**Attention:**

**This is a draft document and may be revised. Use it for reference only until the final version is posted on PFAGrants.com.**

# PFA Grant Conservation Easement Manual



Fall 2026

# Table of Contents

# Section 1: Introduction

## Background

The Private Forest Accord (PFA) Grant Program was established by the 2022 Oregon Legislature (Senate Bills 1501 and 1502; House Bill 4055) to formalize a historic agreement between private timber industry and conservation groups (Appendix U: Private Forest Accord Authors' Report). The PFA legislation amended Oregon's Forest Practices Act to increase protections for streams and aquatic species' habitats while allowing forest management practices to continue on private lands. The PFA legislation called for developing a Private Forest Accord Habitat Conservation Plan (PFA HCP) and subsequent Incidental Take Permit (ITP). These documents apply to certain forest practices and identify conservation measures and protections for certain aquatic species in a way that is consistent with the federal Endangered Species Act.

To adequately offset any impacts to covered species from the implementation of the amended Oregon Forest Practices Act, the PFA called for the development of a mitigation fund administered by the Oregon Department of Fish and Wildlife (ODFW). As part of the 2022 PFA legislation, $10 million in General Fund was directed into the subaccount of the existing Oregon Conservation and Recreation Fund. An additional $10 million in General Funds was allocated to the PFA Grant Program in the 2023 legislative session. Also, during the 2022 session, HB 4055 allocated $2.5 million in timber harvest tax revenue to the PFA Grant Program. This amount is slated to increase to $5 million once the ITP is finalized.

As called for in the 2022 legislation, the Oregon Fish and Wildlife Commission adopted administrative rules to implement the PFA Grant Program in August 2023. The Division 97 Private Forest Accord Fund Grant Program Rules can be found in Appendix V. For more information on the PFA, see Appendix U: Private Forest Accord Author's Report or visit the Oregon Department of Forestry's (ODF) website. For additional information about this Grant Program and ODFW's role, visit PFAGrants.com.

## Program focus, priorities, and PFA HCP-covered species

The purpose of the PFA Grant Program is to fund projects that benefit the species covered under the anticipated PFA HCP. Eligible projects must benefit one or more of the PFA HCP-covered species listed below and do not need to take place in a forested habitat provided the project demonstrably benefits covered species and supports the objectives of the PFA Habitat Conservation Plan.. The appendices of this document have a comprehensive list of PFA HCP-covered species.

- All native salmon and trout (Oncorhynchus spp.)
- Bull trout (Salvelinus confluentus)
- Coastal giant salamander (Dicamptodon tenebrosus)
- Coastal tailed frog (Ascaphus truei)
- Columbia torrent salamander (Rhyacotriton kezeri)

- Cope's giant salamander (Dicamptodon copei)
- Green sturgeon (Acipenser medirostris)
- Mountain whitefish (Prosopium williamsoni)
- Pacific eulachon/smelt (Thaleichthys pacificus)
- Southern torrent salamander (Rhyacotriton variegatus)

Projects should also align with the priorities outlined in management documents, such as:

- TBD

## Where to Get Information

For additional information, or consultation requests, please contact your local PFA Stream Biologist or the PFA Grant Coordinator, at pfa.grants@odfw.oregon.gov.

**This document provides guidance specific to land transactions only.** For proposals involving water transactions, please refer to the Water Transaction Guidance Document found on PFAGrants.com.

Online Application Access/Link: https://www.grantinterface.com/Home/Logon?urlkey=odfw

## Program Contacts

| ODFW contact | Contact Areas of Focus |
|---|---|
| **Program Questions**<br>**PFA.Grants@odfw.oregon.gov** | Contact for general inquiries, including specific project questions, project amendments, possible project delays, and application feedback requests. |
| **Tiffany Caldwell – Private Forest Accord Staff Assistant**<br>**Tiffany.s.caldwell@odfw.oregon.gov** | Contact for project reimbursement requests, all reports, and administrative questions. |
| **Andy Spyrka – Private Forest Accord Grant Coordinator**<br>**Andy.j.spyrka@odfw.oregon.gov**<br>Oregon Department of Fish and Wildlife, Habitat Division.<br>4034 Fairview Industrial Drive SE Salem, OR 97302 | Use for all hard copy mailings. |
| **Private Forest Accord Biologists**<br>6 Regions across the State of Oregon:<br><br>– Klamath Falls Watershed District<br>– Umpqua Watershed District<br>– South Willamette Watershed District<br>– Grande Ronde Watershed District<br>– Mid Coast Watershed District<br>– North Coast Watershed District<br><br>PFA Biologist Boundaries Map<br>PFA Biologist Contact Information by region | Assistance with developing project ideas and application questions. |

# Section 2: Eligibility and Costs

The PFA Grant Program provides conservation easement grants for future projects that benefit species covered by the Private Forest Accord Habitat Conservation Plan (PFA HCP). Projects must demonstrate meaningful and lasting conservation benefits for one or more covered species and satisfy the eligibility and evaluation requirements established in OAR chapter 635, division 97.All conservation easements must align with the broader goals of the PFA Grant Program. Proposals should demonstrate the return on investment and justify why the proposed easement is the best value for the investment.

All applications submitted to the PFA Grant Program are reviewed annually through a competitive process. The Advisory Committee evaluates and ranks each proposal against all other project types, including implementation, planning, research, water transactions, and conservation easement projects, all competing for the same pool of funding.

## Eligible Land Transaction Types

**Land Transactions:**

- Conservation easements on non-forestlands to protect, maintain, restore, and improve riparian areas and the natural processes that support them, for the benefit of the species covered.
    - Forestland means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied. ORS 527.620(8).
    - For the purposes of the PFA Grant Program, Riparian Areas means the area adjacent to a river, lake, stream, or other waterbody, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. This definition is consistent with Oregon Department of Land Conservation and Development, OAR 660-023-0090(1)(b).

## Eligible applicants

The following entities may apply for funding in the PFA Grants Program:

- Colleges and Universities
- Federal agencies
- Local governments and political subdivisions
- Non-profit
- Private corporation or limited liability corporation
- Soil and Water Conservation Districts

- State agencies
- Federally recognized Indian tribes in the State of Oregon
- Watershed Councils

Individuals are not eligible to apply independently but may partner with an eligible applicant. **All applicants must identify who will hold the Conservation Easement in the application to be considered for funding.**

## Eligible Conservation Easement Holders

In accordance with ORS 271.,(a necessary legal condition, but does not expand the land, purpose, applicant, or project eligibility established by the PFA statutes and OAR chapter 635, division 97)715, conservation easements funded through this PFA Grant Program may only be held by eligible entities with the legal authority to acquire such easements. These include:

- The State of Oregon;
- Counties;
- Non-profits with the purpose or power to conserve, management and rotect, natural resources;
- Metropolitan service districts;
- Soil and water conservation districts;
- Cities;
- Park and recreation districts;
- County service districts established under ORS 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas County for the purposes specified in ORS 451.010(1)(a) and (b), and in Washington County for the purpose specified in ORS 451.010(5) acting alone or in cooperation with any federal or state agency, public corporation or political subdivision;
- A charitable corporation, charitable association or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property; or
- An Indian tribe as defined in ORS 97.740.Easements must be acquired by purchase, agreement, or donation. In the case of public holders, easements must be located within the jurisdictional boundaries of the acquiring entity and must serve a public interest as determined by the governing body of that entity.

