

West Virginia Outdoor Heritage Conservation Fund Grant Program

TECHNICAL ASSISTANCE MANUAL



Please Note:

1. All applicants are advised to read this manual prior to starting a grant application.
2. All applicants should fill out a Project Assessment and Eligibility form prior to starting a grant application.
3. Please submit any questions in writing via email to Amy.J.Larch@wv.gov

Important Change in Grant Application

State procurement requirements related to competitive bidding have changed. Please see page 8, Other Project Requirements for the updated bid requirements and spending thresholds.

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1. Important Overview

Eligible Grant Applicants and Eligible Grant Activities

To carry out the mandate set by statute, the West Virginia Outdoor Heritage Conservation Fund (OHCF) provides grants for three primary activities:

1. Capital costs, and associated transaction and closing costs, to purchase real property interest(s), including conservation easements, land in fee, and other interests acquired for conservation purposes,
2. Due diligence costs associated with the donation of real property interest(s) for conservation purposes, including baseline documentation, surveys, appraisals, Environmental Hazards Assessments, and title examinations,
3. Stewardship of real property interest(s) for conservation purposes, such as the costs of monitoring and legally defending conservation easements.

Activities that are ineligible for grant awards:

1. Construction (trail construction, construction of shelters, etc.),
2. Staff expenses,
3. Administration/overhead,
4. Ecological restoration, and
5. Past projects. The OHCF Board will not reimburse organizations for expenses already incurred to conserve interests in real property.

Eligible applicants include:

1. Nonprofit corporations registered with the West Virginia Secretary of State that have as a primary part of their mission to acquire interests in real property for conservation purposes,
2. West Virginia Division of Forestry, and
3. West Virginia Division of Natural Resources.

Partnerships

The OHCF encourages partnerships to leverage resources for land and water conservation. An eligible applicant may work with organizations that are not eligible applicants to conserve interests in real property. All partners involved in a project must be named on the grant application. In addition, the organization(s) that will hold the interest in real property or conduct the stewardship must be identified on the application.

Steps to Completing an Application

Applicants and the projects for which they seek funding must meet OHCF Grant Program requirements to be considered for a grant award. To determine whether your organization and your organization's project meet the requirements:

1. **Complete the Project Eligibility Assessment Form:** To carry out the mandate set by statute, the OHCF has very strict requirements and all requirements must be met for a grant award to be made. The Project Eligibility Assessment Form is designed to help you determine if your project meets the basic requirements so that you do not unnecessarily complete the lengthy Grant Application.
2. **Read this Technical Assistance Manual:** The Technical Assistance Manual includes explanations of the requirements and grant application instructions.

Steps to Completing an Application

If, after filling out the Project Eligibility Assessment Form and reading the Technical Assistance Manual, your organization chooses to apply for an OHCF grant, complete the grant application and submit it with the required documents and the completed Assessment Form to the OHCF.

Evaluation of Projects

Projects will be first scored against the conservation criteria pursuant to the Voluntary Rural & Outdoor Heritage Conservation Act. Projects will then be ranked according to this numerical score, their strength in terms of financial leverage, and the organizational capacity of the applicant, to determine whether a grant award will be made.

Grant Contract

If the OHCF awards a grant for your organization's project, your organization will be required to enter into a grant award agreement. The agreement will include additional requirements, such as those addressing grant award disbursement and post-grant award disbursement reporting and audits.

Project Modification Policy

Should a request be made to modify a project after the grant agreement is signed, the OHCF will only accept such requested changes if:

- The proposed change strengthens the conservation provisions of the project;
- There is a discovery through the completion of the title opinion or survey that affects the details of the project; or
- There is other good cause found by the Board of Trustees.

Small and Large Grants

The OHCF operates two grant programs. They are:

Small Grant Program (\$5,000-\$25,000) – Eligible grant activities include:

- Due diligence to acquire an interest in real property for conservation purposes, including baseline documentation, Environmental Hazards Assessment, title examination, survey, and appraisal.
- Stewardship as defined as the necessary monitoring, maintenance, and enforcement of interests in real property for conservation purposes. This includes the stewardship and/or legal defense fund to monitor and protect interests in real property over time.

Large Grant Program (Over \$25,000) – Eligible grant activities include:

- Capital expenses and transactional costs associated with the purchase of interests in real property for conservation purposes.
- Closing costs.

The purpose of having two grant programs is to ensure that important funding needs of eligible applicants are met and that the OHCF grants leverage non-state dollars. For example, private land trusts have long stated the need for funding to support stewardship of donated conservation easements. The Small Grant Program will help to meet this stewardship funding need and leverage private dollars.

Applications for grants of \$5,000 to \$25,000 will compete against one another and applications for over \$25,000 will compete against one another.

Grant Cycles: Opportunities to Apply

There will be at least one grant cycle per year, with notice of additional cycles in the State Register and on the OHCF website. Grants will not be awarded outside of an announced grant cycle under any circumstance.

2. Project Eligibility Assessment Form and Other Requirements

Applicants must complete a “Project Eligibility Assessment Form” prior to the grant application to help in identifying issues that could make a project ineligible for grant funding. Such issues, as well as other project requirements, are described in more detail within the policies below. Please read these carefully.

A. Policy on Conflicts of Interest

A conflict of interest is generally defined as a situation in which an individual is involved in two or more interests and in which one could corrupt the motivation for acting in the other, and that consequently could lead to personal or organizational benefit. Operationally, see the definitions in WV Code and by the WV Ethics Commission at <https://ethics.wv.gov/public-resources/booklets-guidelines-and-guidance>

Real and perceived conflicts of interest involving the OHCF, grant applicants, owners of interests in real property to be conserved using OHCF monies, and related parties must be disclosed on the grant application. Such conflicts must be addressed in ways that (1) fully protect the integrity and reputation of OHCF, grant applicants, owners of interests in real property to be conserved using OHCF monies, and related partners; and (2) conform to WV Code and WV Ethics Commission guidelines.

Certain conflicts of interest cannot be resolved, per the requirements above, and projects involving such conflicts will not be funded. For example:

- Excluding donations of interests in lands, transactions involving applicant’s or partner organization’s staff or board members, will not be funded.
- Partial donations (also known as “bargain sales”) involving applicant’s or partner organization’s staff or board members will not be funded.

B. Policy on Issues that Could Make a Project Ineligible for a Grant

The OHCF board has identified certain issues that make a project ineligible for grant funding if not resolved. These are: 1) all or some of the mineral rights are not held by grantor; 2) grantor owns and wants to retain gas rights; 3) clear and unambiguous, deeded right-of-way will not be conveyed; 4) grantor does not hold clear or full title; and 5) environmental hazards potentially exist.

If any of these issues exist, they must be resolved prior to a grant being awarded. Below are the issues and potential resolutions that the OHCF may accept.

All or Some of Mineral Rights Not Held by Grantor

Potential resolutions for applicants:

- A Surface Use Agreement or similar agreement is signed with mineral owner(s) to extinguish or perpetually significantly limit mineral development so as to protect conservation values of the property;
- Mineral owner(s) is made party to the conservation easement and all of its terms and conditions;
- The mineral owner conveys all mineral rights to a conservation entity;
- The OHCF board accepts a written determination by a professional geologist that the likelihood of mineral development of tract is so remote as to be negligible.

B. Policy on Issues that Could Make a Project Ineligible for a Grant *continued* ...**Grantor Owns and Wants to Retain Gas Rights in a Conservation Easement or After Fee Transfer of Land**

The OHCF strongly prefers that conservation easements extinguish rights to develop minerals, including natural gas, on an eased property. However, that may not always be possible or meet landowner's needs.

Potential resolutions for applicants:

1. A conservation easement or Surface Use Agreement requires no surface occupancy and no use of water from property for development of gas. This is the preferred option.
2. A conservation easement or Surface Use Agreement which provides for limited development for gas exploitation but which:
 - a. requires protecting primary conservation features (such as streams, rare species, etc.);
 - b. incorporates standards (including BMPs) for gas development; and
 - c. grantee organization has right to review and approve locations for all associated activities.

Resolution number two above is acceptable to OHCF only if **all three thresholds** are met. If there is a retained gas right where the gas has already been leased, the lessee must agree to terms of a conservation easement or Surface Use Agreement as described in resolution numbers 1 and 2. OHCF will not fund a project where a retained gas right is already leased but lessee does not agree to adequate terms of a conservation easement or Surface Use Agreement. Other options (such as easement terms which restrict gas development if and when an existing lease expires) are also not acceptable to OHCF.

No Clear, Unambiguous, and Deeded Right-of-way

Potential resolutions for applicants:

- Grantor secures clear, unambiguous, and deeded right-of-way. This is preferred by OHCF for fee acquisitions and for conservation easements.
- Applicant can explicitly demonstrate that they will have full access to property being acquired through adjoining property already under conservation ownership. This will only be acceptable for funding by the OHCF board if the fair market value of the property is based on an appraisal which assumes no right-of-way.
- Grantor agrees to provide guaranteed access without providing a specified right-of-way (appropriate only for a conservation easement), unless that is insufficient to meet monitoring, stewardship, and enforcement of conservation easement.

