

# **Program Guide to the Blaine County Land Water and Wildlife Program**

(Made possible by the Voter-Approved Land, Water and Wildlife Levy)

## **PROGRAM SYNOPSIS**

The [Land, Water and Wildlife Program](#) (“Program” or “LWWP”) is made possible by the citizens of Blaine County, who approved a two-year levy (“Levy”) that raised over \$3.3 million from a portion of property taxes. These funds are available and are helping to protect some of the County’s natural resources, which greatly contribute to our quality of life.

### **Program Highlights**

- Participation by Program applicants is voluntary
- Partnerships are welcomed
- Acquisition projects (e.g., conservation easements or acquisition of a water right), restoration and other non-acquisition projects, and transferable development rights projects are eligible
- Commitment to maximizing public benefits through matching funds
- Lasting conservation value sought

### **Primary Conservation Goals** (from BCC Resolution 2008-71)

- Preserve working farms and ranches, agricultural lands, natural areas and important open spaces
- Protect water quality, rivers and streams, riparian corridors, flood plains, wetlands and water rights
- Protect and preserve wildlife, habitat, and transit and migration corridors
- Preserve or enhance trail corridors
- Provide public access to water bodies in the Big and Little Wood River watersheds
- Transfer development rights from Sending Areas to Receiving Areas
- Support public/private partnerships.
- Conserve, restore, or maintain and otherwise provide for proper stewardship of lands and waters.

**Eligibility:** The Program accepts applications for large and small projects that align with the goals of the Program, in keeping with priorities identified by the public. Landowners, nonprofits, municipalities, government agencies, Blaine County and other entities meeting the criteria of Section 170(h) of the Internal Revenue Code or equivalent may apply.

**Application Process:** Short Pre-Applications are accepted any time and are reviewed promptly. They provide the opportunity to receive feedback on a proposed project without investing extensive time and resources. If a Pre-Application is approved, a Full Application is invited. Full Application deadlines are three times/year, listed on the web site (address below).

**Levy Advisory Board:** The Land, Water and Wildlife Program requires a Levy Advisory Board (LAB), comprised of volunteer Blaine County residents. The LAB’s primary responsibility is to give its opinion as to the highest and best use of LWWP funds to achieve optimal conservation and public benefit.

**Further Information and Inquiries:** Please contact the Program Coordinator, Blaine County Land Use Services, 219 1<sup>st</sup> Avenue South, Ste. 208, Hailey, 208-788-5570 or visit the [Program’s web site](#) at Blaine County >>> County Departments >>> Land, Water & Wildlife Program.

## **I. This Guide and Program Materials**

This Guide describes how the Blaine County Land Water and Wildlife Program (“Program” or “LWWP”) was developed, how it is being implemented, the general process by which projects are selected to receive funding from the Land, Water and Wildlife Levy and how to apply. See the Attachments for: #1 Application Process Summary; #2 Partner – Role Definition; #3 Non-acquisition Projects – Summary; #4 Eligible and Ineligible Costs for Funding; and #5 Glossary of Terms.

Other key Program Materials documents are the Pre-Application, Full Application and Project Evaluation Checklist, each of which is described below. Operating [Policies and Guidelines](#) are also on the web site.

## **II. Background**

### **A. The Levy:**

In November 2008, voters in Blaine County, Idaho, (County) approved the Land, Water and Wildlife Levy (“Levy”). The two-year Levy generated approximately \$3.3 million “... to protect lands and water quality in the Big Wood and Little Wood River valleys, protect wildlife habitat throughout the county, and protect working farms and ranches in the county”<sup>1</sup>

Funds generated by the Levy are distributed through the Program. The primary purpose of the Program is to conserve resources in the Wood River Valley to fulfill the objectives of the Levy and the associated Board of County Commissioners (BCC) resolution Number 2008-71.

As required by the voter-approved ballot language, the BCC appointed a citizens’ oversight committee, known as the Levy Advisory Board (LAB) in August 2009. The LAB’s job is to recommend policies and procedures for implementing the Levy and to make recommendations to the BCC about priorities for funding. Visit the Program’s web site for a list of LAB members, information about the LAB’s work and opportunities to participate in the Program.

