, site conditions under dense canopy cover, and any threats visible only at ground level. Drone-based photos may be appropriate for capturing conditions at the landscape scale (e.g., juniper thinning, floodplain inundation).
  - Drone images must be still images. Videos are not accepted.
  - The spatial resolution of drone images must be sufficient to clearly depict features required by this guidance.
  - Drone images must be accompanied by a repeatable flight plan that includes GPS points. A screenshot of the flight plan with flight altitude above ground (e.g., 200 feet), photo numbers, and the direction of view of each photo must be included in the Baseline. A map of the property showing the location of each flight plan must also be provided to locate each flight plan relative to the rest of the property. Drone software must be used to document the path, angle, elevation and other important aspects of the drone flight and photography, so that images are repeatable. The grantee must have the capability to store drone images and metadata so flights can be replicated.
  - All drone images must include captions that describe site features captured by each photo.
  - The grantee’s stewardship fund must include funds to obtain drone images, such as the cost of a drone contractor, or the cost of the drone, drone-related software, staff technical expertise, time required for flights and post-flight image analysis, time required for staff to complete the FAA Remote Pilot Certification process to be legally allowed to fly a drone, and the cost of providing drone images to OWEB every five years. If the stewardship calculator provided with the grant application does not include these expenses, the grantee must update the calculator to incorporate the

expenses and secure additional stewardship funds to ensure adequate resources for drone images over time.
    - Use of drones requires grantees follow Federal Aviation Administration (FAA) Guidance on Drones and comply with any state, county, local, or Tribal laws and regulations related to the use of drones.
    - Refer to OWEB's document entitled Guidance on Budgeting in Grants for more information about the use of drones in OWEB-funded projects.
    - Non-drone aerial images (e.g., satellite and fixed wing airplane images) are not accepted currently.

MAPS

- General location map
- An aerial-photo-based map of the property, depicting property boundaries, easement boundaries if different than the property boundaries, and property features, including encumbrances, described in the Baseline text. Multiple years of aerial photos are useful, but not required, for understanding the property's history.
    - If property features or encumbrances are numerous, more than one map may be necessary for legibility. Encumbrances must be labeled by document recording number, or book and page numbers if a document recording number was not assigned.
- Map(s) depicting the location of photo points
- If drone images are included in the Baseline, include a map of the property showing the location of each flight plan, to locate each flight plan in the context of the property
- Map of conservation easement zones or other easement areas with special allowances or restrictions, if applicable
- Topographical map
- Soils map
- Map depicting the location and extent (polygons) of priority ecological systems and plant communities, as determined by GPS
- Map depicting the location and extent (polygons) of invasive plants as determined by GPS

Baseline Acceptance and Acknowledgement

The Baseline must include a statement of acceptance and acknowledgement, signed by the parties to the conservation easement. The statement will also be an exhibit to the conservation easement. Refer to OWEB's conservation easement template for fee acquisitions or conservation easement example for the wording of the acceptance statement. Both documents are available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Include the landowner's agreement to future drone use if the Baseline includes drone images for a conservation easement project.

Baseline Format

The Baseline should consist of a single PDF file, with all maps and photographs incorporated as appendices. A single PDF file eliminates the need to ensure that multiple Baseline files are organized and kept together as a unified document.

OWEB will only accept a Baseline consisting of more than one PDF file if photographs or drone images are too large to include in a single PDF file. In that case, the grantee must minimize the number of additional files, to enable the information to be easily accessed during monitoring. The Baseline must contain a statement identifying and incorporating all other files by reference, for example:

"A total of 50 images were captured from photo points 1 through 10 on May 1, 2024. The images, which are incorporated into the Baseline by this reference, are contained in the PDF file named 'NorthwestPreserveBaselinePhotos.PDF' which is stored together with this signed document."

