

## **Land Acquisition Decision-making Process FINAL AMENDED VERSION**

Prepared by PacifiCorp  
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Acquisition of Interests in Land is one of the primary purposes of the Terrestrial Coordination Committee (TCC), and the ability to reach consensus is critical in making decisions to acquire lands. The Lewis River Settlement Agreement identifies three funds for the purpose of land acquisition: The Yale Fund, the Swift Fund, and the Lewis River Fund.

The purpose of the Yale Fund is to acquire Interests in Land to protect wildlife habitat in the vicinity of the Yale Project. This fund provides \$1.5 million by the first day of the first fiscal year following the Effective Date of the Agreement, and \$1.0 million the following year, for a total of \$2.5 million. Criteria upon which to base acquisitions were described in the Settlement Agreement:

- a. Provide movement corridors for elk through the Yale Project area between high- and low-elevation winter range;*
- b. Protect approximately 660 acres of low-elevation winter range in the vicinity of the Yale Project nearby or adjacent to PacifiCorp-owned lands;*
- c. Provide approximately 100 acres of land on which forage for elk may be maintained or cultivated in the vicinity of the Yale Project.*

The purpose of the Swift Fund is to acquire Interests in Land to protect wildlife habitat on lands within five miles of the Swift No. 1 and Swift No. 2 Project boundaries or lands managed by the Licensees associated with those projects. This fund provides \$3.22 million within 9 months after Issuance of the New License, \$780,000 within 18 months after Issuance of the new License, and \$500,000 six months after each of the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> anniversaries of the Issuance of the New License, for a total of \$7.5 million.

The purpose of the Lewis River Fund is to acquire or enhance wildlife habitat anywhere in the Lewis River basin in the vicinity of the projects to meet objectives of the Wildlife Habitat Management Plan. This fund provides \$1.1 million by six months after the fourth anniversary of the Issuance of the New Licenses for the Swift No. 1 and Yale Projects, and \$1.1 million by six months after the sixth anniversary of the Issuance of those New Licenses, for a total of \$2.2 million. The Lewis River Fund also provides up to \$500,000 of additional matching funds in any consecutive 10-year period during the term of the New Licenses, beginning 18 months after Issuance of the New Licenses.

Under the Settlement Agreement, acquisition of Interests in Land includes outright land purchases as well as Conservation Agreements (CAs). Criteria identified in the Settlement Agreement will be the primary drivers in selecting appropriate parcels for acquisition, in conjunction with whether an acquisition is cost-effective. Other considerations described below will promote the timely review and completion of land acquisition, promote the cost-effective use of the Funds, ensure obtaining properties consistent with the goals of the TCC, and provide a record of the decision-making process.

## **Considerations for Land Acquisition - General**

- **CONSISTENCY WITH GOALS AND OBJECTIVES OF WHMP**  
Parcels which exhibit characteristics that are consistent with the objectives of the WHMP, or may require less management to provide that consistency, are preferable. Look for lands that complement existing WHMP programs.
- **PROXIMITY TO EXISTING COMPANY-OWNED LANDS**  
Acquisition of lands that are contiguous with land managed under the WHMP, or other lands managed under similar objectives to avoid isolated parcels and improve management capabilities (e.g., allows for buffers, better access management, more options for management). Managing larger (contiguous) blocks of lands is cost effective and may ensure better protection of resources.
- **ACCESS / ROADS**  
Parcels with existing roads reduce road development costs if access will be required for managing under the WHMP. Stable roads with adequate culverts and minimal potential for erosion are preferable. Conservation easements should include road closures/obliterations consistent with habitat objectives. Existing roads are unnecessary if active management or lack of management/access is not required to improve wildlife habitat/protection. Reduced road densities and human activity can increase the quality of habitat for elk and many other species.
- **PROXIMITY TO OTHER STATE, FEDERAL AND CONSERVATION LANDS**  
Seek opportunities to coordinate management efforts by providing connectivity and adjacency to state, federal, and other conservation lands, looking for wildlife travel corridors that connect undeveloped habitats or increase the size of “habitat patches.” Evaluate desirable habitat characteristics and opportunities as not all state and federal lands are created equal. This improves cost efficiencies in management.
- **CLEARCUTS VS. MATURE TIMBER LANDS**  
Evaluate site potential and consider inherent management costs (clearcuts may represent least-cost lands but may require additional costs of pre-commercial thinning). Evaluate ability to cost-effectively provide forage and cover for big game and habitat for all other species. Mature and old-growth forest stands may

support state and federally listed threatened, rare, and endangered species. The WDFW has listed old-growth and mature forests as a priority habitat with special recommendations.