### **B. Assumptions and Values:**

The following assumptions and values are the cornerstones of the Program and its policies and procedures:

- Participation in the Program is entirely voluntary. Landowners must be involved from the start to ensure they are supportive of proposed projects.
- Projects will usually require partnerships between a Landowner and an appropriate Partner organization. Partners are nonprofit and governmental entities with the expertise and experience to complete conservation transactions, steward land or easements, do restoration or other non-acquisition projects and secure funding to leverage Program funds.
- The LWWP may play a role in initiating and developing projects. Prior to doing so, the LAB and County staff will carefully evaluate what role the LWWP should play. Projects developed with LAB involvement will need to meet the same criteria as any other projects.

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<sup>1</sup> 11/2008, Blaine County Land Water and Wildlife Levy

- If a project will result in conveyance of a conservation easement, the Partner must be qualified as described in Idaho Code 55-2101, Idaho’s conservation easement enabling legislation.
- Project evaluation will be as open and transparent as possible to build public confidence in how the Levy funds are spent while respecting Landowners’ reasonable privacy interests.
- The County will focus on protecting private lands using conservation easements and other legal tools as may be appropriate, rather than by increasing public ownership through acquisition. However, if a Partner entity wishes to request funds for a purchase of land or water rights, the County will consider such a request.
- The County will also consider transferable development rights projects (TDRs) and non-acquisition projects. Non-acquisition projects may include but are not limited to: stream or wetlands restoration, wildlife habitat improvement, wildlife migration and transit corridors’ protection, water quality improvement, tributary reconnections and studies directly linked to a project.
- The County will minimize the amount of money spent on staff and other expenses associated with implementation, and maximize the amount of money spent on conservation.
- The County is committed to securing as much matching money as possible in order to achieve the most public benefit possible with Levy funds.
- Lasting conservation results are essential for demonstrating that Levy funds are well spent. Conservation easements shall be in perpetuity.
- All partnerships are carefully evaluated to ensure that they serve the public interests and produce outcomes that would not otherwise be possible.
- The County controls how Levy funds are spent and will demand accountability from all Partners.

### **C. Program Structure:**

The LAB worked with County staff to develop a recommended structure and associated policies and procedures for the Program. The LAB solicited input from local municipalities, other government agencies, local nonprofit land conservation organizations and the general public through three public workshops in order to refine the goals established in the ballot and resolution. With the help of a consultant, the LAB also studied how other communities throughout the country have achieved their resource protection objectives. The final recommendations made by the LAB and adopted by the BCC are described in this Guide. They include the Program’s Project Evaluation Process, Application Process (including Due Diligence and Closing Requirements). The web site has further information on specific topics and operating policies under “Policies and Guidelines.”

In order to maximize the effectiveness of the Program and secure the highest possible level of financial leverage, the County will work closely with partner entities on transactions and restoration efforts. Partnerships will be crucial for the success and financial efficiency of the Program. Local, state and federal government agencies, non-profits, educational institutions and all entities qualified under Section 501(c)(3) of the Internal Revenue Code, described in IRC 170 (h), whose missions and activities overlap with those of the Program, are considered potential partners. As part of the project evaluation process, the Program will assess the capacity of the partner to carry out the proposed project.

When projects involve acquisition and donation of land, a conservation easement or a transferable development right (TDR), Landowners will decide what entity (i.e., Partner) will best help them meet their objectives.

In order to achieve good conservation outcomes consistent with Levy goals, the Program may: (1) make grants to nonprofits and government entities whose conservation activities help to meet both landowner and LWWP goals, and (2) fund its own direct transactions with Landowners.

The Program is also interested in projects that improve and restore natural systems and processes to achieve the Levy objectives, even if there is no land transaction involved. Such projects may also involve a Partner. For specific information about types of projects, refer to the [Project Evaluation Checklist](#) (“Checklist”), and the [Full Application for Conservation Funding](#) (“Full Application”).

#### **D. Interface with other County Programs and Processes**

The LWWP operates under the authority of Blaine County. At certain stages of the application process, evaluating applications may be contingent on completion of other County requirements. Examples include securing land use and building permits such as Stream Alteration Permits and Platting. Refer to the [Policies and Guidelines](#) for further information.

### **III. Project Evaluation**

#### **A. Six Minimum Criteria Questions**

In order to be eligible for funding from the LWWP, a project must meet Six Minimum Requirements at the Full Application Phase (see Section IV below). These are also on page 1 of the Project Evaluation Checklist.

