**RENEWAL TARGETED VERIFICATION DOCUMENTS**

In an effort to reduce the amount of documentation provided in the overall application, the Commission has shifted some questions and documentation to the Pre-Application that were part of the Application in the past. Based on the applicant’s answers and documentation provided in the Pre-Application, the following verification documents could be triggered by the Commission to be uploaded in the Application for higher risk areas (i.e., a routine amendment to add acreage would not need additional documentation, but an amendment to add a building envelope likely would). This checklist will help you understand what required documents will be requested for each type of targeted verification item that may be selected by the Commission. Please note: this documentation is separate from the project documentation for projects selected by the Commission.

- If you have already included the information requested by the Commission as part of your main Application, you do not need to include it again. You will be able to simply cross-reference that document using the online application system.
- For your convenience we have included an “Other” opportunity in each section. You may use “Other” to briefly explain any missing documentation, provide additional explanations, or to provide the requested statements. For longer explanations, please provide a separate document.

### GOVERNANCE

#### 1. **Land Transaction with an Insider**

- Detailed statement of how your land trust evaluated and managed the conflict of interest and ensured there was no private inurement
- Minutes from the meeting when the decision was made on the transaction
- *If the transactions involved a purchase or sale:* a) independent appraisal (or letter of opinion) used to substantiate the purchase price and b) purchase price documentation (*such as purchase and sale agreement, engagement letter, closing statement*)
- *If the transaction involved a land or conservation easement donation or a bargain sale and a tax deduction was taken:* a copy of the Form 8283, any supplemental statement, and the landowner's corresponding appraisal
- Other:

#### 2. **Financial Transaction with an Insider**

- Evidence that shows how your land trust determined there was no private inurement (*such as data supporting the rate of compensation paid [such as comparable data of hourly or flat rates paid for similar services, competitive bid results received in response to a solicitation for*
services, other market analysis of the going rate for the scope of services provided], minutes from the board meeting documenting discussion of how the rate was determined, a memo to file documenting that rate research and analysis was conducted)

Minutes of the meeting or other record of approval when the decision was made on the financial transaction

Other:

**TRANSACTIONS**

3. **Evidence of Title Investigation**

Evidence of title investigation (*such as a title report, title insurance commitment, title insurance policy*)

*If the title investigation was completed early in the transaction process:* evidence the title investigation was updated prior to closing by a title company or attorney (*such as with an updated title search or title insurance commitment, a title insurance policy, a written communication from an attorney or title examiner that the title investigation was brought current at closing, written escrow or closing instructions requiring the closing agent or title company to bring the title investigation current*)

Documentation that shows how encumbrances that could impact the project were addressed, such as:

- Lien or mortgage subordinations or discharges
- Mineral remoteness report
- Statement describing how the land trust assessed any exceptions for the investigation of mineral rights and assessed the risk that the minerals were potentially severed
- Other documentation (*such as water rights due diligence report; memo to file with analysis of how substantial access easements or rights-of-way could impact project*)

**TRANSACTIONS and STEWARDSHIP**

4. **Verification of Baseline Documentation Report Contents and Monitoring of Older Project(s)**

- Complete, recorded conservation easement
- Complete, signed baseline documentation report
- Any baseline documentation report updates, current conditions reports, or supplements
- Monitoring reports from over the accredited term (*include one representative report from each year*)
5. **Verification of Management Plan Contents and Inspections of Older Project(s)**

- Complete, recorded deed of fee title
- Management plan
- Inspection reports from over the accredited term (*include one representative report from each year*)
- Other:

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**TRANSACTIONS**

6. **Transactions Addressed in Land Trust Alliance Tax Shelter Advisory**

- Complete, recorded deed (of fee title or conservation easement depending on project type)
- *If a conservation easement:* Complete, signed baseline documentation report (or current conditions report)
- Qualified appraisal used to substantiate the tax donation
- Signed Form 8283 and any supplemental statement
- Documentation of the land trust's comprehensive due diligence and analysis prior to closing to determine if the transaction met the terms of the Land Trust Alliance Tax Shelter Advisory (*such as understanding the people behind the donor entity; evaluating the project against Practice 10C4; providing written notification to the donor of the requirements for accepting a donation of land or conservation easement; obtaining an opinion from outside legal counsel on whether the entire transaction complies with all state and federal laws, the Standards, the Tax Shelter Advisory, the Internal Revenue Code and U.S. Treasury Regulations; reviewing the due diligence documents and appraisal before closing*)
- Other:

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**STEWARDSHIP**

7. **Conservation Easement Enforcement or Conservation Property Ownership Challenges**

- Evidence of how the conservation easement violation or significant conservation property ownership challenge (*such as significant trespass, encroachment*) was discovered, documented, and reviewed and how it was or is being resolved (*such as monitoring/inspection report, minutes of board or committee meetings, internal memos, communications with landowners*)
- Other:
8. **Conservation Easement Amendments**

