Renewal Accreditation 201: Pointers for Preparing your Renewal Application

Tammara Van Ryn
Executive Director

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Deputy Director
Road Map

• What’s New
• Accreditation Documentation and Requirements
• Insights into the Review Process
• Other Tips
Handouts

- Land Conservation Project List Exercise
- Amendment Statement Examples
- Ah-Ha Sheet
What’s New?
Thank You!

Your Investment in Accreditation Matters

Your investment in accreditation pays you back
- Save more land
- Raise more money
- Attract more volunteers
- Qualify for valuable discounts and benefits

Your investment in accreditation strengthens the land trust movement

Your investment in accreditation keeps you on the leading edge
New Requirements Manual

Accreditation Requirements Manual

March 2018

http://www.landtrustaccreditation.org/help-and-resources/requirements-manual
Requirements: Risk-Based Approach

• Font
  – Bold (higher risk areas): Demonstrate compliance or corrective action
  – Non-bold (lower risk areas): Demonstrate compliance; but corrective action situational and depends on risk

• Facts and Circumstances & Variability in Community
  – Sufficiently, Generally, Appropriate
Transactions: Project Due Diligence (Title Investigation)

Project Due Diligence 8B2, 8C1, 9F1, 9F1(a), 9F2, 9F3, 9H1, 9H2

- Title investigation by title company or attorney identifies ownership and encumbrances for each project. (Includes mortgages, severed mineral rights, severed water rights, tax liens or judgments, easements, use agreements, covenants or other restrictions. If mineral rights are excluded from the title investigation, then a risk analysis of the potentially severed mineral rights.)
- Title investigation updated by title company or attorney generally within 30 days of closing.
- Encumbrances or severed mineral rights shown in the title investigation appropriately addressed so they will not result in extinguishment of the conservation easement or significantly undermine the conservation values. (Such as a mortgage subordination recorded before or contemporaneous to the conservation easement; mortgage discharge before closing; mineral remoteness report; water rights due diligence report; memo to file with analysis of how substantial access easements or rights-of-way could impact project.)
New Online Application and System


NEW CIVVY
New Sampling Approach

- Pre-Application Materials
  - Application Questions & Documents
  - Land and Conservation Easement Documents ("Project Documentation")
  - Targeted Verification Documents
New Land Trust Alliance Tools

• Practice Element Narratives
  – Enhanced with Accreditation Call-outs

• Five Online Courses
  – Overview
  – Governance
  – Finance
  – Transactions
  – Stewardship
# The Learning Center

## Browse Standard 11: Conservation Easement Stewardship

- Back to Land Trust Standards and Practices
  - Practice 11 A: Funding Conservation Easement Stewardship
  - Practice 11 B: Baseline Documentation Report
  - Practice 11 C: Conservation Easement Monitoring
  - Practice 11 D: Landowner Relationships
  - Practice 11 E: Conservation Easement Enforcement
  - Practice 11 F: Approvals and Permitted Rights
  - Practice 11 G: Contingency Strategy
  - Practice 11 H: Amendments
  - Practice 11 I: Condolence
  - Practice 11 J: Partial or Full Extinguishment

## Catalog Home | Land Trust Standards and Practices | Standard 11: Conservation Easement Stewardship

### Standard 11: Conservation Easement Stewardship

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

#### Featured: All

<table>
<thead>
<tr>
<th>Title</th>
<th>Download</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compiled Guidance for Stewardship Practice Elements</strong></td>
<td><a href="#">Download</a></td>
</tr>
<tr>
<td>This document compiles the Land Trust Alliance’s guidelines for the accreditation indicator elements in the Stewardship category, with background information and explanations for each practice element.</td>
<td></td>
</tr>
<tr>
<td><strong>Conservation Easements and Natural Disasters: the Challenge of Drafting for Perpetuity</strong></td>
<td><a href="#">Download</a></td>
</tr>
<tr>
<td><strong>Determining Stewardship Costs and Raising and Managing Dedicated Funds (Entire Book)</strong></td>
<td><a href="#">Download</a></td>
</tr>
<tr>
<td><em>How much will it cost your land trust to manage a conservation easement for the long haul? Arriving at a realistic figure is tricky—but essential—if you are going to keep your promises. In this course...</em></td>
<td></td>
</tr>
<tr>
<td><strong>Introduction to Stewardship Requirements for Accreditation</strong></td>
<td><a href="#">Enrol</a></td>
</tr>
<tr>
<td>This module explores the accreditation requirements for the Stewardship group; the documents needed for accreditation and how the Requirements Manual can help you prepare a successful application.</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