Grantor Holds only Partial Interest or Quit Claim in Title

Potential resolutions for applicants:

- All holders of title become party to transaction, including all terms and conditions of any conservation easement.
- Grantor acquires any and all outstanding rights.
- Other potential parties quit claim any interest to primary grantor.
- Grantor terminates questions of title by completing a quiet title action prior to grant being awarded.

B. Policy on Issues that Could Make a Project Ineligible for a Grant *continued* ...**Environmental Hazards Potentially Exist**

Potential resolution for applicants:

Any human-caused hazards of a reasonable concern to health, safety, or the environment must be identified and corrected prior to grant award.

C. Policy on Appraisals and Sales of Conserved Lands for Less than Fair Market Value

Appraisal requirement: Appraisals shall be performed by qualified and competent state-certified general real estate appraisers licensed by the State of West Virginia. Appraisals shall establish fair market value. No award of grant funds for the purchase of an interest in real property may be made without such appraisal. No award of grant funds may be made to acquire an interest in real property in excess of the appraised fair market value. The Board, or a duly authorized Board designee, has the authority to review and accept or reject appraisals of interests in real property to be acquired with grant funds.

Sales of Conserved Lands for Less than Fair Market Value: Projects involving sales of conservation lands to outside parties, excluding non-profits organizations and government agencies, for compensation of less than fair market value as determined in advance by a completed appraisal, will not be funded.

D. Policy on Conservation of Important Property Values

The expenditure of public monies for conservation includes a legislated expectation that those monies will be used to conserve particular values, including protecting rare species, special and unique habitats, historic resources, and water quality as described below. Consequently, if any of these values are present on the property, they must be conserved by taking specific measures as described below.

For presence of federally listed threatened or endangered species, candidates to the federal list, or globally rare plants and animals, applicants must demonstrate that to the extent possible for the property:

- Conservation easement (if applicable) language specifically and adequately protects species and habitat; or
- Management plan for fee purchase (if applicable) describes management steps to specifically and adequately protect species and habitat; or
- A written determination by professional biologist (with demonstrated experience with species) that allowed activities on tract are unlikely to harm species (for example, property is occasional foraging area for endangered bats and foraging habitat will not be otherwise diminished).

For presence of wetlands, caves, and globally rare NatureServe-listed natural communities (G1, G2, G3), applicants must demonstrate that to the extent possible for the property:

- Conservation easement (if applicable) language specifically and adequately protects natural community; or
- Management plan for fee purchase (if applicable) describes management steps to specifically and adequately protect natural community; or
- A written determination by professional ecologist (with demonstrated experience with natural community) that allowed activities on tract are unlikely to harm the natural community.

For a property listed on the National Historical Register applicants must demonstrate that:

- Conservation easement (if applicable) language is consistent with goals of the designation; or
- Management plan for fee purchase (if applicable) is consistent with goals of the designation.

D. Policy on Conservation of Important Property Values *continued* ...

For land use practices on property that degrade water quality in a stream or aquifer recharge – such as (but not limited to) livestock having unrestricted access to a stream, on-site trash disposal, and straight-piping of untreated wastes – applicants must demonstrate that actions will be taken to remediate the problems. Such actions include:

- Problems are identified and corrected prior to grant award; or
- Conservation easement (if applicable) language specifically (and adequately) remediates problem and prevents future problems, and applicant has a written funding/business plan to accomplish the remediation; or
- Management plan is completed for fee purchase (if applicable) which describes management steps to specifically (and adequately) remediate problem and prevent future problems, and applicant has a written funding/business plan to accomplish remediation; or
- There is a written determination by a professional water quality specialist that identified practices on the tract are unlikely to negatively impact water quality

Please note that off-site mitigation of habitat and stream impacts that may occur on the property is not acceptable as a measure for addressing these issues.

Please use the following resources when completing this section:

- For identifying known occurrences and occupied habitats for Rare, Threatened and Endangered Species: WV Division of Natural Resources, Natural Heritage Program, PO Box 67 Ward Road, Elkins, WV 26241; Attn: Anne Wakeford
- For identifying mapped floodplain areas: msc.fema.gov/portal
- For identifying permanent streams, rivers, and sinking streams, use Hydro-NHD feature at <https://apps.nationalmap.gov/viewer/>
- For identifying known wetlands and riparian habitats: www.fws.gov/wetlands/data/mapper.HTML
- For identifying prime farmland soils: see county Soil Survey, available at local Conservation District office
- For identifying properties on the National Register of Historic Places: <https://wvculture.org/research/national-register-of-historical-places/>

E. Other Project Requirements

Due Diligence: Due diligence steps to ensure the interest in real property may be effectively conserved must be completed. These include baseline documentation, a title examination, an Environmental Hazards Assessment, and an appraisal. In some cases, other steps may be necessary, such as a survey.

For more information on general due diligence needed to conserve interests in real property, please see the Land Trust Alliance's Standards & Practices.

State Procurement Guidelines: When contracting with a professional to perform services funded by an OHCF grant, such as a survey or baseline documentation, state procurement guidelines must be followed. Below is an overview of the state procurement guidelines. For details, please see the WV Purchasing Division's web site at www.state.wv.us/admin/purchase/.

Competitive bidding shall be pursued at all times. Commodities and services expected to cost \$5,000 or less require no bids, however, competition is encouraged. Purchases between \$5,000.01 and \$20,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$20,000.01 to \$50,000 require three written bids. The Grantee shall solicit competitive, sealed bids for commodities and supplies related to the project which have an estimated value of over \$50,000. Any attempts to segregate the project into sections having an estimated value of less than \$50,000, shall be cause for termination of this agreement. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of W. Va. Code §59-3-1 *et seq.* This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall have available upon request for review by the OHCF or its designated representative, bid documents and other evidence of compliance with these procedures.

Closing and escrow instructions: Closing and escrow instructions, among other requirements, will be included in the grant agreement between the OHCF board and the grant recipient.

3. Grant Application Requirements and Instructions

These grant application instructions include requirements that applicants must meet in order for their project to be considered for a grant award. Grant applications are reviewed for completeness and quality. **Only complete grant applications are considered.** Please see Section 1 of the grant application for the full list of required documents that must be submitted for an application to be complete. **Incomplete applications will be automatically disqualified.**

SECTION 1. Organizational and Project Documents

All of the documents listed (unless indicated as optional or not applicable to your organization) must be submitted in order for your grant application to be complete. Only complete applications will be considered for a grant.

If your organization is applying for a grant to conserve interest(s) in real property and will either 1) be co-holding the interest with another organization, or 2) not be holding the interest at all, but rather a partner organization will be holding the interest(s), then BOTH organizations must submit the documents listed in this section.

SECTION 2. Applicant and Partner Organization Information

Please fill in the blanks provided on the application. Include the name, telephone, email address, and mailing address of the organization/agency applying for the grant and any partner organizations if those organizations will ultimately be owning the interest in real property to be acquired with an OHCF grant.

Include the names of the primary and secondary individual contacts with the organization, their telephone numbers, and email addresses. Should the OHCF Board or staff have questions about the application or the project for which your group is seeking funding, they will contact those individuals listed.

SECTION 3. Project Overview

A. Small or Large Grant

The OHCF awards small grants ranging from \$5,000 to \$25,000 for due diligence costs and stewardship, including legal defense. The OHCF awards large grants beginning at \$25,001 for capital expenses, and associated transaction and closing costs.

B. Phased Projects (if applicable)

A phased project is a project that will be completed in stages over more than one grant cycle. A phased project is generally characterized as a unified project which, as a result of numerous interests and/or owners in real property, or funding limitations, causes the project to be difficult to complete during a single grant cycle and instead is completed over two or more grant cycles.

If your organization is applying for a grant to complete a phased project, indicating this on the application will enable the OHCF Board to evaluate the possibility of "setting aside" monies during this grant cycle to be awarded during a future grant cycle. A legally binding agreement between the applicant and the owner of the real property interest is needed at the time of first application for the OHCF Board to evaluate "setting aside" monies during this grant cycle to be awarded during a future grant cycle.

SECTION 3. Project Overview *continued* ...

C. Grant Activity and Cost

Cost: Indicate the eligible grant activity or activities for which your organization seeks a grant by noting the cost of each activity in the appropriate table and box. Please note:

- When seeking a grant to purchase real property interest(s), the cost must be informed by an appraisal of the real property interest(s) to be purchased. For a grant to be awarded, an appraisal is needed.
- If a grant is awarded for the purchase of real property interest(s), **the grant agreement** will require that satisfactory results from the due diligence steps (title exam, EHA, etc.) be shown prior to a grant award for capital costs to purchase interest(s) in real property. Please read Section 2 E of this manual for additional information.
- When seeking a grant for transaction costs associated with the donation or purchase of real property interest(s), the costs must be informed by a written cost estimate. When contracting with a professional to perform services, such as a survey, state procurement guidelines must be followed.
- When seeking a grant for stewardship, the cost must be in line with the applicant's Stewardship Policy or Endowment Policy.

