

STANDARD  
**1**

**Ethics, Mission and Community Engagement**  
*Land trusts maintain high ethical standards and have a mission committed to conservation, community service and public benefit.*

How well is the land trust meeting this practice?  
1 = not currently meeting  
4 = meets or exceeds  
? = don't know

## A. Ethics

1. Adopt a written code of ethics and/ or values statement and adhere to it in implementing the land trust's mission, in its governance and in its operations	1	2	3	4	?
<ul style="list-style-type: none"> <li>• Has the board adopted an ethics statement or a statement of organizational values?</li></ul>	Yes		No		?
<ul style="list-style-type: none"> <li>○ If yes, does the statement address how the land trust will address transparency and uphold the public interest?</li> </ul>		No	?		N/
2. Adopt a written whistleblower policy that protects individuals who come forward with information on illegal practices or unethical behavior	1	2	3	4	?
<ul style="list-style-type: none"> <li>• Has the board adopted and implemented a written whistleblower policy?</li> </ul>	Yes		No		?
3. <b>Do not knowingly participate in transactions that are potentially fraudulent or abusive</b>	1	2	3	4	?
<ul style="list-style-type: none"> <li>• What are the land trust's specific policies or actions that ensures it avoids participating in potentially fraudulent or abusive transactions?</li> </ul> <hr/> <hr/> <hr/>					

## Comments:

## B. Mission, Planning and Evaluation

1. Adopt a mission that advances conservation and serves the public interest	1	2	3	4	?
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- How does the land trust mission address the public interest? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Establish strategic goals for implementing the mission, then review and update them, as needed, at least once every five years 1 2 3 4 ?

a. Revisit the mission during the strategic review to confirm it is relevant

- Does the land trust have a written strategic goals or a strategic plan, established by the board? Yes No ?
- If yes, does the land trust review and update the goals or plan at least every five years? Yes No ?

- Describe how the land trust establishes its strategic goals: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Describe the board's involvement in setting strategic direction: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Does the land trust revisit the mission when it reviews its strategic plan or goals Yes No ?

3. Review programs and activities at least annually to ensure they are advancing the strategic goals and make adjustments, as appropriate 1 2 3 4 ?

- Does the land trust evaluate its programs and goals on at least an annual basis? Yes No ?
- If so, how, and what is the board's involvement? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Does the land trust complete an annual plan with specific goals and objectives that are tied to the strategic plan or goals? Yes No ?

## Comments:

### C. Community Engagement

1. Develop an inclusive, welcoming organizational culture that respects diversity 1 2 3 4 ?

- How does the land trust create a welcoming culture that respects diversity and strives for equity and inclusion?

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2. Seek to engage people who are broadly representative of the community in which the land trust works and foster opportunities to connect them with the land 1 2 3 4 ?

- How does the land trust deepen its relationships with current audiences and engage new audiences? \_\_\_\_\_

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3. Develop an understanding of the land trust's community, and communicate the land trust's work, services and impact in a manner that resonates with and engages that community 1 2 3 4 ?

- How does the land trust listen to, solicit feedback from and communicate its goals to its community (members, donors, the general public and traditional and non-traditional partners and organizations) within its service area?

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4. Build relationships with community leaders and other stakeholders in the land trust’s community

1 2 3 4 ?

- How does the land trust build relationships with elected officials and other community leaders and stakeholders?

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**Comments:**

STANDARD

2

## Compliance with Laws

*Land trusts fulfill their legal requirements as nonprofit tax-exempt organizations and comply with all laws.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Compliance with Laws

1. Do not knowingly conduct operations in violation of law

1 2 3 4 ?

### Comments:

### B. Nonprofit Incorporation and Bylaws

1. Incorporate or organize according to the requirements of state law and maintain legal status

1 2 3 4 ?

- Date of incorporation
- If a membership organization, does the incorporating document and/or the bylaws describe the roles, rights and responsibilities of membership?
- Does the organization follow state nonprofit reporting and annual filing requirements?
- Does it have (or can it obtain) a "certificate of good standing" from its state department regulating nonprofits?
- Does the land trust have any related entities, such as a corporation, supporting organization or other affiliated entity (whether for profit or nonprofit), legally linked to the organization?

\_\_\_\_\_

No N/A ?

Yes No ?

Yes No ?

Yes No ?

2. Operate in accordance with established bylaws

1 2 3 4 ?

- Do the bylaws contain significant operational provisions, consistent with state nonprofit laws and regulations, to appropriately guide the land trust's work?
- Are the land trust's current practices consistent with its bylaws?

Yes No ?

Yes No ?

3. Review the bylaws at least once every five years to ensure consistency with current operations, the articles of incorporation and state law	1	2	3	4	?
<ul style="list-style-type: none"> <li>• Are the bylaws reviewed at least once every five years?</li> <li>• Describe when and how the bylaws were last reviewed and who was involved in the review: _____ _____ _____</li> </ul>	Yes	No	?		

**Comments:**

**C. Federal Tax Exemption**

1. Maintain status as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code (IRC)	1	2	3	4	?
<ul style="list-style-type: none"> <li>• Has the land trust received a letter from the IRS granting it tax-exempt status?</li> <li>• Does the land trust meet the public support test for public charities?</li> <li><b>a. File a complete and accurate annual information return (Form 990 or equivalent) with the Internal Revenue Service</b></li> <li>• Did the land trust file a Form 990 or its equivalent (Form 990-EZ or e-Postcard [Form 990-N]) for the last tax year?               <ul style="list-style-type: none"> <li>○ Type of form filed: _____</li> </ul> </li> <li>• The land trust included all relevant schedules (<i>check all that apply</i>):               <ul style="list-style-type: none"> <li><input type="checkbox"/> Schedule A, demonstrating that the land trust meets the public support test</li> <li><input type="checkbox"/> Schedule B, information on contributors and contributions</li> <li><input type="checkbox"/> Schedule D, information on the land trust’s conservation easements and fee properties</li> <li><input type="checkbox"/> Schedule L, financial transactions or arrangements with conflicted parties</li> </ul> </li> </ul>	Yes	No	?		

<ul style="list-style-type: none"> <li>❑ Schedule M, non-cash contributions received, including any conservation easement or fee property donations</li> <li>❑ Schedule O, necessary supplemental information</li> </ul>					
<p><b>b. Do not knowingly engage in prohibited activities, such as private inurement or impermissible private benefit</b></p> <ul style="list-style-type: none"> <li>• Does the board understand and comply with prohibitions on private inurement and impermissible private benefit (see definitions)?</li> </ul>	1	2	3	4	?
	Yes		No		?
<p><b>c. Comply with federal lobbying limitations and reporting requirements</b></p> <ul style="list-style-type: none"> <li>• Does the land trust engage in public policy work?</li> <li>• Does the land trust report on any lobbying activities or unrelated business income?</li> </ul>	1	2	3	4	?
	Yes		No		?
			No	N/A	?
<p><b>d. Do not engage in political campaigns on behalf of or in opposition to any candidate for public office</b></p> <ul style="list-style-type: none"> <li>• Do the board and staff, if any, understand and comply with prohibitions on political campaign activity?</li> </ul>	1	2	3	4	?
	Yes		No		?

**Comments:**

STANDARD  
**3**

## Board Accountability

*Land trust boards act ethically in conducting the affairs of the organization and carry out their legal and financial responsibilities as required by law.*

How well is the land trust meeting this practice?  
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? = don't know

### A. Board Responsibility

- |   |     |   |    |   |   |
|---|-----|---|----|---|---|
| 1. Individual board members are informed of and understand their role and their responsibilities as nonprofit board members, including their legal and fiduciary duties | 1   | 2 | 3  | 4 | ? |
| • Does the board understand its legal and fiduciary duties of Care, Loyalty and Obedience?  | Yes |   | No |   | ? |
| 2. The board provides oversight of the land trust's finances and operations by  | 1   | 2 | 3  | 4 | ? |
| a. Reviewing and approving an annual budget   |     |   |    |   |   |
| • Does the land trust board review and approve the annual budget  | Yes |   | No |   |   |
| b. Working to ensure that sufficient financial resources are available  | 1   | 2 | 3  | 4 | ? |
| • Does the land trust have clear expectations about the board's role in fundraising?  | Yes |   | No |   |   |
| • Does the land trust have an active board development committee?   | Yes |   | No |   |   |
| c. Receiving and reviewing financial reports and statements in a form and with a frequency appropriate for the scale of the land trust's financial activity             | 1   | 2 | 3  | 4 | ? |
| • Who is involved in creating and reviewing financial reports and how frequently does this occur? _____   |     |   |    |   |   |
| _____   |     |   |    |   |   |
| _____   |     |   |    |   |   |
| • The financial reports show the following information ( <i>check all that apply</i> ):   |     |   |    |   |   |
| <input type="checkbox"/> Unrestricted, board-designated and restricted net assets   |     |   |    |   |   |



Actual unrestricted and restricted revenue and expenses for the reporting period as compared to budget

d. **Reviewing the externally prepared financial audit, review or compilation** 1 2 3 4 ?

• Did the board review the results of the last external audit, review or compilation? Yes No ?

• Did the land trust make changes to its financial policies or procedures based on the management letter or correspondence that accompanied the most recent audit, review or compilation? Yes No ?

○ If yes, please describe the actions taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e. **Adopting written policies or procedures for the responsible and prudent investment, management and use of financial assets** 1 2 3 4 ?

• Has the board adopted a written policy guiding the investment, management and use of financial assets? Yes No ?

○ If yes, does the policy establish responsibility for monitoring compliance with the policy and resulting investment performance? Yes No ?

3. **The board hires, oversees and evaluates, at least annually, the performance of any executive director (or chief staff person)**

• If the land trust has staff, describe who, how and when the board evaluates the executive director or chief staff person:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. **The board may delegate decision-making and management functions to committees, provided that committees have clearly defined roles and report to the board or staff** 1 2 3 4 ?

• List the land trust's standing and current ad hoc committees and how often they meet: \_\_\_\_\_

\_\_\_\_\_

- |  |                    |
|--|--------------------|
| <ul style="list-style-type: none"> <li>• Is there a charter and annual work plan for each committee that details its roles and responsibilities?</li> </ul>                      | Yes      No      ? |
| <ul style="list-style-type: none"> <li>• Do all committees to which the board has delegated decision-making and/or management functions report to the board or staff?</li> </ul> | Yes      No      ? |

## Comments:

### B. Board Composition and Structure

1. Have a board of sufficient size, skills, backgrounds and experiences to conduct its work effectively 1   2   3   4   ?