1. Is the project located in Blaine County?
2. Does the project serve at least one of the three primary levy purposes by protecting land, water or wildlife?
3. If this is an acquisition, is there a willing seller? For all other projects, has the landowner committed their property for the project?
4. Is there a qualified entity willing and able to hold and maintain the land interest to be conveyed? If a non-acquisition project, is there a qualified entity willing to take responsibility for the completion, maintenance and enforcement of the project?
5. Have matching funds or other leverage for the LWWP’s funding been sought? (Matching funds may be required).
6. Will the project have lasting conservation outcomes?

#### **B. Evaluation Process**

The Program’s Project Evaluation Process is designed to be streamlined and respectful of Landowners’ interests while securing maximum public benefit and high levels of accountability. The LAB has the authority only to make recommendations to the BCC regarding project approval and expenditure of the Levy funds.

The [Project Evaluation Checklist](#) (“Checklist”) is the Program’s objective tool for assessing how well a project achieves the voter-approved goals for Levy funding. All Program goals that can be quantified with available data, scientific information or objective observation are analyzed using this tool. The Checklist is based on guidance from local nonprofit and government partners, stakeholder input, opinions provided in three public meetings, information from past County-wide planning efforts, results from the poll conducted in advance of the 2008 campaign and data from federal, state and local governments and conservation organizations. The Checklist provides County staff, the LAB, BCC,

Landowners and Partners with a shared evaluation methodology and common understanding of the Program's priorities.

The long-term viability of conservation projects will be heavily influenced by the capacity and reputation of the Partners. Accordingly, project evaluation includes an analysis of the Partners' capabilities and experience.

### **C. Other evaluation considerations:**

In addition to the Project Evaluation Checklist, county staff, LAB and the BCC may consider other information as they evaluate a request for funding, including observations from site visits, issues raised in the Application or prior experience with other conservation initiatives. Considerations could include opportunities to:

- Conserve large blocks of land that serve Levy goals. Many of the resources valued by citizens of Blaine County require conserved areas with substantial acreage. Accordingly, the Program may give preference to more sizeable tracts or those that link protected areas. Program objectives will be well served by adding to existing protected lands.
- Complete conservation of larger landscapes or ecosystems, or a significant portion thereof: Oftentimes, conservation benefits extend beyond the boundaries of the project. Viewing conservation outcomes within a larger context is important.
- Maximize public benefit return on County funds: Projects offering multiple benefits will be favored in order that natural resource and financial value is maximized for public benefit. The Program seeks to leverage Levy funds with money from other sources or reduced purchase prices offered by generous landowners. Projects that provide higher levels of match may be a higher priority for County funding,
- Conserve working agricultural lands: Supporting working lands is a key goal of the Program. Accordingly, in considering the nature of the agricultural operation, the current condition of the land and the use of water, the Program may address whether and how the project could help make the agricultural operation more environmentally and economically sustainable.
- Protect water sources and quality: In keeping with the primary objectives of the Levy, the Program will prioritize projects that protect ground or surface water quality or quantity in Blaine County watersheds. Of particular interest are projects that preserve or restore native riparian vegetation, natural watercourses and buffers (beyond what is required by the County) to filter pollutants.

Projects committing senior water rights to purposes that fulfill the goals of the Levy, in locations where development would most impact natural flows and water quality, are likely to be high priorities. Water quantity and quality are inextricably linked, so, to the degree legally possible, the Program will invest Levy funds in projects that conserve water to benefit natural systems. Other desirable characteristics include protecting both banks of a waterway, length of reach, current stewardship efforts and other evidence of good or improving water quality.

- Protect habitat for wildlife and fish: The Program aims to support area wildlife by investing Levy funds in projects that conserve a variety of species or are critical to one particular species.

Special consideration will be given to projects with high-quality habitat, properties that provide a diversity of habitat types, projects that protect, expand or improve migration corridors or transit routes, and sites that contribute most to the survival of area fish and wildlife.

- *Provide opportunities for outdoor recreation and public access:* The Program will give consideration to projects that provide outdoor recreation and public access.
- *Ensure lasting conservation outcomes:* It is a central goal of the Program that results be lasting. Accordingly, in the process of evaluating proposals, transaction terms and conditions will be carefully scrutinized to ensure this objective is met. A property may contain fine resources, but if the proposal will not adequately protect or ensure the lasting quality of these resources, the project may not be selected as a priority for funding. Conservation easements must be intended to be perpetual. Due to the dynamic aspects of natural systems and processes, at least three years of monitoring and reporting will generally be required for non-acquisition projects.

