

Priest Rapids Coordinating Committee
Statement of Agreement
Guidance on Ownership of Real or Personal Property
Purchased via NNI and/or Habitat Funds

Submitted to the Priest Rapids Coordinating Committee: March 27th, 2013
Approved by the Priest Rapids Coordinating Committee: April 12, 2013

It has come to the attention of the Priest Rapids Coordinating Committee (PRCC) that no explicit provisions are made regarding disposition of equipment and other assets purchased using No Net Impact (NNI) funds.

This has not been an issue (at this date) as it relates to the Habitat Funding Accounts (2008 NMFS' Biological Opinion and Priest Rapids Habitat Conservation Account); because Section 14.6 (Ownership of Assets) of the Priest Rapids Salmon and Steelhead Settlement Agreement is very specifically worded to cover the ownership of real, personal property or other assets acquired through the use of the Habitat Account as described below;

“The PRCC or its designated subcommittee shall make recommendations to Grant PUD on the appropriate ownership of real or personal property or other assets acquired through the use of the Habitat Account. Title may be held by Grant PUD, by a resource agency or tribe, or by a land or water conservancy group, as determined by the Parties. Unless the Parties determine that there is a compelling reason for ownership by another entity, Grant PUD shall hold title.”

The purpose of this SOA is to provide guidance in the development of contracts in which NNI and Habitat funds are disbursed for projects approved by the PRCC and/or PRCC Habitat Subcommittee (PRCC HS).

PRCC-Agreed Guidance:

- (1) When and where reasonable and feasible, the PRCC and PRCC HS should encourage contractors to supply the necessary equipment and charge a rental rate for that equipment unless it can be illustrated that purchasing said item would be more cost effective
- (2) All future contracts, agreements, etc. developed for funding via the NNI and/or Habitat Accounts should include language that clearly states that equipment purchased through the course of a project and/or evaluation with a purchased value in excess of \$300 will be returned to Grant PUD within 15 days of contract completion; Equipment with a purchased value of \$300 or less can be retained by the contractor because it is assumed that the “usable life” of that item has expired.

- (4) Once equipment is returned, Grant PUD will maintain a tracking system and determine a fair market value for each returned item. Grant PUD would review this tracking spreadsheet with the PRCC quarterly to determine disposition of items on the list. Grant PUD will assure that all members are in consensus on the need to surplus specific equipment or the desire to retain items for future projects approved and funded by PRCC or PRCC HS.
- (5) Grant PUD will surplus items identified for surplus as soon as practicable and all funds resulting from the surplus would be deposited into the appropriate account (NNI or Habitat) from which the project/evaluation was originally funded.
- (6) Grant PUD will also develop necessary language as it relates to research and development projects that are funded through NNI or Habitat Funds that could be developed into a future commercial product. The language will state that a percentage (predetermined or negotiated) resulting from the sale, royalties, purchase, etc. from the commercial product would be distributed back into the appropriate accounts (NNI or Habitat).