- Number of board seats authorized in the bylaws: \_\_\_\_\_
- Number of board seats currently filled: \_\_\_\_\_
- How does the board determine the skills, background and expertise needed on the board? \_\_\_\_\_

2. Have a board substantially composed of independent members to reduce risk arising from conflicts of interest 1   2   3   4   ?

- Number of independent board members (see definition): \_\_\_\_\_

3. Have a board development process that includes procedures for recruiting and training board members 1   2   3   4   ?

- How does the board recruit and train board members? \_\_\_\_\_

4. Ensure the board's presiding officer and treasurer are not the same individual 1   2   3   4   ?

<ul style="list-style-type: none"> <li>• Are the offices of board president/chair and treasurer currently held by the same individual?</li> </ul>	Yes    No    ?
5. If a staff member serves on the board, clearly define the staff role and limit the board member role accordingly to ensure separation of duties and avoid undue influence	1   2   3   4   ?
a. No staff member serves as the board's presiding officer or treasurer	
<ul style="list-style-type: none"> <li>• Does a staff member currently serve on the board?</li> <li>○ If yes, in what capacity?</li> <li>○ If yes, how does the land trust mitigate the potential for undue influence?</li> </ul>	Yes    No    ?  _____  _____

**Comments:**

**C. Board Governance**

1. Provide board members with written expectations for their service on the board	1   2   3   4   ?
<ul style="list-style-type: none"> <li>• Are board members provided with written information (such as job descriptions, board expectations or a board contract) to help them understand their responsibilities and fulfill their role as board members?</li> <li>• Does the land trust have an up-to-date board policy manual?</li> </ul>	Yes    No    ?  Yes    No    ?
2. The board meets a minimum of three times per year and maintains adopted minutes of each meeting	1   2   3   4   ?
<ul style="list-style-type: none"> <li>• Does the board meet regularly and often enough to conduct its business effectively?</li> <li>○ Total number of board meetings with a quorum in the last 12 months:</li> <li>• Does the board maintain and adopt minutes of each board meeting?</li> <li>○ If yes, do the board meeting minutes sufficiently document board discussion and action?</li> </ul>	Yes    No    ?  _____  Yes    No    ?  Yes    No    ?

<p>3. Provide board members with sufficient and timely informational materials prior to each meeting to make informed decisions</p> <ul style="list-style-type: none"> <li>• Are the board meeting materials sent at least three days before each meeting?           <ul style="list-style-type: none"> <li>○ If yes, meeting materials include (<i>check all that apply</i>):               <ul style="list-style-type: none"> <li><input type="checkbox"/> An agenda</li> <li><input type="checkbox"/> Minutes of the previous meeting</li> <li><input type="checkbox"/> Informational materials on most discussion and decision items on the agenda, such as information about proposed conservation transactions or financial reports</li> </ul> </li> </ul> </li> </ul>	<p>1 2 3 4 ?</p> <p>Yes No ?</p>
<p>4. Board members evaluate their performance annually as a group and as individuals at least once every three years</p> <ul style="list-style-type: none"> <li>• How often does the board evaluate its performance as a whole? _____</li> <li>• How often does the board evaluate individual board members? _____</li> <li>• How does the board evaluate its performance? _____            _____            _____</li> <li>• How are individual board members evaluated? _____            _____            _____</li> </ul>	<p>1 2 3 4 ?</p>
<p>5. Adopt procedures for removing board members who are not fulfilling their responsibilities</p> <ul style="list-style-type: none"> <li>• Does every board member attend meetings regularly, stay informed, participate in the land trust's business and its oversight and serve as ambassadors for the organization?</li> <li>• Does the board have procedures for removing inactive or ineffective board members?</li> </ul>	<p>1 2 3 4 ?</p> <p>Yes No ?</p> <p>Yes No ?</p>

# Organizational Strength

# 2017 Standards

<ul style="list-style-type: none"> <li>• Does the land trust have a policy limiting the number of terms a board member may serve?</li> </ul>	<p>Yes    No    ?</p>
<p>6. Have governing documents that contain policies and procedures (such as provisions for a quorum and adequate meeting notices) to encourage broad participation and to prevent a minority of board members from acting for the land trust without proper delegation of authority</p>	<p>1   2   3   4   ?</p>
<ul style="list-style-type: none"> <li>• Do the land trust's bylaws contain provisions for a quorum and notice of meetings?</li> </ul>	<p>Yes    No    ?</p>

## Comments:

### D. Board Approval of Transactions

<p>1. The board reviews and approves every land and conservation easement transaction</p> <ul style="list-style-type: none"> <li>a. However, the board may delegate decision-making authority on transactions if:           <ul style="list-style-type: none"> <li>i. It establishes written policies or has bylaws provisions that define the limits to the authority given to the delegated entity</li> <li>ii. The delegated entity provides timely notification in writing to the full board of any completed transactions</li> </ul> </li> </ul>	<p>1   2   3   4   ?</p>
<ul style="list-style-type: none"> <li>• Does the full board review and approve every land and easement transaction before the transaction is completed?</li> </ul>	<p>Yes    No    ?</p>
<ul style="list-style-type: none"> <li>• If there are substantial changes to a project following board approval, is the board notified of those changes prior to closing?</li> </ul>	<p>Yes    No    ?</p>
<ul style="list-style-type: none"> <li>• Transaction approval authority may be delegated to a committee or staff only after the board has adopted a written delegation of transaction approval policy or has such bylaw provisions. Has the land trust adopted such a policy or have such bylaws provisions?</li> </ul>	<p>No    N/A    ?</p>
<ul style="list-style-type: none"> <li>○ If yes, the policy or bylaws provision includes (<i>check all that apply</i>):           <ul style="list-style-type: none"> <li>□ The limits given to the delegated entity (such as requiring full board approval if a conflicted party is involved or requiring a committee review before a final decision is made, etc.)</li> <li>□ Criteria for transactions</li> <li>□ Requirements that if the project changes significantly after approval (such as change in size, restrictions, number/type of reserved rights, then the land trust provides the board or delegated entity with notice of change before closing)</li> </ul> </li> </ul>	

- Requirements for timely notification of completed transactions to board (preferably by or at the next meeting)
- Requirements for periodic evaluation of the policy
- Why has the land trust chosen to delegate transaction approval to an individual or group other than the full board?

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## Comments:

STANDARD

4

## Conflicts of Interest

*Land trusts have policies and procedures to avoid or manage real or perceived conflicts of interest.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Dealing with Conflicts of Interest

- |   |                                  |   |    |   |   |   |  |     |  |    |  |   |                                  |
|---|----------------------------------|---|----|---|---|---|--|-----|--|----|--|---|----------------------------------|
| <p>1. Adopt a written conflict of interest policy that addresses, for all <b>insiders</b>, how conflicts are identified and avoided or managed</p> <ul style="list-style-type: none"> <li>• Does the land trust have a dated, written conflict of interest policy?                     <table border="0" style="margin-left: 20px;"> <tr> <td></td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> <td style="text-align: center;">4</td> <td style="text-align: center;">?</td> </tr> <tr> <td></td> <td style="text-align: center;">Yes</td> <td></td> <td style="text-align: center;">No</td> <td></td> <td style="text-align: center;">?</td> </tr> </table> <ul style="list-style-type: none"> <li>○ If yes, the policy (<i>check all that apply</i>):                             <ul style="list-style-type: none"> <li>□ Describes who is an insider (see definition), including:                                     <ul style="list-style-type: none"> <li>• Board and staff members</li> <li>• Substantial contributors</li> <li>• Parties related to the above</li> <li>• Those who have the ability to influence decisions of the land trust</li> <li>• Those with access to information not available to the general public</li> </ul> </li> <li>□ Addresses how the land trust identifies actual, potential and perceived conflicts, including how and when conflicts should be disclosed</li> <li>□ Addresses how the land trust avoids or manages conflicts</li> </ul> </li> </ul> </li> </ul> |                                  | 1 | 2  | 3 | 4 | ? |  | Yes |  | No |  | ? | <p>1 2 3 4 ?</p> <p>Yes No ?</p> |
|   | 1                                | 2 | 3  | 4 | ? |   |  |     |  |    |  |   |                                  |
|   | Yes                              |   | No |   | ? |   |  |     |  |    |  |   |                                  |
| <p>2. Document the disclosure and management of actual and potential conflicts</p> <ul style="list-style-type: none"> <li>• Do meeting minutes or other records sufficiently document that the conflicted party was absent for any board discussion of the actual, potential or perceived conflict, except when requested to provide factual information?</li> </ul>  | <p>1 2 3 4 ?</p> <p>Yes No ?</p> |   |    |   |   |   |  |     |  |    |  |   |                                  |
| <p>3. When engaging in any transaction with an insider,</p>   | <p>1 2 3 4 ?</p>                 |   |    |   |   |   |  |     |  |    |  |   |                                  |

Accreditation indicator elements are in blue font

Terrafirma eligibility requirements are in green font

Red font indicates that they are both

- a. Follow the conflict of interest policy
- b. Contemporaneously document that there is no private inurement
  
- Within the past five years, has the land trust engaged in financial transactions other than land or easement transactions (such as contracts for legal or bookkeeping services, rental payments, purchases of goods or services, loans and so on) with an insider? Yes    No    ?
  
- If yes, for each transaction, did the land trust:
  - Follow its conflict of interest policy? Yes    No    ?
  - Follow all other applicable policies and procedures? Yes    No    ?
  - Document that it appropriately managed the transaction? Yes    No    ?
  - Document the absence of private inurement, including obtaining legal counsel to confirm, if necessary? Yes    No    ?

## Comments:

### B. Payments to Board Members

1. Do not financially compensate board members for board service, except for reimbursement of expenses 1    2    3    4
  - Are any board members currently compensated for services? Yes    No    ?
  
2. If, in limited circumstances, the land trust compensates a board member for professional services that would otherwise be contracted out, 1    2    3    4
  - a. Document the circumstances surrounding the decision to do so
  - b. Document how the land trust uses appropriate comparability data to determine the amount to be paid and to confirm that there is no private inurement
  - c. Do not compensate the board's presiding officer or treasurer for professional services
  - What procedures are followed when the land trust considers compensating a board member for services?



3. Do not provide loans to directors, officers or trustees

- Does the land trust's articles of incorporation or bylaws prohibit provision of loans to directors and officers? Yes    No    ?