Highly Altered Properties Requiring Extensive Restoration

OWEB requires the Baseline to include a description of the conditions to which a property being purchased will be restored (Description of Restored Conditions) when the property is highly altered and requires extensive restoration to achieve the ecological outcomes that are the basis of the OWEB award. Following are examples of projects that require extensive restoration:

- The property contains estuarine wetlands from which tidal flows have been blocked by a dike. The wetlands are not functioning in a manner that provides high-quality habitat for the suite of priority species typically associated with estuarine wetlands.
- The property contains former Western Oregon wet prairie that has been converted to an agricultural field. The field is not functioning in a manner that provides high-quality habitat for the suite of priority species typically associated with Western Oregon wet prairie.
- The property, once a late-seral coastal forest, is being used for industrial timber production. The industrial timber requires thinning to place the property on a trajectory back to late-seral coastal forest.

OWEB recognizes that Baselines are signed before or at the time of a property purchase, whereas acquisition grantees typically develop detailed restoration plans for a property only after its purchase. The Description of Restored Conditions does not need to be highly detailed, but should include information, in narrative and map form, about the estimated type and extent ecological systems that are anticipated to exist upon completion of restoration activities. OWEB recognizes that restoration outcomes may evolve as property information is gathered after the transaction is completed, resulting in restored conditions that vary from the Description of Restored Conditions. OWEB will work collaboratively with grantees as restoration outcomes evolve in these situations.

Site Stabilization

Introduction

Site stabilization consists of short-term actions necessary to address immediate threats to a property's conservation values. All other property management actions should be undertaken after a management plan is approved by OWEB. Applicants should discuss any intended site stabilization with OWEB staff during the pre-application consultation to reach a shared understanding of the activities and their eligibility for OWEB funding or match.

Site stabilization costs may be reimbursed with OWEB funds or documented as a matching cost, provided site stabilization activities are included in the grant application and certain other requirements are met. Refer to the Budget and Matching Costs sections of this manual for more information about site stabilization costs.

Eligible Actions

Examples of actions that are eligible for OWEB site stabilization funding, or may be accepted as matching costs include:

- Installing gates, signage, and boundary markers
- Working with law enforcement to remove trespassers
- Removing structures or debris that pose safety hazards, contamination risks, attractive nuisance challenges, or similar threats
- Addressing significant, active erosion
- Treating invasive species that are a high priority for management because of rapid spread, potential for significant ecosystem impacts, good possibility of eradication, or other factors
- Reestablishing site-appropriate vegetation where invasive species have been removed

Ineligible Actions

Examples of actions that are ineligible for OWEB site stabilization funding and cannot be accepted as matching costs include:

- Large-scale restoration actions
- Property actions that are not time-sensitive
- Actions taken to facilitate multiple uses of the property (e.g., trails)

Complex actions that should be developed in a comprehensive management planning process to avoid impacts to conservation values and ensure consistency with other property management actions.

Requirements

Site stabilization proposed for OWEB land acquisition grant funds must be:

- Described in the grant application, including information about the anticipated actions and their need, benefits, cost and intended outcomes, with the understanding that OWEB may approve reasonable changes to site stabilization actions and expenditures if stabilization priorities change as property information is gathered
- Completed no later than 24 months after OWEB's funds are released for the purchase of the property interest
- Included in the property management plan if the site stabilization is not completed before the deadline for submission of the management plan to OWEB

Site stabilization proposed as match for OWEB land acquisition grant funds must also be:

- Conducted with funds that are secured before the time of OWEB's first payment of grant funds
- Determined by the Director to be reasonable in a particular grant context and recognized as qualifying matching costs

Management Plan

General Requirements

OWEB requires land acquisition grantees to develop and implement a management plan for all property interests purchased with OWEB funds. After submitting a grant application, applicants should consult with OWEB before making or agreeing to any changes in a property's condition, use, or title. Property changes may affect a grant award.

A grantee may partner with other organizations or with the landowner to prepare the management plan; however, the grantee is responsible for obtaining OWEB's approval of the plan no later than 18 months after closing and ensuring the plan is implemented.

