

How to Do Land Acquisitions

Using National Fish and Wildlife Foundation Federal Funds

This guide is intended to assist Foundation grantees understand and comply with the Foundation's requirements for acquisitions of land, water, easements, or other real property interests with NFWF Federal Funds.

Please contact your Project Officer with any questions.

Budget and Match

- **Allowable Uses For Foundation Funds:** In developing a project budget, bear in mind that funds awarded by Foundation grants may be used for the purchase of a real property interest and for acquisition-related costs such as appraisal, survey, legal fees, and closing costs. NFWF Federal Funds cannot be used to cover overhead costs or to pay for a stewardship endowment.
- **Match:** Current donation or purchases of land may qualify as match for NFWF Federal Funds. Bargain sales will not normally qualify as match.
- **Interest Payments:** Where you have taken out a loan to secure a property interest, you cannot use NFWF Federal Funds to pay interest on the loan. However, you can use private challenge funds to make interest payments.

Required Documents and Reporting

- **Appraisals and Locus Map:** A full appraisal by a certified appraiser and locus map will be required for donated and / or acquired interest in land prior to the release of any Foundation grant funds. If the Foundation grant is less than \$25,000, a letter of opinion of value or limited appraisal by a certified appraiser may be acceptable. The locus map should show the subject property and surrounding lands, waterways; federal, state, local, or private protected lands; abutting uses or zoning; public roads and highways.
- **Final Report:** The final report should address the following:
 - *Stewardship:* The grantee must demonstrate that it is capable of managing, in perpetuity, the property interest being acquired. Management must be in keeping with the protection of fish, wildlife and plant resources on the property.
 - *Public Access:* The grantee will allow public access to all lands purchased through a Foundation grant, to the extent that such access is compatible with the long-term conservation of fish, wildlife, and plant resources dependent on the area. The grantee may impose restrictions on public access in order to protect and conserve the natural resources of the acquired lands (for example, limit or restrict access during critical nesting periods), but access cannot be restricted in a way that is arbitrary or discriminatory toward the public (e.g., such as membership to a private club).
 - *Closing Statements:* The grantee will forward copies of closing statements to the Foundation.

- *Slides:* The grantee will submit 35mm slides of the property to the Foundation.
- *Title:* Title to the real property interest acquired with Foundation funds is to be held by the grantee unless the Foundation agrees, in writing, to a third party holding it. Following purchase of a real property interest using NFWF Federal Funds, the grantee will submit to the Foundation a copy of the recorded deed. The deed must include the following language:

This conveyance is to perpetually protect an important wildlife area. Therefore, as its purchase is partially funded by a National Fish and Wildlife Foundation grant, any disposal of the property, in whole or in part, must have the concurrence of the Foundation. Likewise, should the property be sold or condemned in whole or in part, the Foundation shall share in the proceeds of such sale or condemnation, including any increase in land value, in direct proportion, percentage-wise, to its share in this purchase. The Foundation will use such restored funds to purchase, restore, or enhance similar wildlife habitats.

Other Requirements

- **Sale To A Federal Agency:** If the property purchased by the Foundation grant is conveyed to a federal agency (e.g., to the Fish and Wildlife Service to become part of the National Wildlife Refuge System), the selling price shall be reduced by the amount of the NFWF Federal Funds received under the governing grant agreement.
- **Due Diligence:** The grantee will make every reasonable effort to determine, prior to purchase of any real property interest with the use of NFWF Federal Funds, whether there is any environmental contamination on the property, including soil, surface-water, or groundwater contamination that could result in harm to human health, the environment, or in landowner or lender liability for clean-up costs. Notify the Foundation of any findings.