## Land Trust Accreditation Commission
New Narratives for Practice Elements

LAND TRUST Standards and Practices

STANDARD 11 CONSERVATION EASEMENT STEWARDSHIP

B. Baseline Documentation Report

1. Prepare the report prior to closing and have it signed by the landowner and land trust at or prior to closing.

2. 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 acknowledgement of interim data that for donations and bargain sales meets Treasury Regulation Sec. 1.170A-14(a)(5)(i) at closing.

Accreditation indicator element located at www.landtrustaccreditation.org

PREPARING BASELINE DOCUMENTATION REPORTS

Author

Land trusts will often create the baseline for each easement they hold, sometimes at their own cost and sometimes for a fee paid by the landowner. Although the Treasury Regulations require that a landowner “have available to the donee [easement holder], prior to the time the donation is made, documentation sufficient to establish the condition of the property at the time of the gift [grant of easement],” the land trust should take the lead in creating the baseline in order to ensure that the document contains all the information that needs to be in a baseline (and no extraneous materials), that the report is prepared to the land trust’s standards and is consistent with other land trust reports and that the document is prepared within the requisite timeframe (prior to closing and executed at closing). If a land trust does not have the capacity to prepare baseline documentation, it should, at a minimum, adopt a policy that states that the land trust:

For accreditation, a baseline documentation report must include an acknowledgement attesting to the accuracy of the report signed and dated by the land trust and landowner at or before closing. If a land trust has older baseline reports that are not signed or create current conditions reports for older easements, it should attempt to obtain the landowner signature for all easements completed in 2004 or later. If a land trust cannot obtain the signatures of the landowner on these reports, it should retain documentation that it attempted to get the reports signed.

Seasonal Conditions and Finalizing the Report

In some parts of the country, land may be inaccessible or the land cannot be thoroughly analyzed at particular times of year, due to snow cover or the fact that the growing season has not yet begun or has ended. In such situations, the land trust should prepare and execute a baseline at closing with all information that is possible to collect at that particular time of year. In addition, the land trust must establish a schedule for completing the baseline when conditions permit and secure an agreement from the landowner (in writing) that the landowner will permit the baseline preparatory entry to the property to complete the documentation and that the landowner will execute the final report with the supplementary information. In this manner, an interim baseline report is prepared and executed at closing and is supplemented with material sufficient to create a complete baseline when weather or growing conditions permit.

Although not preferable because the Treasury regulations clearly state that the baseline should be a representation of the property at closing – interim data that meets Treasury regulation $1.170A-14(a)(5)(i) is acceptable, as long as the land trust has a schedule for finalizing the full report. Doing so may prevent an IRS query into the deductibility of the conservation easement transaction.

If seasonal conditions prevent the baseline documentation report from being completed prior to closing, a land trust must have interim data and a schedule for finalizing the full report that are signed by the land trust and landowner at or before closing.
New Online Courses

Introduction to Accreditation and The Requirements Manual

Click here for viewing instructions

GET STARTED

Introduction to Accreditation and the Requirements Manual
<table>
<thead>
<tr>
<th>Pre-Application Materials</th>
<th>Accreditation Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Questions &amp; Documents</td>
<td>Land and Conservation Easement Documents (&quot;Project Documentation&quot;)</td>
</tr>
</tbody>
</table>
Pre-Application: Land Conservation Project List

CONSERVATION EASEMENTS PROJECT LIST

COMPLETE THIS WORKSHEET ONLY IF APPLYING FOR RENEWAL OF ACCREDITATION otherwise please select the "First Time CE List" tab for your conservation easements listing (see separate tab for complete instructions, including a description of the contents of each column)

ORGANIZATION NAME: 
DATE COMPLETED: 

