

Redwood Coast Land Conservancy FACT SHEET 2

CONSERVATION EASEMENTS: CRITERIA FOR EVALUATING LAND CONSERVATION PROPOSALS

The Redwood Coast Land Conservancy (RCLC) will evaluate each potential land conservation project individually to determine whether to commit the resources of the Conservancy to a particular proposal. In this evaluation, the Conservancy will take into consideration the factors outlined here to determine the significance of the public benefits provided by the proposed project. (All acquisitions should meet the conservation purposes test of Internal Revenue Code Section 170 (h).ⁱ)

In general, RCLC will consider the quality and quantity of the particular resource or natural value to be conserved. RCLC will also consider if the size of the property and its position among other parcels would be sufficient for the likelihood of its conservation values remaining intact, even if adjacent properties are developed.

Careful consideration will be given to determining the best method to protect the particular resource; whether an easement or acquisition is appropriate; and whether RCLC will have the means to monitor or manage the property interest in perpetuity.

RCLC land conservation projects should meet some or all of the following criteria:

1. The property contains significant natural habitat of rare, endangered, threatened or native species, or species of special concern.
2. The property contains, or has the potential to contain, exemplary ecosystems of educational or scientific value.
3. The property is adjacent to or contributes significantly to the ecological viability of a nearby park, recreation or other conservation area.
4. The property has the potential to be part of community, regional, state or federal park, recreation or greenway systems.
5. The property is in agricultural, ranching or timber production with appropriate size and soil capability to maintain its productivity.
6. The property falls within a significant local or regional watershed and floodplain; and affects the integrity of a river, stream of Class I or II creek; so that the conservation of this property provides for the protection of the quantity and quality of local or regional water supplies, fisheries or other riparian habitat.
7. The property is on the coast or is part of the coastal area whose conservation is pursuant to the intent of the California Coastal Act.

8. The property is particularly scenic and is visible from major highways, public areas or other conservation or recreation areas, providing an open space amenity that attracts tourist, recreational, or commercial uses of the land in the vicinity.
9. The property is valuable to the community as open space due to its proximity to developing areas.
10. The property has historical or archeological value, or is adjacent to land of historical or archeological value, and its conservation is necessary for the protection of items of historical or archeological interest.

Reasons why RCLC might not pursue a proposed project:

The following circumstances are examples of reasons why the Board of RCLC might determine that a particular project does not meet the purposes of the land conservancy or is not appropriate to pursue.

1. RCLC has limited resources and the conservation values of the property cannot be properly protected in perpetuity with what the Board of Directors consider to be a reasonable amount of effort and expense in relation to other land conservation opportunities.
2. There is reason to believe that an easement would be unusually difficult to enforce or that the resource would be difficult to conserve because of multiple or fractured ownerships, irregular configuration, adjacent development, small parcel size, etc.
3. The landowner insists on provisions in a conservation easement or donation of the property that RCLC believes would seriously diminish the property's primary conservation values.
4. The property's values are primarily scenic, but the property cannot be readily viewed by the general public.
5. Adjacent properties are being developed in a way that is likely to significantly diminish the conservation values of the property in question.
6. There is evidence that toxic waste may be present and need to be cleaned up.
7. Invasive plants on the property or even on adjacent parcels may create large management expenses.

(Adopted March 1994, revised August 2007)

ⁱ **IRC Section 170(h) Conservation purposes:** 1. Preservation of land areas for outdoor recreation by, or for the education of, the general public. 2. Protection of a relatively natural habitat of fish, wildlife, or plants, or a similar ecosystem. 3. Preservation of open space, including farmland and forestland. The preservation must yield a significant public benefit. It must be either for the scenic enjoyment of the general public or under a clearly defined federal, state, or local governmental conservation policy. 4. Preservation of an historically important land area or a certified historic structure.