



Conservation Easement Grant Application

Applicant Information

Organization Name (must be a 501(c)3 land trust/conservancy) _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

Project Information

Project Title: _____

Name On Property Deed: _____

Property Information: Acreage (Project): _____ Acreage (Parcel): _____

County Tax Map/Parcel No: _____

Municipality/Township: _____

Property Street Address: _____

Does the project cover the entire property, or only a portion? _____

Please provide a map of the project property showing the boundaries of the property and the boundaries of the easement area.

Existing Forest Stewardship Plan? Yes No

Grant Request for Eligible Project Costs:

Baseline Documentation	\$ _____	Signs	\$ _____
Legal Fees	\$ _____	Survey	\$ _____
Stewardship/Monitoring Legal Fund	\$ _____	Title Search	\$ _____
Phase I Environmental Assessment	\$ _____	Staff Support (Limited to 10% of Total)	\$ _____
Recording of Conservation Easement	\$ _____		

Total Eligible Costs \$ _____

Total Request From Common Waters Fund \$ _____

Current Site Conditions:

Is the project area currently forested? Yes No

Is the project area adjacent to a stream? Yes No How many feet of stream frontage? _____

Is there an existing conservation easement on the property? Yes No

Are there any other encumbrances on the property (e.g. natural gas lease, mortgage, etc.)? Yes No

If Yes, Explain: _____

Is the forest currently certified by the American Tree Farm system or Forest Stewardship Council? Yes No

Please provide a short description of your project, included why funding from Common Waters is required to complete this project:

Matching Funds:

Matching funds are not required to qualify for funding. However, matching funds are considered in the ranking of applications. Projects with matching funds will receive a higher score than projects with no matching funds.

Is the project a purchased easement or a donated easement? _____

If the project is a purchased easement, what is the total cost of the project? _____

If the project is a donated easement, what is the estimated value of the donated development rights? _____

If an appraised value is available, please provide this value

What is the total amount of funding from sources other than Common Waters? _____

What are the sources of matching funds? _____

Attachments:

Please attach the following to your application:

1. Location Map, showing the property and significant natural features
2. Title Report
3. Draft Deed of Conservation Easement
4. Description of the property based on the Easement Criteria described in the application procedures (1 page maximum)

Land Trust/Conservancy Agreement: I agree.....

1. The Deed of Conservation Easement will allow for sustainable forest management according to an approved management plan that meets at minimum the standards of the state Forest Stewardship Program.
2. If a Forest Stewardship Plan or equivalent does not exist on the eased property, to have a plan written by a qualified forester that meets the Common Waters and state Forest Stewardship Program plan standards prior to the initiation of any forestry activities on the property. The Common Waters plan standards are available from the Pinchot Institute for Conservation.
3. To assume all responsibility for the monitoring and stewardship of the restrictions contained in the Deed of Conservation Easement.
4. To comply with all of the Land Trust Alliance's Standards and Practices.
5. To provide the Pinchot Institute for Conservation with monitoring reports and site photos for verification of maintenance of the Deed of Conservation Easement's restrictions upon request.
6. I am responsible for payment of invoices. Upon submission of appropriate documentation, payment will be made directly to me.
7. The Pinchot Institute obligation is subject to availability of funds and can be terminated at any time for any reason before implementation.
8. To provide information about additional funding opportunities and other program related communications.

APPLICANT NAME (PRINT)

TITLE

SIGNATURE

DATE

If you do not submit your application in person or online, you may mail it to the address below.

Common Waters Fund
PO Box 1029
Milford, PA 18337

Thank you for submitting your application.

FOR INTERNAL USE ONLY:

Easement costs funded by this application:

Total number of acres: _____

Total cost: _____

Property SWP and APCW scores: _____

Total PPR score: _____

Application accepted for funding? Yes No _____

Funding Obligated: _____
TE

Project #: _____

Authorization to release funding: _____
(Project implemented and verification received)

PROGRAM DIRECTOR SIGNATURE

DATE

Invoice #: _____

Mailed: _____
DATE

PROCEDURES

The Common Waters Fund will provide financial assistance to qualified 501(C)3 land trusts and conservancies for the purpose of forest conservation for source water protection.