**Comments:**

**C. Land and Conservation Easement Transactions with Insiders**

1. When engaging in land and conservation easement transactions with insiders,

- a. Follow all transaction policies and procedures
- b. For purchases from and sales of property to insiders, obtain an independent appraisal by a qualified appraiser to justify the purchase or sales price

- Within the past five years, has the land trust:
  - Acquired (through purchase, donation or other means) land or easements from an **insider**? Yes    No    ?
  - Sold land to an insider? Yes    No    ?
  - Engaged in any other land or easement transactions with an insider (such as amendments or transfers)? Yes    No    ?
- If yes, for each transaction, did the land trust:
  - Follow its conflict of interest policy? Yes    No    ?
  - Ensure that the project met its selection criteria and follow all transaction policies and procedures? Yes    No    ?
  - Ensure that there was no private inurement or impermissible private benefit? Yes    No    ?
  - Obtain an independent appraisal if the transaction involved a purchase or sale? No.....N/A
  - Document its actions and rationale appropriately? Yes    No    ?

**Comments:**

STANDARD  
**5**

## Fundraising

*Land trusts conduct fundraising activities in a lawful, ethical and responsible manner.*

How well is the land trust meeting this practice?  
1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Legal and Ethical Practices

1. Conduct an analysis of state charitable solicitation laws and register where the land trust determines it is appropriate
 

1	2	3	4	?
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  - In what states is the land trust registered to solicit funds? \_\_\_\_\_
  - Does the land trust solicit funds from donors (such as via telephone, mail, e-mail, social media, verbal solicitations or other means) who reside in states other than those in which the land trust is registered to solicit?
 

Yes	No	?
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  - If yes, how did the land trust determine that it was not required to register to solicit in these states? \_\_\_\_\_
  
2. Do not compensate internal or external fundraisers based on a commission or a percentage of the amount raised
 

1	2	3	4	?
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  - In the last five years, has the land trust paid a commission to any fundraiser?
 

Yes	No	?
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### Comments:

### B. Accountability to Donors

1. Provide accurate solicitation materials and other communications to donors and the public
 

1	2	3	4	?
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  - Does the land trust make accurate representations about its activities and uses of funds?
 

Yes	No	?
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  - Do the land trust's fundraising materials conform to any state and/or federal legal requirements and clearly indicate which portions of a donor's gift are tax deductible?
 

Yes	No	?
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<p>2. Provide timely written acknowledgment of all gifts, including land and conservation easements, in keeping with IRS charitable contribution substantiation requirements</p> <ul style="list-style-type: none"> <li>• Does the land trust provide a timely written acknowledgment to donors for all gifts valued at \$250 or more, including gifts of land and easements, stating that the donor received no goods or services in return as applicable?</li> </ul>	<p>1 2 3 4 ?</p> <p>Yes No ?</p>
<p>3. Maintain financial and other systems to document and comply with any donor restrictions on gifts</p> <ul style="list-style-type: none"> <li>• Does the land trust have a business process system for determining restrictions on gifts and grants and for tracking their receipt, use and acknowledgment?           <ul style="list-style-type: none"> <li>○ If yes, the system includes policies or procedures to address (<i>check all that apply</i>):               <ul style="list-style-type: none"> <li><input type="checkbox"/> Soliciting and accepting restricted gifts and grants</li> <li><input type="checkbox"/> Identifying and documenting donor restrictions on gifts and grants</li> <li><input type="checkbox"/> Correctly classifying all contributions received as either having or not having donor restrictions</li> <li><input type="checkbox"/> Tracking expenditures that meet the requirements of donor restrictions</li> <li><input type="checkbox"/> Maintaining complete records of donor-restricted funds received and used properly and the resulting remaining balance of donor-restricted funds yet to be expended</li> </ul> </li> </ul> </li> </ul>	<p>1 2 3 4 ?</p> <p>Yes No ?</p>
<p>4. Have a written policy or procedure to ensure donor privacy concerns are honored</p> <ul style="list-style-type: none"> <li>• Does the land trust have a written privacy policy that acknowledges that donors have the right to limit how their private information is used and that the land trust is responsible for maintaining systems that honor that right?</li> </ul>	<p>1 2 3 4 ?</p> <p>Yes No ?</p>

**Comments:**

**C. Fundraising Plan**

<p>1. Develop and implement a fundraising plan or program appropriate to the land trust's size and scope to secure adequate support for its activities</p>	<p>1 2 3 4 ?</p>
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- Approximately what percentage of the land trust’s operating expenses for the previous fiscal year was allocated to fundraising? \_\_\_\_\_ %
- Does the land trust have a diversified fundraising plan or program that outlines how it will generate revenue from fundraising activities? Yes No ?

**Comments:**

**D. Non-conservation Real Property for Resale**

1. When acquiring non-conservation real property with the intent of selling it to advance the land trust’s mission,
    - a. Obtain a written acknowledgment from any donor of the land trust’s intent to sell before accepting the property
    - b. Follow applicable transaction policies and procedures
    - c. Maintain the property while in the land trust’s ownership in a manner that retains the land trust’s public credibility, manages community expectations and minimizes risk
- Does the land trust have a policy or procedure for lands it receives as gifts and does not intend to hold for permanent conservation? Yes No ?
  - Prior to accepting donated non-conservation property, does the land trust obtain the donor’s written acknowledgment that the organization intends to sell the property? Yes No ?
  - Prior to resale, does the land trust maintain the non-conservation property responsibly, even if its ownership is of a short duration? Yes No ?

**Comments:**

STANDARD  
**6**

## Financial Oversight

*Land trusts are responsible and accountable for how they manage their finances and assets.*

How well is the land trust meeting this practice?  
1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Fiscal Health

#### 1. Develop an annual budget that reflects the land trust's annual programs and activities

- Does the land trust prepare an annual budget?
- Is the budget guided by a long-range financial plan?
- The land trust's total annual operating (i.e., not including land or easement acquisition) budget for the last two years:

	1	2	3	4	?
Yes			No		?
Yes			No		?

**Current Year**

Projected income \$ \_\_\_\_\_

Projected expenses \$ \_\_\_\_\_

**Last Year**

Income \$ \_\_\_\_\_

Expenses \$ \_\_\_\_\_

#### 2. Develop and implement a strategy to address any deficit-spending trends

- Do the land trust's financial reports show an operating surplus at the end of its most recent fiscal year?
- Do annual unrestricted revenues (including releases from restrictions) consistently exceed expenses?
  - If no, describe the land trust's plans to develop and implement a strategy to address deficit spending before it becomes a trend:

	1	2	3	4	?
Yes			No		?
Yes			No		?

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# Organizational Strength

# 2017 Standards

<p><b>3. Assess the nature and variability of revenue and seek to diversify funding sources</b></p> <ul style="list-style-type: none"> <li>• How many members/financial supporters does the land trust have?</li> <li>• Does the land trust have a diversity of income sources?</li> </ul>	<p>1   2   3   4   ?</p> <p>_____</p> <p>Yes      No      ?</p>										
<p><b>4. Build and maintain sufficient operating reserves to sustain operations</b></p> <ul style="list-style-type: none"> <li>• Does the land trust have an operating reserve?           <ul style="list-style-type: none"> <li>○ If yes, what percent of annual operating expenses could be covered by the operating reserve?</li> <li>○ If no, does the land trust have a feasible plan, with specific funding targets and timelines, to secure at least three months of operating reserves?</li> </ul> </li> </ul>	<p>1   2   3   4   ?</p> <p>Yes      No      ?</p> <p>_____</p> <p>Yes      No      ?</p>										
<p><b>5. Build and maintain dedicated or restricted funds sufficient to cover the long-term costs of stewarding and defending the land trust's land and conservation easements</b></p> <p><b>a. If funds are insufficient, adopt a plan to secure these funds and a policy committing the funds to this purpose</b></p> <ul style="list-style-type: none"> <li>• Does the land trust have board-designated or donor-restricted stewardship and defense funds?           <ul style="list-style-type: none"> <li>○ If yes, how much in each category?</li> </ul> <table border="0" style="margin-left: 20px;"> <tr> <td style="padding-right: 20px;">Conservation easements:</td> <td style="padding-right: 20px;">Stewardship</td> <td style="padding-right: 20px;">\$ _____</td> <td style="padding-right: 20px;">Legal defense</td> <td style="padding-right: 20px;">\$ _____</td> </tr> <tr> <td>Fee lands:</td> <td>Stewardship</td> <td>\$ _____</td> <td>Legal defense</td> <td>\$ _____</td> </tr> </table> </li> <li>• For conservation easement stewardship, does the land trust have at least \$3,500 per conservation easement in board-designated or restricted funding?           <ul style="list-style-type: none"> <li>○ If no, does the land trust have a feasible plan, with specific funding targets and timelines, for raising those funds?</li> </ul> </li> <li>• For fee land stewardship, does the land trust have sufficient financial resources to cover property stewardship?           <ul style="list-style-type: none"> <li>○ If no, does the land trust have a feasible plan, with specific funding targets and timelines, for raising those funds?</li> </ul> </li> <li>• For legal defense, does the land trust have the amount specified by the <a href="#">Legal Defense Reserves Calculator</a> in a board-designated or restricted fund for its conservation easements and its conservation properties?</li> </ul>	Conservation easements:	Stewardship	\$ _____	Legal defense	\$ _____	Fee lands:	Stewardship	\$ _____	Legal defense	\$ _____	<p>1   2   3   4   ?</p> <p>Yes      No      ?</p> <p>Yes      No      ?</p> <p>Yes      No      ?</p> <p>Yes      No      ?</p> <p>Yes      No      ?</p> <p>Yes      No      ?</p>
Conservation easements:	Stewardship	\$ _____	Legal defense	\$ _____							
Fee lands:	Stewardship	\$ _____	Legal defense	\$ _____							

# Organizational Strength

# 2017 Standards

- |  |     |    |     |
|--|-----|----|-----|
| ○ If no, does the land trust have a feasible plan, with specific funding targets and timelines, for raising those funds?                                     | Yes | No | ?   |
| ● If full funding for all these costs is not secure, does the board have a policy committing the land trust to using the funds it raises for these purposes? | No  | ?  | N/A |

## Comments:

### B. Financial Records

- |   |     |    |   |   |   |
|---|-----|----|---|---|---|
| 1. Keep financial records in accordance with Generally Accepted Accounting Principles (GAAP) or Other Comprehensive Basis of Accounting (OCBOA) | 1   | 2  | 3 | 4 | ? |
| ● Does the land trust keep its financial records according to Generally Accepted Accounting Principles (GAAP)?                                  | Yes | No | ? |   |   |
| ○ If no, has a qualified financial advisor determined that an alternative reporting method is acceptable?                                       | Yes | No | ? |   |   |

## Comments:

### C. External Financial Evaluation

- |  |     |    |   |   |   |
|--|-----|----|---|---|---|
| 1. Obtain an annual financial audit, review or compilation by an independent certified public accountant or a qualified accounting professional, in a manner appropriate for the scale of the land trust | 1   | 2  | 3 | 4 | ? |
| ● Does the land trust have an annual independent, external evaluation of its financials?   | Yes | No | ? |   |   |
| ○ If yes, it is a ( <i>check one</i> ):  |     |    |   |   |   |
| <input type="checkbox"/> Financial audit completed by a Certified Public Accountant (CPA)  |     |    |   |   |   |
| <input type="checkbox"/> Financial review completed by a CPA   |     |    |   |   |   |
| <input type="checkbox"/> Financial compilation completed by a CPA  |     |    |   |   |   |
| <input type="checkbox"/> An external evaluation of the land trust's records by a qualified financial advisor other than the treasurer  |     |    |   |   |   |



□ Other: \_\_\_\_\_

## Comments:

### D. Written Internal Controls

1. Establish written internal controls and accounting procedures, including segregation of duties, in a form appropriate for the scale of the land trust, to prevent the misuse or loss of funds	1	2	3	4	?
• Does the land trust have written accounting procedures that govern its financial reporting and financial management?	Yes		No		?
○ If yes, do they address the risks of misuse, loss or misstatement of funds?	Yes		No		?
• Does the land trust periodically verify its financial controls to ensure they are effective?	Yes		No		?