#### **D. Changes to the Proposed Project:**

The LWWP understands that changes can occur to projects as they progress. Because LWWP is a public program, and to help maximize the use of the taxpayer-approved levy funds, the County requires that applicants disclose promptly, fully and in writing to the Program Coordinator new information and changes affecting their project. Doing so increases the opportunity to address changes productively. Failure to communicate changes may jeopardize the application's chances for success. Applicants only need to submit a new Pre-Application or Full Application if the LAB votes to request one. Applicants shall address questions on all topics to the Program Coordinator.

Substantial changes shall be communicated and may require re-application. Such changes include: total project cost, request to LWWP (dollar or per cent of total project cost), acreage, conservation values, factors affecting the Six Minimum Requirements in the Project Evaluation Checklist, amount and scope of development, changes in any proposed subdivision of the property, the conservation tool, or the partner. Other important factors are changes to: other funding sources, landowner sentiment and other matters that may affect the landowners' ability to complete the project.

#### **IV. Applying for funding from Blaine County's Land Water and Wildlife Program**

The Program uses a multi-phase application process to determine which individual projects will receive funding. This structure, which uses a short Pre-Application followed by a Full Application, was designed to make it relatively easy for Landowners to propose projects and minimize upfront costs, while ensuring that county funds are thoughtfully spent on solid, thoroughly vetted projects. All funding decisions will be made by the BCC based upon recommendations of the LAB, County staff, legal counsel and public input.

All four application phases -- Pre-Application, Full Application, Due Diligence, and Final Review and Funding -- are described below. See Attachment #1 for a summary.

##### **1) Pre- Application Phase:**

This initial phase gives the Landowner and/or a Partner the opportunity to make a basic proposal without spending money on expensive investigations or waiting an extended period to receive a response. Using

the simple, two-page [Pre-Application Form](#), the project proponents can determine if the Program is interested in the proposed project and would like to learn more about it. The steps associated with Pre-Application are:

1. The Landowner and/or a Partner complete and submit the two-page *Pre-Application Form* at any time.
2. County staff reviews the completed *Pre-Application Form*, gather any necessary information, prepare an initial evaluation and provide a package to the LAB members.
3. Members of the LAB review the completed *Pre-Application Form* and associated information and discuss the proposal at the next regularly scheduled meeting.
4. The Landowner or Partner may present the project at the LAB meeting. In the event that the Landowner or Partner is interested in discussing personal financial or legal matters, the LAB chair may call for an executive session.
5. After discussion and public comment, the LAB makes a determination as to whether the project, if implemented as proposed, would generally meet the objectives of the Levy and the goals of the Program, and thus should be pursued further. If the LAB votes “Yes”, the project moves to the Full Application Phase. Approval of the Pre-Application does not guarantee or assure funding.
6. The *Pre-Application Form*, LAB recommendation and other information is provided to BCC. The BCC may ask questions, decide to hold a public hearing or become involved in whatever ways it sees fit.
7. If the County is the applicant, the BCC will have the option to hear and decide upon the Pre-Application.

## **2) Full Application Phase:**

If a proposed project receives an affirmative vote from the LAB in the Pre-Application Phase, the project advances to the Full Application Phase. The Partner, in cooperation with the Landowner, is invited to submit a [Full Application for Conservation Funding](#). The LWWP may in certain cases require deposits in advance or reimbursement for certain costs incurred, or to be incurred, by the County.

The Full Application gives the Landowner and Partner the opportunity to describe in detail how the project serves the public interest and accomplishes the Program’s purposes, and to provide the information necessary for the County to evaluate the desirability of the project. In general, for projects involving an acquisition of an interest in land, the information and documents requested are comparable to those required in any real estate transaction. However, to ensure accountability for the Program funds, the County may request and review additional documents as may be necessary to ascertain that the project’s conservation values are lasting.