Grant Activity Description: In the space provided, please describe the activity or activities for which your organization seeks a grant. Please attach a map or survey of the tract of land to be conserved/stewarded (this is one of the items in the check list in Section 1, Project Information).

SECTION 4. General Project Information

A. Title Issues

To receive an OHCF grant to conserve a property, whether by fee acquisition or by conservation easement, your organization must investigate the title to the property and address any and all encumbrances or matters of record that could undermine the important conservation values on the property.

In general, such encumbrances must be discharged or, in the case of a conservation easement, such encumbrances may be subordinated to the easement. Some title issues, such as severed mineral rights, are more complicated to resolve.

On the Grant Application, place an "X" by those title issues that apply to the property and use the blank to the right to describe the title issue.

Use the space at the end of this section to describe how these title issues will be resolved prior to closing the project. (Please refer to Section 2 of this manual for an explanation of how to address these issues).

B. Conservation Easement Reserved Rights and Restrictions (if applicable)

For grants to acquire conservation easements, please indicate which of the listed reserved rights and restrictions are anticipated to be included in the Deed of Conservation Easement. Use the blank to the right of each to provide any critical details.

Please note that the anticipated restrictions and reserved rights should not conflict with the important conservation values of the property, including those described in Section 3 of the grant application.

SECTION 4. General Project Information *continued* ...

C. Environmental Hazards Assessment

An Environmental Hazards Assessment (EHA) may be completed using a small grant. Prior to the award of a grant for any other purpose, an EHA must be completed. An EHA identifies and documents any hazardous or toxic materials found on or near the property, and as appropriate, the applicant's remedy for any hazards or toxic materials identified. In addition, the presence of such materials could create future liabilities.

In the space provided on the application, please indicate whether an EHA has been completed for this project. If no, please indicate when one is expected to be completed. If yes, please indicate the results of the EHA, including any hazards or toxic materials found on or near the property and how these issues will be remediated.

SECTION 5. Stewardship and Stewardship Resources

Please complete Section 5A, 5B, or 5C, whichever is relevant to your project.

A. Stewardship Grants (if applicable)

Stewardship grants are grants used to steward, monitor, and enforce a conservation easement or support necessary stewardship of land owned in fee. In the space provided, please indicate whether the grant amount requested is consistent with your organization's Endowment Policy or Stewardship Policy, or if there are other unusual needs that require additional funding. If the amount is not consistent, please provide documentation of any additional stewardship resources secured. Documentation may be in the form of a pledge letter or may be in the form of a financial statement showing dedicated funding for stewardship of the specific conservation easement or land in fee.

B. All Other Grants (if applicable)

If your organization is applying for a grant to acquire real property interest(s), such as land in fee or a conservation easement, documentation of your organization's financial resources to steward the real property interest(s) is required. Funds awarded for acquiring interests in real property will not be released until funding to meet the applicant's Endowment Policy and/or Stewardship Policy is secured.

For conservation easements, please indicate whether your organization has secured resources consistent with your organization's Endowment Policy. If yes, please attach documentation resources, such as a financial statement showing dedicated funding for stewardship of a conservation easement on the property. If no, please provide a summary of your organization's plan to secure resources in the space provided.

For acquisition of land in fee or other interests in real property, please indicate whether your organization has secured resources consistent with your organization's Stewardship Policy. If yes, please attach documentation of resources, such as a financial statement showing dedicated funding for stewardship of the land in fee or other interest in real property. If no, please provide a summary of your organization's plan to secure resources in the space provided.

C. Intended Stewardship Activities

If applying for a stewardship grant to steward land owned in fee, please use the space provided to summarize the stewardship activities that the grant would support.

SECTION 6. Owner(s) of Interest in Real Property

For applicants seeking a grant to purchase real property interests or seeking a grant for transaction costs associated with a donation of such interest(s), please attach written consent from the owner of the interest(s). If there are multiple owners, you must obtain an affidavit giving one owner the legal authority to sign or otherwise document that one party has legal authority to represent other owner parties.

In addition, please provide contact information for the owner(s) in the space provided.

SECTION 7. Conflicts of Interest

Indicate any conflicts of interest by the applicant, the applicant's staff or Board members, or – in the case of grants for the acquisition of real property interest(s) – any conflicts by the owner of those interests in the space provided.

Please see section 2 of this manual and refer to the West Virginia Ethics Commission published guidance on avoiding conflicts of interest for public officials and projects funded with public dollars, for additional details.

SECTION 8. Financial Criteria

Committed Matching Funds: An investment of local, federal, or private monies in your organization's project leverages the state investment from an OHCF grant, allowing OHCF monies to be stretched further. Cash, donations of interests in real property, and in-kind services – including Board, staff, and volunteer time – may be used as match. Volunteer services directly related to the transaction conducted by a non-Board member professionally volunteering their services can be counted as match.

If applying for a Large Grant, at least a 25% committed match is required. A larger match will strengthen your application.

You must attach documentation of any matching monies to your application. Documentation may be in the form of a letter, including the amount of the match, from the source of the match to your organization.

Below is an example of completed financial criteria.

Existing Sources and Uses of Funds:

Source of Match	Use of Match	Amount of Match	Cash, In-Kind, or Interest in Real Property?	Documentation of Match
Name of foundation	Endowment for Conservation Easement	\$25,000	Cash	Letter from foundation
Name of attorney	Legal support to complete project	\$5,000	In-kind	Letter from attorney
Existing organizational dollars	Baseline documentation	\$3,000	Cash	Organizational financial statement
Name of donor		\$150,000	Interest in real property	Letter from donor

SECTION 8. Financial Criteria *continued* ...**Summary of Matching Funds**

Committed Matching Funds	Amount
Cash	\$ 28,000
In-kind Services	\$ 5,000
Interest in Real Property	\$150,000
Total Match	\$183,000

Total Project Costs and Grant Request

Source	Amount
Committed matching funds	\$183,000
OHCF grant request	\$100,000
Other funding not yet committed (list source and date by which applicant will know if funds are available)	\$50,000 ABC Foundation; will be notified Dec., 2012
Total Project Cost	\$333,000

Match Level: Please indicate the percentage match: 30%.

Please list all committed matching funds, as described in the previous table. If other non-committed funds are needed in order to complete the project budget, please indicate the amount and potential source.

Matching Funds and Weighted Score

For large grants over \$25,000, the OHCF will determine the numeric ranking of your project by multiplying the total points for the project's conservation value in Section 9 by the percentage of match that the applicant brings to the project as identified in Section 8. The numeric ranking will be combined with information regarding organizational capacity to determine your project's total rank among all applicants.

Example 1: Project A receives a total of 500 points in Section 9 and includes a 100% match as calculated in Section 8.

Conservation value score 500 x percentage of match 100% = Total numeric ranking 500

Example 2: Project B receives a total of 750 points in Section 9 and only includes a 25% match as calculated in Section 8.

Conservation value score 750 x percentage of match 25% = Total numeric ranking 187.50

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System

Conservation Purposes: Conservation purpose means the conservation of land for outdoor recreation by the public, for conservation of natural plant and wildlife habitat or similar ecosystem, for conservation of forestland and other open spaces, for conservation of land of historical or cultural significance, or as further defined under conservation criteria pursuant to W. Va. Code §5B-2G-9(d). On the Grant Application, check those purposes that apply to your organization's project.

- ☐ "Outdoor recreation by the public"
- ☐ "Natural plant and wildlife habitat or similar ecosystem"
- ☐ "Forestland and other open spaces"
- ☐ "Historical or cultural significance"
- ☐ Other as further defined under the conservation criteria pursuant to Voluntary Rural & Outdoor Heritage Conservation Act.

Conservation Criteria Ranking System: The OHCF developed a ranking system to evaluate projects. This ranking process serves two purposes. First, it allows the OHCF to objectively, transparently, and defensibly compare your project with other applications of its specific grant cycle. And second, it allows applicants to see – before they begin to prepare and submit an application – exactly how the OHCF will score projects.

Please note that this section of the application must be completed whether you are applying for a grant to purchase an interest in real property, for transaction costs associated with a purchase or donation of an interest in real property, or for stewardship of an interest in real property

To complete this section of the application, follow the steps below.

1. Thoroughly review the Conservation Criteria Ranking System. Note that additional information about the grant activity may need to be collected, including written documentation of the presence of specific conservation values.
2. Collect any information needed about the project for which your organization is seeking a grant.
3. For each criterion, select an option and then provide information, as directed, to show how the project meets that criterion.
4. Review the "Project Scoring Table" and the "Conservation Criteria Scores" below to see how the OHCF Board will use the information that you provide to assign a quantitative score to your project.

In general terms, the OHCF created this ranking process by (a) translating the resource features specified in law to narrative criteria and (b) assigning potential numeric scores to the narrative criteria. More specifically, the resource features are specified in the OHCF's enabling legislation [W. Va. Code §5B-2G-9(d)], the narrative criteria are shown herein as criteria 1 through 11, the potential scores are shown as the most points that could be earned for each item and option, and a project's total score is the sum of all the criteria's scores. Each criterion is scored by judging the details in your application relative to the points possible. We acknowledge that this ranking procedure is a first trial and is thus imperfect. We are committed to its continuing improvement, so please send constructive comments to the OHCF.

