



PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

3015 H STREET
EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

March 24, 2005

Re: Application for HR2389, Title III Funding under the Recreational and Conservation Easement Program

Dear Interested Party:

The following information is intended to provide the information and materials necessary to submit an application to Humboldt County for HR 2389, Title III funding under the Recreational and Conservation Easement Program (the "Easement Program").

These application materials can be used to apply under one of the two categories below for grant applications under the "Easement purchases" Title III funding category. A pool of \$180,000 has been allocated to these programs over a 2-year period:

1. **Recreational Access Easements** – Funding for the support of easement purchases that provide, on a willing seller basis, nonmotorized access to public lands for hunting, fishing, and other recreational purposes.
2. **Conservation Easements** - A funding pool for the support of conservation easements, including open space and agricultural easements. Assistance may be provided for costs associated with acquiring easements (appraisal costs, legal fees, recording fees, preparation and planning costs) and for easement purchases for non-County initiated projects (with a suggested 20% maximum contribution).

Maximum funding suggested per proposed project is \$10,000. Initially, due to the availability of coastal bond monies, higher priority will be given to inland projects.

Applications for Easement Program funds will be accepted on an ongoing basis for review. Applications may be submitted using the attached form. Forms are also available on the County website at:

<http://www.co.humboldt.ca.us/planning/>

Please contact Martha Spencer at (707) 268-3704 ([mspencer@co.humboldt.ca.us](mailto:m Spencer@co.humboldt.ca.us)) with any questions. We look forward to receiving your application.

Title III Funding Application Details

Background

On October 30, 2000, Public Law 106-393 (HR 2389, “Secure Rural Schools and Community Self-Determination Act of 2000”) was signed into law. This Act “decoupled” federal revenue sharing from forestry receipts and provided rural counties an increased and predictable level of funding for local schools and roads by providing fund above current federal forest reserve payments for a five year period. Under HR2389, Title III allocations for County Projects may be made. “Easement purchases” is an authorized use category under Title III. Funding allocations for the Easement Program were approved by the County Board of Supervisors in July of 2004, and program and funding criteria were approved by the County Board of Supervisors in March of 2005. Attachment 1 describes authorized uses of Title III funds for easement purchases; Attachment 2 describes the program and the funding criteria.

Time Line

Funding proposal applications will be reviewed by Planning Department staff and submitted for approval by the Board of Supervisors. The time line for proposal approval will vary with the proposal and Board meeting schedules, but is anticipated to be approximately 6 – 8 weeks.

Payments/Reimbursement

Grant payments are made on a reimbursement basis upon incurred expenses. Successful grant applicants will receive a notification packet outlining reimbursement procedures that will include a payment request form.

Instructions for Submittal:

Submit original application and 2 copies to

Humboldt County Community Development Services
Planning Division
3015 H Street
Eureka, CA 95501-4484

ATTENTION: Martha Spencer



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Office Use Only: Date Received _____ Application # _____

HUMBOLDT COUNTY TITLE III PROJECT APPLICATION

(Applications for the Easement Purchases category of Title III)

Applicant Organization Name:

Taxpayer's Federal Employer I.D. Number (if applicable):

Organization Mailing Address:

City:

State:

Zip:

Contact Person Name:

E-mail:

Phone:

Fax:

Easement Project Name:

Grant Amount Requested: \$

Total Estimated Project Cost: \$

Matching Funds Pending: \$

Matching Funds Committed: \$

Select the project category appropriate to your easement type:

- Recreational Access Easements*** – Funding for the support of easement purchases that provide, on a willing seller basis, nonmotorized access to public lands for hunting, fishing, and other recreational purposes.
- Conservation Easements*** - A funding pool for the support of conservation easements, including open space and agricultural easements. Assistance may be provided for costs associated with acquiring easements (appraisal costs, legal fees, recording fees, preparation and planning costs) and for easement purchases for non-County initiated projects (with a suggested 20% maximum contribution).

Project Information:

Please provide the information requested below and attach as part of your application.

1. Describe the **proposed easement project and its location**. Include APN and attach map, if available. Describe the **time frame** within which the easement purchase is envisioned.
2. Describe the **goals** of your organization in undertaking the proposed project. How might these goals **support open space and conservation goals** of the County General Plan?
3. Attachment 1 outlines the guidelines for **authorized uses of Title III funds** for easement purchases. After reviewing this information, briefly describe how your project meets these guidelines.
4. Describe your **organization's qualifications and capabilities** to carry out the proposed project.
5. Refer to the **funding criteria** in Section III of Attachment 2. Briefly explain how your project addresses the criteria appropriate to your proposal category. Include your replies for criteria P1 through P12, and *either* C1 through C2 (for Conservation Easements) *or* A1 (for Access Easements).