- Before- and after-version of the conservation easement deed (or a tracked-changes version)
- Materials provided to the board (or delegated entity) in advance of its approval of the amendment
- Record of the approval (*such as minutes of the board meeting when the amendment was approved, board resolution, other record of final decision*)
- Documentation used to determine that there was no private inurement or impermissible private benefit conferred by the amendment (*such as appraisal, letter of opinion from qualified real estate professional, correspondence with legal counsel, memo to file*)
- Other:

9. **Conservation Easement Extinguishment**

- Before- and after-version of the conservation easement deed (or a tracked-changes version)
- Materials provided to the board (or delegated entity) in advance of its approval of the extinguishment
- Record of the approval (*such as minutes of the board meeting when the extinguishment was approved, board resolution, other record of final decision*)
- Documentation used to determine that there was no private inurement or impermissible private benefit conferred by the extinguishment (*such as appraisal, letter of opinion from qualified real estate professional, correspondence with legal counsel, memo to file*)
- Evidence that the land trust took the following actions:
  - Followed the conservation easement terms with respect to obtaining judicial or regulatory review (or obtained written legal counsel determination why judicial review not needed)
  - Took steps to avoid or mitigate harm to conservation values
  - Used any proceeds appropriately
- Other:
CONSERVATION EASEMENT PROJECT DOCUMENTATION

Documentation for conservation easement projects selected by the Commission is required as part of each renewal application. These projects are selected from those projects completed over the accredited term. This checklist will help you organize your records and ensure that you provide all required documents for each type of project. Note that the Commission will decide on the type of specific information that will need to be provided for each project (for instance, board review/approval, enforcement, and amendments may or may not be requested depending on timing of project and information provided in the pre-application).

- If you have already included the information requested as part of your main application, you do not need to include it again. You will be able to simply cross-reference that document using the online application system.
- For your convenience we have included an “Other” opportunity in each section. You may use “Other” to briefly explain any missing documentation, provide additional explanations, or to provide the requested statements. For longer explanations, please provide a separate document.

Project Name:

General Background Documents
- A statement with a brief description of the project, including the project name, size, type of transaction (such as if a purchase, donation, bargain sale, mitigation, transfer), date of acquisition, the role of any partners, and any other information that will help the reviewer understand the project.
- Map or aerial photo of project area (if not included in other documents)
- If co-held with another entity, any co-hold agreements
- If a mitigation project, any mitigation agreements
- If your land trust was not able to show compliance with the requirements in this project: Statement and/or related documentation explaining a) the circumstances, b) the alternative steps your land trust took to meet the intent of the practice and/or mitigate risks associated with the non-compliance and c) how your land trust typically complies with the requirement
- Other (such as project MOU, agreement with project funder):

FINANCE

Gift Acknowledgement and Donor Restriction 5B2, 5B3
- Letter or other written acknowledgement of easement or land gifts valued at more than $250
Evidence that your land trust reviewed the project against its project selection criteria (such as completed criteria worksheets or checklists, site evaluation checklists, project planning sheets, meeting minutes)

Evidence of visual inspection prior to closing (such as site evaluation checklists, site visit report, date-stamped photos of the property, contemporaneous notes or internal communications)

Evidence of title investigation (such as a title report, title insurance commitment, title insurance policy)

- If the conservation easement was transferred from a conservation partner, the title investigation documentation can be a complete title investigation, a copy of the conservation partner’s past title investigation along with evidence the title investigation was brought current within 30 days of closing, or a statement of how the land trust assessed and addressed title risks (such as by evaluating the title information from the conservation partner, conducting additional title investigation)

If the title investigation was completed early in the transaction process: evidence the title investigation was updated prior to closing by a title company or attorney (such as with an updated title search or title insurance commitment, a title insurance policy, a written communication from an attorney or title examiner that the title investigation was brought current at closing, written escrow or closing instructions requiring the closing agent or title company to bring the title investigation current)

Documentation that shows how encumbrances that could impact the project were addressed, such as

- Lien or mortgage subordinations or discharges
- Mineral remoteness report
- Statement describing how the land trust assessed any exceptions for the investigation of mineral rights and assessed the risk that the minerals were potentially severed
- Other documentation (such as water rights due diligence report; memo to file with analysis of how substantial access easements or rights-of-way could impact project)

If conservation easement was purchased:

- Purchase price documentation (such as purchase and sale agreement, engagement letter, closing statement)

- Independent appraisal (or letter of opinion) used to substantiate the purchase price

If purchased above the appraised value:

- Evidence justifying the purchase price and documenting that there was no private inurement or impermissible private benefit (such as with contemporaneous trend data for
market appreciation, range of value of similar purchases, market factors not covered in the appraisal)