## Property for Mitigation

**, as per thePFA Grant Program [OAR 635-097-0070(4)] .**

**Mitigation payments already issued, but not yet implemented, can be used as cash match for PFA conservation easement grants, but the Grantee must attest that those matching funds are being used in a manner consistent with the obligations associated with those mitigation funds. A project funded through the program may not be used to generate compensatory mitigation credits to offset or account another compensatory mitigation obligation.**

Future UseThe PFA Grant Program sets a 5-year deadline to finish projects following execution of the Grant Agreement, to ensure that funded projects, including acquisition of conservation easements, are accomplished within a reasonable timeframe and provide benefit to the PFA HCP covered Species. **All projects for Easement Acquisition will have 18 months to record a conservation easement following the execution of the Grant Agreement**, see *Project Timelines* in Section 3 for more information. If unforeseen circumstances cause delays exceeding the standard deadlines, project grantees can request extensions before the initial deadline expires, as an amendment that must be approved by the Department. Extensions are granted based on the project's revised plans and construction schedule. Failure to complete the project within the agreed timeframe or secure an extension will trigger a compliance review by the PFA Grant Program.

## Phased Projects

Projects can be complex, multi-year, multi-partner, and require extensive analysis, coordination, and implementation. Conservation easement phases may, for example, involve separate phases for acquisition of easements on adjacent properties, or may involve an initial easement acquisition project followed by Program funding of restoration activities. A project grantee should consider the potential complexity that large-scale or multi-million-dollar projects may create and should discuss phasing with PFA Grant staff. Phased projects are subject to the following criteria:

- Approval of any single phase is limited to that phase. No endorsement or approval is given or implied toward future phases.
- Each phase must stand on its own merits as a viable project.

The Advisory Committee and ODFW may consider progress and grantee performance on previously funded phases when making decisions on current proposals.

## Project Costs

Only eligible costs are reimbursable under the PFA Grant Program. Projects must include all anticipated costs in the Comprehensive Budget Sheet (Appendix M) at the time of application submission.

**Upon submission by the applicant, the application is considered complete. No revisions or late additions to the application will be accepted.**

## Eligible Costs

Eligible costs are those directly related to purchasing an interest in land to establish a conservation easement, including associated administrative, legal, technical, and due diligence expenses.

The following guidelines should be followed for all applications when developing a project budget for submission:

- List line-item costs as precisely as possible.
- Do not lump charges unless elaborated in the the Grant Application, *Budget Discussion* section.
- **Appendix M, Comprehensive Budget Sheet, is required to be used for all project budgets.**

Applicants are encouraged to carefully consider all cost factors associated with the project before submitting an application. The following is a breakdown of the cost categories in the budget sheet:

**Personnel costs (salaries & wages)**

Salaries and wages and the associated benefits of grantee employees who are directly engaged in the execution of the grant project, limited to actual time spent on the grant project, including reporting and other grant-specific needs. List all staff by title who will be working on the grant as separate line items and, in the Grant narrative, a short qualification statement for each staff member.

Applicants are encouraged to carefully consider all cost factors associated with the project before submitting an application.

**Contractual**

Direct consultant and contractual services necessary to achieve grant objectives. Contractual costs include professional and consulting services directly related to achieving the grant goals, objectives, and milestones. List each contract as a separate line item. For all consultants on the project, a brief description of their experience, role in the project, and costs must be discussed in the Grant narrative.

**Travel**

Costs associated with travel to and from project sites, meetings, conferences, etc., directly related to the grant project. These must be considered reasonable and necessary for the completion of the project. Reimbursement rates will be based on the Grantee's written travel policy if established. If the Grantee does not have set reimbursement rates, they will follow the United States General Services Administration Per Diem Rates for the State of Oregon. Mileage rates shall not exceed those allowed by the IRS. Travel costs may be lumped into one line item.

**Easement Purchase Price**

This is where the total cost of the Conservation Easement is to be listed in the budget. This is the appraised fair market value of the conservation easement or the negotiated purchase price.

*Easement Purchase Price is considered a direct cost.*

**Transaction Costs**

These appear as individual items, not rolled into the purchase price. Typical lines include:

- Appraisal
- Surveys or legal descriptions
- Title report and title insurance
- Environmental due diligence
- Due Diligence for cultural resource surveys as may be required for approval by the State Historic Preservation Office (SHPO).
- Legal fees for drafting and negotiation
- Recording fees
- Baseline documentation report

**Supply Costs for Acquisition**

Eligible supply costs are limited to materials essential for the purchase of a conservation easement interest in land. Applicants should focus budget requests on supplies required for "due diligence" and the establishment of baseline documentation, such as survey markers, permanent boundary stakes, and high-resolution storage media for submitting digital property management plans.

**Indirect Cost Rates**

Indirect costs are general costs associated with doing the business required to implement the project, i.e., overhead costs. Examples include salaries and benefits of employees not directly assigned to a project; functions such as personnel, accounting, budgeting, audits, business services, information technology, and janitorial, rent, utility supplies, and other similar costs. . Unless a federally negotiated rate is described and provided in an attachment in the proposed Scope of Work, all indirect costs are capped at a 15 percent rate (15%) of the project costs requested from ODFW associated with the following budget categories:

- Personnel Costs
- Supplies Costs
- Contractual costs
    - Note:

  Eligible indirect project costs for contractor expenses are capped at 15% of the total contract cost (total contract cost consisting of the Conservation Easement acquisition cost and all direct costs).

All indirect costs must be requested at the time of the application to be considered for funding. Grantee must maintain all indirect costs receipts and records in the event of an audit and review. Any federally negotiated rate accepted by the PFA Grant Program must adhere to the terms, conditions, and eligible budget categories discussed in this section, *Indirect Cost Rates.*

Reference Appendix L: Indirect Costs Definition and Policy for additional information if requesting any indirect costs.

## Pre-Agreement Costs

Pre-agreement costs are costs directly associated with land transactions incurred before fully executing a project agreement. Some administrative and incidental costs are eligible pre-agreement costs if incurred up to 3 years before the start date of the project agreement and may also be requested as a standard budget line-item cost post-agreement, whichever best applies to the project.

Pre-agreement costs are limited to the following:

- Appraisal and appraisal review (must meet requirements set forth in this document)
- Baseline documentation–conservation easements only
- Boundary line adjustments, lot line adjustments, and related legal costs.
- Cultural resources (survey, excavation, on-site monitoring, data recovery, and other costs) Cultural resource surveys may be required for approval by the State Historic Preservation Office
- Environmental site assessments as described in this manual
- Land survey (i.e. property boundaries).
- Fees associated with recording new surveys of property that are acquired with a PFA grant award.
- Preliminary title reports and legal costs to remove problematic encumbrances.
  - If the preliminary title report reveals an active mortgage on the property, it triggers the mandatory requirement for the Applicant to draft and submit a FULLY EXECUTED Subordination Agreement from the lienholder for Department APPROVAL prior to closing.
- Draft Property management plan
- Mineral and sub-surface resources reports

All pre-agreement costs incurred must adhere to the requirements in this manual for the costs to be eligible for PFA Grant funding or match. **All pre-agreement cost requests must demonstrate proof of payment to be considered for reimbursement.**

## Allowable Post-Closing Costs

The following post-closing costs are eligible for reimbursement, which are defined as costs incurred after the Conservation Easement Transaction has been recorded:

- Property management plan development
- Baseline documentation completion
- The cost of securing and maintaining the conservation values associated with the property interest in accordance with the application or a property management plan approved by the Department.

## Additional Reimbursable/Eligible Costs

The following are eligible costs incurred when purchasing land or property rights such as conducting due diligence investigations and closing on the transaction. Final documents (e.g. appraisal, environmental assessment, relocation plan, etc.) must be submitted along with the invoice requesting reimbursement of any cost item.