Conservation Easement Land Conservation Project List

<table>
<thead>
<tr>
<th>Date Acquired</th>
<th>Project Name</th>
<th>Grantor</th>
<th>Town, City, or County</th>
<th>Type (D/8/P/ M/O/C)</th>
<th>Baseline Report Date Completed</th>
<th>Monitoring Dates (mm/yy)</th>
<th>Complete If Form 8283</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Helpful Tips

- Start it now
- Use it (or database) to keep record of your portfolio
Pre-Application: Statements

- Conflicts of interest
- Easement violations
- Property ownership challenges
- Amendments
- Extinguishment
Pre-Application: Stewardship

Stewardship

1. Over the accredited term, have any of your land trust’s conservation easements been violated or is your land trust continuing to address older unresolved conservation easement violations?
   Yes

2. Over the accredited term, have you had any ownership challenges on your land trust’s conservation fee properties or is your land trust continuing to address older unresolved ownership challenges?
   Yes

3. Over the accredited term, have any of your land trust’s conservation easements been amended?
   Yes

4. Over the accredited term, have any of your land trust’s conservation easements been extinguished in whole or in part?
   No

3. If yes, provide a statement describing each amendment and include: a) Who requested the amendment and why; b) How the amendment resulted in a net beneficial or neutral effect on the protected conservation values; c) How your land trust analyzed the potential for private inurement and/or impermissible private benefit as a result of granting the amendment, and d) Who was involved at major steps in the amendment process, including the role of the board, any legal counsel, and any co-holders

Handout pg. 19
Pre-Application: Amendment Statement

• Narrative Example
• Chart Example

Helpful Tips

• Format does not matter!
• Provide all requested information
• Include enough detail to explain what you did and why
Pre-Application: Land Conservation Project List

CONSERVATION EASEMENTS PROJECT LIST
COMPLETE THIS WORKSHEET ONLY IF APPLING FOR RENEWAL OF ACCREDITATION
otherwise please select the "First Time CEList" tab for your conservation easements listing
(see separate tab for complete instructions, including a description of the contents of each column)

<table>
<thead>
<tr>
<th>Date Acquired</th>
<th>Project Name</th>
<th>Grantor</th>
<th>Town, City, or County</th>
<th>Acres</th>
<th>Type (D/B/P/M/O/C)</th>
<th>Baseline Report Date Completed</th>
<th>Monitoring Dates (mm/yy)</th>
<th>Complete If Form 8283</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Enter yes if, since 2016, transaction was as (check all that apply)

- With a pass-through entity of unrelated parties with an appraised value more than

  2.5 times the basis in the property within 36 months of the entity’s acquisition
- The value of the donation was greater than $1 million

If yes to column "2," enter appraised FMV

Notes (also: if "O" or "C" selected in Column F, please describe)
Requirements: Baselines Over Term (Timing)

Baseline Documentation Reports \(11B_1, 11B_2\)

- Baseline documentation reports are complete and signed by the land trust and landowner at or before closing. If seasonal conditions prevent this, interim data and a schedule for finalizing the full report are signed by the land trust and landowner at or before closing.
## Land Conservation Project List Exercise

**CONSERVATION EASEMENTS PROJECT LIST**

COMPLETE THIS WORKSHEET ONLY IF APPLYING FOR RENEWAL OF ACCREDITATION otherwise please select the "First-Time CE List" tab for your conservation easements listing (see separate tab for complete instructions, including a description of the contents of each column)