### Project Review and Approval

- Evidence of the review of the project by the full board and/or by a committee (such as meeting minutes, internal memos, timeline of events)
- Material provided to the board (or other decision maker) before final approval of the project
- Minutes of the board meeting when the project was approved or other record of final decision
- If approval delegated, notification of project completion provided to the board
- Other:

### Conservation Easement and Fee Title Deeds

- Complete, recorded deed of conservation easement

### Baseline Documentation Report

- Complete, signed baseline documentation report
- Any baseline documentation report updates, current conditions reports, or supplements
- If baseline documentation report was not completed at closing, interim data, with a schedule for finalizing the full report, that was completed and signed by closing
- Other:

### Tax Deduction

If applicable for selected project:

- Qualified appraisal used to substantiate the tax donation
  - If the landowner did not provide the appraisal, documentation the land trust requested it from the landowner near the time of signing the Form 8283 and a statement explaining how the land trust confirmed that it did not have concerns about the appraised value when it signed the Form 8283
- Signed Form 8283 and any supplemental statement
- If the land trust had substantial concerns about the appraised value, appraisal, or Form 8283: documentation of the land trust’s actions (such as sharing concerns in writing with the landowner, seeking additional substantiation of value, refusing to sign the Form 8283)
- Other:

### Transactions Addressed in Land Trust Alliance Tax Shelter Advisory

If a project completed with a pass-through entity of unrelated parties that have held the property for less than three years:

- Documentation of the land trust's comprehensive due diligence and analysis prior to closing to determine if the transaction met the terms of the Land Trust Alliance Tax Shelter
Advisory (such as understanding the people behind the donor entity; evaluating the project against Practice 10C4; providing written notification to the donor of the requirements for accepting a donation of land or conservation easement; obtaining an opinion from outside legal counsel on whether the entire transaction complies with all state and federal laws, the Standards, the Tax Shelter Advisory, the Internal Revenue Code and U.S. Treasury Regulations; reviewing the due diligence documents and appraisal before closing)

Other:

STEWARDSHIP

Conservation Easement Monitoring

Conservation easement monitoring reports from over the accredited term (include a representative report from each year)

Other:

Conservation Easement Amendments and Extinguishments

If applicable for selected project:

- Before- and after-version of the conservation easement deed (or a tracked-changes version)
- Materials provided to the board (or delegated entity) in advance of its approval of the amendment/extinguishment
- Record of the approval (such as minutes of the board meeting when the amendment/extinguishment was approved, board resolution, other record of final decision)
- Documentation used to determine that there was no private inurement or impermissible private benefit conferred by the amendment/extinguishment (such as appraisal, letter of opinion from qualified real estate professional, correspondence with legal counsel, memo to file)
- If an extinguishment, evidence that the land trust took the following actions:
  - Followed the conservation easement terms with respect to obtaining judicial or regulatory review (or obtained written legal counsel determination why judicial review not needed)
  - Took steps to avoid or mitigate harm to conservation values
  - Used any proceeds appropriately

Other:

Conservation Easement Enforcement

If applicable for selected project:

- Evidence of how the conservation easement violation was discovered, documented,
reviewed and resolved (such as monitoring/inspection report, minutes of board or committee meetings, internal memos, communications with landowners)

Other:

**Stewardship Records**

If applicable for selected project:

- A recent example of how your land trust documented (such as with a monitoring report, baseline supplement or current conditions report) a significant change to the land (such as resulting from natural disaster or exercise of a permitted right) or changes to the conservation easement (such as resulting from an amendment)

- Recent example of conservation easement stewardship records related to a notice, approval, denial, substantive interpretation, or the exercise of a significant permitted right. Include the landowner’s request/notice and your land trust’s response to the landowner

Other:
CONSERVATION FEE PROJECT DOCUMENTATION

Documentation for conservation fee projects selected by the Commission is required as part of each renewal application. These projects are selected from those projects completed over the accredited term. This checklist will help you organize your records and ensure that you provide all required documents for each type of project. Note that the Commission will decide on the type of specific information that will need to be provided for each project (for instance, board review/approval, enforcement, and amendments may or may not be requested depending on timing of project and information provided in the pre-application).

- If you have already included the information requested as part of your main application, you do not need to include it again. You will be able to simply cross-reference that document using the online application system.
- For your convenience we have included an “Other” opportunity in each section. You may use “Other” to briefly explain any missing documentation, provide additional explanations, or to provide the requested statements. For longer explanations, please provide a separate document.