The conservation criteria scores on the following pages show the range of point values that your project may receive for each criterion. It is important to read this to understand how the information that you provided in Section 9 of the grant application will be assigned a preliminary score.

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

1. Habitat Values (including riparian habitats and wetlands)

Important Information for Applicants:

To qualify for points for Habitat Values, the language of the conservation easement, or if a fee acquisition, the property management plan, must have specific and adequate provisions for maintaining those values, exclusive of events or conditions beyond the applicant's control. Presence of a feature without specific and adequate provisions for maintaining those values does not qualify for scoring.

There are three options applicants can select from for assessing a property's Habitat Values. Option B, while potentially providing more points, also has the highest threshold for verification. Select one of the three options, whichever the applicant feels is most appropriate for their project:

Option A) Unique or important wildlife habitat as specified in the State Wildlife Action Plan

Option B) A relatively undisturbed or outstanding example of an ecosystem or natural community indigenous to West Virginia, including riparian habitats and wetlands

Option C) Important Habitats Identified in County Comprehensive Plans

OPTION A. Unique or important wildlife habitat as specified in the State Wildlife Conservation Action Plan

(select one below that is most relevant to project)

NOTE: To be confirmed and certified by a trained professional biologist in application.

- Project secures more than two examples of important wildlife habitat as specified in the State Wildlife Action Plan – 100 points
- Project secures two examples of important wildlife habitat as specified in the State Wildlife Action Plan – 60 points
- Project secures at least one example or contains but does not secure at least two examples, of important wildlife habitat as specified in the State Wildlife Action Plan – 30 points
- Project has no examples of important wildlife habitat as specified in the State Wildlife Action Plan – 0 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

1. Habitat Values (including riparian habitats and wetlands) continued ...

OPTION B. A relatively undisturbed or outstanding example of an ecosystem or natural community indigenous to West Virginia.

NOTE: To be confirmed in writing by the West Virginia Wildlife Diversity Program in application. To use this option, it will be necessary for an on-site evaluation of the property by a biologist from the Wildlife Diversity Program or for Wildlife Diversity Program to accept an assessment by another biologist familiar with their methodology.

- Project secures land with a Site Biodiversity Rank of B1 based solely on natural community elements – 150 points
- Project secures land with a Site Biodiversity Rank of B2 based solely on natural community elements – 120 points
- Project secures land with a Site Biodiversity Rank of B3 based solely on natural community elements – 100 points
- Project secures land with a Site Biodiversity Rank of B4 based solely on natural community elements – 50 points
- Project secures land with a Site Biodiversity Rank of B5 based solely on natural community elements – 20 points
- Project lacks viable natural community elements – 0 points

OPTION C. Important Habitats Identified in County Comprehensive Plans

(select one below that is most relevant to project)

- Project secures a type or types of habitat specifically identified in the county's comprehensive plan as being a priority for land conservation in the county – 20 points
- Project secures a type or types of habitat specifically identified in the county's comprehensive plan but has not been described explicitly as a priority for land conservation in the county plan – 10 points
- Habitat meets neither criteria in county's comprehensive plan – 0 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

2. Rare, Threatened and Endangered Species Values

Important Information for Applicants:

To qualify for points for Rare, Threatened and Endangered Species Values, the language of the conservation easement, or if a fee acquisition, the property management plan, must have specific and adequate provisions for maintaining those values, exclusive of events or conditions beyond the applicant's control. Presence of a species without specific and adequate provisions for conserving it does not qualify for scoring.

There are two options applicants can select from for assessing a property's Rare, Threatened and Endangered Species Values. Option A, while potentially providing more points, also has the highest threshold for verification. Select one of the two options, whichever the applicant feels is most appropriate for their project:

Option A) Confirmed, Fully Documented Rare, Threatened and Endangered Species

Option B) Potential Rare, Threatened and Endangered Species

OPTION A. Confirmed, Fully Documented Rare, Threatened and Endangered Species

NOTE: To be confirmed in writing by the West Virginia Wildlife Diversity Program in application. To use this Option, it will be necessary for an on-site evaluation of the property by a biologist from the Wildlife Diversity Program or for Wildlife Diversity Program to accept an assessment by another biologist familiar with their methodology.

- Project secures land with a Site Biodiversity Rank of B1 based solely on species – 150 points
- Project secures land with a Site Biodiversity Rank of B2 based solely on species – 120 points
- Project secures land with a Site Biodiversity Rank of B3 based solely on species – 100 points
- Project secures land with a Site Biodiversity Rank of B4 based solely on species – 50 points
- Project secures land with a Site Biodiversity Rank of B5 based solely on species – 20 points
- Project lacks viable rare, threatened or endangered species – 0 points

OPTION B. Potential Rare, Threatened and Endangered Species

NOTE: To be used in absence of information suitable for using Option A. To use this Option, it will be necessary for an assessment of the property by a qualified professional biologist.

- One or more Rare, Threatened and Endangered Species confirmed on property (as through a photograph) without information necessary for assessing Site Biodiversity Rank – 20 points
- Remote sensing data or other field verification indicates the project is adjacent to a known occurrence of globally rare or federally listed threatened and endangered species, and contains potential habitat for one or more of those rare species – 20 points
- Remote sensing data or other field verification indicates the project is within the known distribution of globally rare or federally listed threatened and endangered species, and contains potential habitat for one or more of those rare species – 10 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

3. Importance for Public Hunting and Fishing

NOTE TO APPLICANT: ¼ of all funding from the Voluntary Rural & Outdoor Heritage Conservation Act is automatically dedicated to the Division of Natural Resources, including for conserving lands for public hunting and fishing. That is separate from, and in addition to, this grants program.

(select one below that is most relevant to project)

Property will be open to the public and:

- Provide hunting and fishing opportunities in areas underserved by such as identified in the Division of Natural Resources' Capital Improvements Plan – 50 points
- Is critical to maintaining and/or enhancing hunting and fishing opportunities of a state-owned wildlife management area, national forest, or national wildlife refuge – 50 points
- Is critical to maintaining and/or enhancing hunting and fishing opportunities on other existing public lands – 30 points
- Property will not be open to public but provides an important buffer from land uses that could diminish the hunting and fishing opportunities of existing public lands (for example, buffers public hunting lands from incompatible encroachment) – 10 points
- Property will not be open to public nor provides an important buffer from land uses that could diminish the hunting and fishing opportunities of existing public lands – 0 points

4. Importance for Outdoor Recreation other than Hunting and Fishing

(select one below that is most relevant to project)

Property will be open to the public and:

- Provide outdoor recreation opportunities in areas underserved or underutilized by such as identified in the State Comprehensive Outdoor Recreation Plan – 50 points
- Is critical to maintaining and/or enhancing recreational opportunities of a designated National Scenic Trail, National Scenic River, National Forest Scenic Area, National Forest Wilderness Area, National Recreation Area, unit of the National Parks Service, or State Park – 50 points
- Is critical to maintaining, enhancing, and/or restoring recreational opportunities on other existing state, federal, or local public lands – 30 points
- Property will be open to the public and is consistent with public recreation lands identified as important in the county comprehensive plan – 20 points
- Property will not be open to public but provides an important buffer from land uses that could diminish the recreational enjoyment of existing state or federal recreation lands (for example, provides a buffer that maintains the natural surroundings along a recreation trail or waterway) – 10 points
- Property will not be open to public but provides an important buffer from land uses that could diminish the recreational enjoyment of existing public recreation lands identified as important in the county's comprehensive plan (for example, provides a buffer that maintains the natural surroundings along a recreation trail or waterway or buffers public hunting lands from incompatible encroachment) – 10 points
- Property will not be open to public nor provides an important buffer from land uses that could diminish the recreational enjoyment of existing public recreation lands – 0 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System

continued ...

5. Importance for Water Quality, Critical Aquifer Recharge Areas and Watersheds of Significant Ecological Value *(select one below that is most relevant to project)*

- Rivers, streams, or other waterways, floodplains, wetlands, sinking streams, and groundwater recharge areas are expressly protected or their condition demonstrably improved by the language of the conservation easement, or, if a fee acquisition, the property management plan, which prohibits disturbances of any kind, or requires abiding by a NRCS conservation plan, forest stewardship plan, or similar plan prepared by a certified conservation planner or similar expert. – 150 points
- Rivers, streams, or other waterways, floodplains, wetlands, sinking streams, and groundwater recharge areas are expressly protected or their condition demonstrably improved by the language of the conservation easement, or, if a fee acquisition, the property management plan but which allows some disturbance and which does not require abiding by a NRCS conservation plan, forest stewardship plan, or similar plan prepared by a certified conservation planner or similar expert. – 50 points
- Other land – 0 points

6. Importance as Forest Land or Working Land that has Strategic Economic Significance

(select one below that is most relevant to project)

NOTE TO APPLICANT: Half of all funding from the Voluntary Rural & Outdoor Heritage Conservation Act is automatically dedicated to conserving agricultural lands. That is separate from, and in addition to, this grants program.