NOTE: While all proposals are required to meet Criteria P1, P2 and P3, the remaining criteria are not strict requirements for funding. However, projects meeting a majority of criteria will receive stronger consideration.

Budget Information:

Please provide **budget information** for your project using the table below. For each Funding Category for which you intend to spend Title III funds, provide a brief description of activities in this category, and note who the recipient of the funds will be. Include amounts requested from Title III funds, as well as the amount received or requested from any other matching funds sources.

Project Name:			
Funding Category	Title III request amount from County	Funding requested or obtained from Other sources	Funding Category total from <i>all</i> sources (County + Other)
Legal/Financial Advice Fees <i>Description and recipient:</i>	\$	\$	\$
Appraisal Costs <i>Description and recipient:</i>	\$	\$	\$
Preparation and Planning Costs <i>Description and recipient:</i>	\$	\$	\$
Easement Purchase Costs <i>Description and recipient:</i>	\$	\$	\$
Baseline Documentation <i>Description and recipient:</i>	\$	\$	\$
Monitoring Endowment <i>Description and recipient:</i>	\$	\$	\$
Recording Costs <i>Description and recipient:</i>	\$	\$	\$
Other Costs <i>Description and recipient:</i>	\$	\$	\$
Total Title III County funds requested in all Funding Categories	\$		
Total funding from Other sources		\$	
TOTAL COST of project			\$

ATTACHMENT 1:

Guidelines describing authorized uses of Title III funds for easement purchases.

Statutory Language

Authorized Uses.—

(3) Easement purchases.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

Sideboards for Title III Projects from Association of Oregon Counties and Association of O & C Counties

Title III Guidelines

PROJECT AND ACTIVITY LIMITATIONS AND AUTHORIZED USES

The County may expend Title III funds in any manner provided for in the Act. The language below in the 6 categories is taken from the provisions of Title III of PL 106-393. Emphasis has been added to certain words or phrases to highlight particularly restrictive aspects of the law.

Category 3: Easement Purchases:

Funding to acquire easements from private or other non-county landowners, on a willing seller basis, to provide “**nonmotorized access to public lands**” (city, county, state or federal) for hunting, fishing, and other recreational purposes. Authorization is also provided to acquire “conservation easements.” Costs within this category may include, but are not limited to:

- Attorneys’ Fees
- Negotiating Expenses
- Preparation and Planning
- Purchasing
- Recording

Note that development of or improvements to an access easement (such as trail construction) after acquisition are not included as authorized expenditures, nor are development or improvements to the land after acquisition of a conservation easement to enhance the conservation purpose for which the easement was acquired (such as tree planting or fencing a streamside buffer). There is no reason under Title III why such improvements could not be made by the landowner prior to county acquisition, however, and the costs of such improvements could then be included as part of the overall payment to the landowner to acquire the easement. “Conservation easement” is not a defined term in PL 106-393. This term is subject to broad interpretation and may include a wide variety of development or other land-use rights a county may choose to acquire and then not exercise for conservation reasons. For example, a county may choose to acquire the right of a rancher to graze cattle on a particular parcel of land if the county determines that preservation of the vegetation on that parcel serves an important conservation purpose. Or, a county may choose to acquire timber harvesting rights on a particular parcel if the county determines that preserving the trees on that parcel of land serves a worthwhile conservation purpose. Conservation easements can serve a broad array of conservation purposes, including, but not limited to, the protection of open space or viewsheds, wildlife habitat, clean water sources and virtually any other environmental amenity deemed worthy of preservation by a county.

ATTACHMENT 2:

Recreational and Conservation Easement Program description

Recreational and Conservation Easement Program

A Program to preserve Humboldt County working lands and public lands access in support of General Plan conservation and open space goals

I. PROGRAM SETTING

State law requires every county to have open space and conservation elements included as part of their General Plan, along with a requirement for action plans to implement these elements. The Recreational and Conservation Easement Program (the “Program”) provides a method of implementing goals pertaining to conservation and open space in the county, via the protection of working lands and the provision of access to public lands. Two main Program categories will provide support for 1) Conservation Easements, including new Williamson Act contract fees; and 2) Access Easements.

The Humboldt County Board of Supervisors has recognized the importance of protecting working lands and recreational access, and on July 13, 2004 directed funding from HR 2389 Title III monies to support a county level Recreation and Conservation Easement Support Program. Guidelines established for the use of these monies included “funding assistance for costs associated with acquiring easements including: appraisal costs, legal fees, recording fees, preparation and planning costs, and easement purchases (suggested 20% maximum contribution) for non-County initiated projects.” It was anticipated that in addition to easement support, California Land Conservation (Williamson Act) contract fee assistance could be provided.

