



# Conservation Easement Template INSTRUCTIONS

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## General Information

Review of a proposed conservation easement to be held by the Oregon Watershed Enhancement Board (OWEB) is one element of the land acquisition grant application due diligence review. Due diligence materials are not required to be submitted by the grant deadline with the application form, but will be requested only after the Board Acquisition Subcommittee reviews the ecological and educational benefits, capacity to sustain ecological benefits, support for the project, and the local and regional community effect of the proposed acquisition project.

OWEB's administrative rules state that if the grant application requests funding for the **purchase of fee simple title**, applicants are required to submit a draft of the proposed conservation easement to be held by OWEB using the OWEB Conservation Easement Template ("Template"). The Template has been drafted primarily to meet the usual conditions of OWEB fee simple land acquisition projects, i.e. the land is in good condition and is being purchased primarily for protection purposes.

## Filling out the Template

Begin completing the Template by finding and replacing every bolded and capitalized "INSERT" or "SELECT APPROPRIATE" with the requested information that describes the status, condition or goals of the proposed acquisition (use the "Find" function in Microsoft Word). Grant application numbers and grant amounts do not need to be filled in at this time and will be completed by OWEB staff.

Section 3 describes the Conservation Values to be protected through the acquisition project. This is where you should list the specific habitat types, plant communities, fish and wildlife, and water quality goals that are described in your OWEB grant application.

Section 4 includes a list of generally permitted and prohibited uses and activities for the property. At the end of the first paragraph, insert a list of the generally permitted uses of the property, which should also be described in your grant application.

**Example:** If your application proposes using the property for native seed production, mature riparian forest protection, and educational use, list those uses or purposes.

Section 4 (a) – (m) of the Template includes examples of generally acceptable and unacceptable uses, which may be different for different types of projects. For each type of use or activity, list what you are proposing to permit and prohibit on the property in order to protect the Conservation Values described in Section 3.

**Example #1:** The Template has language prohibiting public access in Section 4 (k), but the proposed holder of the property wants to allow public access on an existing trail with

an educational kiosk. Insert language in this subsection that allows the level of public access you are interested in providing and any restrictions on that use.

**Example #2:** Your proposed project might include timber harvesting to improve forest and watershed health. In Section 4, you would insert specific language into subsection (b), Commercial Activities, to allow the commercial sale of thinned trees and subsection (d), Vegetation, to explicitly allow pre-commercial thinning or timber harvest to restore and maintain the Conservation Values. OWEB will also want to see those activities addressed in the management plan.

### **Requesting Changes to the Template**

If the language and restrictions in the OWEB Conservation Easement Template, other than Section 4, Permitted and Prohibited Uses, are not acceptable, attach a description of the modifications you are requesting with an explanation of why those modifications are necessary.

**Example #1:** Your proposed project might include restoration or enhancement of the property in addition to the protection of existing habitat, therefore restoration and enhancement should be included as a permitted activity and as an element of the Approved Management Plan.

**Example #2:** Other funding partners may also require an easement, and instead of having two or more similar easements recorded for the property you may wish to have OWEB hold a third party right of enforcement in the other entity's easement. In this case, you should submit a copy of the other entity's easement with OWEB's third party right of enforcement language inserted, using the *OWEB Easement Guide* as a reference to know what language OWEB requires, along with an explanation of why you are requesting this course of action.

The OWEB Conservation Easement Template is available from OWEB staff or from the Land Acquisition grant application Web page at [www.oregon.gov/OWEB](http://www.oregon.gov/OWEB).