

Santa Fe Conservation Trust
CONSERVATION EASEMENT PROJECT SELECTION CRITERIA POLICY
Land Conservation Policy 4.01
Adopted on: June 23, 2013
Updated: October 19, 2017, October 22, 2024

The Santa Fe Conservation Trust partners with our community to keep northern New Mexico's living lands and people flourishing together. We protect culturally and environmentally significant landscapes, ignite people's passion for nature and enable the continual regeneration of our healthy place.

The Santa Fe Conservation Trust actively fosters an organization and conservation movement that is intentionally diverse, equitable and inclusive. We look to nature as our guide, working to support and connect a human ecosystem that is equally complex, resilient, thriving and full of variety.

We acknowledge that land in northern New Mexico carries with it a complicated history that includes successive and ongoing waves of displacement and dispossession. We also acknowledge that land conservation and the environmental movement have historically underrepresented a diversity of people who cherish the natural world and want to protect it.

Looking forward, we aspire to create a better future by building a representative, engaged and passionate conservation community dedicated to keeping Northern New Mexico's living lands and people flourishing together. To that end, we focus our programs, policies and plans on providing equitable access to nature for everyone in our community and creating opportunities for inclusion. We recruit, hire, retain, and promote a diverse staff. And we recruit board members who represent the lived experiences of the people we serve to ensure the diverse viewpoints of our community inform our decisions and actions.

The Santa Fe Conservation Trust recognizes that this long-term commitment is an ongoing process that requires continuous learning, growth, monitoring and improvement. The SFCT Board has identified the following issues and established the following criteria for selecting conservation easement projects to be undertaken by SFCT. These criteria are intended to guide rather than limit the actions of SFCT. The Board retains discretion over project selection and will evaluate each project and proposal on its own merits after careful investigation of the property, its resources and the potential public benefit. Staff will use this list to evaluate potential projects and help identify relevant conservation values and other practical issues on lands being considered for conservation that will significantly benefit the public.

SFCT Mission/Feasibility Issues and Criteria:

1. Is the proposed conservation easement consistent with the goals expressed in our Mission

Statement? SFCT seeks conservation easements that match as many of the goals set forth in its mission statement as possible.

2. Will the donor execute an engagement letter and agree to cover SFCT's transactional costs as outlined in the letter? SFCT must have a signed engagement letter setting forth the terms of the transaction, and there must be some means agreed upon, and specified in the letter, for covering the costs of the transaction, and future monitoring costs, in amounts to be determined by SFCT and the donor.
3. Can the easement effectively be monitored and stewarded by SFCT? If monitoring the easement is likely to be difficult, for physical, political or personal reasons, the easement may not be suitable for SFCT to accept.
4. Is the easement in one of SFCT focal areas or counties in which we work? Easements in areas SFCT has identified as priorities, or where we have existing easements, are preferred.
5. Is the land of sufficient size to warrant our efforts? Experience has shown that easements on small tracts may be problematic, and more costly to conserve per acre than larger parcels
6. Will this easement encourage other land to be preserved in the same area? Easements that could be catalysts for adjacent parcels to be placed under easement are highly valued.
7. Will this easement protect lands that are significant to communities that are underrepresented in the land conservation movement?
8. Are there uncertainties about the future land use of adjacent parcels that could make the land less desirable or stewardship more difficult, such as, for example, the possibility of substantial or intensive commercial or residential development? Land, especially smaller tracts that could become surrounded by developed areas may become problematic from the standpoint of monitoring, stewardship, and the possibility of easement violations, besides being less desirable as wildlife habitat.
9. Will acquisition of the easement create an unusual or special liability exposure for SFCT that would warrant enhanced insurance coverage? While SFCT's position as holder of a conservation easement should ordinarily not give rise to liability, dangerous conditions or other factors that might spark litigation in which SFCT could easily become involved are a reason for concern.
10. Will public access and activities be allowed on the property? Public access is normally a "plus" for an easement, but may also complicate monitoring and create greater risks of violations.
11. Is the land already effectively protected in some fashion, by deed restrictions; covenants, or other means, and if so, is such protection assured for the future? If there are effective protective mechanisms in place, that protect the values that are intended to be protected by a conservation easement and that are likely to be enforceable and enforced, there may be little need to impose the easement.
12. Is adequate and permanent access to the property for easement enforcement purposes

available to SFCT, or can access rights be included in the easement? If SFCT does not have assured access to the property for monitoring purposes, we could not fulfill our obligations under the terms of the easement, and thus probably should not accept an easement on the property.