Properties in which an interest is acquired as a matching cost to an OWEB land acquisition grant must be managed for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife. Match properties may but are not required to be included in the management plan.

The management plan must contain an appropriate framework for stewarding, protecting, and monitoring the property's conservation values in a manner that is consistent with the terms of the grant award. In addition, if restoration is necessary—either as a condition of the OWEB grant agreement for highly altered properties, or as part of the grantee's/owner's long-term vision for the property—information about this should be described in the management plan. All intended actions should be included in the plan, to avoid separate approval requests or frequent plan updates.

Grantees are required to consult with OWEB prior to any use of the property that differs in scope or scale from approved uses.

Management Planning Costs

Certain management planning costs are eligible for land acquisition grant funds. Refer to the Budget section of this manual for more information.

Management Plan Format

OWEB recognizes the need for flexibility in management plan format and content. The grantee may have its own format, a project partner may require a certain format, or the property may be part of a larger, landscape-scale management plan. Regardless of the format used, the plan must contain certain content, as described below.

COVER PAGE

Property name and location, OWEB grant number, and date of the management plan. If the property was renamed after the grant application was submitted, include the new name and the name in the grant application for clarity.

TABLE OF CONTENTS

Include the following sections in the management plan's table of contents, or flag the content for OWEB review if a different format is used:

- Introduction
- Purpose and Goals
- Inventory and Analysis
- Desired Future Conditions
- Priority Management Strategies
- Implementation Plan and Schedule
- Monitoring, Maintenance and Adaptive Management
- Community Involvement
- Tribal involvement
- Plan Term and Updates
- Appendices

INTRODUCTION

- General description of the property location
- General property description, including any difference between the acreage encumbered by the conservation easement and the larger property
- Date of fee simple title or conservation easement purchase
- For fee simple title purchases, include the effective date of the OWEB conservation easement if it is different than the property purchase date
- The names, organizational affiliations, and qualifications of the person(s) that prepared the management plan
- Summary of conservation values, consistent with the conservation easement

- Prohibited and permitted uses of the property: a reference to the sections of the conservation easement that contain this information
- For conservation easement purchases: a brief description (1-2 paragraphs) of the landowner's intended uses of the property, and a statement that the easement is the controlling document in the event of any inconsistencies between the management plan and the easement
- Adjacent land uses and landscape context: a summary (1 paragraph), a reference to the section of the baseline inventory documentation ("Baseline") that provides more information, and a summary of any additional information gathered since the date of the Baseline
- History (land, native people, use history and ownership): a reference to the section of the Baseline that contains this information
- Past site alterations and disturbances: a summary (1-2 paragraphs) from the Baseline with a focus on alterations that have impacted ecological functions and will be addressed in management strategies, and a reference to the section of the Baseline that provides more information

PURPOSE AND GOALS

Describe the opportunities and challenges the management plan addresses, the desired outcomes from implementation of the plan, the timeframe for the desired outcomes, and commitments for active management necessary to achieve the outcomes.

INVENTORY AND ANALYSIS

The purpose of management planning inventories is to collect appropriate natural resource, social and economic information for identification of resource concerns and facilitation of the planning process. The inventories must be completed before or during the planning process and used to understand management problems and develop actions.

The Baseline may serve as all or a substantial part of the management planning inventories, depending on the level of detail in the Baseline data and the scope of any restoration necessary to achieve desired future conditions for the property. For example, if a detailed plant survey was conducted for the Baseline, there may be no need to conduct plant surveys when preparing the management plan. However, additional inventory data (e.g., vegetation, hydrology, fish, wildlife) must be collected if necessary to develop sound management actions. For example, if a grazing plan will be developed as part of the management plan, a range assessment is likely necessary for understanding starting range conditions, developing grazing actions that will protect and enhance those conditions, and monitoring changes over time.