The following are eligible costs for land transactions as an informative list:

- Advance Payment to the awardee for incurred costs as the project develops, and not the acquisition cost, which is provided at closing.
- Attorney fees–document review and drafting, clearing title, and other project related work.
- Baseline documentation
- Staff time for project development
- Closing fees
    - Appraisal Fees – Often required by the grantor to determine fair market value
    - Attorney Fees – If directly related to the real estate transaction, including services related to items on this list
    - Boundary or ALTA Surveys – Often required and allowable
    - Broker/Agent Fees – Only if pre-approved and not excluded by the grant terms
    - Due Diligence Costs – Site inspections, appraisals, or hazard assessments, if required
    - Environmental Assessments – Phase I ESA or similar, if required by the funder
    - Escrow Fees – Allowable when using a neutral third party
    - Recording Fees – Fees for recording deeds or other documents
    - Title Insurance – Generally allowable to ensure clear title
    - Review Fees by the City or County
- Cultural resources (survey, excavation, on site-monitoring, data-recovery and other costs)
- Demolition of ineligible structures
- GIS mapping
- Conservation Easement Defense and Title Insurance Costs
- Property management plans
- Land survey (i.e. property boundaries), building envelopes, and other management/conservation zones).
- Monitoring costs related to long-term compliance (i.e. conservation easements)
- Staff time and hours spent in project-related meetings and activities
- NEPA costs?  We're working w ESA species, may need ESA clearance to put in a fish screen, screen a diversion, or move dirt?

- New legal surveys must be recorded with the county auditor's office on the property title if the property is successfully acquired with a PFA Grant.
- Negotiated costs.
- Progress report preparation
- Public hearings
- Publication/Project Notification costs
- Room rental
- Review Appraisals
- Site visits
- Signs–boundary, entrance, notices, rules, etc.
- Title reports and insurance–extended title insurance may be approved on a case-by-case basis

- Wetland delineations

### Ineligible Costs

Ineligible costs include, but are not limited to:

- Salary Bonus payments
- entertainment expenses
- Costs associated with fundraising activities
- Costs associated with meeting a mitigation requirement for another project or action (e.g. permit requirement, Federal Energy Regulatory Commission relicensing, Habitat Conservation Plan, legal settlement, etc.)
- Real estate commissions
- Damage judgments arising out of land transactions, construction, or equipping of a facility, whether determined by judicial decision, arbitration, or otherwise
- Deficit and overdraft charges, fines, penalties, interest expenses
- Donations or contributions made by the applicant/grantee, such as to a charitable organization or for organizational memberships and professional affiliations
- See section above discussing eligible indirect costs.
- Landowner lien(s) and lien fees
- Lobbying or legislative activities
- Option payments (except to the extent credited against an allowable purchase price)
- Owner-requested upgrades or repairs
- Publicity expenses (except legal requirements for public notices related to bids, or programmatic requirements stipulated by this program for public notice of project.)
- Purchase of personal property, except as identified and allowed for Supplies, oth of which is a category of eligible costs
- Retroactive costs incurred before execution of the project agreement. See pre-agreement cost information for exceptions
- Speculative costs
    - Expenses that are based on assumptions, estimates, or future conditions **not directly tied to the actual, necessary, and documented requirements** of the transaction.
- Taxes for which the organization involved would not have been liable to pay
- Value of personal property, unless specifically approved in advance by the PFA Grant Program and the PFA Advisory Committee.

### Ineligible Projects

The following is not eligible for funding through the PFA Grant Program

- Land with sufficient revenue producing potential to finance the project's cost.
- Land donated by a third party in lieu of mitigation fees, permit fees, and impact fees required for development.
- Property that is publicly owned.

Grant applicants must clearly outline how they intend to use the property to ensure the intended uses align with PFA Grant funding guidelines. If any part of the property is intended for ineligible activities, this must be detailed in the project application.

It may be possible to exclude ineligible areas from the funded portion of the project. To do this:

- Clearly define the excluded area using a survey or legal description.
- Factor this exclusion into the property valuation process.
- The Conservation Easement should clearly outline the PFA Grant-funded portion of the property.

### Additional Budget Considerations

No minimum or maximums exists on funding requests.

## More than the Appraised Value

The PFA grant Program will not pay more than the appraised value

### Match

Applicants may provide but are not required to provide match/matching funds to help support and facilitate the acquisition of the conservation easement for which they are requesting from ODFW's PFA Grant Program. Costs incurred in the same timeframes as described in the Budget section above may qualify as matching contributions, subject to approval by the PFA Grant Program.

Match is defined as additional resources expended to further the proposed grant objectives. Records must be maintained that support the cash match costs within the Grantee's accounting system and be available for audit and review. For third party contributions, the support for the value must be verifiable from Grantee records or the item must be maintained by the Grantee, including documentation of the methods used to determine the value. Match claimed for one grant may not be claimed for any other grant.

Eligible Match Types:

- **Dollar/Cash Match**: Actual cash paid by the Grantee for a service or product. This includes any cash funds that were donated to the Grantee to offset the costs of a specific item.
- **In-Kind Match:** Services or goods that are donated to the project by the Grantee or a third party.
- **Partner Match:** Match provided by project partners, in-kind or dollar.
- **Unsecured Match:** Match funds that are anticipated to be provided.
    - Any unsecured match must be secured by the time of the Easement Purchase.

- **Land Match:** applicant or partner provide land worth 25% of the project value to be protected by conservation easement within, adjacent to or nearby the project property which is protected by a conservation easement at the close of the Land Transaction. That easement must otherwise meet program goals. Costs that are incurred in the same timeframes as described in the Budget section above may qualify as matching contributions, subject to approval by the PFA Grant Program.
    - Any land match that is classified as *nearby* must be within the same 12-digit Hydrologic Unit Code (HUC-12) sub-watershed or located within a maximum of 5 river miles upstream or downstream from the project property. Ensuring that the matching land

directly contributes to the same localized riparian habitat and conservation goals as the primary easement.

- **Mitigation Funds as Match:** Mitigation payments already issued, but not yet implemented, can be used as cash match for PFA conservation easement grants, but the Grantee must attest that those matching funds are being used in a manner consistent with the obligations associated with those mitigation funds.

ODFW and other State Grants.

Ineligible Match Types:

- Cash and in-kind resources that are not necessary for the successful completion of the project and do not complement the proposed objectives.

Applicants must document any anticipated match at the time of the application and note if it is secured or anticipated in the project budget sheet.

## Escrow Payments

The PFA Grant Program recognizes the importance of streamlining the land transaction process for projects. While the PFA Grant Program traditionally operates on a reimbursement basis, escrow accounts offer a valuable tool for facilitating a more efficient flow of funds.

The PFA Grant Program understands that Escrow accounts allow grant funds in a secure third-party account in advance of closing. This eliminates the need for project grantees to wait for reimbursement after the purchase is finalized, accelerating the overall timeline.

**All final closing payments must be made through an approved Escrow Account.**

## Escrow Eligibility and Requirements

To utilize an escrow account for a pending land transaction funded by a PFA Grant, project applicants must adhere to the following guidelines:

- **Proactive Planning:** Initiate the escrow payment request well in advance of closing. The PFA Grant Program requires a minimum of 90 days to process the request, with an additional 3-7 business days for the funds to reach the escrow account upon approval. Any easement and all due diligence must be approved before ODFW will send funds to an escrow.
- **Comprehensive Documentation:** Submit a new billing request within the Online Grant Management system and attach all necessary documentation. This includes:

- Appraisal and appraisal review
- Baseline inventory
- Buyer's Estimated Settlement Statement demonstrating the deposit of the project grantee's matching share into the escrow account, if applicable
- Draft of the Conservation Easement
- Escrow payment instructions referencing the recording of Deed of Conservation Easement and transfer of funds at closing
- Phase 1 Environmental Site Assessment
- Legally binding agreement between the project grantee and landowner (typically a Purchase and Sale Agreement or Option Agreement)
- Preliminary Title Report
- Voluntary Acquisition Notice

## Escrow Time-Sensitive Considerations

- **Closing Deadlines:** Once the PFA Grant Program deposits grant funds into the escrow account, closing on the property must occur within 45 days. Failure to meet this deadline may result in PFA Grant requesting the return of the funds.
- **Post-Closing Requirements**: Within 60 days of closing, project grantees are responsible for submitting copies of the final executed and recorded documents.