Lands managed for production of wood products

- Property with a Forest Stewardship Management Plan or its subsequent equivalent, prepared by a licensed forester, and is in an area designated by a local, state, or federal government agency as being economically significant for forestry, or timberlands with a Forest Stewardship Management Plan or its subsequent equivalent, prepared by a licensed forester, and with FSC, SFI, or similar certification or their successors. If plan not already in place, easement will require the above to be in place prior to any sale of wood products or any tree cutting. – 50 points
- Other property with a Forest Stewardship Management Plan or its subsequent equivalent, prepared by a licensed forester. If not already in place, easement will require the above to be in place prior to any sale of wood products or any tree cutting. – 25 points
- Other lands managed for production of wood products. – 0 points
- Property includes soils identified by the USDA Natural Resources Conservation Service as Prime Farmland Soils and Soils of Statewide Importance and project will maintain and protect soil quality on property – 10 additional points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

6. Importance as Forest Land or Working Land that has Strategic Economic Significance *continued ...*

Lands managed for production of agricultural products

- Property with an NRCS Farm Plan or its subsequent equivalent, prepared by a qualified natural resource professional, and is in an area designated by a local, state, or federal government agency as being economically significant for agricultural production. If plan not already in place, easement will require the above to be in place prior to any sale of products. – 20 points
- Other property with an NRCS Farm Plan or its subsequent equivalent, prepared by a qualified natural resource professional. If not already in place, easement will require the above to be in place prior to any sale of products. – 10 points
- Other lands managed for production of agricultural products – 0 points
- Property includes soils identified by the USDA Natural Resources Conservation Service as Prime Farmland Soils and Soils of Statewide Importance and project will maintain and protect soil quality on property – 10 additional points

7. A Larger Area Containing Conserved Lands

(select one below that is most relevant to project)

Project lies within a larger, readily definable landscape of shared conservation value, which encompasses more than 50,000 acres, and in which additional public lands and/or conservation easements already exist:

- At least 50% of landscape within conserved lands (including current project) – 100 points
- 30-49% of landscape within conserved lands (including current project) – 60 points
- 10-29% of landscape within conserved lands (including current project) – 30 points
- Less than 10% of landscape within conserved lands (including current project) – 0 points

Project lies within a larger, readily definable landscape of shared conservation value, which encompasses 5,000 to 50,000 acres, and in which additional public lands and/or conservation easements already exist:

- At least 50% of landscape within conserved lands (including current project) – 80 points
- 30-49% of landscape within conserved lands (including current project) – 40 points
- 10-29% of landscape within conserved lands (including current project) – 10 points
- Less than 10% of landscape within conserved lands (including current project) – 0 points

Project does not lie within a larger, readily definable landscape of shared conservation value, and in which additional public lands and/or conservation easements already exist – 0 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

8. A Connection Between Conserved Lands

(select one below that is most relevant to project)

- Project directly adjoins two conserved tracts which did not adjoin nor were connected by other intervening conserved lands and for which the new connection is critical to maintaining the primary conservation values of the previously existing conserved lands – 100 points
- Project does not directly adjoin two conserved tracts which did not adjoin nor were connected by other intervening conserved lands, but is a critical tract for a potential corridor that directly adjoins two conserved tracts and for which maintaining the corridor is critical to maintaining the primary conservation values of the previously existing conserved lands – 80 points
- Project directly adjoins two conserved tracts which may already be adjoined or were connected by other intervening conserved lands, but the project creates a significantly better connection for maintaining the primary conservation values of the previously existing conserved lands – 60 points
- Project directly adjoins two conserved tracts which did not adjoin nor were connected by other intervening conserved lands but for which the new connection is not critical to maintaining the primary conservation values of the previously existing conserved lands – 20 points
- Project does not fall within above descriptions – 0 points

9. Number of Acres to be Conserved

(select one below that is most relevant to project)

All tracts participating in project and for which there is a real estate option, contract, purchase and sale agreement, or binding pledge agreement or have been acquired (in fee or by conservation easement) in the previous five years:

- 10,000 acres+ – 200 points
- 1,000 – 9,999 acres– 100 points
- 500 – 999 acres– 60 points
- 100 – 499 acres – 40 points
- < 100 acres – 10 points

All tracts participating or planned in project not under a real estate option, contract, purchase and sale agreement, or pledge agreement – 0 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

10. CULTURAL VALUES Land of Unique Cultural, Historical, or Archaeological Significance

Important Information for Applicants:

To qualify for points Cultural Values, the language of the conservation easement, or, if a fee acquisition, the property management plan, must have specific and adequate provisions for maintaining those values, exclusive of events or conditions beyond the applicant's control. Presence of a cultural feature without specific and adequate provisions for conserving it does not qualify for scoring. Further, to qualify, property must represent land (not structures) integral to maintaining the historic context of a site and be primarily rural, undeveloped land such as farmland, forestland, or natural habitat.

(select one below that is most relevant to project)

- Property 1) is listed in the National Register of Historic Places, or has been determined as eligible for listing, and 2) still retains the attributes which qualified it for listing:
 - » At the national level of significance – 100 points
 - » At the state level of significance – 80 points
 - » At the local level of significance – 40 points
- Property is listed on a widely recognized compendium of lands of national historic significance such as the Civil War Sites Advisory Commission on the Nation's Civil War Battlefields – 80 points
- Property is not listed in above categories, but has been designated a "local landmark" by a county or municipal historic landmarks commission – 20 points
- Property is not listed in above categories, but serves as a buffer that maintains the historic integrity of: a property of national or state significance as 1) is listed in the National Register of Historic Places, has been determined by the Keeper of the National Register of Historic Places as eligible for listing, or has been determined by the State Historic Preservation Office as eligible for listing, and 2) still retains the attributes which qualified it for listing; or a property listed on a widely recognized compendium of lands of national historic significance such as the Civil War Sites Advisory Commission on the Nation's Civil War Battlefields – 40 points
- Property is not described in above categories – 0 points

SECTION 9. Conservation Purposes and Conservation Criteria Ranking System *continued ...*

11. Threat Assessment

Degree of Threat to Land *(select one below that is most relevant to project; can have negative points)*

Conservation values of the project or of the Readily Definable Landscape are under threat that is eminent (likely to occur in the next five years) and which can diminish the conservation values of the property:

- Protection of this property expected to abate the threat, and conservation values of project will remain (not all threats need to be abated or diminished if they are not likely to diminish the conservation values of the property). [Threat to property but very low risk of project not being successful] – 100 points
- Protection of this property expected to significantly reduce the threat, and conservation values of project will remain (not all threats need to be abated or diminished if they are not likely to diminish the conservation values of the property). [Threat to property but relatively low risk of project not being successful] – 80 points
- Protection of this property not expected to significantly abate or reduce the threat, and conservation values of project will remain (not all threats need to be abated or diminished if they are not likely to diminish the conservation values of the property). [Threat to property and a risk of project possibly not being successful] – 0 points
- Protection of this property not expected to significantly abate or reduce the threat and conservation values of project will diminish or be lost. [Threat to property and real risk of project not being successful] – Automatically disqualifies project

Conservation values of the project or of the Readily Definable Landscape are not under eminent threat but are under threat that is likely to occur in the next five to twenty years and which can diminish the conservation values of the property:

- Protection of this property expected to abate the threat, and conservation values of project will remain (not all threats need to be abated or diminished if they are not likely to diminish the conservation values of the property). [Potential threat to property but very low risk of project not being successful] – 80 points
- Protection of this property expected to significantly reduce the threat, and conservation values of project will remain (not all threats need to be abated or diminished if they are not likely to diminish the conservation values of the property). [Potential threat to property but relatively low risk of project not being successful] – 40 points
- Protection of this property not expected to significantly abate or reduce the threat and conservation values of project will remain (not all threats need to be abated or diminished if they are not likely to diminish the conservation values of the property). [Potential threat to property and a risk of project possibly not being successful] – 0 points
- Protection of this property not expected to significantly abate or reduce the threat and conservation values of project will diminish or be lost. [Potential threat to property and real risk of project not being successful] – Automatically disqualifies project

Conservation values of the project or of the Readily Definable Landscape are not under eminent threat (i.e., efforts to maintain conservation values likely to be successful over the long-term) – 80 points

4. Submitting an Application

The original of the complete grant application must be submitted to the OHCF at the address below. Do not bind your application.

West Virginia Outdoor Heritage Conservation Fund
c/o West Virginia Division of Natural Resources
112 California Avenue, Room 141
Charleston, WV 25305

The complete grant application may be submitted by e-mail to Amy.J.Larch@wv.gov. An applicant choosing to submit an application via e-mail accepts full responsibility for transmission and receipt of the application. The OHCF accepts no responsibility for the unsuccessful and/or incomplete transmission of applications by e-mail.

5. Application Review and Decision-Making

The OHCF board of trustees has appointed a review committee comprised of trustees and outside professionals with experience in the review of federal and state grant applications for projects pertaining to land conservation. The committee will review all applications for technical eligibility. All applications that are considered to be technically eligible and complete will move to the second phase of review which will focus on the merits of the project.

