



STEP BY STEP PROCESS FOR ESTABLISHING A CONSERVATION EASEMENT

Step 1. Preliminary Discussion

The first step in setting up a conservation easement should be to call our Land Resources staff at (828) 252-8474 ext. 111. We will ask you for some basic information during this initial phone call, including location, size, interesting species on the land, current land use, your future goals, etc. This is an opportunity for you to make sure you feel confident and comfortable with our mission, and make sure our organization is compatible with your goals.

Step 2. Site Visit

After initial discussions, we like to make an on-the-ground visit and conduct an initial evaluation to assess if RiverLink can help in conserving your property. Typically, our Executive Director and our Land Resources staff will visit with you, tour the property, take photos and ask you questions about the property and your conservation goals. This visit can be scheduled at your convenience.

Step 3. Board Approval

As a non-profit organization, we are governed by a Board of Directors, which sets the strategic direction of our mission and focus. The Board must also approve each conservation easement project. Following the site visit, our staff will present your project to the Board for their approval.

Step 4. Independent Legal Advice

RiverLink does not provide legal or financial advice. We strongly recommend that landowners acquire legal representation and consult a financial advisor to understand the specifics of conservation easements as well as the tax implications of an easement. We will be happy to refer you to people we have worked with successfully in the past.

Step 5. Easement Drafting

Drafting the easement itself is typically a negotiation between your legal representation and ours. Once the landowner has provided basic ideas for future property management, the landowner's legal representative and RiverLink work together to draft a conservation easement specific to the property. Because a conservation easement is

essentially a deed restriction, the easement will remain attached to the title of your property in perpetuity, even if you choose to sell your land. Therefore, it is essential that we work with you to create a strong document that provides adequate protection for the conservation values of your land and enough flexibility that you and your heirs can continue to live and work on your land.

Step 6. Appraisal

Once the easement is drafted and acceptable to both parties, a qualified independent appraiser will assess the value of the easement donation. A qualified appraisal is one that has been prepared by an appraiser who follows Uniform Standards of Professional Appraisal Practice. The appraiser will assess the value of your property with and without a conservation easement. The difference between these two values is considered the value of the easement donation. This step is a requirement for any landowner who intends to take an income tax deduction from the donation of an easement and is the financial responsibility of the landowner.

Step 7. Baseline Documentation Report

Part of the easement process is documenting the condition and ecological variables present on the property. This report is called a Baseline Document Report (BDR). It contains the property's historic and present land uses, man-made features, ecological features, wildlife use and habitats, soils, hydrology, geology, and scenic values. The most important part of the BDR is the documentation of the conservation values of the land, which are what the conservation easement itself is working to protect and what qualifies conservation easement donations to be tax deductible by the IRS. The BDR is required and the financial responsibility of the landowner. You are free to contract with an environmental consultant to prepare this report using our template, or it can be prepared by our Land Resources staff.

Step 8. Stewardship Fund

One of RiverLink's responsibilities in accepting an easement is to conduct monitoring visits each year per IRS regulation. As part of our commitment to the perpetual monitoring and enforcement of the conservation easement on your property, RiverLink typically asks for a donation to support our easement monitoring work and to fund our legal defense account to deal with any issues associated with that easement. This is a one-time contribution and is calculated using a standard formula, which includes property size, distance from our Asheville office, monitoring report preparation, number of landowners, rights reserved within the easement by the landowners, and several other items.

Step 9. Executing Easement

Final approval for all easements rests with our Board of Directors. Once approval is granted, the easement is signed, notarized, and recorded at the courthouse in the appropriate county.

Step 10. IRS Form

Donors who wish to take a charitable deduction for a gift of a conservation easement with a value in excess of \$5,000 must report the value of such a gift on IRS Form 8283 (Noncash Charitable Contributions) and submit this form with your federal income tax return. RiverLink must sign this form. Donors who claim a deduction of more than \$500,000 must attach a complete copy of a qualified appraisal to the tax return for the year in which the deduction is first claimed.

Step 11. Monitoring

At least once a year, a member of RiverLink's Land Resources staff will contact you to schedule a monitoring visit to your conserved land. The staff member will spend time on the property to check that the easement provisions are being followed. Following the monitoring visit, the staff member will create a report of the property condition (a copy may be provided to you at your request) that will be kept in our offices. In addition to annual easement monitoring, our staff will be available to you throughout the year for land management resources or advice.

For more information, please contact RiverLink's Land Resources Manager, RJ Taylor at rj@riverlink.org or 828) 252-8474 ext.111. RiverLink is an accredited Land Trust through the nationally based Land Trust Accreditation Commission.



RiverLink
170 Lyman Street
Asheville, NC 28801
828) 252-8474