- **ASPECT \ SLOPE \ ELEVATION**  
Southerly aspects provide better winter range for big game species and often require less control of unwanted vegetation that may compete with desired vegetation types. Slopes in excess of 35-40% have greater erosion potential and may require additional costs for access management, or logging systems. Elevations less than 1000' are considered to provide primary winter range habitat for big game. In Southwest Washington, elevations of 2000 feet or higher can provide secondary winter range on southerly exposures due to less snow accumulation.
- **PHS (PRIORITY HABITATS AND SPECIES) HABITATS**  
Identify and protect PHS habitats (riparian, wetlands, old growth, caves, snags, talus) and PHS species. Identify and implement restoration/enhancement projects for PHS habitats (e.g., streamside restoration, large organic debris in streams, buffers or screens to ROW). Consider the quality and existing level of protection for stream and riparian habitats, and look for opportunities to acquire or manage rare habitats and areas with rare species in the watershed. Consider objectives based on HEP models developed in relicensing and on updated PHS species maps.
- **UNDEVELOPED LANDS IDENTIFIED BY COUNTY FOR GROWTH**  
Identify lands threatened by degradation or development in specific areas, especially along roads and riparian zones between Yale and Merwin that have been tagged as high priority by stakeholders. Evaluate the immediacy of the threat. Refer to Integrated Land Management Plan document and county development maps in addition to lands identified by WDFW and other stakeholders for potential land acquisition.
- **OTHER FACTORS**
  1. Sites where the greatest number of criteria or objectives are met.
  2. Trade opportunities.
  3. Protection of cultural resources.
  4. Presence of endangered or other listed species habitats.
  5. Opportunities for education and research
  6. Public use potential – non-motorized low impact dispersed recreation
  7. Community support

## Considerations for Conservation Type Agreements

As defined by The Nature Conservancy, a Conservation Agreement (CA) or Easement

*.....is either voluntarily donated or sold by the landowner and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the lands in perpetuity while the land remains in private hands. In a conservation agreement, a landowner voluntarily agrees to sell or donate certain rights associated with his or her property – often the right to subdivide or develop – and a private organization or public agency agrees to hold the right to enforce the landowner's promise not to exercise those rights. In essence, the rights are forfeited and no longer exist. A conservation easement is legally binding, whether the property is sold or passed on to heirs. Because use is permanently restricted, land subject to a conservation easement may be worth less on the open market than comparable unrestricted and developable parcels. Sometimes conservation easements will enable the landowner to qualify for tax benefits in compliance with Internal Revenue Service rules.*

According to the Rocky Mountain Elk Foundation, Conservation Agreements can cost from 40-90 percent of the market value of the land.

### Minimum Criteria for CA Consideration

For property to be considered for a CA under the Swift, Yale, or Lewis River funds, the landowner must be willing to agree, at a minimum, to:

*SA 10.7 Conservation Easements. The Parties recognize the value of pursuing conservation easements, since it is possible that more acres of land may be protected for wildlife habitat through conservation easements as compared to the fee-simple acquisition of lands. The Parties do not intend to be limited to statutory conservation easements but may pursue other similar Interests in Land. The following are guidelines for the selection and acquisition of conservation easements to be purchased with the Funds described in Sections 10.1 through 10.3:*

- a. Easement areas should be selected that will protect wildlife habitat from further development;*
- b. Easement areas should be selected that will allow the CIT and Yakama Nation reasonable access for cultural activities on lands acquired under this Section 10.7;*
- c. Easement areas should be selected that will allow reasonable public access for recreation, including hunting on lands acquired under this Section 10.7; and*
- d. When feasible, easements should be selected in areas where the property*

*owner is agreeable to easement terms providing for the management of the lands encumbered by the easement to provide for enhanced habitat management, such as modified timber harvest practices, that will result in greater protection of habitat areas.*

*The TCC may select easements that satisfy fewer than all of the above guidelines.*