## Comments:

### E. Risk Management and Insurance

1. Routinely assess and manage risks so that they do not jeopardize the land trust's financial health and its ability to carry out its mission and legal responsibilities	1	2	3	4	?
• Does the land trust have a formal risk management program or plan?	Yes		No		?
○ If no, how does the land trust assess and manage risk? _____					
_____					
_____					
2. Carry general liability, directors and officers liability, property and other insurance, all as appropriate to the land trust's risk exposure or as required by law	1	2	3	4	?
• Does the land trust have general liability insurance?	Yes		No		?

# Organizational Strength

# 2017 Standards

- Does the land trust carry directors and officers (D&O) insurance? Yes No ?
- Does the land trust evaluate its insurance needs at least every five years to determine its risk exposure? Yes No ?

**Comments:**

STANDARD  
**7**

## Human Resources

*Land trusts have sufficient skilled personnel to carry out their programs, whether volunteers, staff and/or consultants/contractors.*

How well is the land trust meeting this practice?  
1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Capacity

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
|  | 1 | 2 | 3 | 4 | ? |
|--|---|---|---|---|---|
1. Periodically evaluate whether the land trust has sufficient volunteers, staff and/or consultants/contractors to achieve its strategic goals and carry out its programs, and then add capacity as needed
    - Number of:    Full-time staff \_\_\_\_\_    Part-time staff \_\_\_\_\_    Consultants/contractors \_\_\_\_\_
    - Describe how and when the land trust evaluates its programs, activities and long-term responsibilities to determine if it has sufficient personnel capacity to carry out its plan of work and who is involved in this evaluation:  
  
\_\_\_\_\_
  
  - Do volunteers and/or staff members have a manageable workload, and does the land trust take measures to avoid volunteer/staff burnout?
 

Yes	No	?
-----	----	---
  
  - Does the land trust have any plans to add staff or otherwise increase its personnel capacity within the next five years?
 

Yes	No	?
-----	----	---

### Comments:

### B. Volunteers

1. Provide volunteers with training, supervision and recognition
  - Approximate number of active volunteers (not including board members): \_\_\_\_\_

- Briefly describe how the land trust recruits, trains, supervises and recognizes its volunteers: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Comments:**

**C. Consultants or Contractors**

1. Clearly define relationships with consultants or contractors, ensure they are consistent with federal and state law and document them in a written contract, as appropriate

- Does the land trust appropriately classify workers as *independent contractors* versus *employees*? Yes No ?
- Does the land trust have standard procedures for soliciting bids and entering into contracts? Yes No ?

**Comments:**

**D. Transition Planning**

1. Develop a written process or plan to provide for continuity in the leadership and management of the land trust's functions in the event of an emergency

- |   |     |   |    |   |   |
|---|-----|---|----|---|---|
|   | 1   | 2 | 3  | 4 | ? |
| • Does the land trust have an emergency succession plan for the unexpected absence or departure of an organization's leader or other key personnel? | Yes |   | No |   | ? |
| • Does the land trust have a transition plan for prospective changes in leadership on both the board and executive staff level?                     | Yes |   | No |   | ? |
| • Are job duties or work procedures for key positions documented to help provide continuity?  | Yes |   | No |   | ? |

**Comments:**

## E. Staff

1. Have a written job description for each staff member and conduct periodic performance reviews

- Does the land trust have a current written job description and annual goals for each staff member?
- How and when does the land trust conduct performance reviews for its staff? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Document the lines of authority, communication and responsibility between board and staff

- Are the lines of authority, communication and responsibility between board and staff documented? Yes    No    ?
- Does this documentation make clear to board members the difference between their roles as board members and when they have a role as a volunteer assisting staff? Yes    No    ?
- Does the board delegate to the chief staff person (usually the executive director) supervisory authority over all other staff? Yes    No    ?

3. Ensure staff have appropriate training and experience for their responsibilities and/or opportunities to gain the necessary knowledge and skills

- Are volunteers and staff provided with the training they need to carry out their responsibilities?
- How much does the land trust spend each year to train:            Board members/volunteers    \$ \_\_\_\_\_            Staff \$ \_\_\_\_\_

4. Adopt written personnel policies that conform to federal and state law

- Does the land trust have dated, written personnel policies? Yes.....No
- Does the land trust adhere to all federal and state laws and regulations related to employment practices, including hiring, wage and hour, tax withholding and reporting, and dismissal? Yes    No

5. Provide fair and equitable compensation and benefits 1    2    3    4    ?

- Does the land trust periodically review the salaries and benefits offered by other similar organizations in its region?      Yes      No      ?

**Comments:**

## Setting Priorities

In light of what you have discovered about your land trust's implementation of Standards 1-7,

Right now, our organization's organizational strengths are...

1.

2.

3.

Right now, our greatest organizational challenges are...

1.

2.

3.

Some specific steps we will take over the next one to three years toward overcoming the challenges are...

1.

2.

3.

STANDARD

8

## Evaluating and Selecting Conservation Projects

*Land trusts carefully evaluate and select their conservation projects.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Strategic Conservation Planning

- |   |     |   |    |   |   |
|---|-----|---|----|---|---|
| 1. Identify specific conservation priorities consistent with the land trust's mission and goals                                   | 1   | 2 | 3  | 4 | ? |
| • Does the land trust have a strategic conservation plan or other document that identifies high priority areas?                   | Yes |   | No |   | ? |
| • Does the land trust partner with other conservation organizations or agencies to inventory and identify special interest areas? | Yes |   | No |   | ? |

### Comments:

### B. Project Selection Criteria and Public Benefit

- |  |     |   |    |   |   |
|--|-----|---|----|---|---|
| 1. Develop and implement a written process to select land and conservation easement projects                                     | 1   | 2 | 3  | 4 | ? |
| • Does the land trust have a written checklist or procedure for guiding the organization through project selection?              | Yes |   | No |   | ? |
| 2. <b>Develop and apply written project-selection criteria that are consistent with the land trust's conservation priorities</b> | 1   | 2 | 3  | 4 | ? |
| • Does the land trust use written selection criteria to evaluate potential projects?   | Yes |   | No |   | ? |
| ○ If yes, the criteria address ( <i>check all that apply</i> ):  |     |   |    |   |   |
| <input type="checkbox"/> Consistency with the land trust's conservation mission, priorities and goals                            |     |   |    |   |   |
| <input type="checkbox"/> Public benefit of the transaction   |     |   |    |   |   |
| <input type="checkbox"/> Federal and state requirements  |     |   |    |   |   |



<input type="checkbox"/> Project feasibility					
<input type="checkbox"/> Capacity and ability to fulfill perpetual stewardship responsibilities					
• Does the land trust document that it reviews each project against the criteria?	Yes	No			?
• Are projects declined if they do not meet the criteria?	Yes	No			?
<b>3. Document the public benefit of every land and conservation easement project</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>?</b>
• Does the land trust evaluate and document the public benefit of every land and easement transaction?	Yes	No			?
○ If yes, how is this documented and how is each project screened to ensure that all federal, state and local requirements for public benefit are met?					
<hr/>					
<hr/>					
<hr/>					

**Comments:**

**C. Project Evaluation**

1. Visually inspect properties before buying or accepting donations of conservation land or conservation easements to determine and document whether:					
a. There are important conservation values on the property					
b. The project meets the land trust's project-selection criteria					
• Does the land trust conduct a visual inspection of all properties before closing?	Yes	No			?
○ If yes, the site inspection process includes consideration and documentation of the following ( <i>check all that apply</i> ):					
<input type="checkbox"/> Identification of the property's important conservation values					
<input type="checkbox"/> Whether the property meets the land trust's project-selection criteria					

- Identification of any potential management problems
- Is there a standard site evaluation form that provides a written record of the visit? Yes      No      ?
- 2. Evaluate potential threats to the conservation values on the property and structure the project to best protect those conservation values 1    2    3    4    ?
  - In assessing potential threats, the land trust considers *(check all that apply)*:
    - Past and current uses of the land
    - The land's future proposed uses (by the landowner or others who may hold interests in the land, such as owners of mineral rights or road easements)
    - The presence of hazardous materials stored or buried on the property
    - The types of land management issues the landowner faces (trespass, invasive species, etc.)
    - How climate change predictions may affect the conservation values
- 3. Evaluate any current or potential risks associated with the project, including to the land trust's reputation or to the land trust community, and modify or decline the project if the risks outweigh the benefits 1    2    3    4    ?
  - Does the land trust modify the project or turn it down if the risks outweigh the benefits? Yes      No      ?

## Comments:

### **D. Project Planning**

- 1. Individually plan all land and conservation easement projects so that: 1    2    3    4    ?
  - a. The land trust identifies the best available conservation strategy for the property
  - b. The property's important conservation values are protected
  - c. The project furthers the land trust's mission and goals
  - Does the land trust have and follow a written process to guide the planning of each project? Yes      No      ?

- If yes, the process (*check all that apply*):
  - Identifies the property boundaries
  - Identifies important conservation values
  - Identifies how the project meets the mission of the land trust and its project-selection criteria
  - Evaluates the threats to the conservation values
  - Clarifies landowner and land trust goals for the project
  - Identifies appropriate conservation strategies to protect the property and allows for comparison among possible options

2. Assess the stewardship implications of each project and the land trust's capacity to meet those obligations

1 2 3 4 ?

- Does the land trust evaluate its capacity to undertake the project and fulfill any long-term stewardship responsibilities?

Yes No ?