13. Can all of the conservation intentions and purposes of the donor be met by our standard conservation easement agreements or are extraordinary requests being made of SFCT? SFCT does not want to have to enforce complicated architectural standards for example or consider prohibited uses that would be difficult to enforce such as a prohibition of firearms on the premises.

Legal Issues and Criteria:

1. Does the donor have clear legal title? If there is any defect in title, SFCT will not accept a conservation easement until the defect is cured. Prior to closing and preferably early in the process, have a title company or attorney investigate title for each conservation easement the land trust intends to acquire and update the title policy at or just prior to closing.
2. Does the donor own the subsurface rights? If the donor owns the mineral rights, they must be included in the terms of the easement. If the mineral rights are owned separately, the likelihood of exploration or mining in the future must be assessed. Any significant likelihood that the land might be subject to mineral exploration or mining will diminish the value of the easement.
3. Are there any encumbrances on the property, and are all taxes paid? SFCT will not accept an easement on land that is encumbered by a mortgage or real estate contract unless the lender or contract holder will subordinate its rights to the easement, and it will not accept an easement on land as to which property taxes are owed, or that reflects a history of non-payment of property taxes.
4. Are property lines clearly defined? SFCT may require a boundary survey of each tract subject to a conservation easement and will consult with counsel to make this determination.
5. Are surrounding areas and their uses and zoning classifications such as to make easement enforcement practicable? If major issues are possible in the future this must be weighed when calculating the financial costs of stewardship and monitoring.
6. Are there hazardous materials on the property?

Natural Resource Issues and Criteria:

1. Will the easement serve to protect a relatively natural habitat for fish, wildlife or plants? Besides being important and worthy in its own right, this is a consideration that is specifically identified as a "conservation purpose" in 26 U.S.C. § 170(h), and that thus relates directly to the maintenance of SFCT's tax exempt status and to the qualification of the easement donation as a valid charitable contribution for federal tax purposes.

Moreover, protection of habitat for plants and wildlife also helps qualify a proposed easement under New Mexico's Land Conservation Incentives Act.

2. Is the land currently in a relatively natural state? The parcel under consideration must be considered special and unique due to its natural condition and/or use.
3. If restoration is needed will the donor pay for this effort? A management plan may be required by SFCT to ensure that restoration will be undertaken in a timely manner.
4. Is the property subject to pollution or adverse influences from surrounding resources? Conditions on nearby property that could impair the conservation values of the protected property, and that cannot easily be protected against, may significantly reduce the value of the conservation easement.

Public Recreation/Education Issues and Criteria:

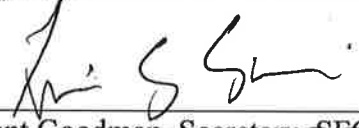
1. Will the easement provide for the public's regular use of the property for outdoor recreation or education? This is a consideration that is specifically identified as a "conservation purpose" in 26 U.S.C. § 170(h), and that thus relates directly to the maintenance of SFCT's tax exempt status and to the qualification of the easement donation as a valid charitable contribution for federal tax purposes. Promotion of these values is clearly favored by SFCT.
2. Will protection of this property promote outdoor recreation by or the education of the general public?
3. Does the easement help to create or maintain public access to public lands? Protection of property over which extensions of trails that connect with public lands trails can be established is a high priority for SFCT.
4. Does the easement complement land conservation programs promoted by public agencies in the area of the easement? Enhancement of conservation values on nearby public lands is another high priority.

Open Space and Working Lands Issues and Criteria:

1. Will the easement serve to protect open space for the scenic enjoyment of the general public, or pursuant to a clearly delineated federal, state or local governmental conservation policy, that will therefore yield a significant public benefit? This is a consideration that is specifically identified as a "conservation purpose" in 26 U.S.C. § 170(h), and that thus relates directly to the maintenance of SFCT's tax exempt status and to the qualification of the easement donation as a valid charitable contribution for federal tax purposes. Open space protection that serves a clearly defined governmental conservation policy or otherwise provides a public benefit is strongly favored by SFCT.
2. Will the easement protect cropland, grazing land, or working forestland?
1. Will the easement help to protect a historically important land area or a certified historic structure? This is a consideration that is specifically identified as a "conservation purpose" in 26 U.S.C. § 170(h), and that thus relates directly to the maintenance of

SFCT's tax exempt status and to the qualification of the easement donation as a valid charitable contribution for federal tax purposes.

Approved on the 22nd of October 2024.



Brant Goodman, Secretary, SFCT



10/22/2024

