



**NORTHERN
CALIFORNIA**
REGIONAL LAND TRUST

UPDATED
JANUARY 2023

LANDOWNER INFORMATION PACKAGE

*What to expect during a conservation
easement acquisition process*



ABOUT US

MISSION

The Northern California Regional Land Trust (NCRLT) was founded in 1990 and is nationally accredited by the Land Trust Accreditation Commission. NCRLT is a nonprofit organization under section 501(c)(3) of the Internal Revenue Service, and our mission is to assist Northern California landowners, agencies, and other community partners in the voluntary protection of land and other natural resources, preserving working and wild landscapes for future generations to experience. To advance our mission, we negotiate conservation easements, facilitate land acquisitions or exchanges, and provide professional planning and technical assistance in natural resource management and conservation.

CONTACT

Mailing Address:

P.O. Box 9289
Chico, California 95927

Physical Address:

30 Independence Circle, Suite 100
Chico, California 95973

Phone:

530.894.7738

General Inquiries:

info@landconservation.org

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ABOUT US

SERVICES

NCRLT assists agencies, landowners, and other community partners in the evaluation, facilitation and implementation of conservation projects, programs, and strategies. We offer consulting, professional services, and assistance in:

Conservation Planning: Our staff bring a wealth of experience in navigating complex environments and mediating collaborative program or project development that reflects the objectives of multiple stakeholders. We can help you to integrate conservation values, current and projected zoning, existing land and resource conditions, governance, socio-economic conditions, financial barriers, policy, and law into decision-making or development of alternatives for planning purposes.

Transactional Real Estate and Easement Acquisitions: We work with landowners and other partners to develop agricultural and conservation easement acquisitions that are financially pragmatic and legally sound. Our staff have expertise in implementing land transactions that strategically meet landowners' needs and resource conservation objectives. NCRLT currently holds conservation easements or fee title on over 36,000 acres of rangelands, open space, and prime farmland in Northern California.

Natural Resource Management, Monitoring, and Conservation: Our staff are skilled in the management, monitoring, and conservation of wildlife, botanical resources, and wetlands. We work on private and public lands throughout Northern California with a variety of partners, from federal agencies to leading NGOs to multi-generational ranching families. NCRLT currently assists with long-term monitoring and management on over 50,000 acres annually in Butte, Glenn, and Tehama County. Our staff can provide a broad suite of biological, natural resource, and GIS/mapping services.

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EASEMENTS

TIMELINE

A successful conservation easement acquisition process typically takes 3-5 years from the time a landowner initiates contact with NCRLT to the day escrow closes. There can be cases that fall outside these guidelines, but this captures the majority of our projects. We endeavor to be transparent and communicative throughout the process, as we understand this is a significant commitment for landowners and their families. You can read more about each step in this process on the following pages.

COSTS

Setting up a conservation easement requires extensive investment in property and natural resource research, fundraising, and preparing the documentation needed for the real estate transaction, in addition to costs for professional services like title reports, legal counsel, and resource consultants, as needed. NCRLT will incur these costs regardless of the outcome of the process. To ensure that all parties understand the scale of this investment and are prepared to commit to the process, NCRLT requires an initial \$5,000 retainer at the time of contract execution. This retainer will be used solely to cover expenses that the Land Trust incurs while facilitating the acquisition of the landowner's development rights as a conservation easement. Landowners will receive regular statements documenting expenses billed toward this retainer, and any reports purchased will be provided to the landowner. Once the initial retainer has been expended, NCRLT staff will request landowner approval before proceeding with work on the project. If approved, the landowner will be invoiced for staff time and expenses until outside funding to complete the conservation easement acquisition is secured. The landowner may instruct NCRLT to cease work on the project at any time, and any unused portion of the initial retainer will be refunded. At the conclusion of the project, an unrestricted, tax-deductible donation representing 10% of the easement value will be made from the landowner to NCRLT. More information on staff and equipment rates is available at the end of this document.

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PROCESS

STEP 1: INITIAL CONTACT

The landowner and staff at NCRLT schedule an initial call to discuss the property location, condition, resources, current and intended uses, and the landowner's reasons for considering a conservation easement. Land Trust staff will follow up with an application form and information about what to expect in an easement acquisition process. Landowners should consult with legal, financial, and tax advisors to understand the ramifications of a conservation easement for their business or estate, and to explore the possible benefits of land donation.

STEP 2: APPLICATION

The landowner completes and returns the NCRLT project application form, along with requested information and reports, if available.

STEP 3: STAFF REVIEW

NCRLT staff review and evaluate the application package, supporting documentation, and may contact the landowner to clarify reported information or to request the opportunity to conduct a site visit.

STEP 4: COMMITTEE REVIEW

Once Land Trust staff determine that the application package is complete and any initial gaps have been satisfactorily addressed, staff will prepare the project for presentation to the NCRLT Lands Committee, which meets quarterly. The Committee is comprised of a panel of local experts with a wealth of experience in real estate, land law, conservation, agriculture, biology, and other aligned professional fields. The Committee scores all projects based on their alignment with NCRLT's conservation strategy as well as a range of criteria used to evaluate the conservation value of the prospective easement, and then formulates recommendations to the NCRLT Board of Directors on project prioritization.