The committee may conduct interviews to give applicants an opportunity to describe their projects and clarify any necessary items.

Subsequently, projects will be ranked according to their numerical score for conservation values, as well as their strength in terms of financial leverage and organizational capacity of the applicant. The committee will recommend to the board of trustees those projects that are deemed worthy for funding. The board of trustees will make final decisions on project reviews, based upon review committee recommendations.

All applicants will be notified by U.S. Mail of the final decision regarding the status of their applications. Applicants whose requests are denied will be provided with a summary of the comments by the review committee. All notifications of award status will occur no more than four months from the due date of the applications.

6. Grant Agreement and Grant Award

After being notified of approval, the applicant will receive a grant agreement which stipulates the type and manner of documentation that must be reviewed by the OHCF prior to release of grant funds. For example, applicants will need to submit evidence of competitive bidding for transaction services above \$2,500 (as required by state procurement guidelines), conservation easement language, the appraisal, as well as other documents. In addition, the grant agreement will provide guidance on reporting, record-keeping, and other requirements once a grant award has been made.

7. Definitions

Acronyms: IRS–US Internal Revenue Service; OHCF–West Virginia Outdoor Heritage Conservation Fund; WV–West Virginia

Abate the threat: to take action so that an activity or circumstance will be unlikely to harm the health, viability, or condition of a conservation feature

Adjoins: one property physically borders (touches) another

Applicant: must be a qualified land trust or government entity

Balance sheet: a summary of an organization's financial position on a specific date. For OHCF purposes, this "monetary snapshot" includes assets and liabilities.

Binding pledge agreement: a document in which the landowner promises to donate an interest in real estate and from which the landowner cannot subsequently withdraw.

Capital improvements plan: a document that identifies priorities for improving infrastructure and access for hunting and fishing and related habitat. Find nearby office at www.wvdnr.gov/contact.shtm to confirm if project conforms to goals of Capital Improvement Plan.

Civil War Sites Advisory Commission on the Nation's Civil War Battlefields: a standardized report summarizing significant Civil War sites in America. Additional West Virginia information available at <https://www.nps.gov/civilwar/search-battles.htm>.

Complete grant application: a request for OHCF funds that includes all organizational and project documents requested in Section 1 of the application, complete responses to sections 2 through 9, and any additional information requested by the OHCF.

Confirmed, fully documented: the occurrence of a rare, threatened or endangered species verified in writing by evidence accepted by the WV Division of Natural Resources Wildlife Diversity Program. Such evidence may include a photograph, specimen, or sighting by a qualified, experienced observer.

Conflict of interest: The situation in which an individual is involved in two or more interests and in which one could corrupt the motivation for acting in the other, and that consequently could lead to personal or organizational benefit. Operationally, see the definitions in W. Va. Code and by the WV Ethics Commission at <https://ethics.wv.gov/public-resources/booklets-guidelines-and-guidance>. Per OHCF policy, real and perceived conflicts of interest involving the OHCF, grant applicants, owners of interests in real property to be conserved using OHCF monies, and related parties must be disclosed. It is also OHCF policy to address such conflicts in ways that (1) fully protect the integrity and reputation of OHCF, grant applicants, owners of interests in real property to be conserved using OHCF monies, and related partners; and (2) conform to W. Va. Code and WV Ethics Commission guidelines.

Conservation criteria: Categories of natural resource assets for which land is being conserved. As listed in law [Voluntary Rural & Outdoor Heritage Conservation Act (W. Va. Code §5B-2G)], these include:

- habitat values;
- rare, threatened, and endangered species;
- importance for public hunting and fishing;
- importance for outdoor recreation other than hunting and fishing;
- importance for water quality, critical aquifer recharge areas, and watersheds of significant ecological value;
- importance as forest land or working land that has strategic economic significance;
- a larger area containing conserved lands;
- a connection between conserved lands;
- number of acres to be conserved;
- cultural values; and
- threat assessment.

Conservation purpose: The goal(s) for which an applicant organization is conserving the interest in real property. The conservation purposes listed on the grant application include those defined in the Voluntary Rural & Outdoor Heritage Conservation Act (W. Va. Code §5B-2G). With the exception of the conservation criteria, the purposes generally reflect the tax-deductible expenses defined by Internal Revenue Code [IRS §170(h)] and associated US Treasury regulations.

Conserved lands: lands owned by a nonprofit organization or government entity specifically for open space, natural resource conservation, or recreation or that are encumbered by a conservation or farmland protection easement

Contains but does not secure: a project that contains a feature of conservation interest but has an insufficient amount of that feature and/or is of such location and configuration as to not allow for the continued existence of that feature, even if adequate conservation measures are in place.

Contract: one of several legally binding agreements typically used when purchasing an interest in real estate

Corridor: a continuous route that plant or animal life could potentially travel or disperse between two locations without encountering barriers which would prevent such movement

County's comprehensive plan: a document approved and adopted by the county government that describes a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources. Copies of comprehensive plans are available from the local county commission or council. Not all counties have a plan in place. To qualify for ranking, the county must have a plan adopted as of the date of the application. Comprehensive plans by entities other than by a county commission or council do not qualify.

Current annual renewal letter for charitable organizations from the WV Secretary of State's office: A written communication from the WV Secretary of State's office (SOS) confirming that a charitable organization has complied with the SOS's annual reporting requirements.

Documentation of committed match: Acceptable ways of demonstrating a project's match includes:

- For a cash match - A letter from a donor, which may be an individual, foundation, or company, pledging that a specific amount of cash match will be applied towards the project, or a letter from the applicant's director or chair stating the applicant's commitment of a specific amount of cash in hand towards the project.
- For a match of in-kind services - A letter from an individual or company providing pro bono services. The letter must include a statement of the monetary value of the services and a commitment to apply the services towards the project. Services can include legal advice and other due diligent tasks such as a survey, baseline documentation, and appraisal.
- For a match of donations of interests in real property - A letter from the donor of the interest(s) in real property stating the appraised value of the donated interest, or the approximate value based on comparables, and a commitment to use the donation as match for the project. Prior to grant award, any such match must be documented by an appraisal.

Documentation of stewardship resources: financial records that delineate the endowment or dedicated funds that will be used for stewardship of the interest in real property to be conserved with grant monies.

Ecosystem or natural community: terrestrial and aquatic assemblages of organisms that occur together on the landscape with a particular set of component species (especially prominent ones) and structure, and which usually occur in predictable and repeating environmental settings. While ecosystems can be more widely defined, the OHCF board treats them as synonymous with natural communities and follows the system adapted by NatureServe and the West Virginia Wildlife Diversity Program for their identification. Additional information is available at <https://explorer.natureserve.org/>

Eligible for listing: an historic site may have been determined by the Keeper of the National Register of Historic Places or by the State Historic Preservation Office as eligible (qualified) for listing but the formal listing process may not have been completed yet. Additional information is available at <https://www.nps.gov/subjects/nationalregister/index.htm> and <https://wvculture.org/research/national-register-of-historical-places/>.

Eligible grant activities: Funds from an OHCF grant may be used for the following tasks:

- Purchase of real property interest(s), including conservation easements, land in fee, and other interests acquired for conservation purposes;
- Transaction costs incurred during the donation of real property interest(s) for conservation purposes, e.g., baseline documentation, survey, appraisal, title examination; and
- Stewardship of real property interest(s) for conservation purposes, such as the costs of monitoring and legally defending conservation easements.

Eligible grant recipients: A charitable corporation, charitable association, or charitable trust registered with the WV Secretary of State and exempt from taxation, as defined in the Internal Revenue Code [Public Law 99-514, 26 U.S.C. §501(c)(3)] or other federal state statutes or rules. As defined in W. Va. Code §20-12-3, an eligible grant recipient has as a primary part of its mission the acquisition of interests in real property for natural resources conservation purposes. The purposes or powers of an eligible grant recipient include:

- retaining or protecting the land's natural, scenic, agricultural, forest, recreational, or open-space use;
- protecting natural resources and wildlife;
- maintaining or enhancing land, air, or water quality; or
- preserving the historical, architectural, archaeological, or cultural aspects of real property.

Events or conditions beyond the applicant's control: events or conditions arising from natural or man-made actions on that a landowner cannot reasonably be expected to control, such as floods and storms, fire, overabundant wild animals, criminal acts of others, harmful activities undertaken by others on adjoining lands, and global warming.

Environmental hazards assessment: A study to determine if a land parcel is contaminated by toxic or hazardous materials. Under the US Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund Act"), all past and present owners of a contaminated site may be liable for clean-up costs. It includes the concept of an environmental site assessment.

Field verification: the process of documenting on-the-ground actual conditions and features of a property. Examples would be photographing an endangered species on property adjacent to a subject being evaluated or gathering data that shows habitat suitable for a given species is present, even if the species has not been confirmed.

Floodplains: lands adjacent to a stream that are predictably inundated. Maps of the floodplains identified by the Federal Emergency Management Agency are available at <https://msc.fema.gov/portal/home>. These maps do not include all potential floodplains.