Summarize the inventory data, including the property's priority ecological systems and plant communities and their condition; built infrastructure; invasive species; and cultural, educational, and aesthetic resources. Append appropriate maps, data, and imagery and reference them in the plan's text, including maps of OWEB priority ecological systems and plant communities. Address any discrepancies between the Baseline and information gathered during management planning inventories. The goal of summarizing the data should be to explain the information that exists, setting the stage for an analysis of the data. It is acceptable to refer to the Baseline where appropriate in summarizing inventory data. OWEB does not expect a duplication of the Baseline content in the management plan.

Analyze the Baseline data and any additional inventory data gathered as part of the management planning process and identify resource concerns. Prioritize resource concerns for restoration, enhancement, or maintenance, considering biodiversity value or rarity, significance in regional conservation plans, and long-term viability at the property. Identify and prioritize threats to conservation values factoring severity, scope, and irreversibility.

DESIRED FUTURE CONDITIONS

Describe the desired future conditions for the property, specifically what it is expected to look like at the end of the term of the management plan. Desired future conditions do not necessarily entail restoration. If the property's current condition will be maintained as the desired future condition, outline specific threats that may impact maintenance of conservation values (trespass issues, weeds, climate impacts, etc.).

If the property is highly altered and extensive restoration is necessary to achieve the outcomes that are the basis of the OWEB award, the desired future conditions should align with the Baseline's Description of Restored Conditions and can be incorporated into the management plan by reference to the Baseline, rather than duplicating information. The purpose of the Description of Restored Conditions is to demonstrate the grantee's intent and willingness to pursue the restoration described in the grant application but not to establish an obligation to highly specific restoration outcomes. OWEB recognizes that restoration outcomes may shift as property information is gathered after the transaction is completed, resulting in restored conditions that vary from the Description of Restored Conditions. OWEB will work collaboratively with grantees as restoration outcomes shift in these situations. Refer to the Baseline section of this manual for more information about highly altered properties and the Description of Restored Conditions.

PRIORITY MANAGEMENT STRATEGIES

Management strategies should serve as a framework for achieving the desired future conditions for the property, including maintaining current conservation values as appropriate.

Develop and consider alternative strategies to solve resource concerns. The alternatives should be clearly linked to the resource inventories and the property's history, as well as projected future climate changes and impacts. Evaluate alternatives in terms of their known effectiveness for achieving the conservation goals for the property, including their ability to contribute to durable adaptation and resilience for ecosystems. Identify and select preferred alternative(s) that will best address the property's conservation values and reach the desired future conditions. Where possible, describe how consideration of greenhouse gas emissions or long-term carbon sequestration or storage has informed the selection of alternatives. If maintaining current conservation values is the desired future condition, develop strategies to minimize the threats, including climate impacts, that have been identified.

If the property is highly altered and will be extensively restored, developing alternative strategies and identifying the preferred alternative can be completed as part of the restoration design process. In that case, the management plan should state that the restoration design will contain the alternatives.

Include subsections on the following topics as applicable.

Site Stabilization

Any site stabilization action that is initiated on the property during preparation of the management plan must be included in the management plan if the action is not completed by the management plan deadline. Site stabilization actions included in the management plan must be scheduled for completion no later than two years after the purchase of the property interest. Refer to the Site Stabilization section of this manual for more information about site stabilization eligibility and requirements.

Landowner Reserved Rights and Coordination

If a conservation easement is purchased, the activities of the landowner, such as agricultural activities, must be guided by the management plan to ensure they are carried out in a manner that is consistent with protection and, as applicable, restoration of the property's conservation values. Plans for grazing, fencing, and other activities of the landowner must be appended or incorporated by reference into the management plan, as applicable. This section should also include a summary of landowner-reserved rights that require notice, a list of the rights the landowner expects to exercise during the first 5-year implementation period (see Plan Term and Updates, below) and a plan for coordination between the easement holder and the landowner. OWEB recommends that the management plan specify an annual meeting between the easement holder and the landowner, for the purpose of apprising each other of upcoming management actions and other property uses.