| Date Acquired | Project Name    | Grantor  | Town, City, or County | Acres | Type (D/P/M/O/C) | Baseline Report Date Completed | Monitoring Dates (mm/yy) | Complete if Form 8283 | Enter value if, since 2005, transaction was a) with a person through entry of unrelated parties with an appraised value more than 3x the basis in the property within 36 months of the entity’s acquisition and b) the value of the donation was greater than $5 million | If you to column “I,” enter appraised FMV | Notes (also if "O" or "K" selected in Column F, please describe) |
|---------------|-----------------|----------|-----------------------|-------|-----------------|-------------------------------|--------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------.................................................................................|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------.................................................................................|
| 3/25/2015     | Ice Cave        | L. Ingles| Indian Lake           | 450   | B               |                               | 3/25/2015                 |                        |                                                                                                                                         |                                |                                                                                                                                                                                                                                                   |
| 7/24/2015     | Jasper Creek    | J. Jasper| Jacksonville          | 123   | B               |                               | 7/24/2015                 |                        |                                                                                                                                         |                                |                                                                                                                                                                                                                                                   |
| 1/12/2016     | Kelp Forest     | K. Krisp | Klaus                 | 175   | P               |                               | 1/12/2016                 |                        |                                                                                                                                         |                                |                                                                                                                                                                                                                                                   |
| 6/3/2017      | Llama Farm      | L. Loving| Loveland              | 6     | P               |                               | 6/3/2017                  |                        |                                                                                                                                         |                                |                                                                                                                                                                                                                                                   |
| 7/14/2017     | Mountain View   | M. Manford| Manning               | 48    | D               |                               | 7/14/2017                 |                        |                                                                                                                                         |                                |                                                                                                                                                                                                                                                   |
| 12/9/2018     | Nightingale     | N. Nguyen| Neverland             | 17    | P               |                               | 12/9/2018                 |                        |                                                                                                                                         |                                |                                                                                                                                                                                                                                                   |
## Exercise Report Back…

<table>
<thead>
<tr>
<th>Date Acquired</th>
<th>Project Name</th>
<th>Grantor</th>
<th>Town, City, or County</th>
<th>Acres</th>
<th>Type (DBP/P/MOC)</th>
<th>Baseline Report Date Completed</th>
<th>Monitoring Dates (mm/yy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/25/2015</td>
<td>Ice Cave</td>
<td>I. Ingles</td>
<td>Indian Lake</td>
<td>450</td>
<td>B</td>
<td>5/25/2015</td>
<td>Jun-18 Oct-17 Dec-16 n/a n/a</td>
</tr>
<tr>
<td>7/24/2015</td>
<td>Jasper Creek</td>
<td>J. Jasper</td>
<td>Jacksonville</td>
<td>123</td>
<td>B</td>
<td>7/21/2015</td>
<td>Sep-18 Oct-17 Oct-16 n/a n/a</td>
</tr>
<tr>
<td>1/12/2016</td>
<td>Kelp Forest</td>
<td>K. Krisp</td>
<td>Klaus</td>
<td>175</td>
<td>P</td>
<td>1/5/2016</td>
<td>Oct-18 Oct-17 n/a n/a n/a</td>
</tr>
<tr>
<td>6/6/2017</td>
<td>Llama Farm</td>
<td>L. Loving</td>
<td>Loveland</td>
<td>6</td>
<td>P</td>
<td>5/15/2017</td>
<td>Jun-16 n/a n/a n/a n/a</td>
</tr>
<tr>
<td>7/14/2017</td>
<td>Mountain View</td>
<td>M. Manford</td>
<td>Manning</td>
<td>45</td>
<td>D</td>
<td>7/10/2017</td>
<td>Sep-18 n/a n/a n/a n/a</td>
</tr>
<tr>
<td>12/9/2018</td>
<td>Nightingale</td>
<td>N. Nguyen</td>
<td>Neverland</td>
<td>17</td>
<td>P</td>
<td>11/9/2018</td>
<td>n/a n/a n/a n/a n/a</td>
</tr>
</tbody>
</table>
Sampling

<table>
<thead>
<tr>
<th>Pre-Application Materials</th>
<th>Accreditation Application</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Application Questions &amp; Documents</td>
</tr>
<tr>
<td></td>
<td>Land and Conservation Easement Documents (&quot;Project Documentation&quot;)</td>
</tr>
<tr>
<td></td>
<td>Targeted Verification Documents</td>
</tr>
</tbody>
</table>
Project Documentation

Transactions

<table>
<thead>
<tr>
<th>Baseline Documentation Report</th>
<th>Complete, signed baseline documentation report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline Documentation Report</td>
<td>Any baseline documentation report updates, current condition reports, or supplements</td>
</tr>
<tr>
<td>Baseline Documentation Report</td>
<td><em>If baseline documentation report not completed at closing</em>, interim data and a schedule for finalizing the Documentation Report full report that was completed by closing</td>
</tr>
</tbody>
</table>

General

*If your land trust was not able to show compliance with the requirements in this project*

Statement and/or related documentation explaining a) the circumstances, b) the alternative steps your land trust took to meet the intent of the practice and/or mitigate risks associated with the non-compliance and c) how your land trust typically complies with the requirement.
Application: Disclosing Noncompliance

7. Did your land trust have an instance when it was not able to show compliance with the requirements in the Transaction section over the accredited term?