## Additional Eligibility Requirements

### Legal Access

Unless expressly waived in writing by the Department, the Grantee must secure and verify direct, permanent legal access to the encumbered property as a strict threshold condition of funding. All pedestrian and vehicular access rights must be formally granted and explicitly recorded within the body of the final Conservation Easement Deed. This recorded access provision must grant perpetual, irrevocable permission to both the Grantee and the State of Oregon, acting by and through the Oregon Department of Fish and Wildlife, to enter, cross, and utilize the property for long term habitat monitoring, conservation enforcement, and programmatic compliance inspections.

## Relocation Procedures

Grantees undertaking land transactions funded by the Private Forest Accord Grant Program must comply with applicable state relocation laws. Business and residential tenants displaced as a result of a grant funded conservation easement acquisition may qualify for relocation advisory services and financial benefits pursuant to ORS 35.500 through 35.530.

Relocation Policy for Applicants and Grantees:

- Grantees are responsible for ensuring that required relocation advisory services and financial benefits are provided in full accordance with statutory standards.
- Relocation expenditures must be budgeted within and paid directly from the approved original grant award amount.
- Lawful tenants become eligible for relocation services and benefits upon the date of conservation easement purchase or upon receipt of a formal notice to vacate, whichever occurs first ("Eligibility Date").
- Relocation expenses incurred by tenants prior to the established Eligibility Date are unallowable and shall not be reimbursed by the Private Forest Accord Grant Program.

Landowners are not eligible for relocation services or benefits in association with ODFW PFA Grants funded acquisitions, which are voluntary transactions.

## Grant Applicant Responsibilities

The grant applicant is required to:

1. Submit a fully executed Landowner Acknowledgement Form with the grant application. 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.
2. Inform PFA Grants, in the grant application, of any tenants on the property and cooperate with PFA Grants to determine the estimated time, effort and cost that will be associated with PFA Grants fulfilling relocation obligations, if any, to tenants if the grant is awarded.
3. 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 PFA Grants has fulfilled its statutory obligations, if any, regarding relocation of displaced persons.

## Cooperative Efforts

Prior to closing, grantees must not act independently of PFA Grants on any matters pertaining to tenants on a property for which PFA Grants has granted land acquisition funds. If tenants exist on the property, or the potential exists for tenants on the property before the property is purchased, the grantee must cooperate with PFA Grant's efforts to:

1. Determine whether existing tenants may be eligible for relocation advisory services or benefits;
2. Provide initial information to tenants who may be eligible for relocation advisory services or benefits;
3. Advise existing tenants not to vacate the property until PFA Grants has fulfilled its statutory obligations, if any, regarding relocation of displaced persons;
4. Avoid relocation obligations under any new tenancies; and

5. Complete other efforts necessary to comply with relocation laws.



# Section 3: Application Requirements

## How To Apply

The land transaction grant application is part of ODFW online grant application system. An ODFW Grant Management System username and password are required to access the online application. Refer to the PFAGrants.com webpage for materials that are required with the land transaction application.

## How Applications Will Be Reviewed

Applications will undergo technical review by the applicable PFA Regional Review Team. The Private Forest Accord Advisory Committee will independently review grant applications and make funding recommendations consistent with ORS 496.259. The State Fish and Wildlife Commission will consider those recommendations and make grant awards under ORS 496.257. The process will involve evaluations of ecological outcomes, project soundness, organizational capacity, , and possible site visits by the reviewers and/or the PFA Advisory Committee. All applicants should reference the evaluation worksheets, in addition to the material below, to better understand how proposals are reviewed and evaluated.

### Land Transaction Review Process & Evaluation Criteria

All conservation easement proposals submitted to the Private Forest Accord Grant Program are evaluated using a standardized scoring matrix, The matrix ensures consistent, transparent, and objective review of all applications.

Applicants should reference this evaluation framework when developing proposals to ensure strong alignment with program priorities, clear articulation of outcomes, and complete documentation of due diligence and stewardship plans.

## Property Management Plan Outline

**All applications for land transactions must include a draft property management plan at the time of submission. A final property management plan is due within 18 months following the recording date of any Conservation Easement. Property management plans are required to be updated every 5 years, for a 20-year term, following the effective date of the Conservation Easement.**

Applicants for PFA land transaction grants must demonstrate a commitment to long-term stewardship by submitting a **draft property management plan** with the project application, which reflects the intended use and conservation strategy for the acquired property.

Requirements of Draft property management plan submission with application:

- Complete Table of Contents
- Description of each section proposed within the table of Contents

The complete property management plan should include the key components outlined in ODFW's Land Transaction Property Management Plan Guidance and be tailored to the specific property. This plan allows ODFW to evaluate the applicant's proposed approach and the anticipated conservation value of the land transaction.

In general, property management plans must function as long-term strategic documents, establishing a comprehensive operational framework appropriate for 20 years of habitat stewardship. Applicants must ensure that all anticipated restoration, enhancement, and monitoring actions are fully detailed within the initial plan to minimize the necessity for subsequent separate approval requests or frequent administrative modifications.

The Private Forest Accord (PFA) Grant Program enforces a mandatory performance review and update cycle **every five years** to maintain a dynamic, scientifically sound approach to riparian and aquatic resource management. This recurring evaluation process must adhere to the following parameters:

- **Stewardship Data Integration:** The five-year review must systematically evaluate field data gathered through tracking metrics, ongoing property maintenance records, and verified adaptive management information.

- **Mandatory Plan Amendments:** Grantees are required to formally update the property management plan if the monitoring data indicates that modified or entirely new management prescriptions are necessary to successfully achieve the targeted PFA habitat conservation goals.

- **Department Vetting and Approval:** Any updated or amended property management plan must be submitted directly to the PFA Grant Program for comprehensive review, and Grantees must secure formal written approval from ODFW before any modified management strategies may be legally implemented on the property.

Refer to Appendix H: Property management plan Template for additional guidance.

## Landowner Acknowledgement

To ensure landowner awareness and transparency, applications require a completed Landowner Acknowledgement Form, Appendix A. .This form confirms the landowner understands applications and related information are public record. It also verifies that the landowner has been informed the purchase hinges on mutually agreed terms and received a written property value estimate with its basis for the estimate

## Copy of the Vesting Deed

The vesting deed is the legally recorded document that transfers ownership of the real property to the current landowner. PFA Grants requires this document during the application phase to verify that the individual or entity signing the Landowner Acknowledgement Form is the lawful owner of the land and possesses the legal authority to grant a perpetual easement. It also acts as the baseline for verifying the legal property description and checking for any fractional ownership or co-tenancy that could affect the transaction.

## Preliminary Title Report/Title Documentation

Issued by a licensed title insurance company, a Preliminary Title Report is a comprehensive search of public records that reveals all active legal and financial obligations attached to the property's title. This includes mortgages, taxes and assessments, utility easements, covenants, and mineral or timber rights.

## Detailed Valuation Support

Applicants must submit comprehensive documentation justifying the underlying economics of the proposed transaction. This requirement consists of a preliminary estimation of the easement's market value, which must be substantiated by at least one of the following criteria:

- **Market Data Analysis:** Relevant real estate market data reflecting current economic trends within the specific county or regional sector.
- **Comparable Sales:** Verifiable records of comparable land or easement sales executed within the immediate geographic region.
- **Broker's Opinion:** A formal, written valuation opinion issued by a qualified, licensed real estate broker familiar with local conservation values.

The preliminary information provided within this document will be utilized by the Department to evaluate initial budget sufficiency.

Applicants are directed to review Section 4, Appraisal Standards for Conservation Easement Projects, within these guidelines for exhaustive details regarding formal Uniform Standards of Professional Appraisal Practice (USPAP) compliance, appraiser credentialing mandates, and final valuation timing requirements.