Globally rare plants and animals: See NatureServe's website, <https://explorer.natureserve.org/AboutTheData/DataTypes/ConservationStatusCategories> for information on the G1, G2, G3 and T1, T2 conservation status given to species.

Grant activity description: A narrative of the tasks, including the purpose and importance of each, for which an organization seeks an OHCF grant.

Grant agreement: The contract that describes the terms of an award that bind the grant recipient and the OHCF. It must be executed before the award is made.

Grant application: a written request for funds by one or more eligible organizations. Practically speaking, a grant application is a filled-in version of the document titled "Grant Application" and includes all of the required documents. Also see the definition of "Complete grant application."

Groundwater recharge areas: zones where water infiltrates soil or karst terrain and supplies water to groundwater aquifers.

Historic Landmarks Commission: an organization established by a county or municipality to identify and recognize places of historic significance within that jurisdiction. Contact the local municipality, county commission or council for information. Not all localities have a commission in place.

Income and expenditure statement: A financial report that summarizes an organization's monetary transactions over a specific period of time. For the specified time period, it must show total income, total expense, and the amount of surplus or deficit.

Incompatible encroachment: land uses or activities that would interfere with the full use of public land for public hunting and fishing purposes. Examples include adjoining residential development because firearms legally cannot be used within 500 feet of a residence or mining that eliminates an access.

Indigenous to West Virginia: a plant, animal, ecosystem, or natural community that would be expected to be found in the State independent of human influence upon the landscape. It includes ecosystems and natural communities modified by human activity, but which are made up of primarily native species and have the basic structure, processes, and functions expected to be present without human influence.

IRS Form 990 or 990N: The document, entitled "Return of Organization Exempt from Income Tax," which must be filed annually by organizations, including all land trusts, exempt from taxation pursuant to Sec. 501(c)(3) of the Internal Revenue Code.

IRS tax determination letter: A document issued by the IRS which shows that an organization meets the requirements of Sec. 501(c)(3) of the Internal Revenue Code. See www.irs.gov/Publications/p557 .

Land trust standards and practices: Ethical guidelines and technical recommendations for the responsible operation of a land trust. The Land Trust Alliance developed the manual, Land Trust Standards and Practices, to (a) support a strong land protection community that depends on the credibility and effectiveness of its members and (b) employ best practices is the surest way to secure lasting land protection.

- Standards and Practices is revised periodically to reflect changes in best methods and government regulations.
- While Standards and Practices is designed primarily for nonprofit, tax-exempt land trusts, it also offers valuable guidance for any organization or government agency that holds land or easements for public benefit.
- Relevant information, publications, and training programs can be found at <https://landtrustalliance.org/> .

Large grant: An OHCF grant of \$25,000 or more. Proposals for large grants compete with one another, not against small-grant applications.

Legally binding agreement: A contract, which may also be called a binding pledge agreement, option agreement, or purchase and sale agreement, between the buyer and seller of the interest in real property.

Level of significance: Properties listed on the National Register of Historic Places are categorized on the register of being historically significant at a local, state, or national context. The online documentation of the property will indicate the category. Available at <https://www.nps.gov/subjects/nationalregister/database-research.htm>

List of interests in real property transferred to other parties: An inventory of the interests in land, such as conservation easements or lands in fee, that have been acquired by an applicant. Each entry must include:

- approximate location, e.g., county or watershed;
- numbers of acres;
- years acquired and transferred; and
- name of the organization to which the interest was transferred.

Local landmark: a place of historic significance recognized by a municipal or county historic landmarks commission but which has not received formal state or national recognition.

Map: A topographic chart showing the boundaries of the interest in real property.

Mission statement: A short narrative, often a sentence or short paragraph, declaring an organization's purpose.

National forest: lands owned and managed by the USDA Forest Service for multiple natural resource purposes. There are three national forests wholly or partially in West Virginia: the George Washington, Jefferson, and Monongahela. Additional information is available at <https://experience.arcgis.com/experience/a695e1dbdeab4e8ba5c6ad4fd06a0ba0>.

National Forest Scenic Area: national forest lands identified and designated by the USDA Forest Service for management to maintain their outstanding scenic attributes. Several have been designated in West Virginia. Additional information is available at <https://experience.arcgis.com/experience/a695e1dbdeab4e8ba5c6ad4fd06a0ba0>

National Forest Wilderness Area: national forest lands designated by Congress and managed for preservation in their natural condition and under the federal Wilderness Act of 1964. In West Virginia there are eight wilderness areas on the Monongahela National Forest and one on the Jefferson National Forest. Additional information is available at <https://www.fs.usda.gov/r09/monongahela/maps-guides> and <https://www.fs.usda.gov/r08/gwj/maps-guides> .

National Recreation Area: federal lands designated by Congress and managed primarily for providing recreation opportunities. There are two National Recreation Areas (NRA) in West Virginia: the Spruce Knob-Seneca Rocks NRA managed by the US Forest Service and the Gauley River NRA managed by the National Park Service. Additional information is available at <https://www.nps.gov/gari/index.htm> and <https://www.fs.usda.gov/r09/monongahela/recreation/spruce-knob-seneca-rocks-national-recreation-area>.

National Register of Historic Places: the official list of the nation's historic places worthy of preservation as authorized by the federal National Historic Preservation Act of 1966. Additional information is available at <https://www.nps.gov/subjects/nationalregister/database-research.htm>.

National Scenic River: streams designated under the federal Wild & Scenic Rivers Act of 1968 as having remarkable scenic, recreational, geologic, fish and wildlife, historic, or cultural values. A portion of the Bluestone is the only designated river in West Virginia. Additional information is available at <https://www.nps.gov/blue/index.htm>.

National Scenic Trail: a path designated under the National Trails System Act of 1968. In West Virginia, it currently includes only the Appalachian Trail. Additional information is available at <https://www.nps.gov/appa/index.htm>.

National Wildlife Refuge: lands owned and managed by the US Fish and Wildlife Service for maintaining wildlife, fish, and plant populations and habitats. There are two national wildlife refuges wholly or partially in West Virginia: Canaan Valley and Ohio River Islands. Additional information is available at <https://www.fws.gov/program/national-wildlife-refuge-system>.

Natural community elements: discrete examples on the landscape of an ecosystem or natural community as identified by NatureServe or the West Virginia Wildlife Diversity Program.

Option: one of several types of legally binding agreements typically used when purchasing an interest in real estate.

Option agreement: A contract in which the owner(s) of the interest in real property give a conservation organization the right to buy the interest without any obligation to do so. An option buys time for the conservation organization to determine the desirability and feasibility of making an acquisition. The owner may receive compensation in the form of an option payment for giving up the right to sell during the option period.

Owner consent: Written agreement from the owner for the applicant to apply for an OHCF grant to purchase real property interests or pay for transaction costs associated with donating such interest(s).

Phase: one part of a phased project.

Phased project: a land-conservation project that will be completed over two or more OHCF grant cycles. A phased project is generally characterized as a unified project that, as a result of numerous interests, several owners, or funding constraints, is impossible to complete during a single OHCF grant cycle.

Pledge agreement: A legally binding obligation, often in the form of a letter, between the owner(s) of the interest in real property and a conservation organization that commits the owner(s) to protect the interest in the real property. Note that the donors of interest(s) in real property may fear that a legally binding obligation will nullify the voluntary intent of their gift, thereby precluding the claiming of a federal income tax deduction for making a charitable contribution. The OHCF encourages the owner to consult with an attorney on how to create an enforceable promise of a gift that preserves the voluntary nature of the donor's investment and, hence, allows the claiming of a deduction for federal tax purposes.

Policy to co-hold conservation easements with organizations accredited by the Land Trust Alliance or with a public agency: A board-approved policy to co-hold conservation easements with organizations accredited by the Land Trust Alliance or with a public agency to ensure adequate protection of the important conservation values of the land on which the easement is held.

Potential: a reasonable likelihood that a specific rare, threatened, or endangered species occurs due to the presence of appropriate habitat and proximity to documented occurrences, or other evidence, or that there is insufficient evidence otherwise to fully document its existence.

Primary conservation values: attributes of a project that are of greatest significance. Conserving these attributes is to be adequately addressed in the language of any conservation easement or management plan for a fee acquisition.

Prime farmland soils: ground with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. Such soil has the combination of properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. Soil surveys for each county can be located at www.wv.nrcs.usda.gov/soils.html.

Project: a land conservation initiative proposed by an organization that is applying for OHCF funding. If the project includes more than one real property, there must be a clear, definable link among those properties, such as close proximity to each other, adjacency to the same conserved land, or sharing a specific conservation goal that spans multiple tracts. Further, if the project includes more than one property, all land parcels of the project must be under option, contract, purchase and sale agreement, or binding pledge agreement, or must have been acquired, in fee or by conservation easement, in the previous five years by the applicant or by a partner organization that has submitted a letter stating that it considers itself a partner in the project with the applicant.

Project secures: means that a land protection initiative (1) contains enough of a feature of conservation interest and (2) has the location and configuration to allow for the continued existence of that feature, if adequate conservation measures are in place.