ELIGIBLE APPLICANTS

Under this component of the Common Waters Fund program, only not-for-profit 501(c)3 land trusts and conservancies are eligible to apply for funding to cover the costs associated with donated or purchased conservation easements.

A land trust is defined as an organization which is organized as a charitable organization under federal tax laws and has the mission of actively working to conserve land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of such land or easements and is directly involved in conserving land for its natural, recreational, scenic, historical and productive values.

Land trusts work with landowners and the community to conserve land by accepting donations of land, purchasing land, negotiating conservation agreements on land and stewarding conserved land through the generations to come.

Qualified land trusts will be members of the Land Trust Alliance (LTA) and have adopted the LTA Standards and Practices. Applications from land trusts that have completed the accreditation process with the Land Trust Alliance will be ranked higher than applications from organizations that have not.

ELIGIBLE ACTIVITIES

Under the Common Waters Fund, financial assistance is available for costs associated with the establishment of both donated and purchased conservation easements.

In the event that a landowner is donating or selling a conservation easement to a qualified land trust, the Common Waters Fund will consider applications to cover certain expenses associated with the establishment of the conservation easement. Conservation easements must be held by a 501(c)3 land trust to qualify for funding from this program. The land will be restricted from development in perpetuity. All conservation easements, donated or purchased, established with funding assistance from the Common Waters Fund must allow sustainable forest management.

The Deed of Conservation Easement is a recorded legal document between the landowner and the easement holder that outlines the original landowner's intentions and conservation goals for the property. A conservation easement is perpetual and follows the property forever.

The Common Waters Fund reserves the right to request changes or additions to the Deed of Conservation Easement for each application, and must approve the final Deed of Conservation Easement.

EASEMENT CRITERIA

Donated or purchased easements should be at least 25 acres in size to be considered for grant funding under the Common Waters Fund. Conservation easements under 25 acres will be considered on a case by case basis and may be accepted if extraordinary values are present. Extraordinary values that will be considered include significant natural resources values for water quality or uniquely situated lands, e.g. significant stream frontage in a Priority Funding Area.

The property must be located within a Priority Funding Area as designated by the Common Waters Fund.

90% or more of the easement area must remain undeveloped.

The conservation easement must be in perpetuity.

Applications submitted for funding under this grants program will be evaluated to determine their suitability according to the following criteria:

- Adjacency to protected areas
- Location within a Priority Funding Area
- Importance for source water protection
- Proximity to surface water connected directly to the Delaware River
- Size
- If a purchased easement, the degree of leveraging with matching funds

ELIGIBLE COSTS

The following costs are eligible for funding under the Common Waters Fund:

- Baseline documentation costs (such as a list of flora and fauna of interest, photographs of the property, topographic and soils mapping). If baseline documentation is completed in-house, it shall be documented separately from general staff support.
- Customary legal fees
- Monitoring, stewardship, and legal defense fund costs (typical maximum of \$15,000; may exceed \$15,000 for extraordinary and large properties)
- Phase I environmental assessment
- Recording of deed of conservation easement
- Signs
- Survey
- Title search
- General staff support for easement related activities (capped at 10% of total grant request)

These are the only eligible costs that will be considered for grants for donated and purchased conservation easements under this grant program. Eligible costs incurred by the applicant after the expiration date of the applicable grant contract will not be reimbursed by the Common Waters Fund and will be the sole responsibility of the applicant.

Grants are provided by the program to meet funding needs associated with the establishment of conservation easements. Grant applications will include an estimate of costs associated with the establishment of the conservation easement. Grants will be made consistent with these estimates. At the conclusion of the grant contract, the applicant must provide the Common Waters Fund with a full accounting of how the funds were allocated and spent. Any remaining funds at the end of the grant period must be returned to the Common Waters Fund.

DEADLINES

Applications may be submitted to the Common Waters Fund for consideration at any time. Only applications that are deemed administratively complete will be brought to the Common Waters Fund Project Selection Committee for review and consideration.

There is a strong preference for applications for grants to support projects that are in the final stages of development (e.g. cost recovery and/or completion of the final steps of an easement project). Grants may also be provided for projects that are in earlier stages of development if funding will allow the project to move forward when it otherwise would not.

MAXIMUM GRANT REQUESTS

Maximum grant amounts are subject to review by the Common Waters Fund Advisory Committee.

The maximum grant for a typical application is \$25,000.

For extraordinary or very large easements, the maximum grant is \$50,000. Projects will be considered for funding above the \$25,000 funding cap on a case-by-case basis by the Common Waters Fund Project Selection Committee.

In Pike County, applicants must also submit applications to the Pike County Scenic Rural Character Preservation Board for funding through the County's Donated Conservation Easement Grant Program if they are applying for funding for a donated easement. For donated easements, the Common Waters Fund program will fund costs that are not supported or under supported by the Pike County program. Common Waters will also consider projects that were rejected by the Pike County program because of the differing priorities of the two programs. The maximum funding for donated easements in Pike County from the Common Waters Fund Program is \$25,000. Grants for purchased easements have the same criteria in Pike County as in other counties.

VALUE OF CONSERVATION EASEMENTS

If the landowner wants to claim a charitable tax deduction, the IRS requires the landowner to obtain a "qualified appraisal" to justify the value of a donation over \$5,000. A "qualified appraisal" includes: a description of the property, information on the appraiser's qualifications, the valuation method used to determine fair market value, and a description of the fee arrangement between the appraiser and the donor (Treasury Regulation §1.170A-13T(c)(1)). The appraisal must be performed by an appraiser who is "qualified to make appraisals of the type of property being valued" and who is "independent" of the donor and the easement holder.

Appraisals are not considered an eligible cost under this program, and will not be considered for funding.

APPLICATION PROCESS

Applicants must comply with all components of the application procedures in order to be eligible for funding. The application procedures are hereinafter set forth.

Applicants are strongly encouraged to schedule a pre-application meeting with the Common Waters Fund Program Coordinator to discuss the scope and intent of the proposed project.

Funding recommendations will be made by the Common Waters Fund Project Selection Committee on a rolling basis once applications are completed. Typically, applicants will be notified if their application has been accepted for funding within 2 months of submission.

APPLICATION PROCEDURE

1. APPLICATION SUBMISSION

Applications for funding should be made only after a landowner has committed to placing a Conservation Easement on their property. There should also be clear evidence that funding is required to move forward with the easement process. For applications seeking funding for purchased easements, documentation of matching funds and the need for funding from this grant program is required as a part of the application.

Applications are submitted to the Common Waters Fund Project Selection Committee via the Common Waters website (www.commonwatersfund.org). The application package contains the following:

1. Grant Application Form
2. Location Map, showing the property and significant natural features
3. Title Report
4. Draft Deed of Conservation Easement
5. Description of the property based on the Easement Criteria described above (1 page max)

2. REVIEW BY PROJECT SELECTION COMMITTEE

The Common Waters Fund Project Selection Committee will review all applications for completeness and make a recommendation of grant approval or denial to the Common Waters Fund Program Coordinator. Incomplete application packages will be rejected. Additional documentation may be requested by the Project Selection Committee prior to grant recommendation. The Project Selection Committee may also ask to meet with the applicant or to conduct a site visit prior to making a decision. Applicants should be notified by the Common Waters Fund Program Coordinator of acceptance or rejection of their application within two months of submission.

3. GRANT AWARD AND CONTRACT

The Common Waters Fund Program Coordinator will notify applicants when a decision on applications has been made. For unsuccessful applications, the Program Coordinator will inform the applicant of the reasons for rejection. Applicants may apply again for funding if a project is modified from the original application.

For successful applicants, the Common Waters Fund Program Coordinator will forward two copies of the Grant Agreement to the applicant for signature. Both copies must be signed, dated, and returned to the Pinchot Institute for Conservation for signature by the President of the Institute. The applicant will receive one copy of the fully executed agreement for their records.

4. REVIEW OF CONSERVATION EASEMENT

The applicant must present the final Deed of Conservation Easement to the Common Waters Fund Program Coordinator prior to execution and recordation. Along with the final Deed of Conservation Easement, the applicant must submit a statement of any changes made to the easement language from the draft easement submitted with the original grant application. The Common Waters Fund Program Coordinator will review the final Deed of Conservation Easement with the applicant to ensure it is consistent with the original grant application and the goals of the program.

5. POST-SETTLEMENT REPORTING REQUIREMENTS

The applicant will provide a copy of the recorded Deed of Conservation Easement with Deed Book and Page Numbers affixed. The applicant must also submit a final report providing the following:

- A narrative description of how the funding was used
- An explanation of any changes in funding allocations from the original grant application
- Any lessons learned from the process of carrying out the work associated with this grant that may help the Common Waters Fund improve its grants process in the future
- A detailed accounting of expenses. Financial reporting must provide total expenditures by category, using the same categories found on the grant application. Financial reporting also must provide budget versus actual expenses and explanation of any differences between budgeted and actual expenses.
- Documentation of any matching funds used to complete the project provided either by the land trust or another organization. If available, the land trust shall also submit documentation of the value of the conservation easement for donated and bargain priced easements. The value of donated and bargain priced easements will be considered matching funds by the Common Waters Fund.

GRANT ADMINISTRATION

Applicants to the Common Waters Fund must comply with all applicable state, federal, and/or local laws and regulations; all provisions set forth in this grant manual; and the grant agreement. Should any state, federal, or other third party funds be obtained for use in an applicant's Common Waters-funded project, applicants must comply with all rules and regulations of the funding entities.

1. Grant Period

The approved project must be completed within six months from the date of grant agreement. In the event that the conservation easement will not be recorded before the original agreement completion date, the applicant may submit a written request for a grant extension of three months. Grant extension requests will be reviewed and approved by the Common Waters Fund Program Coordinator. All grants under this program must be completed by Sept. 30, 2012.

2. Grant Distribution Schedule

Grants will be paid upon project completion once the final grant report and other materials are received and approved by the Common Waters Fund Program Coordinator. Exceptions will only be granted under extraordinary circumstances and must be approved in writing by the Program Coordinator at the time the grant is approved. Grant checks will be payable to the 501(c)3 land trust who submitted the approved grant application. The final grant payment will reflect actual grant expenses up to the original grant amount. If actual expenses are lower than originally estimated, the total grant payment will be equal to actual expenses. If actual expenses are higher than originally estimated, the total grant payment will equal the amount requested in the grant application.

CONSERVATION EASEMENT INSPECTION AND ENFORCEMENT

The grantee has primary responsibility for inspection and enforcement of conservation easements funded through this program. The Pinchot Institute for Conservation shall have the right to enforce all Common Waters Fund Grant Agreements by any proceedings at law or in equity against the applicant or any person or persons violating or attempting to violate any provision of the grant agreement, to restrain violations, or require specific performance, and/or to recover damages.

If the Pinchot Institute for Conservation determines that the applicant is in violation of the terms of the grant agreement or that a violation is threatened, the Pinchot Institute shall give written notice to the applicant of such violation and shall demand corrective actions sufficient to cure the violation. Where the violation involves injury to the property resulting from any use or activity inconsistent with the permitted uses of the grant agreement, the applicant shall restore that portion of the property so injured. If the applicant fails to cure the violation within thirty days after receipt of notice thereof from the Pinchot Institute, or under circumstances where the violation cannot reasonably be cured within a thirty day period and the applicant fails to begin curing such violation within the thirty day period, or the applicant fails to diligently continue curing the violation until finally cured, the Pinchot Institute may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of the grant agreement, to enjoin the violation ex parte as necessary by temporary or permanent injunction to recover any damages to which it may be entitled for violation of the terms of the grant agreement or injury to any interest protected by the grant agreement, and to require the restoration of the property to the condition that existed prior to such injury.