## Project Timelines

Grantees must satisfy all conditional funding requirements, execute the finalized PFA Conservation Easement Deed, and officially close the real estate transaction within **18 months** of the formal grant award date by the Fish and Wildlife Commission. Failure to record the easement and close the transaction within this 18-month performance window will result in the automatic rescission of the conditional funding award, unless a written timeline extension is expressly requested by the Grantee and approved by ODFW prior to the deadline expiration.

Following successful closing, the Grantee shall have a maximum of 18 months to finalize the property management plan for final ODFW approval.

Additionally, the PFA Grant Program sets a 5-year deadline to finish projects following the signing of the Grant Agreement, to ensure that funded projects, including acquisition of conservation easements, are accomplished within a reasonable timeframe and provide benefit to the PFA HCP covered Species

Submission timelines are as follows:

- Application due in Fall
- Awards announced in Spring
- Conservation Easement must be executed and recorded within 18 months of signing the agreement
- Property Management Plans are due 18 months after the recording date of the Conservation Easement
- All projects must be fully completed within 5 years of agreement execution date

## Due Diligence

A funding award will be conditioned on certain transaction requirements being fulfilled prior to closing. ODFW may request, and require review of all appropriate due diligence information relevant to the conservation-easement interest being purchased, including, but not limited to: appraisals; title reports; environmental site assessments; cultural resource assessments; surveys; rights of first refusal; option agreements, a Memorandum of the Purchase and Sale Agreement; leases; licenses; rental agreements; permits; easements; security instruments; UCC financing statements; fixture filings; documents pertaining to litigation, encroachments, disputes (including boundary line disputes), or prescriptive rights; a description of any work performed on or use made of the property by parties other than the seller; and other transaction-specific documents reasonably necessary to determine eligibility, title condition, valuation, environmental or legal liability, enforceability of the conservation easement, and consistency with the approved grant award.

If the following due diligence materials exist, and have been obtained by grantee, at the time of application, they must be submitted with the application. The applicant must upload the following items correctly in the online application system: appraisals and information relating to appraisals, options, purchase and sale agreements, title reports and exceptions documentation, vesting deeds, environmental site assessments, and landowner acknowledgements. Refer to the section on confidentiality, below, for related information and SECTION 8 – Project Application, Access Link, and Submittal Instructions for a list of what is due at different phases.

# Section 4: Requirements for Conservation Easements

## Land Conservation Easement

A conservation easement is a voluntary legal agreement between a landowner and a qualified organization that permanently limits the use of the land for conservation purposes and prohibits conflicting uses or conflicting uses. The following are additional considerations for any conservation easement projects submitted to the PFA Grant Program:

- Any project proposed for Conservation Easements must take place on land other than forestlandand and must protect riparian areas, consistent with ORS 496.257(2)(g) and applicable administrative rules.,,
- Landowners enter conservation easements voluntarily.
- A formal document (Deed of Conservation Easement) outlining the specific restrictions and rights associated with the easement is recorded on the property's title, ensuring its permanence. Once the easement is recorded, it is perpetual. Reference Appendix G: Template Conservation Easement for a full draft of the Conservation Easement.
- The easement holder must be an eligible entity as defined in these Grant Guidelines with the expertise and resources to monitor and enforce the easement.
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## Conservation Easement Template Compliance

**A DRAFT OF THE CONSERVATION EASEMENT IS REQUIRED AT THE TIME OF THE APPLICATION SUBMISSION. ALL CONSERVATION EASMENTS MUST BE EXECUTED WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THE GRANT AGREEMENT WITH THE DEPARTMENT.**

Applicants seeking funding for conservation easement projects must review Appendix G: Template Conservation Easement prior to applying.

The baseline legal protections, third-party beneficiary rights, and programmatic restrictions contained in the Template Conservation Easement are standard for the Private Forest Accord (PFA) Grant Program; consequently, applicants should have no major substantive edits or structural alterations to be made to the Conservation Easement Template.

The following is a summary of some of the requirements for the Conservation Easement that must be met by the date of execution of the Conservation Easement. This is not an exhaustive list; all applicants must reference Appendix G: Template Conservation Easement prior to applying to fully understand all requirements of the Conservation Easement:

### Administrative and Baseline Documentation Requirements

- **Baseline Inventory Documentation:** Submit a "Baseline Inventory Documentation" report. This report establishes an accurate ecological representation of the property at the time of the grant and outlines any expected future restored conditions. This will likely be a considerable amount of work; applicants should reference Appendix I: Baseline Inventory Documentation Guidance.

- **Map of the property:** A comprehensive, high-resolution map or set of maps depicting the exact boundaries of the encumbered property. The map(s) must explicitly illustrate, label, and define the spatial parameters of the following: Riparian Easement Boundaries, The Existing Building Zone, Existing Structures and Infrastructure, Hydrographic and Habitat Features, Access Points, and the basis for determining that the encumbered property is eligible nonforestland.etc

- **Acceptable Encumbrances:** Provide a comprehensive, clear-title list of all pre-existing legal interests, liens, or third-party rights affecting the property that will remain in place after the easement is recorded.

- **Third-Party Encumbrance Management:** For all acceptable encumbrances remaining on title after closing, the Grantee must outline specific communication and monitoring protocols within the Property management plan to ensure third-party maintenance activities do not impair the habitat or conservation value of the Conservation Easement.

- **Legal Description of the Property:** Provide a precise, surveyor, certified legal description that defines the exact metes and bounds, township, range, section, and overall acreage of the real property being encumbered by the Conservation Easement. The survey must also formally establish and map the precise boundaries of any internal management zones specified within the easement.

- **18-Month Property Management Plan Deadline:** Grantees retain sole responsibility for completing and obtaining final ODFW written approval of the comprehensive Property management plan no later than 18 months following the formal execution date of the Conservation Easement. In accordance with easement parameters, failure to submit an approved plan within this 18-month window authorizes ODFW to assume all property management planning responsibilities over the property at the Grantee's sole expense. Draft property management plans are due at the time of application.

- **Mandatory Project Lifecycle and Plan Term:** The property management plan functions as a binding long-term strategic framework appropriate for approximately 20 years of habitat stewardship. Applicants must ensure that all anticipated restoration, management, and monitoring actions are fully detailed within the initial draft to minimize the necessity for subsequent separate approval requests or frequent administrative modifications.

## Prohibited Commercial and Agricultural Land Uses

- **General Commercial Ban:** Commercial and industrial activities are prohibited unless explicitly authorized within narrow exceptions detailed directly within the approved property management plan.

- **Traditional Agriculture Prohibition:** Review the Conservation Easement Templet for a complete list of requirements.

- **Certification of Non-Mitigation and Credit Restrictions** Grantees and landowners are permanently barred from creating, selling, leasing, licensing, or transferring environmental credits, carbon offsets, mitigation banking credits, biodiversity credits, species banking credits derived from the property or from any management activities funded by the PFA Grant Program. Furthermore, because the conservation outcomes are the direct result of public investments, the property cannot be used to satisfy regulatory offsets, wetland mitigation requirements, or compensatory obligations for any separate development or forest practice conducted outside the property boundaries.

- **Absolute Subsurface Exploration and Drilling Ban** The exploration for, or development of, subsurface mineral or energy resources is strictly prohibited across the entirety of the encumbered property. This absolute ban includes directional drilling activities associated with hydrocarbon resources that may be located under the surface of the tract. As a singular narrow exception, exploration for or development of subsurface water resources is permitted only when the water will be used exclusively to achieve the habitat restoration purposes of the easement.

## Habitat and Resource Restrictions

- **Vegetation and Land Alteration:** The cutting or removal of trees and native vegetation is prohibited unless specifically authorized under the property management plan as a restoration practice. Mining, gravel extraction, grading, excavation, or any land surface alterations that cause sedimentation or damage conservation values are strictly barred.