**Comments:**

**E. Partnership Documentation**

1. When engaging in a partnership on a joint acquisition or long-term stewardship project or when co-holding conservation easements, create written agreements to clarify:
- a. The goals of the project
  - b. The roles and responsibilities of each party
  - c. Legal and financial arrangements
  - d. Communications to the public and between parties

- Does the land trust have appropriate written agreements to manage its partnership projects?

Yes No ?

**Comments:**

STANDARD

## 9

### Ensuring Sound Transactions

*Land trusts work diligently to see that every land and conservation easement transaction is legally, ethically and technically sound.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

#### A. Legal Review and Technical Expertise

- |   |                    |
|---|--------------------|
| 1. Obtain a legal review of every land and conservation easement transaction, appropriate to its complexity, by an attorney experienced in real estate law      | 1   2   3   4   ?  |
| • Does a qualified attorney review each transaction prior to closing?   | Yes      No      ? |
| 2. As dictated by the project, secure appropriate technical expertise, such as in financial, real estate, tax, scientific and land and water management matters | 1   2   3   4   ?  |
| • Does the land trust engage other professionals with technical expertise as needed for each transaction?   | Yes      No      ? |

#### Comments:

#### B. Legal and Financial Advice

- |   |                    |
|---|--------------------|
| 1. Do not give individualized legal, financial or tax advice when providing transaction-related information                               | 1   2   3   4   ?  |
| • Does the land trust refrain from giving individualized legal, financial or tax advice?  | Yes      No      ? |
| 2. Recommend in writing that each party to a land or conservation easement transaction obtain independent legal, financial and tax advice | 1   2   3   4   ?  |
| • Does the land trust inform each landowner in writing to obtain independent legal advice?  | Yes      No      ? |

#### Comments:

## C. Environmental Due Diligence

1. For every land and conservation easement transaction, conduct or obtain a preliminary environmental investigation, transaction screen or Phase I assessment to identify whether there are any conditions that pose environmental risks, and take steps to address any significant concerns	1	2	3	4	?
<ul style="list-style-type: none"> <li>Does the land trust evaluate every property for environmental risk or hazardous materials?</li> </ul>	Yes	No			?
<ul style="list-style-type: none"> <li>Does the land trust check public sources of information to determine if the project contains or is near a known hazardous waste site?</li> </ul>	Yes	No			?
<ul style="list-style-type: none"> <li>Does the land trust have a process or form for documenting the results of environmental due diligence?</li> </ul>	Yes	No			?

## Comments:

## D. Determining Property Boundaries

1. Determine both the legal description and physical boundaries of each property or conservation easement	1	2	3	4	?
<ul style="list-style-type: none"> <li>Does the land trust inspect the boundary of each property or conservation easement before acquisition?</li> </ul>	Yes	No			?
<ul style="list-style-type: none"> <li>Is there a survey for each property or conservation easement?</li> </ul>	Yes	No			?
<ul style="list-style-type: none"> <li>Under what conditions would the land trust acquire a property or conservation easement without a survey?</li> </ul> <hr/> <hr/> <hr/>					
2. If a conservation easement contains restrictions or permitted rights that are specific to certain zones or areas within the property, include the locations of these areas in the easement document so that they can be identified in the field	1	2	3	4	?
<ul style="list-style-type: none"> <li>Are easement and any special use area boundaries clearly identifiable on the ground (either with survey</li> </ul>	No	N/A			?

monumentation or clearly delineated natural features)?

- Do the conservation easement deeds themselves contain the locations of specific zones or areas, if restrictions or permitted rights are specific to such areas? No    N/A    ?

## Comments:

### E. Conservation Easement Drafting

#### 1. For every conservation easement,

- a. Individually tailor it to the specific property
- b. Identify the conservation values being protected
- c. Allow only uses and permitted rights that are not inconsistent with the conservation purposes and that will not significantly impair the protected conservation values
- d. Avoid restrictions and permitted rights that the land trust cannot monitor and enforce
- e. Include all necessary and appropriate provisions to ensure it is legally enforceable

- Describe the process the land trust uses to draft each easement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Is each conservation easement perpetual? Yes    No    ?

- Does the land trust tailor each easement to the individual property? Yes    No    ?

- Each conservation easement deed includes or addresses the following (*check all that apply*):

- Names of the grantor and the grantee
- Legal description of the property (often an exhibit)
- Identification of the protected conservation values
- Restrictions that clearly protect identified conservation values

- Location of specific zones or areas, if restrictions or permitted rights are specific to such areas
- Control over the future exercise of significant reserved rights, including when grantee review or approval is required and a process for obtaining review or approval
- Right of entry that does not unduly limit access to monitor
- Right to enforce and to take immediate action
- Extinguishment and proceeds provisions
- Reference to the baseline documentation report
- The permitted rights in the land trust’s conservation easements (*check all that apply*):
  - Are consistent with the conservation purposes
  - Do not significantly impair protected conservation values
  - Are not so broad that they negate other conservation easement provisions
- Can the land trust monitor and enforce the restrictions and permitted rights in its conservation easements? Yes    No    ?
- Does the land trust use a standard easement template? Yes    No    ?
  - If yes, how was the template created and how often is it reviewed by a qualified attorney? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  - If yes, when was the template last modified? \_\_\_\_\_

2. Review, for the land trust’s own purposes, each potentially tax-deductible conservation easement for consistency with the Treasury Department regulations (U.S.C. §1.170A-14), especially the conservation purposes test of IRC §170(h)

- The land trust reviews each tax-deductible conservation easement to ensure it is compliant with the Treasury regulations, including (in addition to the contents described in Practice 9E1, above) (*check all that apply*):

- Identification of conservation purposes
- Prohibition of surface mining
- Limitation on assignment
- Provisions that, when there are unexpected changes that make impossible or impractical the continued use of the property for conservation purposes, extinguishment can only be accomplished by judicial proceedings
- Provisions that, in the event of extinguishment or condemnation, the land trust is entitled to proceeds in proportion to the value of the conservation easement at the time of the gift and must use those proceeds in a manner consistent with the conservation purposes of the original easement

## Comments:

### F. Title Investigation and Recording

- |  |  |
|--|--|
| <p>1. <b>Prior to closing and preferably early in the process, have a title company or attorney investigate title for each property or conservation easement the land trust intends to acquire</b></p> <p style="margin-left: 20px;">a. <b>Update the title at or just prior to closing</b></p> <ul style="list-style-type: none"> <li>• Does the land trust have a title company or attorney conduct a title investigation for each transaction to identify both ownership and encumbrances?</li> <li>• Is the title updated within 30 days of closing for each transaction?</li> </ul>   | <p>1   2   3   4   ?</p> <p>Yes   No   ?</p> <p>Yes   No   ?</p> |
| <p>2. <b>Evaluate the title exceptions and document how the land trust addressed mortgages, liens, severed mineral rights and other encumbrances prior to closing so that they will not result in extinguishment of the conservation easement or significantly undermine the property's important conservation values</b></p> <ul style="list-style-type: none"> <li>• The land trust ensures that <i>(check all that apply)</i>:             <ul style="list-style-type: none"> <li><input type="checkbox"/> All mortgages are discharged or subordinated prior to acquiring a conservation easement</li> <li><input type="checkbox"/> All encumbrances, including any liens, easements and outstanding interests (such as mineral rights), are thoroughly analyzed and either removed or a determination made that they won't compromise the land trust's ability to protect the land or significantly undermine the property's conservation values</li> </ul> </li> </ul> | <p>1   2   3   4   ?</p>   |



- Does the land trust obtain title insurance for all purchases of land or conservation easements? Yes    No    ?
- 3. Promptly record land and conservation easement transaction documents at the appropriate records office 1   2   3   4
- Does the land trust submit all deeds for recording within a week after the final signatures? Yes    No    ?

## Comments:

### G. Recordkeeping

- 1. Adopt a written records policy that governs how and when organization and transaction records are created, collected, retained, stored and destroyed 1   2   3   4
- Has the land trust adopted a written records policy? Yes    No    ?
  - If yes, the policy (*check all that apply*):
    - Covers organization (e.g., financial, board, personnel, donor), transaction and stewardship records
    - Addresses records management, including:
      - Short and long-term records maintenance and storage
      - Who is the custodian of records
      - How records will be protected from loss, fire and other hazards and access by unauthorized persons
      - For real property transactions, the definition of what the land trust considers to be documents essential to the defense of each transaction
      - Provisions and procedures for duplicate copies of essential records
      - Document destruction
- 2. Keep originals of all documents essential to the defense of each real property transaction in a secure manner and protected from damage or loss 1   2   3   4

- The land trust retains originals of *(check all that apply)*:
  - Legal agreements, deeds, conservation easements, amendments
  - Critical correspondence, including those related to project goals, tax and legal matters, enforcement and other matters essential to the project
  - Baseline documentation reports
  - Title insurance policies or evidence of title investigation
  - Surveys (if any)
  - Appraisals used to substantiate the purchase price or used by the landowner to substantiate the value on the Form 8283
  - Forms 8283
  - Conservation easement monitoring reports
  - Fee property inspection reports
  - Contracts and leases in effect for land management activities
  - Conservation easement stewardship records, including substantive notices, approvals, denials, interpretations, exercise of reserved rights and exercise of significant permitted rights
- Does the land trust keep originals in a secure location, safe from fire, weather, water, inadvertent misplacement or other damage or loss? Yes    No    ?
  - Where does the land trust keep its original land and easement records and how are they protected? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3. Create and keep copies of these documents in a manner such that both originals and copies are not destroyed in a single calamity 1    2    3    4    ?

- Are copies replicas of signed originals with all exhibits attachments? Yes No ?
- Does the land trust keep copies in a separate location? Yes No ?
  - Where are the duplicates located and in what format? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Does the land trust maintain any of its records (originals or duplicates) electronically? Yes No ?
  - If yes, describe how the land trust keeps its electronic data secure and up to date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Comments:

### H. Purchasing Land or Conservation Easements

1. When buying land, conservation easements or other real property interests, obtain an independent appraisal by a qualified appraiser in advance of closing to support the purchase price
  - a. However, a letter of opinion from a qualified real estate professional may be obtained in the limited circumstances when:
    - i. A property has a very low economic value
    - ii. A full appraisal is not feasible before a public auction
    - iii. Or the amount paid is significantly below market value
- Has the land trust purchased land or easements in the last five years? Yes No ?
  - If yes, did the land trust obtain an independent appraisal by a qualified appraiser in each instance? Yes No ?
    - If no, please describe the circumstances: \_\_\_\_\_  
\_\_\_\_\_

2. In limited circumstances where acquiring land, conservation easements or other real property interests above the appraised value is warranted, contemporaneously document:

- a. The justification for the purchase price
- b. That there is no private inurement or impermissible private benefit

- Within the past five years, did the land trust acquire any land or easements at a price above the appraised value? Yes    No    ?
- If yes, did the land trust document both the justification for the purchase price and that there was no private inurement or impermissible private benefit? Yes    No    ?