Easements serve to preserve and protect working landscapes as well as provide public access. Conservation easements are restrictions on a piece of property that remove development rights from the “bundle of rights” that constitute property ownership. Access easements separate the right to travel across a parcel from the ownership rights bundle, providing access to adjacent lands. When an easement is established it is recorded and runs with the deed on a piece of property. Local land trusts, governments, or nonprofit groups hold the easements and are responsible for monitoring and stewardship. Williamson Act contracts protect county working lands via voluntarily restrictions by private landowners that keep lands in agricultural and compatible open space land uses.

The HR 2389 Title III funding allocations provided \$230,000 for the Program; \$50,000 was allocated to fund an extra help staff person to manage the program, leaving \$180,000 in funds for easements and easement support. The program will be implemented over a period of three years, providing a strong basis for continuing working lands conservation and preservation program in the county. This document outlines Program goals, funding criteria, and implementation strategies.

II. PROGRAM GOALS

As pressures on working landscapes in the County increase, General Plan implementation programs that provide methods of preservation without undue regulation are desirable. This Program involves local government in support of conservation efforts that are undertaken voluntarily by landowners and implemented and managed by local land trusts. The **Access Easement Program** for non-motorized access to public lands will support hunting, fishing and recreational uses of public lands. The **Conservation Easement Program** will support costs associated with conservation and open space easements, and may assist with fees for new lands enrolled as part of the county's Williamson Act program.

Program Goals

- 1) Position the County as an active participant in all conservation and preservation activities in the County
- 2) Provide support of General Plan policies encouraging the conservation of working lands and access to public lands and the implementation of conservation policies
- 3) Create cooperative working relationships with local land trust and conservancy organizations
- 4) Provide incentives for voluntary participation by producers and landowners in working lands conservation, while respecting land owner property rights
- 5) Provide non-motorized access to public lands for hunting, fishing and recreational uses

III. PROGRAM FUNDING CRITERIA

Funding for projects will be approved during advertised funding rounds from the \$180,000 allocated, depending on a specific project's ability to support the Program Goals and substantially meet the Funding Criteria defined for its category. *All* proposals will be required to meet criteria for consistency with the General Plan, Title III funding guidelines (Appendix 1), and any applicable State or County laws or guidelines (P1 – P3). Proposals will not be required to meet all of the other listed criteria for funding; however, projects meeting a majority will receive stronger consideration.

Program Funding Criteria for <i>Both</i> Conservation and Access Easement Categories	
P1	Consistent with the General Plan
P2	Consistent with Title III funding guidelines
P3	Consistent with applicable State or County laws or requirements
P4	Demonstrates capability of grantee and/or landowner to maintain easement and perform easement monitoring requirements
P5	Leverages matching funds

P6	Involves willing seller/participants
P7	Demonstrates financial need
P8	Provides protection of resources (including, but not limited to, open space, wildlife, threatened species, riparian resources, water quality, and cultural resources)
P9	Demonstrates public benefit
P10	Expected success in obtaining easement
P11	Immediacy of need
P12	Implementation has no significant adverse effects on county tax base
Specific Conservation Easement Program Criteria	
C1	Insures that working lands remain in resource production status
C2	Likelihood of funds reinvestment by grantee and/or landowner for continued productivity and stewardship of the land
C3	Supported by local agricultural and timber interests
Specific Access Easement Program Criterion	
A1	Provides non-motorized access to public lands for hunting, fishing and other recreational purposes

IV. Program Implementation

Program strategies will focus on incentive-based, voluntary and cooperative approaches to implementing access and conservation easements in the county. The County GIS system is available for use to identify, inventory, and prioritize working lands that may be eligible and appropriate for the Program. With the input of Program partners, potential benefits of placing conservation easements on particular parcels can be examined in light of specific threats or development pressures. Partners will include local land trusts, Farm Bureau, agricultural and timber interest groups, and agencies that fund easements or manage public lands. Access easement support will be explored with groups concerned with non-motorized access to public lands for hunting, fishing and other recreational purposes, as well as with public lands agencies affected.

Applications for HR2389 Title III funding through the Program will be coordinated by Community Development Services staff using a project application form and application deadline similar to the system currently in use for allocating Fire Prevention and County Planning Title III monies. Applications will be evaluated using established Program Criteria, and approved by the Board of Supervisors for funding.