- **Water Resource Alteration:** Altering natural water courses, wetlands, lakeshores, or water bodies is prohibited unless executed explicitly for conservation enhancement as mandated by the property management plan.

- **Hazardous Materials:** The release or dumping of waste and hazardous substances is strictly prohibited. Regulated chemical applications (such as fertilizers or herbicides) are only permitted if applied in strict accordance with manufacturer instructions and the approved property management plan.

### Regulated Permitted Uses (Subject to Prior Approval)

- **Property Conveyance Limits:** Legal or de facto division or subdivision of the encumbered property is strictly prohibited. The property may only be sold or conveyed as a unified, single parcel, and any transfer document must explicitly reference the subordination to the Conservation Easement.

- **Ecological Grazing & Revegetation:** Highly controlled, temporary livestock grazing (e.g., goats or sheep) may be allowed exclusively as a biological tool for invasive weed suppression, subject to strict property management plan directives. Native planting to stabilize stream banks and restore buffers is permitted.

- **Infrastructure & Fish Passage Rules:** Building new roads or agricultural transit structures is prohibited. However, repairing or installing necessary stream crossings or culverts is permitted only if designed in compliance with ODFW Fish Passage Rules and approved in writing by both the Grantee and ODFW prior to any ground disturbance.

- **Structures and Vehicles:** Construction of new structures is prohibited, though existing structures identified in the baseline documentation may be maintained within a designated building zone. Vehicle use is limited strictly to pre-existing roads and trails unless off-road transit is explicitly required for restoration work.

- **Public Access & Signage:** General public access is prohibited except for authorized educational, monitoring, or recreational activities designated in the property management plan. Commercial signage and billboards are forbidden; small regulatory, boundary, or funding acknowledgment signs are permitted up to a maximum size of 15 square feet. The Grantee must grant the Department direct, permanent, legal access.

- **Mandatory Subordination of Pre-Existing Liens and Mortgages** If the Preliminary Title Report reveals an active mortgage, deed of trust, or financial lien encumbering the property, a formal Subordination Agreement must be executed by the lending institution. This agreement must confirm that the financial institution subordinates its rights to the permanent restrictions of the Conservation Easement Deed. The fully executed and notarized Subordination Agreement must be delivered into escrow and recorded simultaneously with the easement to ensure the state's conservation investment is not extinguished in the event of a future foreclosure.

### Compliance and Enforcement Notice

- **Right of Entry:** The Grantee must retain an irrevocable right to access the property for monitoring and enforcement. This includes entry with a mandatory 2-day notice for routine compliance checks, or immediate entry without notice if a violation is actively occurring or threatened.

- **Unaddressed Land-Use Requests:** Uses not expressly prohibited remain reserved to the landowner, provided they do not materially impair the conservation purpose of the easement. The landowner may request a written compatibility determination for a proposed activity where applicability of the easement terms is uncertain.
- **Third-Party Rights of Enforcement:** The State of Oregon, acting by and through the Oregon Department of Fish and Wildlife (ODFW), is designated as an explicit third-party beneficiary of this Conservation Easement with full, independent legal rights of enforcement. If the Grantee fails to

enforce any material term, restriction, or obligation set forth in this agreement, ODFW retains the absolute authority to step into the shoes of the Grantee to compel compliance, prevent unauthorized land use, and pursue legal or equitable remedies in a court of competent jurisdiction.

All applicants should review Appendix Q: Grantee Agreement – Land Transaction, to fully understand all requirements in the agreement between the Department and the Grantee.

## Appraisal Standards for Conservation Easement Projects

**The Oregon Department of Fish and Wildlife will not pay more than the appraised value for the purchase of any property interest. If a project is requesting more than the appraised value of the property, other contributing funds must be used to cover the difference. At the time of the Grant Application Submission, a Detailed Valuation Support Document (Valuation Support Statement or Appraisal Review Summary) is required to be submitted. A full appraisal is due to the post-grant award.**

The PFA Grant Program requires all conservation easement valuations to follow a standardized appraisal protocol, as outlined below:

### 1. Required Appraisal Standard

All appraisals submitted to the PFA Grant Program must:

- Comply with the Uniform Standards of Professional Appraisal Practice (USPAP).
- Use the before-and-after valuation approach consistent with conservation easement appraisal norms.
- Follow the scope-of-work elements contained in PFA Grants Appraisal Guidance unless expressly modified by this Program.

The Program does not require full compliance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA, Yellow Book) unless a federal funding source mandates it. Applicants must confirm funding composition before initiating appraisal work and are responsible for any costs required to perform UASFLA appraisals.

### 2. Appraiser Qualifications

The appraiser must:

- Hold a current Oregon State Certified General Appraiser license.

- Demonstrate experience in valuing conservation easements or similar partial-interest transactions.
- Have no conflict of interest with the landowner, buyer, or applicant.

The applicant is responsible for selecting and contracting with the appraiser. The PFA Grant Program acts as a third-party funder, not the appraisal client.

### 3. Minimum Scope-of-Work Requirements

The appraisal must include, at minimum:

- Property description: legal description, acreage, access, improvements, water rights, encumbrances.
- Highest and best use analysis: full development of legal, physical, and financial feasibility.
- Before-value determination: fee-simple market value based on the parcel's highest and best use.
- After-value determination: value of the property encumbered with the proposed conservation easement terms.
- Easement terms analysis: description of rights extinguished, retained, and reserved.
- Market data: comparable sales for both fee-simple and encumbered land; justification for adjustments.
- Assumptions and limiting conditions: any extraordinary assumptions or hypothetical conditions must be explicitly stated.
- Any of the USPAP requirements, as previously referenced above.

### 4. Appraisal Review

To maintain consistency and avoid inflated valuations, the Program may conduct an independent appraisal review.

- The Program may reject an appraisal that does not meet minimum standards or that materially deviates from accepted methodology.
- Applicants must provide the full appraisal, not a summary version, and include the appraiser's certification.

### 5. When Yellow Book May Be Required

A Yellow Book appraisal may be required only if:

- A federal partner provides matching funds and mandates compliance with the Uniform Appraisal Standards for Federal Land Acquisitions, or

- ODFW determines the transaction presents elevated legal exposure or involves complex property interests.

Otherwise, Uniform Standards of Professional Appraisal Practice-compliant appraisals meeting PFA scope are sufficient.

### Encumbrances

To ensure a precise appraisal of the property, encumbrances (restrictions on ownership) need to be considered. These might differ from what's initially shown on the preliminary title report.

**What project applicants must provide:**

- **Preliminary title report:** This document details current ownership and any existing encumbrances.
- **Encumbrance documents:** The actual documents on which title exceptions are based which will provide details on the specific limitations associated with the encumbrances. They can typically be obtained from the title company as part of the title report.

**Communicate title changes:**

- Inform the appraiser of any anticipated changes to the property's title before closing.
- This includes:
    - Encumbrances that will be removed.
    - New encumbrances or reservations created.
    - Any areas which will be reserved from the land transaction.

The PFA Grant Program may require additional information or a new appraisal if the original report does not accurately reflect the condition of title when the easement is recorded. This could delay reimbursement or the release of escrow funds.

## Good-Standing Requirement

Recipients of ODFW land transaction grants must fulfill all property management planning and reporting requirements from existing agreements before qualifying for new funding. **Failure to address outstanding reports may delay new grant agreements and jeopardize completing land transactions.** Furthermore, ODFW can withhold grant funds for closing transactions if a recipient is not in full compliance with all terms of their land transaction grant agreements, including reporting requirements across all ODFW grants they hold.

# Section 5: Other Considerations

## Amendments

Any requests for a grant amendment, such as changes to the budget, timeline, or scope of work, must be approved by ODFW. Grantees shall submit requests to the ODFW PFA Grant Coordinator using the Amendment Request form, Appendix N: Amendment Request Form. Changes will not take effect until ODFW has executed a newly signed agreement between both parties with the project amendment attached.