## Comments:

### I. Selling or Transferring Land or Conservation Easements

1. When selling land, conservation easements or other real property interests,

- a. Establish protections as appropriate to the property
- b. If the sale is to a party other than another tax-exempt organization or public agency, obtain an independent appraisal by a qualified appraiser or a letter of opinion from a qualified real estate professional to determine the value of the asset and to support the selling price
- c. Select buyers in a manner that avoids any appearance of impropriety

- Has the land trust sold or transferred land or easements in the last five years? Yes    No    ?
- When selling land or easements, the land trust (*check all that apply*):
  - Documents the important conservation values of the property
  - Drafts appropriate protection agreements
  - Obtains an independent appraisal by a qualified appraiser to determine the value of the asset and support the selling price, where appropriate
  - Markets the property broadly to ensure that the land trust receives a fair price, locates the best potential steward

of the property and retains public trust and credibility by avoiding the appearance of private inurement or private benefit

2. When selling or transferring conservation land or conservation easements to another tax-exempt organization or public agency, consider whether the new holder can fulfill the long-term stewardship and enforcement responsibilities

- Does the land trust evaluate the stewardship capabilities of the entity receiving the property?

Yes

No

?

## Comments:

STANDARD

10

## Tax Benefits and Appraisals

*Land trusts work diligently to see that every charitable gift of land or conservation easement meets federal and state tax law requirements, to avoid fraudulent or abusive transactions and to uphold public confidence in land conservation.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

### A. Landowner Notification

- |  |  |
|--|--|
| <p>1. Inform potential land or conservation easement donors who may claim a federal or state income tax deduction (or state tax credit), in writing and early in project discussions, that:</p> <ul style="list-style-type: none"> <li>a. The project must meet the requirements of IRC §170 and the accompanying Treasury Department regulations and any other federal or state requirements</li> <li>b. The donor is responsible for any determination of the value of the donation</li> <li>c. The Treasury Department regulations require the donor to obtain a qualified appraisal prepared by a qualified appraiser for gifts of property valued at more than \$5,000</li> <li>d. Prior to making the decision to sign the IRS Form 8283, the land trust will request a copy of the completed appraisal</li> <li>e. The land trust is not providing individualized legal or tax advice</li> </ul> <ul style="list-style-type: none"> <li>• Does the land trust provide this notification with the required content to potential donors in writing and prior to closing?</li> <li>• Does the land trust notify potential donors in writing that it will request a copy of the completed appraisal?</li> </ul> | <p>1 2 3 4 ?</p> <p>Yes No ?</p> <p>Yes No ?</p> |
| <p>2. Do not make assurances as to:</p> <ul style="list-style-type: none"> <li>a. Whether a particular land or conservation easement donation will be deductible</li> <li>b. What monetary value of the gift the IRS and/or state will accept</li> <li>c. What the resulting tax benefits of the deduction or credit will be, if any</li> </ul> <ul style="list-style-type: none"> <li>• Does the land trust refrain from making such assurances?</li> </ul>   | <p>1 2 3 4 ?</p> <p>Yes No ?</p>                 |

### Comments:

### B. Legal Requirements: Land Trust Responsibilities

1. If the land trust holds federally tax-deductible conservation easements, meet the requirements for a qualified organization under IRC §170(h)

<ul style="list-style-type: none"> <li>If it accepts and holds conservation easements, does the land trust understand and meet the requirements for a “qualified organization” under IRC §170(h)?</li> </ul>	No	N/A	?		
<p>2. Sign the Form 8283 only if the information in Section B, Part I, “Information on Donated Property,” is complete and is an accurate representation of the gift</p> <ul style="list-style-type: none"> <li>Refuse to sign the Form 8283 if the land trust believes no gift has been made or the property has not been accurately described</li> </ul>	1	2	3	4	?
<ul style="list-style-type: none"> <li>Does the land trust only sign Form 8283 when all of the information is complete?</li> </ul>	Yes	No	?		
<ul style="list-style-type: none"> <li>Does the land trust refuse to sign the form if it believes no gift has been made or if the property has not been accurately described?</li> </ul>	Yes	No	?		
<p>3. File IRS Form 8282 when conveying a donated real property interest within three years of the date the land trust received the property</p>					
<ul style="list-style-type: none"> <li>Does the land trust file a Form 8282 if it disposes of property valued in excess of \$5,000 within three years of the donation?</li> </ul>	No	N/A	?		

## Comments:

### C. Avoiding Fraudulent or Abusive Transactions

<p>1. Review, for the land trust’s own purposes, each transaction for consistency with federal and state income tax deduction or credit requirements</p>	2	3	4	?	
<ul style="list-style-type: none"> <li>Does the land trust review for its own purposes every transaction in terms of these requirements?</li> </ul>		No	?		
<p>2. Evaluate the Form 8283 and any appraisal to determine whether the land trust has substantial concerns about the appraised value or the appraisal</p>	2	3	4	?	
<ul style="list-style-type: none"> <li>Does the land trust always request a copy of the completed appraisal?</li> </ul>		No	?		
<ul style="list-style-type: none"> <li>The land trust evaluates the appraisal to ensure that it includes (<i>check all that apply</i>):             <ul style="list-style-type: none"> <li><input type="checkbox"/> The property description for the gift that the land trust received</li> </ul> </li> </ul>					

- A date of fair market valuation that is no more than 60 days prior to the date of donation and no later than the date of donation
- For conservation easements, there is a value for the entire contiguous parcel, if there are clearly contiguous parcels
- For conservation easements, the appraiser considered enhancement, if enhancement would clearly apply
- The land trust evaluates the Form 8283 before signing it to confirm (*check all that apply*):
  - The name of the landowner(s) on the form matches the landowner(s) in the title documentation
  - The gift description is accurate
  - The appraised fair market value on the form matches the value in the appraisal
  - The amount received in a bargain sale, if any
  - The donor's cost or adjusted basis
  - The date of the gift (for conservation easements, the year the land trust received the gift needs to match the year the conservation easement was recorded)
  - The appraiser has signed the form prior to the land trust's signing
- 3. Discuss substantial concerns about the appraisal, the appraised value or other terms of the transaction with legal counsel and take appropriate action, such as:
 

	1	2	3	4	?
a. Documenting that the land trust has shared those concerns with the donor					
b. Seeking additional substantiation of value					
c. Withdrawing from the transaction prior to closing					
d. Or refusing to sign the Form 8283					
- Does the land trust involve legal counsel, as appropriate, to discuss substantial concerns with a transaction?
 

	Yes	No	?
--	-----	----	---
- If the land trust has substantial concerns, it takes appropriate action, such as (*check all that apply*):
  - Sharing those concerns with the donor
  - Seeking additional substantiation of value (by, for example, requesting a review by an independent appraiser)



<ul style="list-style-type: none"> <li>❑ Withdrawing from the transaction prior to closing</li> <li>❑ Refusing to sign the Form 8283</li> </ul>					
<p>4. When engaging in transactions with pass-through entities of unrelated parties, particularly those offered or assembled by a third party or described as a syndication by the IRS,</p> <ul style="list-style-type: none"> <li>a. Require a copy of the appraisal prior to closing</li> <li>b. Decline to participate in the transaction if the appraisal indicates an increase in value of more than 2.5 times the basis in the property within 36 months of the pass-through entity's acquisition of the property, the value of the donation is \$1 million or greater and the terms of the transaction do not satisfy the Land Trust Alliance Tax Shelter Advisory</li> </ul>	1	2	3	4	?
<ul style="list-style-type: none"> <li>• In the past five years, has the land trust engaged in transactions with pass-through entities of unrelated parties?</li> </ul>	Yes	No	?		
<ul style="list-style-type: none"> <li>• When engaging in transactions with pass-through entities of unrelated parties, does the land trust require a copy of the appraisal prior to closing?</li> </ul>	Yes	No	?		
<ul style="list-style-type: none"> <li>• When engaging in transactions with pass-through entities of unrelated parties, does the land trust conduct the comprehensive Due diligence outlined in the <a href="#">Tax Shelter Advisory</a> before closing?</li> </ul>	Yes	No	?		
<ul style="list-style-type: none"> <li>• Does the land trust refuse to participate in transactions with pass-through entities of unrelated parties when (a) the appraisal indicates an increase in value of more than 2.5 times the basis in the property within 36 months of the pass-through entity's acquisition of the property and (b) the value of the donation is \$1 million or greater?</li> </ul>	Yes	No	?		

## Comments:

STANDARD

11

## Conservation Easement Stewardship

*Land trusts have a program of responsible stewardship for their conservation easements.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

DOES THE LAND TRUST HOLD CONSERVATION EASEMENTS?

*[If no, skip to Standard 12]*

Yes No

If yes, how many conservation easements does the land trust hold? \_\_\_\_\_ How many acres? \_\_\_\_\_

### A. Funding Conservation Easement Stewardship

1. Estimate the long-term stewardship and enforcement expenses of each conservation easement transaction 1 2 3 4 ?

- Describe the land trust's practices for determining how costs are calculated and reviewed and how it secures conservation easement stewardship and defense funds:

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2. Track stewardship and enforcement costs 1 2 3 4 ?

- What does the land trust anticipate spending on conservation easement stewardship and defense this fiscal year?

Stewardship: \$ \_\_\_\_\_ Defense: \$ \_\_\_\_\_

- Does the land trust track stewardship and enforcement costs? Yes No ?

### Comments:

## B. Baseline Documentation Report

<p>1. For each conservation easement, have a baseline documentation report, with written descriptions, maps and photographs, that documents:</p> <ul style="list-style-type: none"> <li>a. The conservation values protected by the easement</li> <li>b. The relevant conditions of the property as necessary to monitor and enforce the easement</li> </ul> <p>• At a minimum, all the land trust’s baseline documentation reports contain the following elements <i>(check all that apply)</i>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Date of completion</li> <li><input type="checkbox"/> Written descriptions, maps and photographs that document the protected conservation values</li> <li><input type="checkbox"/> Written descriptions, maps and photographs that document the relevant conditions of the property as necessary to monitor and enforce the terms of the conservation easement</li> <li><input type="checkbox"/> Acknowledgment attesting to the accuracy of the report signed by the land trust and the landowner (or documented attempt to obtain landowner signature)</li> </ul> <p>• Does the land trust have an adequate baseline documentation report for every easement it holds?</p> <ul style="list-style-type: none"> <li>○ If no, for how many easements does the land trust lack adequate documentation? _____</li> <li>○ If no, does the land trust have a plan for completing the baseline for those easements without adequate documentation?</li> </ul> <p>• Are the land trust’s baseline documentation reports distinct documents that represent the property’s condition at a specific point in time?</p>	<p>1    2    3    4    ?</p> <p>Yes    No    ?</p> <p>Yes    No    ?</p> <p>Yes    No    ?</p>
<p>2. Prepare the report prior to closing and have it signed by the landowner and land trust at or prior to closing</p> <ul style="list-style-type: none"> <li>a. In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, the landowner and land trust sign a schedule for finalizing the full report and an acknowledgment of interim data [that for donations and bargain sales meets Treasury Regulation §1.170A-14(g)(5)(i)] at closing</li> </ul> <p>• Are all baseline documentation reports routinely prepared prior to closing and signed by the landowner at closing?</p>	<p>1    2    3    4    ?</p> <p>Yes    No    ?</p>

- |   |                       |
|---|-----------------------|
| <ul style="list-style-type: none"> <li>• In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, does the land trust prepare and sign at closing, along with the landowner, an acknowledgment of interim data and a schedule for finalizing the full report?</li> </ul>  | Yes    No    ?        |
| <b>3. When there are significant changes to the land or the conservation easement (such as a result of an amendment or the exercise of a permitted right), document those changes in an appropriate manner, such as through monitoring reports, a baseline supplement or current conditions report</b>  | 1    2    3    4    ? |
| <ul style="list-style-type: none"> <li>• Does the land trust document significant changes to the land covered by its easements and changes to the easements themselves?                             <ul style="list-style-type: none"> <li>○ If yes, the documentation includes (<i>check all that apply</i>):                                     <ul style="list-style-type: none"> <li><input type="checkbox"/> The date</li> <li><input type="checkbox"/> Written descriptions</li> <li><input type="checkbox"/> Photographs and/or maps</li> <li><input type="checkbox"/> Signatures, as appropriate to the form of documentation</li> </ul> </li> </ul> </li> </ul> | Yes    No    ?        |

## Comments:

### C. Conservation Easement Monitoring

- |  |                             |
|--|-----------------------------|
| 1. Adopt a written policy and/or procedure for monitoring conservation easements that establishes consistent monitoring protocols and recordkeeping procedures   | 1    2    3    4    ?       |
| <ul style="list-style-type: none"> <li>• Does the land trust have a written policy or procedure for monitoring its conservation easements?</li> </ul>  | Yes    No    ?              |
| <b>2. Monitor each conservation easement property at least once per calendar year</b> <ul style="list-style-type: none"> <li><b>a. If the land trust uses aerial monitoring, conduct on-the-ground monitoring at least once every five years</b></li> <li><b>b. Promptly document the annual monitoring activities for each conservation easement</b></li> </ul> | 1    2    3    4    ?       |
| <ul style="list-style-type: none"> <li>• Does the land trust monitor all of its easements on an annual (or more frequent) basis?                             <ul style="list-style-type: none"> <li>○ If yes, for how many consecutive years has the land trust monitored all of its easements on an annual basis?</li> </ul> </li> </ul>                        | Yes    No    ?<br><br>_____ |

- Does the land trust conduct aerial monitoring? Yes    No    ?
  - If yes, does the land trust supplement aerial monitoring with on-the-ground monitoring at least once every five years? Yes    No    ?
- Does the land trust promptly document its annual monitoring in writing and with photos as appropriate? Yes    No    ?
  - If yes, at a minimum, the land trust's monitoring reports include (*check all that apply*):
    - Monitoring date
    - The specific easement monitored
    - Name of the monitor
    - Observations related to the property's condition and conservation values
    - Observations related to any potential easement violations
    - Any changes in land ownership
- Does the land trust use a template easement monitoring report? Yes    No    ?
- Describe how the land trust monitors the conservation easements it holds, including what involvement the landowner has in the monitoring process (if any):

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## Comments:

## D. Landowner Relationships

1. Maintain regular contact with owners of conservation easement properties to maintain relationships and avoid potential easement conflicts	1   2   3   4   ?
• How often each year does the land trust contact easement landowners?	_____
2. Establish systems to track changes in land ownership	1   2   3   4   ?
• Does the land trust track changes in land ownership for its conservation easement properties?	Yes   No   ?
• Does the land trust obtain a copy of the deed for each new owner to verify legal ownership?	Yes   No   ?
3. When the property changes hands, attempt to meet with the new owner or property manager and provide information in writing about the conservation easement and the land trust's stewardship policies and procedures	1   2   3   4   ?
• Does the land trust have an established process in place to explain its easements and monitoring responsibilities to new owners of easement-protected land?	Yes   No   ?

## Comments:

### E. Conservation Easement Enforcement

1. <b>Adopt a written policy and develop written procedures for documenting and responding to potential conservation easement violations</b>	1   2   3   4   ?
• Does the land trust have a dated, written policy and procedures that state how it will address potential violations?	Yes   No   ?
○ If yes, the policy and procedures include ( <i>check all that apply</i> ):	
□ Details on how the land trust will respond to a violation, including:	
▪ How the land trust will identify, review and make decisions to resolve a suspected violation	
▪ Steps the land trust will take to document its enforcement actions	
▪ The timing and nature of communications with the landowner	
□ The role of each party (such as board members, volunteers, staff, attorney and co-holders and/or partners)	

in the enforcement process

- Clear descriptions of the differences in how the land trust responds to minor violations and major violations, if the land trust has different procedures for each

## 2. Investigate potential violations in a timely manner and promptly document all actions taken

1 2 3 4 ?

- Have any of the land trust's conservation easements been violated?

Yes No ?

- If yes, please describe the most recent conservation easement violation: \_\_\_\_\_

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- Approximately how many violations have there been of conservation easements held by the land trust? \_\_\_\_\_

- Briefly describe the nature of the violations that have occurred in the last five years: \_\_\_\_\_

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- For all violations, the land trust's actions (*check all that apply*):

- Are timely
- Are professional and focused on the facts and appropriate resolution
- Are consistent with the protection of the conservation values and comply with the restrictions on the property
- Do not result in private inurement or impermissible private benefit
- Are appropriately documented

- Have all violations been resolved? Yes No ?

## 3. Involve legal counsel as appropriate to the severity of the violation and the nature of the proposed resolution

- Does the land trust involve legal counsel in its enforcement actions, as appropriate? Yes No ?

- Does the land trust have [Terrafirma](#) conservation defense insurance for its conservation easements? Yes No ?

## Comments:

### F. Approvals and Permitted Rights

- Respond to landowner required notices or requests for interpretation or approvals in a timely and consistent manner, as specified in the conservation easement deed or in a written procedure
 

	1	2	3	4	?
--	---	---	---	---	---

  - Does the land trust have a written policy or procedure for how and when it responds to landowner requests? Yes No ?
  - What is the timeframe for responding to landowner notices or requests? \_\_\_\_\_
  - Does the land trust involve legal counsel for complex requests for interpretation or approvals? Yes No ?
- Establish written procedures to guide the land trust's decision making if using discretionary approvals or if conservation easement deeds contain such clauses
 

	1	2	3	4	?
--	---	---	---	---	---

  - Does the land trust issue discretionary approvals? Yes No ?
  - Do the land trust's conservation easement deeds contain discretionary approval clauses? Yes No ?
    - If yes to either, does the land trust have written procedures to guide its decision-making with respect to discretionary approvals? Yes No ?
    - Activities approved by the land trust using approvals (*check all that apply*):
      - Are consistent with the conservation easement's purposes and terms
      - Do not confer private inurement or impermissible private benefit
- Maintain a permanent record of all notices, approvals, denials, interpretations and the exercise of any significant permitted rights**

	1	2	3	4	?
--	---	---	---	---	---

  - Does the land trust retain the originals of stewardship records and keep them generally secure and protected from damage or loss in accordance with its recordkeeping policy? Yes No ?



## Comments:

### G. Contingency Strategy

- |   |                   |
|---|-------------------|
| 1. Take reasonable steps to provide for the disposition of conservation easements in the event the land trust ceases to exist or can no longer steward and administer them  | 1   2   3   4   ? |
| <ul style="list-style-type: none"> <li>• Does the land trust have a contingency plan for all of its easements? <span style="float: right;">Yes   No   ?</span></li> <li>• If a contingency holder is named in an easement (<i>check all that apply</i>):             <ul style="list-style-type: none"> <li><input type="checkbox"/> The holder has agreed to accept the easement</li> <li><input type="checkbox"/> The holder is qualified to accept the easement under federal and state law</li> <li><input type="checkbox"/> The holder has the capacity to monitor and defend the easement</li> <li><input type="checkbox"/> Complete files and adequate stewardship funds are available for transfer to the holder</li> </ul> </li> </ul> |                   |

## Comments:

### H. Amendments

- |   |                   |
|---|-------------------|
| 1. <b>Adopt and follow a written policy or procedure addressing conservation easement amendments that is consistent with the Land Trust Alliance Amendment Principles</b>   | 1   2   3   4   ? |
| <ul style="list-style-type: none"> <li>• Does the land trust have a dated, written amendment policy or procedure? <span style="float: right;">Yes   No   ?</span> <ul style="list-style-type: none"> <li>○ If yes, the land trust's amendment policy or procedure (<i>check all that apply</i>):             <ul style="list-style-type: none"> <li><input type="checkbox"/> Is consistent with the Amendment Principles</li> <li><input type="checkbox"/> Requires amendments to have a net beneficial or neutral effect on the protected conservation values</li> <li><input type="checkbox"/> Prohibits private inurement and impermissible private benefit</li> </ul> </li> </ul> </li> </ul> |                   |

- Describes the role of the board (and any committees) in addressing amendments
- Describes the circumstances under which the land trust would consider an amendment
- Describes how the land trust's procedures may vary depending on the type of amendment being considered

2. Evaluate all conservation easement amendment proposals with due diligence sufficient to satisfy the Amendment Principles

1 2 3 4 ?

- Has the land trust amended any of its conservation easements?

Yes No ?

- If yes, please describe the most recent conservation easement amendment: \_\_\_\_\_

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- Approximately how many conservation easements has your land trust amended? \_\_\_\_\_

- Briefly describe the nature of the amendments that your land trust has completed in the last five years:

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- Did every amendment satisfy the Amendment Principles?

Yes No ?

3. If an amendment is used to adjust conservation easement boundaries (such as to remedy disputes or encroachment) and results in a *de minimis* extinguishment, document how the land trust's actions address the terms of J.1. below

- Has the land trust ever used an amendment for this purpose?