The steps in the Full Application Phase are:

1. Landowner and Partner complete the *Full Application for Conservation Funding*, including the [Project Evaluation Checklist](#), attach all required materials and submit the package to the County prior to the next established deadline. (Currently the Program offers three funding rounds per year. Visit the Program’s web site for application deadlines).
2. County staff reviews the Application and associated materials for completeness. Staff may add other relevant information and their recommendations and forward the package to the LAB.

3. After reviewing the Application package, members of the LAB and County staff and possibly one of the County Commissioners will visit the project site at a time that is acceptable to the Landowner and Partner.
4. The Landowner and Partner are invited to give a short presentation to the LAB in a public meeting. (At the request of the Landowner, the LAB may close a portion of the public meeting to protect the reasonable privacy interests of the Landowner and/or Partner.)
5. The LAB evaluates the potential project(s) using the [\*Project Evaluation Checklist\*](#), results from the site visit, information in the Application and input from expert sources and counsel. The public benefits offered by a project are assessed relative to the goals of the Program.
6. In a public meeting, following discussion and public comment about the pros and cons of the proposed project, the LAB votes either to recommend or not recommend the project to the BCC for Conceptual Approval as a priority for funding.
7. County staff prepares a report to the BCC that summarizes the public benefits, financial considerations, possible issues and the LAB's recommendation for each project.
8. The BCC reviews the summary reports and application materials. At a regularly scheduled and noticed public meeting of the BCC, Landowners and Partners will have an opportunity to make a presentation. The BCC will accept public comment and input from the Landowner and/or Partner and decide whether to grant Conceptual Approval to the proposed project and terms at that time.

When the BCC approves a project at this stage, the Commissioners accept, in concept, the proposed terms of the project, indicate that the resources and other property characteristics fulfill the objectives of the Program and approve the mechanisms by which they will be conserved. Conceptual Approval does not form any contract or guarantee project funding. The project and property will undergo additional scrutiny, known as "due diligence investigations" prior to the BCC making a final decision to approve the project and authorize expenditure of Program funds.

### **3) Due Diligence Phase:**

Due diligence investigations verify that the physical and legal condition of a property are as described in the Full Application. Disbursement of County funds to the Applicant will not occur until all the investigations are satisfactory to the County, all documents are complete and the BCC has made a Funding Decision to approve the project.

The County requires that some due diligence documents be submitted with the Application. However, to reduce upfront costs for Landowners and Partners, the Program allows several of the most costly investigations to be postponed until after the BCC gives Conceptual Approval to the Full Application. The County's due diligence ensures that the project will be implemented as approved and that the conservation protections are sufficient and enforceable. The Landowner and Partner are responsible for the investigations and providing the documentation (listed below and in the Full Application) for review and approval by the County.

Although the actual list of Due Diligence requirements may vary, for projects involving an easement, TDR, transfer of fee title or other property interest, and for non-acquisition projects, these requirements will generally include:

- Title commitment for the subject property and resolution of any title issues.
- Final appraisal validating the anticipated value or range of values stated in the Application.
- Copies of all required permits or approvals.

- Letter from landowner's lending institution(s) agreeing to subordinate all loans/mortgages to the conservation easement, if any, and ultimately a recorded subordination.
- Land survey, in some cases, indicating all features of the property pertinent to the project, in the LAB's or BCC's discretion.
- Phase I environmental hazard survey, or some equivalent and previously approved type of investigation and resolution of any significant problems revealed.
- A Mineral Rights Statement.
- Evaluation of information on water rights and their ownership provided with the Full Application.
- The actual conservation easement (or other previously-approved legal instrument) with all of the terms as proposed in the Full Application. This must include language about the easement-holder and County responsibilities.
- A baseline documentation report, as customary for conservation easements, or a description of current property condition for other types of projects.
- A plan for managing the conserved or restored property.
- Purchase agreement between the County and the Landowner and/or Partner.
- Grant agreement to cover each party's rights and responsibilities if they have not been adequately covered in other documents.
- Closing arrangement information such as escrow instructions, if appropriate, and closing documents.

For TDR projects, due diligence will also generally include:

- Evidence of ownership of the TDR(s).
- TDR valuation method if other than appraisal, why it was chosen, and conclusion.
- Submission of a management plan, if one exists, to protect or improve the agricultural or conservation values on the property.

For restoration or other non-acquisition projects, due diligence will also generally include applicant's or landowner's:

- Final project design.
- Final project budget and explanation.
- Final work plan including timeline, checkpoints and benchmarks.
- List of third party contractors and their qualifications.
- Contracts with third party contractors.
- Re-vegetation plan.
- Contingency plans.
- Maintenance plan – during and beyond the required monitoring.
- Monitoring plans and reports, for three to five years post-funding, tailored to the project and aligned with requirements in other programs and processes (e.g., BC Stream Alteration Permits).
- Performance Guarantees with, and as may be required by, the County.

The County will also require evidence of the experience and competency of the entity (if not Blaine County) designated to hold the conservation easement or otherwise manage the conservation values or restoration and/or monitoring activities of the project.

Other documents may be required from the Partner and Landowner depending on the individual project and property conditions and circumstances, either at the time the Application is conceptually approved by the BCC or in response to information revealed during the due diligence investigations. Closing arrangement information such as escrow instructions, if appropriate, and closing documents are also required.

**4) Final Review and Funding Phase:**

1. The Landowner and Partner must conduct the due diligence investigations outlined above and provide the results to the County for review and approval.
2. County staff and legal counsel must review all Due Diligence items and provide to the LAB an analysis of the sufficiency of the investigations and results, including ascertaining whether the Due Diligence documentation is complete and sufficiently validates the information and terms provided in the conceptually-approved Full Application.
3. The LAB, in a regularly scheduled and noticed meeting, will evaluate the analysis of the Due Diligence documentation and conduct a final review of the project. The LAB will vote on whether to recommend the project to the BCC for their Final Review and Funding Decision. If there are fairly minor discrepancies or remaining questions, the LAB may recommend that the BCC proceed conditionally and authorize funding and closing once certain conditions have been met.
4. In the event that the Due Diligence documentation is incomplete or reveals substantial differences from the proposed project as presented in the Full Application phase, or the review reveals issues with the condition of the property, the LAB could recommend one of the following actions to the BCC:
  - a) Landowner and Partner remedy the issues and return to the LAB
  - b) If issues seem irresolvable, the County rejects the proposed project or
  - c) Requests resolution of issues as a condition of the agreement to disburse funds.
5. At a regularly scheduled and noticed public meeting, the BCC will conduct its Final Review and decide whether or not to approve the project and thereby authorize funding (the “Funding Decision”). After considering the recommendations from staff, counsel and the LAB, and hearing public comment, the BCC will vote whether to fund the project and proceed to closing. If the BCC votes affirmatively, County staff will work with the Landowner and Partner to close the transaction or fund the grant, as approved.

## Attachment #1

### Application Process Summary

#### 1) Pre-Application Phase

##### A. Pre-Application Phase

Applicant submits short, 2-page Pre-Application.  
LAB hears: Applicant invited to submit Full Application, or not.  
Vote required: Majority of quorum.  
Check web site for Full Application deadlines (three each year).  
Info goes to BCC; BCC may weigh in on at any time.

#### 2) Full Application Phase

##### A. Full Application – LAB

Applicant submits Full Application.  
LAB hears: Recommends to BCC for Conceptual Approval, or not.  
Vote required: 2/3 majority of quorum.  
Due diligence requirements discussed.

##### B. Full Application – BCC

BCC hears: Gives Conceptual Approval (or not).  
If approved, project moves to Due Diligence Phase.

#### 3) Due Diligence Phase

##### A. Due Diligence

Applicant completes Due Diligence and submits for LAB/BC review.  
All documents (CE, Grant Agreement, etc.) completed/approved.  
Counsel approves all.

##### B. Final Review – LAB

LAB hears: Reviews all documents.  
LAB recommends the project to BCC for funding, or not.  
Vote required: 2/3 of all LAB members.

#### 4) Final Review and Funding Phase

##### A. Funding Decision – BCC

Final Review: BCC and Counsel review all final documents.  
BCC hears: decides to fund, or not.  
If BCC decides to fund the project, it moves to Funding and Closing.

##### B. Funding and Closing

Blaine County funds the project, as approved.  
Documents signed and recorded.

## **Attachment #2**

### **Blaine County Land, Water & Wildlife Program Partner – Role Definition**

As referred to in the Program Materials, Partners may be non-profit conservation groups; federal, state and local governmental entities or agencies; or educational or other charitable organizations. A Partner may be required, depending on the type of project, in order to insure proper project administration, conservation value and public benefit.

The Landowner and the Partner are responsible for the project and its completion. This includes both (a) public benefit/conservation values and (b) project mechanics. The specifics may vary somewhat between acquisition of a real property interest (conservation easement, fee title ownership, etc.), transfer of development rights (TDRs), and restoration projects.

The Landowner and Partner responsibilities will vary depending on the type of project but may include:

- Application materials and due diligence documents: Submit all application materials (with the exception that landowners may submit Pre-Applications without a Partner).
- Conservation values and public benefit: Demonstrate these and how the project meets the LWWP goals.
- Contracts: The Landowner or the Partner must have the capacity to enter into contractual agreements with other entities.
- Communications: The Landowner or the Partner represents the project with Blaine County. The Landowner or the Partner negotiates, interfaces and coordinates with the project coordinator, LAB, LWWP and/or BCC regarding all aspects of the application, grant agreement, due diligence, other required documents, project completion and monitoring.
- Finances:
  - Budget: Create, oversee, track costs relative to budget, submit invoices.
  - Fundraising: Determine other sources, and secure funds in a timely manner as stated in the LWWP application.
- Permits: Secure all required stream alteration permits, subdivisions, etc. (See Attachment #5 “Permits and LWWP Funding Guidelines” for further information)
- Project Design: Design and/or provide oversight to whoever is doing it.
- Implementation: Do the project and/or oversee those doing it.
- Oversight: Insure the project is executed and completed as specified in the application materials, project plan and budget.
- Project Documentation: Track project progress, budget, timeline.
- Reporting and Monitoring: Provide and/or oversee monitoring of the conservation outcomes and project finances, and report to the LWWP/BCC as agreed upon.
- Long-term maintenance: To be determined on a project-by-project basis.

The LAB and Blaine County reserve the right to adjust these criteria depending on the type of project, the components to complete it successfully, and the capability and experience of the Partner.

## Attachment #3

### Non-Acquisition Projects - Summary (often called Restoration Projects)

**Definition:** Non-acquisition projects are those that do not necessarily include an acquisition of a real property land or water interest. Non-acquisition projects protect, continue, restore, expand, improve or enhance natural systems and processes. Examples include but are not limited to:

- |   |  |
|---|--|
| Restoring a stream                              | Improving wildlife habitat and riparian areas      |
| Rejuvenating decadent vegetation                | Protecting wildlife transit or migration corridors |
| Creating fish passage channel                   | Creating wildlife crossings                        |
| Reconnecting stream tributaries                 | Improving water quality                            |
| Conducting studies directly linked to a project |  |

**Key considerations** (*See rest of this Guide, Pre and Full Applications, Project Evaluation Criteria for more info*):

1. Lasting conservation results.

- Applicants must clearly describe the conservation values of their project. LWWP understands that the future of natural systems and processes cannot be guaranteed, that there may be factors beyond the applicant's control, and that unforeseen circumstances may influence the project in the future. Nevertheless, clear and lasting conservation goals that will result from the enhanced natural systems and processes are essential.
- Non-acquisition projects may be strengthened by including acquisition of a real property interest in land or water, such as a conservation easement on a property where a stream will be restored.

2. Clear measures of completion and success. Project progress, completion and success will generally be measured using a "Build to Plan" approach rather than by Performance Standards.

- Build to Plan offers easily quantifiable measurements, e.g., cubic yards of dirt moved, length/type of fence installed, and wildlife crossing construction completed.
- Performance Standards define conservation outcomes, e.g., pond temperature decreases by x degrees, wildlife using the crossing, fish hatch increased x%, water moving through stream. It is essential to clarify such conservation goals in your application.
- Project completion means the project work is completed as planned and the natural system or process is stable. E.g., a viable healthy plant community exists with 80% cover consisting of the types of plants you sought. There should also be a reasonable expectation that the results will continue after the project is formally completed with Blaine County. LWWP encourages adaptive management.
- Prompt notification to LWWP of problems, delays or changes is essential.

3. Sound maintenance, management, monitoring and reporting.

- LWWP will not duplicate government monitoring and reporting requirements, but may have additional requirements. Monitoring/requirements will generally be three years.
- Government agency or partner involvement may strengthen the project in some cases.

4. Required documentation

- Project plan, scope of work, timeline, benchmarks, budget with explanation, required permits, contracts
- Performance bond or insurance policy with Blaine County
- Signed Grant Agreement between applicant and Blaine County LWWP that defines the terms of project and each party's rights and responsibilities.

**Grant/Funds Dispersal:**

- Cost reimbursements after benchmarks are achieved and invoice(s) submitted.
- A % of the total grant amount will be withheld until all monitoring and reporting is complete.

## Attachment #4

### Eligible and Ineligible Costs for Funding

#### Acquisition of an interest in land or water

- Eligible:
  - Direct costs to acquire the interest, e.g., a percent of appraised value
  - Studies directly linked to a project or potential project
  
- Ineligible:
  - Project planning and administration
  - Transaction costs, e.g., surveys, environmental assessments, appraisals
  - Human resources, e.g., staff, consultants, attorneys
  - Travel
  - Monitoring and stewardship
  - Enforcement
  - Post-funding reports to Blaine County, e.g., annual monitoring reports
  - Notifications and approvals to/from Blaine County per the Grant Agreement

#### Non-acquisition projects

- Eligible:
  - Materials purchase, e.g., culvert, fencing, fish ladder, wildlife crossing structure
  - Purchase of trees and plants, except annuals
  - Actual costs of construction, e.g., shovel work, plantings
  - Actual costs of maintenance within the County-required monitoring/reporting timeframe
  - Studies directly linked to a project or potential project
  
- Ineligible:
  - Design and engineering costs
  - Project planning and administration
  - Permit and application fees
  - Transaction costs, e.g., appraisals, environmental assessments
  - Human resources, e.g., staff, consultants, attorneys
  - Travel
  - Supplies
  - Contingencies
  - Incidentals
  - Insurance
  - Performance bonds with County
  - Post-funding reports to Blaine County
  - Maintenance and monitoring after completion of reporting requirements to Blaine County
  - Notifications and approvals to/from Blaine County per the Grant Agreement

## **Attachment #5**

### **Blaine County, Idaho Land, Water and Wildlife Program Permits and LWWP funding**

Applications submitted to the Land, Water & Wildlife Program (LWWP) may require permit(s) for project completion. “Permits” used here include stream alteration permits, subdivision, water rights and others as required by Blaine County, municipalities, the state, and/or the federal government.

To insure that the LWWP project evaluation process and the County’s permitting process interface fairly, effectively, and efficiently for all parties, we will follow these guidelines:

1. As early in the Pre-Application Phase as possible, the Program Coordinator will raise with the applicant the issue of permits that may be required for their project. Land Use & Building Service Department staff will be available to discuss cost, timing, requirements, etc.
2. Applicants will be encouraged to begin the permitting process after the Levy Advisory Board (LAB) considers their Pre-Application. For particularly complex projects, it may be in the applicant’s best interest to begin applying for permits even before their Pre-Application is heard.
3. Applicants shall at least have begun the application process for all required permits prior to the LAB considering the Full Application. The farther the permits are “in process,” probably the better.
4. Generally, all required permits and associated conditions must be approved prior to the BCC approval decision.

The LAB, staff and County will conduct due diligence as described in the LWWP Program materials, and as they see fit.

These guidelines recognize that flexibility has advantages because all projects are different; the LWWP evaluation process and the permitting process should proceed more or less in tandem in order to use resources wisely; and the County cannot grant funding for a LWWP project until all necessary permits are secured.

## Attachment #6

### Glossary of Terms

BC	Blaine County
BCC	Blaine County Board of County Commissioners
BLM	U.S. Bureau of Land Management
BMPs	Best Management Practices
CE	Conservation Easement
Corps or ACE	Army Corps of Engineers
Full-Appl.	Full Application for LWWP funding
IDWR	Idaho Department of Water Resources
IDFG	Idaho Department of Fish and Game
ITD	Idaho Transportation Department
LAB	Levy Advisory Board, for LWWP
LU&BS	Land Use and Building Services, Blaine County
LWWP	Land, Water and Wildlife Program
NWR	National Wildlife Refuge
PC	Program Coordinator, for LWWP
PEC	Project Evaluation Checklist for LWWP
Pre-Appl.	Pre-Application for LWWP funding
SAP	Stream Alteration Permit
SGI	Sage Grouse Initiative
TDR	Transferable Development Right
USFS	U.S. Forest