Project Name:

General Background Documents
- A statement with a brief description of the project, including the project name, size, type of transaction (such as if a purchase, donation, bargain sale, mitigation, transfer), date of acquisition, the role of any partners, and any other information that will help the reviewer understand the project.
- Map or aerial photo of project area (if not included in other project documentation)
- If a mitigation project, any mitigation agreements
- If your land trust was not able to show compliance with the requirements in this project: Statement and/or related documentation explaining a) the circumstances, b) the alternative steps your land trust took to meet the intent of the practice and/or mitigate risks associated with the non-compliance and c) how your land trust typically complies with the requirement
- Other (such as project MOU, management agreement with partner, lease):

### FINANCE

Gift Acknowledgement and Donor Restriction 5B2, 5B3
- Letter or other written acknowledgement of easement or land gifts valued at more than $250
Evidence that your land trust reviewed the project against its project selection criteria (such as completed criteria worksheets or checklists, site evaluation checklists, project planning sheets, meeting minutes)

Evidence of visual inspection prior to closing (such as site evaluation checklists, site visit report, date-stamped photos of the property, contemporaneous notes or internal communications)

Evidence of title investigation (such as a title report, title insurance commitment, title insurance policy)
  • If the property was acquired from a conservation partner, the title investigation documentation can be a full title investigation, a copy of the conservation partner’s past title investigation along with evidence the title investigation was brought current within 30 days of closing, or a statement of how the land trust assessed and addressed title risks (such as by evaluating the title information from the conservation partner, conducting additional title investigation)

If the title investigation was completed early in the transaction process: evidence the title investigation was updated prior to closing by a title company or attorney (such as with an updated title search or title insurance commitment, a title insurance policy, a written communication from an attorney or title examiner that the title investigation was brought current at closing, written escrow or closing instructions requiring the closing agent or title company to bring the title investigation current)

Documentation that shows how encumbrances that could impact the project were addressed, such as
  • Lien or mortgage discharges
  • Mineral remoteness report
  • Statement describing how the land trust assessed any exceptions for the investigation of mineral rights and assessed the risk that the minerals were potentially severed
  • Other documentation (such as water rights due diligence report; memo to file with analysis of how substantial access easements or rights-of-way could impact project)

If conservation fee property was purchased:
  • Purchase price documentation (such as purchase and sale agreement, engagement letter, closing statement)

  Independent appraisal (or letter of opinion) used to substantiate the purchase price

If purchased above the appraised value:
  • Evidence justifying the purchase price and documenting that there was no private inurement or impermissible private benefit (such as with contemporaneous trend data for
market appreciation, range of value of similar purchases, market factors not covered in the appraisal)

### Project Review and Approval
- Evidence of the review of the project by the full board and/or by a committee (such as meeting minutes, internal memos, timeline of events)
- Material provided to the board (or other decision maker) before final approval of the project
- Minutes of the board meeting when the project was approved or other record of final decision
- **If approval delegated:** notification of project completion provided to the board
- Other:

### Conservation Easement and Fee Title Deeds
- Complete, recorded deed of fee title

### Tax Deduction
- **If applicable for selected project:**
  - Qualified appraisal used to substantiate the tax donation
    - **If the landowner did not provide the appraisal, documentation the land trust requested it from the landowner near the time of signing the Form 8283 and a statement explaining how the land trust confirmed that it did not have concerns about the appraised value when it signed the Form 8283**
  - Signed Form 8283 and any supplemental statement
  - **If the land trust had substantial concerns about the appraised value or appraisal:** documentation of the land trust’s actions (such as sharing concerns in writing with the landowner, seeking additional substantiation of value, refusing to sign the Form 8283)
  - Other:

### Transactions Addressed in Land Trust Alliance Tax Shelter Advisory
- **If project completed with a pass-through entity of unrelated parties that have held the property for less than three years:**
  - Documentation of the land trust's comprehensive due diligence and analysis prior to closing to determine if the transaction met the terms of the Land Trust Alliance Tax Shelter Advisory (such as understanding the people behind the donor entity; evaluating the project against Practice 10C4; providing written notification to the donor of the requirements for accepting a donation of land or conservation easement; obtaining an opinion from outside legal counsel on whether the entire transaction complies with all state and federal laws, the Standards, the Tax Shelter Advisory, the Internal Revenue Code and U.S. Treasury Regulations; reviewing the due diligence documents and appraisal before closing)
  - Other:
### STEWARDSHIP

#### Conservation Property Inspections\(^{12C2}\)
- Inspection reports from over the accredited term (*include one representative report from each year*)
- Other:

#### Conservation Property Management Plans\(^{12B1}\)
- Management plan
- Other:

#### Conservation Property Ownership Challenges\(^{12C3}\)
If applicable for selected project:
- Evidence of how the significant conservation property ownership challenge (*such as significant trespass, encroachment*) was discovered, documented, and reviewed and how it was or is being resolved (*such as inspection report, minutes of board or committee meetings, internal memos, communications with landowners*)
- Other: