




DOING A SUCCESSFUL LAND CONSERVATION PROJECT

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ARE THESE THINGS IN PLACE?

- LT has a mission statement or policy to guide its land protection activity
 - A clear idea of when to say no or yes
 - Landowner wants to protect their land
 - Land trust has staff or volunteers to complete the project
 - From 6 months to 18 months or more
 - LT has access to an attorney with real estate experience
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FIRST STEP – ASSESS THE PROPERTY

- Initial contact with landowner – owner, plat/lot, address
 - Basic research – RI Digital Access, RIGIS, Town maps
 - Groundwater, surface water, wetlands
 - Soil types, topography, hillshade data
 - Wildlife habitat, rare species/natural heritage data
 - Nearby conserved land, aerial photos
 - Town info on zoning, assessment values
 - Does property fit with land trust mission and priorities?
 - If Yes, continue with due diligence, or No thank you
 - Sometimes yes if donation but no if purchase
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Washington County, Rhode Island

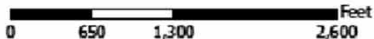
Alewife Brook Preserve

Parcel Boundaries not legally binding for title or zoning purposes.

Horizontal Datum is Rhode Island State Plane Feet, NAD83.


1 inch = 1,062 feet

The Town of South Kingstown makes no warranty as to the accuracy, reliability, or completeness of the information and is not responsible for any errors or omissions for results obtained from the use of the information.






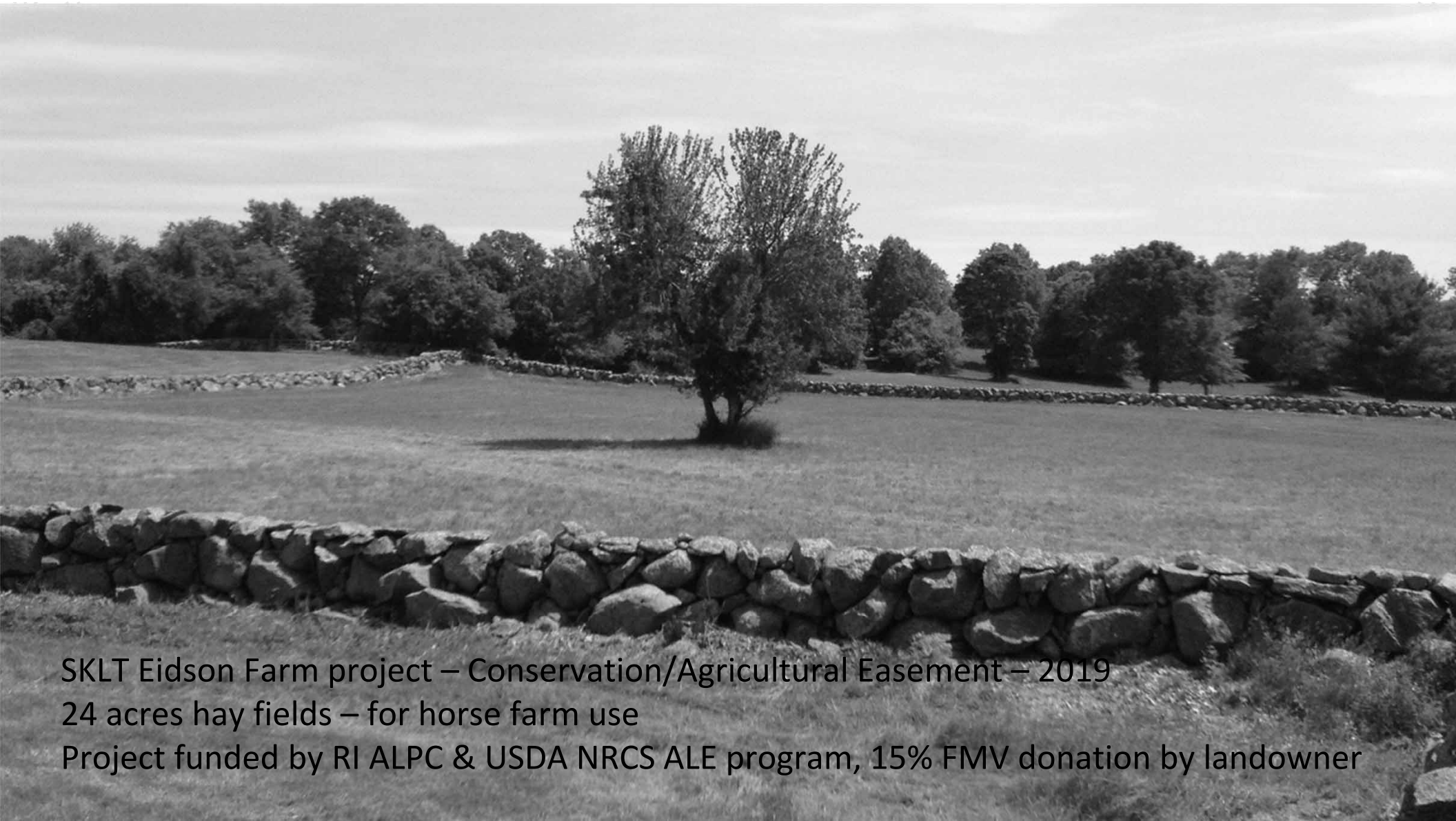
DEFINE PROJECT STRUCTURE

- What is the landowner's goal for protecting the land?
 - How best to achieve that?
 - Consider bequest option
 - Title Investigation early – Who is the legal landowner?
 - Fee vs conservation easement - Any retained uses?
 - Donation vs purchase
 - How much tax deduction can landowner utilize? At least offset capital gains
 - Are funds available for a purchase?
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CONSERVATION EASEMENTS

- Landowner retains ownership and LT takes on responsibility to protect natural values
 - Landowner still pays local real estate taxes
 - Language of CE customized for specific parcel
 - Permanent restriction runs with the land – write CE for future owners
 - For tax deduction, CE must meet conservation purposes as defined by IRS section 170(h)
 - Public conservation value, such as preservation of significant wildlife habitat, open space, farmland or watersheds
 - Deduction can be spread over 15 years plus year of donation
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SKLT Eidson Farm project – Conservation/Agricultural Easement – 2019

24 acres hay fields – for horse farm use

Project funded by RI ALPC & USDA NRCS ALE program, 15% FMV donation by landowner




DEFINE LAND TRUST and LANDOWNER ROLES

- Site visit with landowner – identify conservation values
 - Initial LT review & decision to proceed
 - Initial Landowner letter – define roles and process
 - Landowner needs his/her own legal and accounting advice
 - Request for stewardship contribution
 - Request signed copy of letter – before proceeding with project
 - Estimate time required to complete the project – at least 6 months for a donation and at least 18 months for a purchase
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DOCUMENTATION FOR ALL PROJECTS

- Title investigation and insurance
 - Review title carefully for any restrictions or encumbrances
 - Survey or equivalent - as required by land trust or funder policy
 - Appraisal – except donations without tax deduction
 - Environmental hazard assessment
 - Baseline documentation report
 - Recorded deed or easement – with local municipality
 - Contemporaneous written acknowledgement letter, if any donation
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NOTES ON PROJECT DOCUMENTATION

- Baseline Documentation Reports
 - See rilandtrusts.org in resources for BDR model documents
 - Surveys
 - Class I required for purchases – on the ground survey
 - Appraisals
 - If purchase, check with funders for required report format
 - Environmental Hazard Assessment
 - See edrnet.com for radius records review
 - LTA.org Learning Center for sample documents
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DONATIONS OF LAND OR EASEMENT

- If tax deduction, landowner does final appraisal
 - LT reviews appraisal before signing 8283
 - For conservation easements – customize for each project
 - Prepare draft CE after reviewing terms and options with landowner
 - Revisions between landowner attorney and LT attorney/staff
 - For fee land
 - Landowner attorney can prepare deed and LT records
 - LT prepares management plan
 - After recording, LO prepares 8283 – appraiser signs first, then LT
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PURCHASE OF LAND OR EASEMENT

- Identify funding sources and application deadlines
 - Can often estimate land cost for applications
 - When (some) funding committed, conduct appraisal (get bids)
 - Share with landowner, or not
 - Formal purchase & sales agreement
 - Subject to securing all needed funds
 - Conduct survey (get bids)
 - Deed or easement for recording
 - Identify funding for out-of-pocket and stewardship costs
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**Alewife Brook Preserve
Purchased in fee July 2019
43 acres, abuts RIDEM, ASRI, Town land**




SKLT's ALEWIFE BROOK PRESERVE

- March 2018 – heard land was under verbal agreement for development (17 hses)
 - SKLT offered to purchase subject to appraisal
 - April/May 2018 SKLT and LO appraisals averaged to agree on purchase price
 - Initial support for project from RIDEM open space fund – May 2018
 - Applied to Town of South Kingstown for funding – awarded July 2018
 - Grant from Bafflin Foundation – January 2019
 - Final funding from The Nature Conservancy & Champlin Foundation – March 2019
 - Closed & recorded July 2019 – now has trails open to the public
 - Unusually quick process – 16 months
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IDEAS ON FUNDING LAND PURCHASES

- For Easements on Agricultural Land
 - USDA NRCS ACEP-ALE
 - RI ALPC - subject to statewide bond funding
 - For Easements on Natural Land
 - For wetlands needing restoration – USDA NRCS WRE
 - For forests – USDA NRCS Forest grants - available soon
 - For Fee Land – grants often require public access
 - RIDEM Local Open Space Grants - subject to statewide bond funding
 - Town funds or local water suppliers (for wellhead protection)
 - Private – Individuals or Foundations: TNC/Champlin, Bafflin, others
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SAMPLE DOCUMENTS - based on LTA and TNC models

- SKLT - Preserving your Land – Info for landowners (on website later)
 - Sample Project Checklist – with notations on LTA Standards & Practices
 - Sample Landowner Letter – customize for CE or FS (on website later)
 - Sample Appraisal Review Checklist
 - Sample Form 8283 Review Checklist
 - Electronic versions available – 2020 versions now on Summit website
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