Allowable amendments:

- Scope Changes: Modifications to the activities or objectives of the project.
- Budget Adjustments: Reallocation of funds between budget categories, of 10% of greater, or the need for additional funding.
- Timeline Extensions: Requests for more time to complete the project beyond the original deadline.

Any Grantee requesting an amendment must be prepared to provide a detailed justification why the amendment is necessary, including unforeseen circumstances or changes in project conditions. Amendments usually require approval from PFA Grant staff, and in some cases, the PFA Advisory Committee, the ODFW Director, and the Fish and Wildlife Commission. The level of review may vary depending on the significance of the change and is at the discretion of the Department for denial. Amendments must be submitted at least 30 days prior to the proposed change, and may require a revised budget, project plans, or schedules to accompany the request.

### Accounting requirements

The Grantee must maintain an adequate and up-to-date accounting system that adheres to generally accepted accounting principles throughout the term of the grant agreement. ODFW reserves the right to request and audit accounting documents at any time for any reason. The Grantee's records should reflect all transactions, including source documents, invoices, payments, timecards, etc. Grantees should expect an audit and be prepared to respond with up-to-date records.

### Advance payments

Based on need and available funding, advance payments may be considered case-by-case at the discretion of the Advisory Committee and ODFW. Applicants must request advance payment in the original project application and detail how and when advanced funding will be used, including any price quotes, expected charges, etc.

Advancement requests cannot exceed 25 percent of the total grant award at any one time, and at least 75 percent must have been spent before requesting another advance payment. Grantees receiving an advance must submit to additional reporting and specific benchmarks for performance, as defined in the advancement agreement, or the Grantee risks returning the advanced funds to ODFW. **All advance payments must be entirely spent within 120 days of receiving advance funding, or the Grantee must return the advancement to ODFW.** ODFW recommends that all proposals be prepared if the advancement request is not awarded or is reduced.

### Grant agreements

Successful grantees must enter into a grant agreement signed by the Grantee and ODFW before any funding from ODFW can be disbursed. Grant agreements detail the Grantee's responsibilities in implementing the project.

If the guidance in this document conflicts with any part of the grant agreement, the grant agreement shall take precedence. Reference Appendix Q: Grant Agreement Conservation Easements

## Project data

### Data inventories

Prior to submitting the project completion/close-out report to ODFW, the Grantee must upload all required information to the designated restoration inventory system provided by the Department. Proof of successful submission is mandatory in the final report.

## Archaeological and cultural considerations

The Grantee is responsible for meeting any archeological and cultural permit requirements. All projects involving ground disturbance must undergo a review and compliance consultation with the Oregon State Historic Preservation Office (SHPO) to determine if a project will impact properties of historic significance. These include, but are not limited to prehistoric or historic districts, sites, buildings, structures, objects, artifacts, records, material remains, and traditional, religious, spiritual, storied, or legendary places. To receive reimbursement of funds, all implementation/ground disturbance projects must provide proof of communication with SHPO in either the project application or the first reimbursement request**.** If SHPO requires certain conditions to be met for the project, the Grantee should contact ODFW immediately. If an inadvertent discovery occurs, the Grantee must follow the procedures in the grant agreement and immediately contact ODFW to develop an action plan.

All applicants are encouraged to consider the proposed project against possible SHPO requirements and incorporate potential compliance costs into the grant application. These costs may include personnel costs, consulting, monitoring, etc. Information on requirements for a project compliance review can be found on the Oregon State Historic Preservation Office webpage. Additional resources may be found here and in the *Appendices.*

## Grant agreement conditions and important points

The standard form grant agreement and conservation easement templates have been pre-approved as legally sufficient by the Oregon Department of Justice. ODFW does not regularly negotiate changes to the grant agreement and conservation easement templates for individual projects. Applicants are encouraged to review the templates before applying for a grant. The documents are available on the PFAGrants.com webpage and referenced in the appendix of this document

Applicants conditionally selected to receive funding will be required to sign a standard form grant agreement soon after the Fish and Wildlife Commission awards funds. The release of the grant funds will be conditioned on the grantee meeting the requirements specified in the grant agreement.

1. Projects must provide measurable and realized benefits consistent with the purposes of the PFA Grant Program.
2. Proposals requesting more than $500,000 may be requested to be presented to the PFA Advisory Committee.
3. No minimum or maximum funding requests exist.
4. Grants can be made only for eligible applicants.
5. Grantees must be able to plan, administer, and complete the project.
6. The Grantee must be responsible for all project permitting and reporting and documenting this in reports to ODFW.
7. GIS data files supporting the project must be delivered to ODFW in mid-project performance and final project completion reports.

8. All projects must follow the publicity requirements defined in *Section 4* of this procedural guide.
9. Funding will not be released until an agreement between ODFW and the Grantee is executed. An agreement is not fully executed until it is signed and approved by the Director of ODFW.
10. All projects and activities related to the project must be completed by the expiration date in the grant agreement.
11. All educational materials and planning documents created and used for a PFA grant must be submitted to ODFW. ODFW reserves the right to keep copies of these and other submitted materials and use them at its discretion.
12. It is the responsibility of grantees with projects that involve implementation to secure access rights from the landowner for the Grantee to perform work and ODFW to conduct site visits if requested. In addition, the grantee is responsible for securing the required access for due diligence, environmental assessment, property management planning, or similar activities
13. All projects must follow the project reporting and reimbursement schedule below.

## Availability and Payment of Grant Funds

If the Fish and Wildlife Commission makes a conditional funding award for a project, the funds will be held and made available for that project, consistent with the terms of the grant agreement, while the grantee fulfills the funding conditions.

1. Prior to Closing

Grant funds may be distributed to the grantee, prior to the transaction closing, for due diligence activities, including the Certified Appraisal Report, environmental site assessments, surveys, title reviews, the grantee's legal fees incurred for easement template compliance, 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 ODFW Grant Coordinator prior to incurring the expenses if the expenses are incurred after the grant award;

(iii) the due diligence items comply with all applicable PFA grant funding conditions and appraisal standards; and

(iv) the due diligence items have been reviewed and approved by ODFW.

ODFW may require the grantee to meet threshold requirements for due diligence activities for which the grantee will request reimbursement prior to closing. ODFW 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 or title encumbrance concern is addressed.

2. At Closing

Grant funds for the purchase of the property interest will be distributed into escrow only if the grantee meets all related grant requirements, including the execution of the approved, standardized PFA Conservation Easement Deed and a draft property management plan, and only if the purchase closes. Other approved grant funds, such as those for preliminary due diligence, will be distributed regardless of closing. If a grantee does not meet the conditions and fails to close the transaction by the established deadline, ODFW must decide whether to extend the closing deadline or rescind the remaining grant funds, which may require additional approval from the Fish and Wildlife Commission.

3. After Closing

If the approved project budget includes funds for the, adaptive management updates of the approved Final property management plan, or specific site-stabilization activities, those funds will be distributed to the grantee upon verified completion and ODFW approval of the specified stewardship or stabilization milestones.

A Finalized property management plan, approved by ODFW, is due 18 months after closing.

Reference Section 7 for Document Submission Timelines.

## Stewardship Revenue Reinvestment

Revenue generated directly from an activity paid for by the PFA Grant Program shall be treated as specified in the grant agreement. Revenue from retained property rights or compatible uses not funded by the program remains with the landowner unless otherwise expressly agreed and reflected in the appraisal. Grantees must ensure these reinvested funds are used solely to protect and enhance the specific ecological and conservation values defined within the easement.

