

## Replies to Frequently Asked Questions

### **How much funding is available?**

Up to \$11 million will be available for projects selected through this Request for Proposals (RFP).

### **May projects closing before July 2012 apply for funding?**

Under no circumstances will funds be available before July 2012. Additionally, only approved projects for which there are signed funding agreements and for which all required due diligence has been completed will be eligible to receive funds. If federal funds are assigned to a project through this RFP, then a grant agreement must be approved prior to closing.

### **Will CDOW consider projects that will take longer than 12 months to complete? Or projects that the property owner wants to close in considerably less than 12 months?**

It is important that proposals reflect a realistic timeline. While projects that need more time to complete will be considered, CDOW's preference is to close transactions by the end of January 2013. Landowners requesting a closing date in considerably less than one year should note this as a special request in their proposal. Closing dates must be mutually acceptable to all parties involved, including CDOW.

### **Is there a typical funding amount?**

No. Large requests must make a particularly strong case for funding. Since this Request for Proposals is emphasizing landscape-scale opportunities, we anticipate receiving requests in excess of \$1M.

**Who at CDOW should the property owner (or a land trust partner) contact to discuss projects?** Local CDOW staff in the vicinity of a project provide a local, knowledgeable perspective on proposed projects in their area. Questions related to describing the wildlife values of the proposed project should be directed to the Area Wildlife Manager in the project area. A map of Area offices, with phone numbers, is provided with the materials that accompany the proposal form on CDOW's website. Questions related to the proposal process should be directed to Diane Gansauer at [diane.gansauer@state.co.us](mailto:diane.gansauer@state.co.us) or by phone to 303-291-7217. Management plans for approved projects will be formulated by the Area Wildlife Managers and their staff (or consultants provided by CDOW) with input from the property owner and, if applicable, the land trust or other partner involved with the proposal, with review by the assigned Real Estate Specialist. The only persons authorized to comment on the financial terms or due diligence elements of a transaction, or to negotiate the transaction financially, will be members of CDOW's Real Estate Unit, and only following approval by the Wildlife Commission to begin negotiations on the transaction.

**Does CDOW always require an appraisal? Must all appraisals have a formal review by another appraiser?**

State Statute requires that all acquisitions by a state agency of real property with a total purchase price exceeding \$100,000 must have an appraisal. Normally a review appraisal will also be required; this review would usually be CDOW's expense.

**Can federal funds assigned to RFP projects be used to acquire conservation easements on properties where the landowner is receiving federal farm bill assistance payments?** Generally, federal farm bill assistance payments to a landowner will not be affected by conveying a conservation easement. However, if the terms and conditions in the conservation easement are determined to be inconsistent with those of the federal program in which the property is currently enrolled, a portion of the payments received may have to be returned from the landowner to the entity which is making (or made) the payment. Landowners who receive or are considering applying for federal farm bill assistance programs are advised to check with their local NRCS or Farm Service Administration office or Private Lands Wildlife Biologist for guidance on a case-by-case basis.

**Can conservation easement projects brought forward by land trusts be considered for Habitat Stamp funds?** Conservation easement acquisitions by land trusts are allowed by the statute that created the Habitat Stamp, but must also meet the federal rules that require CDOW to ensure that projects funded with Wildlife Cash remain in compliance with the original purposes that were funded. "Wildlife Cash" refers to license revenue, which includes income from the sale of Habitat Stamps; therefore the rules associated with use of the Habitat Stamp funds are the same as those for Wildlife Cash. Specifically, CDOW has the responsibility to ensure protection of the Conservation Values described in conservation easements funded by Habitat Stamp funds. Therefore, there must be a management plan acceptable to CDOW for protecting the Conservation Values described in the easement; CDOW must have the right to access the property for the purpose of monitoring compliance with the conservation easement and the management plan; and CDOW must have the right to enforce the easement if easement violations occur and are not remedied. The specific provisions for monitoring an easement and for ensuring CDOW's enforcement rights will vary according to the specific wildlife values being protected by the easement, but these rights must be provided by CDOW in the easement. If these provisions cannot be included in an easement, then the project cannot receive Habitat Stamp funds.

**Does CDOW require a Phase 1 Environmental Assessment?**

Property owners and project partners (if any) should assume that a Phase 1 Environmental Assessment will be required for all funded projects.

**What are CDOW's standards for a public access easement granting public access to a property acquired through this Program?**

A public access easement would have to be unfettered, but it may be limited to a particular timeframe during the year. The timeframe is a negotiated matter; maintenance issues are also negotiable. A long-term (10-25 years) access easement or agreement could also be considered in lieu of a permanent access easement.

**When a proposal contemplates donation of part of the value of a conservation easement and also sale of public access to the same property, will the grantor's donative value related to a tax deduction be reduced by the purchase price of the public access?**

In this case, CDOW would be purchasing two separate property interests (a conservation easement and a public access easement) with two distinct values. CDOW cannot provide advice on tax ramifications; property owners should seek independent financial advisement.

**May Habitat Protection Program (HPP) funds be used for transaction costs in a project funded through this Program?**

HPP funds are awarded through a separate process in accordance with HPP criteria; funding decisions are made by the HPP Committee, which is completely separate from the Colorado Wildlife Habitat Protection Program (CWHPP). Projects that receive HPP funds may also apply for CWHPP funds, provided they also meet the CWHPP's objectives.

**Is a survey required?**

A survey is not required unless CDOW Real Estate Unit staff determines it to be necessary.

**How will the value of public access be determined?**

An appraisal of the value may be ordered, and whether or not this takes place, the parties will negotiate the price of the public access easement or agreement.