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April 30, 2013


## MEMORANDUM

**TO:** Council Members

**SUBJECT:** Briefing on Fish and Wildlife Land Acquisition Handbook

Philip Key, Bonneville Power Administration will give the Council a briefing on the Fish and Wildlife Land Acquisition Handbook.

B O N N E V I L L E P O W E R A D M I N I S T R A T I O N



**The Bonneville Lands Handbook**  
Philip Key, Bonneville Office of General Counsel  
Presented to the Northwest Power and Conservation Council  
May 8, 2013

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B O N N E V I L L E P O W E R A D M I N I S T R A T I O N

## What is the Handbook?

- § Comprehensive guidance for buying land and easements with BPA funding.
  - Covers projects for fish or wildlife
- § Covers all steps related to land acquisition, management, and protection...
  - From initial conversations with potential sellers to enforcement protocols BPA plans to follow to protect its habitat investments.

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## Why Does BPA Need a Handbook?

- § Title held by the United States, so Dept. of Justice regulations apply
- § BPA completed 39 acquisitions in FY 2012 alone working with over 30 sponsors
- § Responsive to project sponsors and the Council



## How Was It Built?

- § The handbook compiled what works based on experience
- § Adopted many conservation industry standards and best practices
- § Reflected collaboration, especially in the development of templates; e.g., sample easement and land management plan table of contents

## What the Handbook does

- § Consolidates information: all the information needed to buy land is in one place
- § Eliminates the need for negotiating detailed agreements for most project sponsors
- § Reaffirms existing BPA practices and procedures



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## Consolidating Information

- § Provides uniform, consistent guidance with explanations and helpful hints
- § Provides forms, templates, and checklists
  - Step-by-step acquisition outline
  - Sample purchase and sale agreement
    - Especially useful to inexperienced acquisition sponsors
  - Template conservation easement
  - Baseline documentation outline
  - Annual site monitoring checklist

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Step/Deliverable	Description	Lead Entity	TIMEFRAME IN ONE-MONTH (30-DAY) INCREMENTS													
			1	2	3	4	5	6	7	8	9	10	11	12		
1	Submit completed intake form	Sponsor														
2	Conduct intake call	All														
3	Provide copy of Land Acquisition Handbook	BPA														
4	Submit preliminary title report to BPA	Sponsor														
5	Develop relocation plan, if needed	BPA														
6	Determine if boundary survey is needed	BPA														
7	Conduct boundary survey	Sponsor														
8	Assign BPA Appraisal Reviewer	BPA														
9	Determine how best to acquire water rights	All														
10	Negotiate MOA, if needed	All														
11	For conservation easement acquisitions, negotiate easement terms and conditions	All														
12	Conduct Phase 1 assessment and submit to BPA for review	Sponsor														
13	Site clean-up	Sponsor/Landowner														
14	Complete appraisal and submit to BPA for review	Sponsor														
15	Complete voluntary sales agreement	BPA														
16	Draft purchase and sale agreement	Sponsor														
17	For fee title acquisitions, negotiate easement terms and conditions	All														
18	Complete baseline report	Sponsor														
19	Clear title	All														
20	Conduct NEPA review	BPA														
21	Complete public notice process	BPA														
22	Pre-345 Check-in	All														
23	Conduct final title review (aka 945 Review)	BPA														
24	Receive authorization to spend funds	BPA														
25	Submit escrow instructions	All														
26	Close acquisition and record applicable documents	All														
27	Send copies to BPA	Sponsor														

## Handbook Guidance

### § Guides acquisition steps

- Appraisals, title reports, environmental land audits, NEPA and ESA, water rights, closing

### § Guides post-acquisition land management

- Land management plan outlines
- Earned revenues and taxes

### § Shows BPA's current thinking on monitoring, reporting, and enforcement

- Share's information on BPA's pilot project covering self monitoring, annual reports, remote sensing, and site visits

## Fewer Acquisition MOAs



- § Continue using statements of work based on the Bonneville Purchasing Instructions for land acquisitions
- § Reference the Handbook as guidance for completing the deliverables enumerated in the statement of work

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## Expectations Managed



- § Timelines for completing acquisitions
- § BPA pays appraised fair market value
- § BPA reserves future transmission rights
- § Properties protect fish and wildlife in perpetuity
- § BPA won't fund payments in lieu of taxes

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## Highlight Issues that Often Cause Problems

- § Relocation Act compliance
- § Unacceptable encumbrances
  - Mineral rights
  - Other conservation easements
- § Cost sharing from certain entities
- § Water rights
  - Acquiring land and water in separate closings

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## Affirming Existing Practices

- § The handbook builds on practices BPA uses already
  - Capitalization
  - In lieu funding prohibition
  - Habitat crediting mechanisms
- § The handbook explains best practices and procedures new to some sponsors
  - Baseline documentation reports prior to closing
  - Land management plans for most sites
  - Pilot project monitoring, reporting, and enforcement protocols

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## Launch!

- § 2011-12: Tested on Willamette Wildlife Project and developed half-day workshop for acquisition sponsors
- § May: Brief Northwest Power and Conservation Council, Accord partners, Federal Caucus, ATNI
- § June/July: Public release on BPA's website; begin holding workshops around the region
- § October: Reference handbook in statements of work as acquisition contracts renew
- § Annually: Publish updates