Yes No ?

- If yes, please describe the circumstances: \_\_\_\_\_

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- Did the land trust follow the steps outlined in Practice J1, below?

Yes No ?

## Comments:

### I. Condemnation

1. If a conservation easement is threatened with condemnation,
  - a. Take steps to avoid or mitigate harm to conservation values and document the actions taken
  - b. Have or obtain appropriate documentation of the percentage of the full value of the property represented by the conservation easement
  - c. Document the land trust's attempts to receive its proportional share of the proceeds and use any proceeds in a manner consistent with the conservation easement deed

- Has the land trust ever faced a condemnation action affecting one of its conservation easements?

Yes No ?

- If yes, the land trust (*check all that apply*):

- Took steps to avoid or mitigate harm to the conservation values
- Took steps to secure the appropriate compensation for the rights condemned
- Documented all actions taken in connection with the condemnation action
- Used any proceeds in a manner consistent with the easement's purposes

- Does the land trust have or can it obtain data on the percent of value of the property represented by the easement for every tax-deductible easement it holds?

Yes No ?

## Comments:

### J. Partial or Full Extinguishment

1. In the rare case that it is necessary to extinguish a conservation easement, in whole or in part,
  - a. Follow the terms of the conservation easement with respect to taking appropriate action, and obtain judicial or regulatory review when required by law or specified in the easement deed

- b. Ensure there is no private inurement or impermissible private benefit
  - c. Take steps to avoid or mitigate harm to conservation values and/or use any proceeds in a manner consistent with the conservation easement deed
  - d. Consider the land trust's actions in the context of its reputation and the impact on the land conservation community at large
- Has the land trust ever extinguished a conservation easement, in whole or in part (other than through condemnation)? Yes    No    ?
    - If yes, please describe the circumstances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
    - The land trust (*check all that apply*):
      - Followed the conservation easement terms with respect to obtaining judicial or regulatory review OR
      - Obtained a written legal opinion why the land trust did not need judicial or regulatory review
      - Documented that the extinguishment did not result in private inurement or impermissible private benefit
      - Took steps to avoid or mitigate harm to the conservation values
      - Used any proceeds in a manner consistent with the easement's purposes
      - Did not put the land trust's or the land trust community's reputation in jeopardy
      - Informed or involved the land trust's board, as appropriate to the scale of the extinguishment
      - Involved any co-holder or third-party interest holder in the extinguishment, according to the terms of the conservation easement or other agreement

## Comments:

STANDARD

# 12

## Fee Land Stewardship

*The land trust has a program of responsible stewardship for the land it holds in fee for conservation purposes.*

How well is the land trust meeting this practice?

1 = not currently meeting  
4 = meets or exceeds  
? = don't know

DOES THE LAND TRUST OWN LAND?

*[If no, skip this section.]*

Yes No

If yes, how many properties does the land trust own? \_\_\_\_\_ How many acres? \_\_\_\_\_

### A. Funding Land Stewardship

- |   |   |   |   |   |   |
|---|---|---|---|---|---|
| <p>1. Determine the immediate financial and management implications of each conservation property acquisition and estimate the long-term implications</p> <ul style="list-style-type: none"> <li>• Describe the land trust's practices for determining how expenses are calculated for each transaction and how it secures the immediate and long-term funds for managing its fee properties:</li> </ul> <hr/> <hr/> <hr/>                    | 1 | 2 | 3 | 4 | ? |
| <p>2. Anticipate and track costs associated with long-term land management, stewardship and enforcement of conservation properties</p> <ul style="list-style-type: none"> <li>• What does the land trust anticipate spending on fee land management this fiscal year?<br/>Land management and stewardship: \$ _____ Enforcement: \$ _____</li> <li>• Does the land trust track land management, stewardship and enforcement costs?</li> </ul> | 1 | 2 | 3 | 4 | ? |

### Comments:

## B. Land Management and Stewardship

- |  |     |    |   |   |   |
|--|-----|----|---|---|---|
| 1. Develop a written land management plan for each conservation property within 12 months after acquiring the land to:   | 1   | 2  | 3 | 4 | ? |
| a. Identify the property's conservation values, including any significant cultural and natural features or those that have significant community value           |     |    |   |   |   |
| b. Identify the overall management goals for the property  |     |    |   |   |   |
| c. Identify activities to achieve the goals and to reduce any risks or threats to the conservation values  |     |    |   |   |   |
| d. Specify the uses that are appropriate for the property, in keeping with the property's conservation values, any restrictions and donor or funder requirements |     |    |   |   |   |
| i. Provide public access opportunities as appropriate to the property and the land trust's mission   |     |    |   |   |   |
| • Does the land trust have a written management plan for each conservation property that it holds in fee?  | Yes | No |   |   | ? |
| o If yes, each management plan includes, at a minimum ( <i>check all that apply</i> ):   |     |    |   |   |   |
| <input type="checkbox"/> A description of the property (size, location, etc.)  |     |    |   |   |   |
| <input type="checkbox"/> A description of the conservation values or attributes (the reasons why the land trust protected this property)                         |     |    |   |   |   |
| <input type="checkbox"/> Overall management goals  |     |    |   |   |   |
| <input type="checkbox"/> Activities to achieve management goals and reduce any risks or threats to the conservation values                                       |     |    |   |   |   |
| <input type="checkbox"/> Identification of permitted uses or activities appropriate for the property, including public access                                    |     |    |   |   |   |
| o If no, does the land trust have a plan for completing a management plan for those without them?  | Yes | No |   |   | ? |
| • Does the land trust complete management plans within 12 months of acquisition of each property?  | Yes | No |   |   | ? |
| • Does the land trust evaluate each property for public access opportunities   | Yes | No |   |   | ? |
| • Describe the process the land trust uses to develop management plans: _____  |     |    |   |   |   |
| _____  |     |    |   |   |   |
| _____  |     |    |   |   |   |
| 2. Manage each conservation property in accordance with its management plan, and review and update the plan as necessary   | 1   | 2  | 3 | 4 | ? |

• Does the land trust manage each property in accordance with its management plan?	Yes	No	?		
• How often does the land trust review and update its management plans?	_____				
• Are management plans updated following significant changes to the conservation values or natural features?	Yes	No	?		
3. Perform administrative duties (such as paying insurance, filing required forms, keeping records) in a timely and responsible manner	1	2	3	4	?
• Does the land trust anticipate the time necessary to accomplish administrative obligations and make them regular practices?	Yes	No	?		
4. Maintain the property in a manner that retains the land trust's public credibility, manages community expectations and minimizes risk	1	2	3	4	?
• Does the land trust maintain its conservation properties responsibly, even if its ownership is of a short duration?	Yes	No	?		

## Comments:

### C. Inspecting Land Trust Properties

1. Determine the boundaries of land trust properties and physically mark them to the extent possible or necessary	1	2	3	4	?
• Are the boundaries of each of the land trust's fee properties marked in such a way that corners and property lines can be identified on the ground to the extent possible or necessary for purposes of inspection and enforcement?	Yes	No	?		
○ If no, how many properties have boundaries that are not marked (as described above)?	_____				
2. Inspect properties at least once per calendar year for potential management problems and promptly document the inspection	1	2	3	4	?
• Does the land trust inspect all of its fee properties on an annual (or more frequent) basis?	Yes	No	?		
○ If yes, for how many consecutive years has the land trust inspected all of its properties on an annual basis?	_____				
• Is the inspection documented in writing?	Yes	No	?		

- If yes, each inspection report includes, at a minimum (*check all that apply*):
  - ❑ Inspection date
  - ❑ The property inspected
  - ❑ Name of the inspector
  - ❑ Observations related to the property's condition and conservation values
  - ❑ Observations related to the ongoing management of the property
  - ❑ Observations related to any potential conservation property ownership challenges, including significant trespass, encroachments and adverse possession claims
  - ❑ Photographs and maps, as appropriate

- Does the land trust promptly complete the inspection report following the inspection visit? Yes    No    ?
- Does the land trust use a template property inspection report? Yes    No    ?

3. Address management problems, including encroachments, trespass and other ownership challenges, in an appropriate and timely manner and document the actions taken 1   2   3   4   ?

- Describe a recent management issue on a fee-owned conservation property and how the land trust addressed the issue:

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- For all conservation property ownership challenges, the land trust's actions (*check all that apply*):
  - ❑ Are timely
  - ❑ Are professional and focused on the facts and appropriate resolution
  - ❑ Are consistent with the protection of the conservation values and comply with any restrictions on the property



- Do not result in private inurement or impermissible private benefit
- Are appropriately documented
- Does the land trust have any unresolved management issues on fee-owned properties that would threaten the property's important conservation values? Yes    No    ?
  - If yes, please describe the nature of the issue(s) and the steps being taken to resolve the management issue(s):

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- Does the land trust have [Terrafirma](#) conservation defense insurance for its fee properties? Yes    No    ?

## Comments:

### D. Contingency Strategy

- 1. Take reasonable steps to provide for the continuing protection of conservation properties in the event the land trust ceases to exist or can no longer own or manage them 1    2    3    4    ?
  - Does the land trust have a contingency plan for all of its fee properties? Yes    No    ?
  - To ensure that a contingency holder will accept the land, are complete files and adequate stewardship funds available for transfer? Yes    No    ?

## Comments:

### E. Condemnation

- |   |     |    |   |   |   |
|---|-----|----|---|---|---|
| 1. If a conservation property is threatened with condemnation, take steps to avoid or mitigate harm to conservation values and document the actions taken | 1   | 2  | 3 | 4 | ? |
| • Has the land trust ever faced a condemnation action affecting one of its conservation properties?   | Yes | No |   |   | ? |
| ○ If yes, the land trust ( <i>check all that apply</i> ):   |     |    |   |   |   |
| <input type="checkbox"/> Took steps to avoid or mitigate harm to the conservation values  |     |    |   |   |   |
| <input type="checkbox"/> Took steps to secure the appropriate compensation for the rights condemned   |     |    |   |   |   |
| <input type="checkbox"/> Documented all actions taken in connection with the condemnation action  |     |    |   |   |   |
| <input type="checkbox"/> Used any proceeds in a manner consistent with the land trust's mission   |     |    |   |   |   |

## Comments:

## Setting Priorities

In light of what you have discovered about your land trust's implementation of Standards 8-12,

Right now, our organization's land transactions and stewardship strengths are...

1.

2.

3.

Right now, our greatest land transactions and stewardship challenges are...

1.

2.

3.

Some specific steps we will take over the next one to three years toward overcoming the challenges are...

1.

2.

3.