



## **PROCESS OVERVIEW FOR LANDOWNERS WANTING TO DO A CONSERVATION EASEMENT WITH THE TAOS LAND TRUST**

1. Initial contact and conversation between landowner(s) and Taos Land Trust. The Landowner describes in general terms their property and goals, and TLT explains how a conservation easement and the related process work. The Landowner and Land Trust decide whether to proceed.
2. TLT representatives visit Landowner and the property. The Landowner gets additional information about conservation easements (C.E.), and about questions and issues they will need to address in order to complete a C.E. The Land Trust gets more detailed information about the property, its conservation values, and what rights the Landowner wants to reserve (e.g., building sites and land divisions).
3. TLT representatives present the above information to TLT Land Conservation Committee which makes an initial go/no-go decision, decides on a Conservation Fee, and estimates (or determines precisely if possible) a Stewardship Contribution to request (for further information on the Stewardship Contribution, please see “Taos Land Trust Stewardship Policy”). TLT re-iterates to the Landowner that TLT does not provide legal, tax, financial, appraisal or any other kind of professional advice for the C.E. and that the Landowner must seek their own counsel on all matters.
4. After further conversation between Landowner and TLT about the project, the identification of any potentially tricky issues (such as assessing potential commercial mining value if mineral rights have been severed from the landowner’s ownership), and when the Landowner is ready to move forward with the process, Landowner submits Conservation Fee to TLT.
5. TLT now begins to draft the C.E., get an updated title search (TLT’s expense), gather needed documents (see “Documentation Needed from Landowner”), research soil types, etc. Landowner contracts with any professionals who may be needed, most often a surveyor, a geologist to assess potential for commercial mining and/or a biologist to evaluate significant wildlife habitat (Landowners costs). At some point, the Landowner also selects an appraiser if they intend to take a charitable deduction for the value of the C.E. (Landowners cost).
6. Landowner and TLT discuss the C.E. draft, making adjustments until both parties are content with the document. This can often take 3-6 months, depending on how many issues the Landowner may need to think through and decide, how difficult it usually is for multiple Landowners to communicate, and how fast each party can turn around drafts of the C.E. It can also be done extremely fast if circumstances require. Please note that TLT cannot and does not guarantee that any C.E. can be completed in any specific calendar year because of the many issues over which TLT has not control, but TLT does its very best to meet Landowners’ preferences for completion dates. At some point towards the end of the year, TLT will no longer be able to complete a new C.E., so it is best to begin as far ahead as possible. The Land Trust also recognizes that creating and donating a Conservation Easement requires much thought on part of the Landowners, and that accordingly it can take years for Landowners to get clear about what they specifically want to do.
7. Once the C.E. is pretty well agreed upon, the Landowner and the Land Trust each send it to their own legal counsel for review, along with any specific questions that remain unresolved or in flux and need legal input. Each party pays its own legal fees.
8. Once the C.E. language is completed, the Land Trust completes supporting documentation and exhibits to accompany the C.E. These can include certain items which the Landowner must provide in finished

form such as warranty deeds, a survey, geologist's report and/or biologists report. The Land Trust in cooperation with the Landowner also does a Baseline Documentation Report, which is required under IRS Code. The Baseline Documentation Report is an inventory of the property at the time the Landowner donates the conservation easement, and is used in the future to compare any changes in the property. The Baseline Documentation Report generally includes maps, field notes on major natural characteristics of the property, and photographs, which thoroughly document the current condition of the property.

9. TLT representatives present the final Deed of Conservation Easement to the TLT Land Committee, and after approval from that Committee, to the full Board of Directors of the Taos Land Trust for their approval and accompanying Resolution. The TLT Board meets approximately eight (8) times a year.

10. The Landowner and the Land Trust sign the Deed of Conservation Easement and the Baseline Documentation Report. The Landowner donates the Stewardship Contribution to the Land Trust. The Land Trust will also want to discuss in detail to what extent the Landowner wants the C.E. publicized, e.g., in TLT Newsletters, relevant newspapers, on TLT's Web Site, etc.

11. The Land Trust records the Deed of Conservation with the relevant county clerk and sends copies of the recorded C.E., the Baseline Documentation Report, and any other relevant materials to the Landowners and if so desired the Landowners representative(s).

12. When the Landowner receives the completed appraisal of the donated C.E., Landowner or their representatives sends a copy of Form 8283 (which specifies the donation and its value for the landowners income tax return) to TLT for TLT's signature. Landowner must be careful to remember that the appraisal cannot be completed more than 60 days prior to the signing of the C.E., and also that landowner has up until the time they file their income tax return for the year in which the C.E. was donated, to have the appraisal completed.

13. Each year or so, and/or whenever it deems appropriate, the Land Trust will contact the Landowner regarding the Land Trust's monitoring of the C.E. This involves a visit to the property by TLT, hopefully in concert with the Landowners.

14. The Landowners notify and/or seek approval from the Land Trust on identified items described in the C.E., and of course, comply with all the other terms of the Deed of Conservation Easement, including sending copies of materials to TLT as described in the Deed of Conservation Easement regarding any changes in ownership including changes in percentage ownerships among existing owners.

**For further information, please contact:**

**Taos Land Trust**  
**Mailing address:**  
**P.O. Box 376**  
**Taos, NM 87571**

**Office address:**  
**482A State Highway 150**  
**Arroyo Seco, NM 87514**

**Tel: 575-751-3138**  
**Fax: 575-751-1189**  
**Email: [info@taoslandtrust.org](mailto:info@taoslandtrust.org)**  
**Website: [www.taoslandtrust.org](http://www.taoslandtrust.org)**