Proof of accreditation from the Land Trust Alliance: A letter or certificate issued by the Land Trust Accreditation Commission, which is an independent program of the Land Trust Alliance, verifying that the applicant meets national quality standards.

Proof of registration with the WV Secretary of State: Consists of the following two documents:

1. Certificate of Existence; and
2. Letter from the WV Secretary of State confirming that the organization has filed its state charitable registration forms as required.

Property: a specific tract of land owned by the same entity or entities, such as an individual, corporation, or multiple holders of partial interests. A property may consist of multiple tracts, usually representing additional acquisitions made through time, as long as they are owned by the same entity or entities.

Public lands: lands owned by a local, state, or federal government entity and used primarily for conservation and/or recreation purposes.

Purchase and sale agreement: one of several legally binding agreements typically used when purchasing an interest in real estate.

Purchase and sale agreement: The contract, signed by all sellers and buyers, that specifies the final terms of a transfer of interest in real property.

Qualified professional biologist: a person with a college degree in a field of study in the natural sciences, ecology, or wildlife management, and who has appropriate experience with the group of species being considered

Rare, Threatened, and Endangered Species: species or subspecies of plants, vertebrates, and invertebrates listed on the federal list of Threatened and Endangered Species as maintained by the US Fish and Wildlife Service, or that are considered as rare by the WV Division of Natural Resources' Wildlife Diversity Program. Additional information is available at <https://wvdnr.gov/plants-animals/rare-threatened-endangered-species/>.

Readily definable landscape: an area that encompasses all or significant parts of easily recognized landforms, such as a mountain, valley, or watershed, or combination thereof, or an area formally designated by a government entity for purposes reflecting the conservation criteria in OHCF code, such as historic districts. Such landscapes possess distinct, defined conservation values that are enhanced by maintaining the integrity of the entire landscape.

Remote sensing data: quantitative information data gathered off-site that allows inferences about the probable conditions on a property. Typical examples are aerial photography and satellite imagery.

Sinking streams: flowing water that is diverted underground through a sinkhole or other feature. In West Virginia, sinking streams are associated with limestone. They are often indicated on USGS topographic features as streams which appear to terminate at their downstream end in a sinkhole.

Small grant: An OHCF grant of \$5,000 to \$25,000. Applications for small grants compete against one another, not against those for large grants.

Soils of statewide importance: ground recognized by the WV Department of Agriculture as being significant because of its combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. They are often thought of as the next tier in agricultural importance among soils beneath Prime Soils. Soil surveys for each county can be located at <https://websoilsurvey.nrcs.usda.gov/app/>

Species: those plants and animals (including subspecies and varieties) identified and monitored for conservation purposes by the West Virginia Wildlife Diversity Program.

State Comprehensive Outdoor Recreation Plan: available at <https://wvcad.org/assets/files/resources/Land%20and%20Water%20Conservation%20Fund/2021-2025-WVSCORP-1.pdf>.

State park: lands owned and managed by the WV Division of Natural Resources for recreation, natural resource protection, and related values. Includes Kanawha State Forest but not other state forests. Additional information is available at www.wvstateparks.com.

State procurement guidelines: When contracting with a professional expert to perform services associated with a project, such as a survey, appraisal, or title search, state procurement guidelines must be followed. Find these guidelines at <https://www.wv.gov/agencies/purchasing-division>.

State Wildlife Conservation Action Plan: a document developed by the WV Division of Natural Resources for conserving the diversity of West Virginia's fish and wildlife resources by emphasizing those species in greatest need of conservation. It is available at <https://wvdnr.gov/state-wildlife-action-plan/>.

Stewardship: The necessary monitoring, maintenance, and enforcement of interests in real property for conservation purposes.

Stewardship and enforcement funding policy for conservation easements: A policy approved by an organization's board that reflects the Land Trust Alliance's Practice 11A, which states:

- Estimate the long-term stewardship and enforcement expenses of each conservation easement transaction.
- Track stewardship and enforcement costs.

Stewardship and enforcement policy for conservation easements: Board-approved policies and procedures that include the provisions of the Land Trust Alliance's Practices 11C and 11E, which state:

- Practice 11C – Adopt a written policy and/or procedure for monitoring conservation easements that establishes consistent monitoring protocols and recordkeeping procedures. Monitor each conservation easement property at least once per calendar year. If the land trust uses aerial monitoring, conduct on-the-ground monitoring at least once every five years. Promptly document the annual monitoring activities for each conservation easement
- Practice 11E – Adopt a written policy and develop written procedures for documenting and responding to potential conservation easement violations. Investigate potential violations in a timely manner and promptly document all actions taken.

Stewardship funding policy for land in fee: Board-approved policies and procedures that include the components of the Land Trust Alliance's Practice 12A, which are:

- The land trust determines the immediate and long-term financial and management implications of each conservation property acquisition and estimate the long-term implications; and
- Anticipate and track costs associated with long-term land management, stewardship and enforcement of conservation policies.

Stewardship policy for land in fee: Board-approved policies and procedures that include the ideas in the Land Trust Alliance's Practices 12B and C:

- Practice 12B – Land Management and Stewardship. Develop a written land management plan for each conservation property within 12 months after acquiring the land to:
 - a. Identify the property's conservation values, including any significant cultural and natural features or those that have significant community value.
 - b. Identify the overall management goals for the property.
 - c. Identify activities to achieve the goals and to reduce any risks or threats to the conservation values.
 - d. Specify the uses that are appropriate for the property, in keeping with the property's conservation values, any restrictions and donor or funder requirements.
 - i. Provide public access opportunities as appropriate to the property and the land trust's mission.
- Practice 12C – Inspecting Land Trust Properties. The land trust determines the boundaries of land trust properties and physically mark them to the extent possible or necessary. Inspect properties at least once per calendar year for potential management problems and promptly document the inspection. Address management problems, including encroachments, trespass and other ownership challenges, in an appropriate and timely manner and document the actions taken.

Technical assistance manual: the document published by the OHCF that provides eligible organizations with the information needed to complete and submit a grant application.

Threat: an activity or circumstance which may harm the health, viability, or condition of a conservation feature.

Title: legal document that proves ownership interest in a piece of real property.

Title issues: Partial ownerships and encumbrances-- such as liens, mortgages, deeds of trust, rights-of-way, and severed mineral interests-- that must be addressed to conserve interests in real property.

Title search: In general, an examination of public records to determine a real property's legal ownership and what claims might be on the property. More specifically, a title search reveals the quality of ownership held by a person or entity, including partial ownership interests, as well as restrictions, allowances, and liens.

Transaction cost: an expense associated with the due diligence tasks needed to conserve interest(s) in real property. Examples include title examination, environmental hazards assessment, appraisal, baseline documentation, survey, and legal fees.

Unique or important wildlife habitat: living space identified as important for the species in greatest need of conservation in the State Wildlife Conservation Action Plan.

Unit of the National Park Service: land owned and managed by the National Park Service. There are five units in West Virginia: Appalachian Trail National Scenic Trail, Bluestone National Scenic River, Gauley River National Recreation Area, Harpers Ferry National Historical Park, and New River Gorge National River. Additional information is available at <https://www.nps.gov/state/wv/index.htm>.

USDA Natural Resources Conservation Service: an agency of the US Department of Agriculture that provides technical and financial support to landowners for the management of soil, water, wildlife, and other natural resources. Additional information is available at <https://www.nrcs.usda.gov/wps/portal/nrcs/site/wv/home/>

Viable reproducing population of brook trout: a group of individual brook trout that interbreed and has a reasonable chance of being sustainable, and as identified by the WV Division of Natural Resources. Find a nearby office at www.wvdnr.gov/contact.shtm .

West Virginia Wildlife Diversity Program: a strategy and set of projects implemented by the WV Division of Natural Resources aimed at maintaining rare species. For more information, go to <https://wvdnr.gov/plants-animals/conservation/>.

Wetlands: areas that are seasonally to permanently flooded or inundated and include swamps, marshes, and bogs. Maps of wetlands are available at www.fws.gov/wetlands/Data/Mapper.html. Additional areas not indicated as wetlands may also be wetlands and can be verified by a professional ecologist or soil scientist.

Wildlife Management Area: land managed by the WV Division of Natural Resources for maintaining wildlife and fish populations and providing public hunting and fishing opportunities. For these criteria, reference is restricted to wildlife management areas owned by the Division of Natural Resources. Additional information is available at <https://wvdnr.gov/lands-waters/wildlife-management-areas/> .

Written consent from owner(s) of interest in real property: A letter, issued by the owner(s) of the real property, that gives the applicant consent to apply for an OHCF grant. If there are multiple owners, all owners must give consent. Alternatively, an affidavit or other documentation must be obtained giving one owner the legal authority to represent all other owner parties.

Written cost estimate: An evaluation of each expected transaction cost written by the person that will perform the service.

WV DEP Ecological Assessments of Watersheds: Specifically, qualifying watersheds are those identified with Unimpaired WVSCI Scores and Optimal RP Habitat Scores. See <https://dep.wv.gov/WWE/watershed/wqmonitoring/Pages/EcologicalAssessments.aspx> for definitions and qualifying watersheds.