## Project Reporting

### Annual Project Reports – Due in perpetuity

The goal of the Annual Performance Report, Appendix F: Annual Performance Report, is for ODFW staff to work with project proponents to assess successes and pitfalls to ensure projects meet their goals. To ensure permanent oversight of the conservation values and easement terms, annual performance reports are due in perpetuity by January 31st for all projects. Grantees should plan for this recurring obligation and build the necessary staff time into the project budget. Grantees should expect to prepare the following for ODFW staff review in annual performance reports:

- Comprehensive budget update.
- Update on goals, milestones, and objectives.
- Detailed list of overall successes and potential pitfalls.
- Match update, if applicable.

- Evidence to demonstrate the ability of the applicant to complete the project on time and within budget.
- Monitoring data.

## Final Project Completion Report

**A final project completion report will also be required; a template is provided in Appendix E: Project Completion Report.** All final reports drafts are due 30 calendar days before the project completion date for review and comment by ODFW. Final reports are due 30 calendar days after the completion of the draft report, as approved by ODFW staff. Applicants should budget time for reporting. ODFW may request a site inspection upon close-out. Applicants should plan for this additional time.

## Publicity, Disclosure of Funding Source, and Voluntary Signage

All projects must acknowledge project funders on any outreach and educational materials, publications, signs, postings, flyers, press releases, or all other public-facing communications. This statement about grant funds must be included in any public publication:

> "This Project was funded in full or part by the Oregon Department of Fish and Wildlife Private Forest Accord Grant Program. A result of a landmark conservation initiative working to conserve Oregon's watersheds for current and future generations."

All published materials (electronic and printed) must also have the ODFW and PFA Grant Program logo and any other logo the Department deems appropriate. The size of the ODFW logo should be comparable to other logos on the published material. A shortened funding statement may be allowed if approved by ODFW staff. Logos should be requested by the Grantee when needed.

The installation of public recognition, promotional, or educational signage on project sites is entirely voluntary, as the PFA Grant Program does not mandate acknowledgment signage on lands obtained by Conservation Easements funding. If a Grantee elects to install a sign at the project site or another approved location to recognize the support of the Oregon Department of Fish and Wildlife and the PFA Grant Program, the sign must utilize the official logos provided in the Grant Agreement and adhere to strict technical specifications. Signs must be at least 24 inches by 36 inches (2 ft by 3 ft) to ensure adequate visibility, though a size of 18 inches by 24 inches is acceptable for smaller or limited-access sites. Each sign must be constructed of professional, weather-resistant materials—such as aluminum or High-Density Polyethylene (HDPE) with UV-protected printing and be securely mounted on 4x4 treated posts or equivalent durable framing. Once installed, the sign must remain in place and be actively maintained in good condition by the Grantee for the entire duration of the project performance period. Grantees may combine PFA recognition with other project or partner signage, provided that the PFA Grant Program and Oregon Department of Fish and Wildlife logos are displayed with equal size and prominence relative to other funding entities, and the accompanying text clearly acknowledges PFA Grant Program support. To protect sensitive, covered aquatic and amphibian species from human disturbance, all voluntary signage must be placed strictly outside of critical riparian management zones or highly fragile habitats, preferably at property boundaries, trailheads, or pre-existing public observation points



# Section 6: Confidentiality

The PFA Grant Program understands that information provided in support of a land transaction grant will contain sensitive details. In recognition of this, PFA Grant will endeavor to restrict access to the following documents: title reports and policies, exceptions documentation, and vesting deeds; environmental site assessments; landowner acknowledgements; options; purchase and sale agreements; and supporting documentation regarding the applicant or landowner's financial or sensitive business information.

**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**. ODFW will make all its public records, not otherwise exempt from disclosure by law, available for inspection during regular business hours as described in OAR 635-001-0301 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, ODFW will inform the applicant of the request and will analyze whether public records law requires disclosure.



# SECTION 7: Project Application & Documentation Submission Timeline

## Project application, scope of work and budget

To apply for funding, an applicant must submit a complete application online. Project proposals should be submitted through the Online PFA Grant Program Submission portal, and include at the time of submission the Scope of Work and any required documents or related attachments discussed below in *Submittal Instructions*. Project applications should be prepared to discuss the project type, summarize the budget, and define the primary objectives and metrics for measuring success.

A Grant Guidelines Public Informational Video is available at PFAGrants.com. Sign up here to receive notice of any updates.

## Submittal instructions

All proposed projects must log in to the Online PFA Grant Program Online Submission portal to create a username and password, more information may be found on the "How to apply" webpage at PFAGrants.com, and below.

**Online Application Link:** https://www.grantinterface.com/Home/Logon?urlkey=odfw

Once logged in and a user profile is created, applicants can access the documents required for a grant application.

The application portal (linked here) will close at the deadline listed above in this Grant Guidelines Document, and late applications cannot be accepted. All applicants should request usernames and passwords well before the submission deadline to explore the application system and resolve technical difficulties before the deadline.

**All-inclusive Application Deadline**

All information submitted in association with the application (including attachments), whether required or optional, must be submitted online by the application deadline. No material will be accepted separately. All proposals are considered complete and full once submitted. Applications cannot be revised once submitted.



## All Documentation Required for the Application Submission and Conservation Easements

**The following documents are due at the time of application:**

- Comprehensive Maps
  - Regional Context Map
  - Close-Up Aerial Property Boundary Map (With scale, north arrow, and annotations)
- Complete Copy of the Draft Conservation Easement Document
- Copy of the Conservation Easement
- Draft property management plan (Aligned with PFA guidance)
- Draft (or Executed) Purchase & Sale Agreement or Option Agreement (If available)
- IRS 501(c)(3) Determination Letter (Only applicable if easement holder is a Land Trust)
- Land Use Information Form (Signed by local county planning official)
- Preliminary Title Report (Issued within the last 90 days) & Exception Map
- Signed Landowner Acknowledgement Form (Official PFA template, Appendix A)
- Photographic Site Condition Baseline
- Detailed Valuation Support Document (Valuation Support Statement or Appraisal Review Summary)

**The following documents are due post award**

- Phase I Environmental Site Assessment (ESA) Report
- Full and Final Appraisal Report
- Final Approved Baseline Inventory Documentation
- Final property management plan – Due 18 months following the date of execution of the Conservation Easement
- Draft Escrow Closing Instructions and Title Commitment
- Subordination Agreement (If a Mortgage is Present)
- Signed Option Agreement & Memorandum of Option
- USPAP-Compliant Certified Appraisal Report
- Purchase and Sale Agreement

**The following documents are due at the time of the execution of the Conservation Easement:**

- Signed Baseline Inventory Documentation
- Executed Conservation Easement Deed
- Executed Subordination Agreement
- Final Signed Escrow Closing Instructions
- ALTA Title Insurance Policy Commitment
- Governmental Funding Approvals and Wire Authorization Forms



# Section 8: Appendices & Guidance Documents

- Appendix A: Landowner Acknowledgement Form
- Appendix B: Environmental Site Assessment (ESA) Guidance
- Appendix C: Option Agreement for Purchase and Sale of Conservation Easement & Exhibits
- Appendix D Performance Report & Request for Reimbursement Form
- Appendix E: Project Completion Report
- Appendix F: Annual Project Report

- Appendix G: Template Conservation Easement & Exhibits
- Appendix H: Property Management Plan Template
- Appendix I: Baseline Inventory Documentation Guidance
- Appendix J: Insurance Requirements – Land Transaction
- Appendix K: Expense Reporting Template and Guidance
- Appendix L: Indirect Costs Definition and Policies
- Appendix M: Comprehensive Budget Sheet
- Appendix N: Amendment Request Form
- Appendix O: Land Transaction Evaluation Criteria
- Appendix P: PFA HCP Covered species
- Appendix Q: Grantee Agreement – Land Transaction
- Appendix R: Land Use Information Form
- Appendix S: Anticipated ODF PFA HCP Covered Species
- Appendix T: Application Question – Land Transactions
- Appendix U: Private Forest Accord Authors' Report
- Appendix V: Private Forest Accord Program Rules