Yes

Transactions Q7 T7  Since your land trust has an instance when it was not able to show compliance with the requirements in the Transaction section over the accredited term. Statement and/or related documentation explaining a) the circumstances, b) the alternative steps your land trust took to meet the intent of the requirement and/or mitigate risks associated with the non-compliance and c) how your land trust typically complies with the requirement (The Commission will review the information to determine if the instance was isolated and rare and risks were reasonably mitigated.)

Helpful Tips

Handout pgs. 15, 16
Sampling

<table>
<thead>
<tr>
<th>Pre-Application Materials</th>
<th>Accreditation Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Questions &amp; Documents</td>
<td>Land and Conservation Easement Documents (“Project Documentation”)</td>
</tr>
<tr>
<td>Date Acquired</td>
<td>Project Name</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
# Targeted Verification Documentation

<table>
<thead>
<tr>
<th>Targeted Verification Item / Project Name</th>
<th>Type of Verification Item</th>
<th>Targeted Verification Item Type</th>
<th>View Completed Project/Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTWI</td>
<td>Targeted Verification Item</td>
<td>Land Transaction with an Insider</td>
<td>View Completed Project/Item</td>
</tr>
<tr>
<td>FTI</td>
<td>Targeted Verification Item</td>
<td>Financial Transaction with an Insider</td>
<td>View Completed Project/Item</td>
</tr>
<tr>
<td>TI</td>
<td>Targeted Verification Item</td>
<td>Evidence of Title Investigation</td>
<td>View Completed Project/Item</td>
</tr>
<tr>
<td>OSIM</td>
<td>Targeted Verification Item</td>
<td>Verification of Baseline Documentation Report Contents and/or Monitoring of Older Project(s)</td>
<td>View Completed Project/Item</td>
</tr>
<tr>
<td>MPI</td>
<td>Targeted Verification Item</td>
<td>Verification of Management Plan Contents and Inspections of Older Project(s)</td>
<td>View Completed Project/Item</td>
</tr>
<tr>
<td>CE</td>
<td>Selected Project</td>
<td></td>
<td>View Completed Project/Item</td>
</tr>
<tr>
<td>fee</td>
<td>Selected Project</td>
<td></td>
<td>View Completed Project/Item</td>
</tr>
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</table>
Targeted Verification Documentation

Transactions

<table>
<thead>
<tr>
<th>Sub-Category</th>
<th>Description</th>
<th>Marked as Not Applicable?</th>
<th>Reason(s) Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Easement and Fee Title Deeds</td>
<td>Complete, recorded conservation easement</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Baseline Documentation Report</td>
<td>Complete, signed baseline documentation report</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Baseline Documentation Report</td>
<td>Any baseline documentation report updates, current conditions reports, or supplements</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Stewardship

<table>
<thead>
<tr>
<th>Sub-Category</th>
<th>Description</th>
<th>Marked as Not Applicable?</th>
<th>Reason(s) Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Easement Monitoring and Conservation Property Inspections</td>
<td>Monitoring reports from over the accredited term</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
# Pre-Application: Amendment Statement

<table>
<thead>
<tr>
<th>Easement</th>
<th>Amendment</th>
<th>Who Requested/Why</th>
<th>Conservation Values</th>
<th>Impermissible Private Benefit</th>
<th>Who Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith</td>
<td>6/1/2017</td>
<td>Original grantor, to clarify legal description – new survey</td>
<td>.0008 acre change for 100 acre easement, no impact</td>
<td>Scrivener’s error, clarified what landowner owned, no financial gain</td>
<td>Our attorney reviewed survey, prepared amendments, approved by Board</td>
</tr>
<tr>
<td>Brown</td>
<td>8/1/2018</td>
<td>Original grantors, wanted to add acres</td>
<td>Added 100 acres of ranch to 400 acres already protected, no impact</td>
<td>No financial gain, not an insider</td>
<td>Our attorney reviewed amendment prepared by landowners, approved by Board</td>
</tr>
<tr>
<td>Golden</td>
<td>10/1/2019</td>
<td>New owner (Ms. Jones) wants to move building envelope closer to road and increase size of house by 10%</td>
<td>Conservation values are scenic road and meadow habitat. Scenic impact not affected, larger house would be similar to others on this road</td>
<td>Additional size was considered <em>de minimis</em></td>
<td>Approved by board chair</td>
</tr>
</tbody>
</table>
Requirements: Amendments

Conservation Easement Amendments and Extinguishments

- Amendments generally consistent with the Land Trust Alliance Amendment Principles, including the following:
  - Having a net beneficial or neutral effect on the protected conservation values
  - Not resulting in private inurement or impermissible private benefit
- Board informed or involved as appropriate to scale of amendment or extinguishment.
- If co-held, co-holder involved in amendment or extinguishment according to terms of conservation easement or other agreement.
Targeted Verification Documentation: Amendments

* Type of Verification Item
  - Selected Project
  - Targeted Verification Item

* Targeted Item Name

* Targeted Verification Item Type
  - Land Transaction with an Insider
  - Financial Transaction with an Insider
  - Evidence of Title Investigation
  - Verification of Baseline Documentation Report Contents and/or Monitoring of Older Project(s)
  - Verification of Management Plan Contents and Inspections of Older Project(s)
  - Transactions Addressed in Land Trust Alliance Tax Shelter Advisory
  - Conservation Easement Enforcement and Conservation Property Ownership Challenges
  - Conservation Easement Amendments
  - Conservation Easement Extinguishments
  - Other
### Verification Documentation: Amendments

<table>
<thead>
<tr>
<th>Targeted Verification Item / Project Name</th>
<th>Type of Verification Item</th>
<th>Targeted Verification Item Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown</td>
<td>Selected Project</td>
<td></td>
</tr>
<tr>
<td>Green</td>
<td>Selected Project</td>
<td></td>
</tr>
<tr>
<td>Yellow 2016</td>
<td>Targeted Verification Item</td>
<td>Evidence of Title Investigation</td>
</tr>
<tr>
<td>Board member's firm used for legal services</td>
<td>Targeted Verification Item</td>
<td>Financial Transaction with an Insider</td>
</tr>
<tr>
<td>Test</td>
<td>Targeted Verification Item</td>
<td>Financial Transaction with an Insider</td>
</tr>
<tr>
<td>Red Amendment 2017</td>
<td>Targeted Verification Item</td>
<td>Conservation Basement Amendments</td>
</tr>
</tbody>
</table>

#### Description

<table>
<thead>
<tr>
<th>Description</th>
<th>Marked as Not Applicable?</th>
<th>Reason(s) Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before- and after versions of the conservation basin deed (or a tracked changes version)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Materials provided to the board (or delegated entity) in advance of its approval of the amendment/extensionishment</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Record of the approval of the amendment</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Documentation used to determine that there was no private inurement or impermissible private benefit conferred by the amendment/extensionishment</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
## Application: Amendments

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Recent example of how your land trust documented (such as a monitoring report, baseline supplement or current conditions report) a significant change to the land covered by a conservation easement (such as resulting from natural disaster or exercise of a permitted right) or change to the conservation easement (such as resulting from an amendment).   * If your land trust has had no such changes to document, provide a statement of that fact and provide a statement of how it would document such changes in the future.</td>
</tr>
<tr>
<td>S2</td>
<td>Conservation Easement Violation Policy and/or Procedures</td>
</tr>
<tr>
<td>S3</td>
<td>Conservation Easement Amendment Policy and/or Procedures</td>
</tr>
<tr>
<td>S4</td>
<td>Recent example of your land trust’s response to document a non-compliance report related to a notice, approval, denial, substantive interpretation, or the exercise of a significant permitted right. Include the conservation easement deed, the landowner’s request/notice and your land trust’s response to the landowner (such as a landowner’s notice to the land trust of the intent to build a permitted structure, a land trust’s correspondence with a landowner denying a requested activity be allowed on the property).   * If your land trust has had no such activities to document, provide a statement of that fact and a statement of how it would document such activities in the future.</td>
</tr>
</tbody>
</table>
• Review your policies against the requirements before submitting them!
  – If needed, revise them *before you submit* 😊