Coordination with Third Parties

If the property is subject to encumbrances (e.g., utility and access easements) that give third parties rights to use the property, the management plan must include actions for coordinating with the third parties to ensure their activities are within their rights and obligations, and to minimize impacts to the property's conservation values.

Water Rights

If property with appurtenant water rights is purchased in fee simple, or a conservation easement is purchased and includes authority to use water rights appurtenant to the property, the use of those rights must be consistent with the management goals and strategies identified in the management plan, including use of water for restoration or in-stream purposes. The easement holder may be required to take specific actions necessary to comply with this expected outcome as a condition of a grant award.

Revenue Reinvestment

If implementation of an OWEB-approved management plan will produce revenue for the grantee, such as revenue from timber thinning, the management plan should consider options for reinvesting the revenue in property-specific stewardship purposes, or for stewardship of other protected lands in the vicinity of the property. The management plan should identify the selected approach to revenue reinvestment, whether for stewardship or another purpose. OWEB encourages grantees to reinvest revenues in land stewardship where possible and appropriate.

Ecosystems Services Credits

The management plan must address the generation of any ecosystem services credits, including but not limited to mitigation credits, wetland credits, carbon credits, habitat credits and species credits. OWEB will approve the generation of such credits only if the grantee can clearly demonstrate that the credits will be accrued and documented in a manner that is consistent with the ecosystem services credits language OWEB requires in the conservation easement for the project. The language is contained in the conservation easement example for easement projects and the conservation easement template for fee simple projects. These documents are available on the land acquisition webpage, linked in the Program Purpose section of this manual.

Items Pertaining to Funding Conditions

If a grant is made subject to project-specific conditions pertaining to the management plan, the grantee must ensure that the priority management strategies section of the management plan, or other appropriate section, contains the items required by the OWEB board.

Marbled Murrelet

The Oregon Department of Fish and Wildlife uplisted the marbled murrelet from Threatened to Endangered in 2021, under the Oregon Endangered Species Act. Accordingly, if any action included in the management plan has the potential to take marbled murrelets, the management plan must include the survival guidelines described in OAR 635-100-0137.

If a grantee is uncertain whether actions included in the management plan have the potential to take marbled murrelets, they must consult with ODFW and incorporate all actions ODFW determines are appropriate under the survival guidelines.

Management plans must protect any Suitable Habitat for marbled murrelet, as that term is defined in OAR 635-100-0137(11)(l). If the property is within or immediately adjacent to Suitable Habitat for marbled murrelet and public use of the property is intended, the plan must also include actions for providing: (i) information to the public about intentional and unintentional feeding of wildlife, and (ii) wildlife-proof trash containers.

IMPLEMENTATION PLAN AND SCHEDULE

The preferred alternative(s) must be implemented using methods and practices that are sound and scientifically based and will address the resource concerns for the property.

Prepare a schedule of operations, listing actions organized by management strategy. The schedule should include the specific resource concerns, the management practices to address the resource concerns, the timeframe in which each action will be started and finished, and who will be responsible for implementation. Most, but possibly not all, management actions will be appropriate for inclusion in the schedule of operations.

OWEB recognizes that it takes a significant investment of time to design and implement large-scale restoration. In some cases, it may not be possible to complete large-scale restoration in the first five-year implementation period (see Plan Term and Updates, below), nor will it be possible when preparing the management plan to know precisely when the restoration will be completed.

When significant restoration planning and design work are necessary, the management plan must include actions and an implementation plan and schedule for such work. The management plan must also specify that the grantee will obtain OWEB review and approval of the restoration designs when they are complete. As a condition of management plan approval, OWEB may require a plan update to incorporate the restoration implementation plan and schedule if that information is not clear in the restoration design itself. In such case, the final restoration design should be appended to the management plan or incorporated by reference.

MONITORING, MAINTENANCE AND ADAPTIVE MANAGEMENT

A good planning process is dynamic and ongoing. The implementation of management actions should be evaluated for effectiveness on a schedule determined by the grantee to be appropriate for the actions. The evaluation should determine whether the current management is solving the resource concerns, and if not, how the management needs to be adjusted. The extent and complexity of monitoring can vary, depending on the management issues facing the property, the complexity of the property's ecological systems, and other factors. At a minimum, the management plan must include:

- An explanation of what will be monitored and maintained, including the frequency and duration of field monitoring and photo points (photo points may include Baseline photos for compliance, but Baseline photos are not necessarily adequate for effectiveness monitoring)
- The monitoring protocols that will be used, and a description of how monitoring data will be analyzed and summarized
- Maintenance actions that will be taken
- Partners that intend to be involved
- Process (including consultation with OWEB) by which management actions will be adapted as necessary to ensure success

COMMUNITY INVOLVEMENT

OWEB does not require multiple uses of a property – i.e., uses other than the land acquisition program's purpose of protecting, restoring, or maintaining watershed and habitats for native fish and wildlife – as a condition of a land acquisition grant award. However, the OWEB board encourages grantees to assess opportunities for property uses that are consistent with the protection of native fish and wildlife and their habitats. Depending on a property's ownership circumstances, the sensitivity of its conservation values to disturbance, and the capacity of the landowner to oversee multiple uses, opportunities may include low-impact hunting, cultural use and access, and other activities that benefit local communities disproportionately impacted by climate change. More significant infrastructure such as campgrounds, facilities for large gatherings, and extensive new trail networks and infrastructure are not considered low-impact uses of OWEB-funded property.

Describe plans for any community involvement with the property. Include specific community involvement actions that will be undertaken, the level of oversight of the community activities, and a description of how and when the activities will be monitored and adaptively managed to avoid impacts to the property's conservation values. Where possible, describe how engagement with local communities disproportionately impacted by climate change has informed or will inform multiple uses of the property.

Any designs pertaining to multiple use of a property, such as a design for a low-impact trail, must be included in final form in the management plan.

TRIBAL USES

Properties purchased with OWEB land acquisition funds and held by federally recognized Tribes may be used for Tribal cultural activities—such as hunting, the harvest of culturally significant plants, and ceremonies—without the inclusion of such activities in the management plan. OWEB relies on a trust-based relationship with federally recognized Tribes due to their sovereign status. Accordingly, Tribes are responsible for managing cultural uses and ensuring alignment of the uses with the purpose of OWEB's land acquisition funding. Tribes can include cultural uses in the management plan if they choose and are encouraged but not required to report to OWEB on benefits and impacts of the cultural uses. Reporting on such uses can assist OWEB in understanding the interaction of cultural uses and conservation values on OWEB-funded properties.

Cultural activities may also occur in coordination with federally recognized Tribes on OWEB-funded properties held by entities other than federally recognized Tribes, if the activities are included in the management plan. Where details about the uses are limited to address confidentiality concerns, the plan should describe the landowner's role in ensuring that the uses comply with the conservation easement. Reporting to OWEB on the benefits and impacts of cultural uses is required of non-Tribal grantees so that the agency can better understand the interaction of cultural uses and habitat protection or improvement on OWEB-funded properties.

PLAN TERM AND UPDATES

In general, management plans should be long-term documents, containing a framework that is appropriate for approximately 20 years of work. All intended actions should be included in the plan, to avoid separate approval requests or frequent plan updates. OWEB expects management plans to contain a process for review every five years because of the need for a dynamic approach to management planning. The review should consider monitoring, maintenance, and adaptive management information. The plan should be updated if the information indicates that new or modified management actions are necessary to achieve the conservation goals for the property. Updated management plans must be reviewed and approved by OWEB.

APPENDICES

- Location and Access Map*
- Existing Conditions Map* – an aerial photo that depicts priority ecological systems and plant communities
- Monitoring Map* – an aerial photo that depicts locations of photo points, in-stream monitoring reaches, vegetation transects and data points, etc.
- Invasive Species Map* - an aerial photo that depicts the spatial extent of invasive species populations, to assist in managing and monitoring changes in the populations over time
- Infrastructure Map – as applicable, an aerial photo with labeled features such as roads, trails, structures, etc.
- Allowed Use Map – as applicable, an aerial photo that depicts areas such as agricultural zones and building sites
- Threats Map – actual and/or potential
- Topographic, Geology, Soils Maps – as appropriate
- Species Lists
- Others as needed

**Required.* Each map must be referenced to specific sections in the plan's text.

Subsequent Conveyances

Introduction

OWEB intends for grant-funded property interests to be held in perpetuity by the holder proposed in the grant application. However, OWEB recognizes that the circumstances of organizations change, occasionally making it desirable or necessary for the holder of an OWEB-funded property interest to convey the interest to another organization.

A property interest purchased by an OWEB grantee may be subsequently conveyed (i.e., transferred) to another eligible holder, provided the conveyance complies with applicable statutes, administrative rules, and other requirements of OWEB. The proposed new holder of the property interest must have the demonstrated capacity and intention to manage the interest in a manner that achieves the conservation outcomes intended by the board at the time of the grant award. Grantees should contact OWEB staff as early as possible in their process of planning a conveyance and be prepared to fill out an application form with information about the proposal.

Requirements of Conveyances

A conveyance of an OWEB-funded property:

- Must be approved in advance by the OWEB board in compliance with ORS 541.960.

- Must not result in any profit to any person, with profit defined by OAR 695-045-0010 as: the positive difference between the original purchase price for the property interest acquired with OWEB grant funds and a subsequent purchase price for the same property interest, minus the owner's property improvement costs that, from an accounting or tax perspective, are capitalized and not expensed.
- Will be subject to a conveyance agreement that includes information such as:
    - Details of the transaction, including documents that will be recorded.
    - OWEB's approval of the conveyance.
    - Roles and responsibilities for the transaction, including due diligence activities, transaction costs, and stewardship funding.
    - Acknowledgments regarding compliance with the grant agreement and conservation easement.
    - Grant agreement assumption by the new holder of the property interest.

Evaluation of Proposed Conveyances

OWEB will evaluate proposed conveyances of property interests using the same criteria used for evaluating grant applications. Refer to the Application Review section of this manual for more information.

The criteria will be used in evaluating proposed conveyances to the extent the criteria apply to the conveyance. For example, if the proposed holder of a property interest intends to manage the interest using a management plan previously approved by OWEB, it may be unnecessary for OWEB to evaluate the ecological outcomes of the proposed conveyance. Organizational capacity will be evaluated for every proposed conveyance because the capacity of the new holder is an important element of project success. OWEB will determine which criteria it will evaluate on a case-by-case basis.

What to Expect During a Conveyance

The details of conveyances can vary widely. Nonetheless, there are certain elements that should be expected for any proposed conveyance:

- Grant application form
- Updated preliminary title report
- Document drafting and review
    - Conveyance agreement
    - Warranty deed or assignment of conservation easement
    - Amendment of OWEB-held conservation easement to update:
        - Contact information for notices
        - Title insurance information
        - Any other information identified by OWEB

    - Baseline inventory documentation update
- Title insurance
    - Fee simple conveyances
        - The new owner must obtain a title insurance policy with a limit equal to or greater than the total consideration paid for the property at the time it was purchased with OWEB funds.
    - Conservation easement conveyances
        - The new easement holder must obtain a title insurance policy with a limit equal to or greater than the total consideration paid by the easement grantee to the easement grantor at the time the easement was executed. OWEB must be insured under the new policy if the conservation easement does not contain language describing insurance claim proceeds owed to OWEB in the event of a title defect.
- Legal fees
- Closing costs

Templates, Forms, and Examples

Templates, forms, and examples for the program are available on the land acquisition webpage, linked in the Program Purpose section of this manual.