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PROCESS

STEP 5: BOARD REVIEW

Recommendations prepared by the Lands Committee are presented at the next quarterly meeting of the NCRLT Board of Directors. The Board considers the Committee's findings, votes on projects to pursue, and instructs staff accordingly.

STEP 6: DECISION LETTER

NCRLT staff will prepare and send a decision letter to the landowner, notifying them of the outcome of the Board review. Projects that are selected to move forward will be accompanied by additional information on landowner rights and responsibilities during an easement acquisition process, contract and retainer requirements, and current staff time rates. If desired, staff can arrange another meeting with the landowner to explain tax issues, appraisal requirements, and the stewardship endowment in greater detail.

STEP 7: CONTRACT & RETAINER

If the landowner elects to proceed with the process, NCRLT staff will facilitate the contract execution process. Deposit of the retainer will be required before staff can proceed to site investigation.

STEP 8: SITE INVESTIGATION

NCRLT staff will undertake a thorough due diligence process to uncover any liens or encumbrances against the property, separation of rights (i.e. mineral or water), legal access issues, the presence of hazardous materials, current leases, and the condition of natural resources of conservation value. In addition to purchasing a title report, this step may require a site visit, follow-up meetings with the landowner and/or leasees, and communication with other parties holding rights to resources on the site.

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PROCESS

STEP 9: EASEMENT OUTLINE

NCRLT staff will meet with the landowner to review the purpose of the project, landowner objectives, and funding strategy. Land Trust staff will work with the landowner to document current site uses, establish future development restrictions, and draft proposed terms of the conservation easement. This represents a conceptual plan, with the understanding that a prospective funder may negotiate for modifications to the terms in order to comply with their conservation goals.

STEP 10: PROJECT & ENDOWMENT COSTS

NCRLT staff will develop an estimate of the total easement acquisition costs and the required endowment to ensure stewardship of the site in perpetuity. These estimates will be presented in a Property Analysis Record (PAR) or similar document, and used for initial funding development efforts, with the understanding that revisions may be required once a funder is at the table and a current land value appraisal is completed.

STEP 11: FUNDING THE ACQUISITION

At any time after contract execution, NCRLT staff may begin outreach to prospective funding agencies, proposal development, grant-writing, or other fundraising activities in order to aggregate the financial resources needed for conservation easement acquisition based on the estimated costs and proposed terms outlined above. This step may take years, and often proceeds in parallel with Steps 8-10. A funding plan is needed prior to Step 12.

STEP 12: APPRAISAL & REVIEW

The landowner orders an appraisal by a qualified professional, usually an agricultural appraiser. NCRLT staff can provide additional guidance on appraisal requirements. The appraisal must be completed within approximately 12 months of the anticipated close of escrow, and will be at the landowner's expense unless NCRLT staff stipulate otherwise. NCRLT staff and all prospective funders must be provided with the appraisal for review.

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PROCESS

STEP 13: OPTION AGREEMENT

NCRLT staff prepare an Option Agreement for the landowner to sign, stipulating that the Land Trust holds the option to acquire the conservation easement on the property.

STEP 14: ESCROW

An escrow account will now be opened if it hasn't occurred during an earlier step, and NCRLT staff will work with an escrow officer at the title company, the landowner, and other lien- or lease-holders as necessary to facilitate the conservation easement acquisition. NCRLT staff will prepare a Baseline Conditions Report within approximately 30 days of the anticipated close of escrow, requiring a final, pre-acquisition site visit. Staff will provide this report to the landowner to review and sign prior to the close of escrow. At the close of escrow, funding for the easement acquisition will be transferred to the landowner, and funding for the stewardship endowment will be transferred to NCRLT. The conservation easement will be recorded with the county tax assessor's office. The landowner pledge, representing 10% of the total easement value, will be transferred to NCRLT within three months of the close of escrow, as an unrestricted, tax-deductible donation. NCRLT staff will also provide written acknowledgment of the donation, and will submit IRS Form 8283 to applicable entities if the transaction included donation of real property.

STEP 15: LONG-TERM STEWARDSHIP

NCRLT staff will maintain communication with the landowner to answer any questions that arise, support the resolution of management challenges, and coordinate regular monitoring visits with reasonable advanced notice. The Land Trust is honored to work alongside landowners to ensure that land use remains compliant with the terms of the easement and that resources of special conservation value are protected in perpetuity. NCRLT staff will prepare reports on monitoring visits and provide those to the landowner. The landowner agrees to grant site access to staff for these visits, and if the property is ever sold, to provide the Land Trust with contact information for the new owner.

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RATE SHEET

PERSONNEL

<i>Executive Director</i>	\$135
<i>Stewardship Director / Conservation Director</i>	\$97
<i>Finance Manager</i>	\$86
<i>Senior Biologist</i>	\$86
<i>Stewardship Coordinator / Biologist</i>	\$76
<i>GIS and Field Mapping Services</i>	\$76
<i>Program / Project / Outreach Assistant</i>	\$38

EQUIPMENT

<i>ATV</i>	\$86/day
<i>Truck</i>	\$0.625/mile*
<i>Rental Vehicle (high clearance or OHV)</i>	At Cost

**or current IRS rate*

Current rate sheet approved September 7, 2022.

Please note that Personnel and Equipment rates are subject to periodic review and change. Please contact the office to verify current rates.

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