• If not your usual practice, explain why you did it differently
  – (e.g., explain why the board chair approved the amendment and not the full board)

• If you don’t have the documents but you have something that gets at the spirit of the practice and/or can get the requested document, add it to your application
It’s NOT ...
Requirements: Baselines

All: Contents
Over Term: Contents and Timing

Baseline Documentation Reports \(11B_1, 11B_2\)

- Every conservation easement has a baseline documentation report (or current conditions report) that includes the following:
  - Date of completion
  - Written descriptions, maps and photographs that document the following:
    - Protected conservation values
    - Relevant conditions of the property as necessary to monitor and enforce the conservation easement
  - Acknowledgement attesting to the accuracy of the report signed by the following:
    - Land trust
    - Landowner, for all easements completed in 2004 or later (or documented attempt to obtain signature)

- Baseline documentation reports are complete and signed by the land trust and landowner at or before closing. If seasonal conditions prevent this, interim data and a schedule for finalizing the full report are signed by the land trust and landowner at or before closing.
Review Process: Baselines

Options

– Acceptable, no issues noted
– Acceptable, isolated & rare and explained
– Need more information or corrective action, risk lens applies
  • Depends on how many an issue
  • Depends on whether issue was early in the term, late in the term or throughout the term
  • Depends on length of gap (few days versus months)
  • Depends on whether this was an issue at a previous application

= Additional Information Request
Review Process: Amendments

• Policy
  – Acceptable
  – Needs more information or corrective action

• Amendment Management
  – Acceptable, no issues noted
  – Acceptable, isolated & rare and explained
  – Need more information or corrective action, risk lens applies
    • Depends on potential impacts to conservation values
    • Depends on potential for impermissible private benefit
    • Depends on whether this was an issue at a previous application

= Additional Information Request
Additional Information Request

• Standard next step in the process
• Most often to clarify information
  – *Please provide documentation of how you evaluated impermissible private benefit...*
• Occasional need for corrective action
  – *...If you did not have documentation contemporaneous to the transaction, secure a retroactive analysis*
  – Three months to complete
H. Amendments

1. Adopt and follow a written policy or procedure addressing conservation easement amendments that is consistent with the Land Trust Alliance Amendment Principles.

For accreditation, a land trust needs to document that its amendments are generally consistent with the above Amendment Principles. Specifically, accreditation focuses on Principles 4 and 7.

- A land trust needs to document that any amendment did not result in private inurement or impermissible private benefit. This documentation can include an appraisal, a letter of opinion from a qualified real estate professional, correspondence with legal counsel or a memo to the file.

- A land trust needs to describe how any amendment had a net beneficial or neutral effect on the protected conservation values.

A land trust will also need to describe how it involved any co-holder, in accordance with the terms of the easement deed or other agreement. In addition, the documentation needs to show that the land trust informed or involved its board, as appropriate to the scale of the amendment.
• Call your reviewer
  – 518-587-3143
  (or number provided)
• Email your reviewer
  – Send note in application system
  – Direct email
  – info@landtrustaccreditation.org
Next Steps

• Review team
  – Looks at Additional Information Request response
  – Makes recommendation to Commission

• Commission
  – Considers recommendation
  – Makes a final decision
    • Renew
    • Renew with Expectations for Improvement
    • Renew with Conditions
    • Do Not Renew
What else is new?
Quick Note: New Documents & Requirements

• Governance
  – Strategic goals or strategic plan

• Finance
  – Financial health
  – Financial reports to the board
  – General Liability Insurance
  – Insurance evaluation

• Transactions
  – Visual inspections before closing
  – Syndicated Tax Shelters

• Stewardship
  – Fee inspection report contents
  – Conservation easement stewardship records
    • Documentation of change
    • Documentation of notices, approvals, denials, interpretations, and exercise of permitted rights
Thank you! Your Investment Matters!

Accredited land trusts qualify for a growing list of valuable discounts and benefits
Final Questions & Wrap-Up

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