



TAOS LAND TRUST
Stewardship Fee Policy
(Adopted by the Board of Directors 11/16/10)

Dear Landowner,

Thank you for contacting the Taos Land Trust (TLT) about protecting your land with a conservation easement. We look forward to working with you and creating an agreement that meets both your conservation goals and ours. We understand that you will be making important decisions about your land, and our staff and board are here to answer your questions and discuss with you any issues that may come up, all in strict confidence. This document explains the Stewardship Fee that landowners are required to pay when they enter into a conservation easement agreement with TLT.

Stewardship Fund

When Taos Land Trust accepts a conservation easement from a landowner, we also accept a public trust responsibility to protect the property in strict accordance with the provisions agreed to between the landowner and the land trust in the conservation easement. And we commit to this responsibility in perpetuity. TLT has a legal obligation to:

1. monitor and inspect the conservation easement on a regular basis,
2. protect the conservation easement from encroachment and misuse, and
3. enforce all provisions of the conservation easement, through legal action if necessary.

To ensure that we have the financial resources to meet this legal obligation, TLT requires that every landowner pay a one-time Stewardship Fee. Like most land trusts, TLT has established a Stewardship Fund dedicated solely to the activities outlined above, not co-mingled with general funds, and not used to pay for TLT operating expenses. The Stewardship Fund is managed like an endowment, providing income for our annual stewardship monitoring activities, but we have the flexibility to draw greater amounts in the event of a costly legal enforcement action. Payment of the Stewardship Fee is required at the time the conservation easement is completed and signed (unless other arrangements have been made in advance).

The grantor of a conservation easement is not likely to violate the terms of the agreement, but through inheritance or sale someone else will eventually own the property. A different landowner in the future may not have the same strong commitment to conservation or understanding of the easement and might intentionally or unintentionally violate the terms of the conservation easement. The Stewardship Fund ensures that TLT will have the resources it needs to carry out the intentions of the grantor, as well as our legal obligations to the public, for the permanent protection of the land.

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Preserving open and productive lands in northern New Mexico

Stewardship Fee Calculation

The Stewardship Fee landowners pay needs to be sufficient to defray the projected costs of inspecting and defending the conservation easement against violations, forever. It will vary according to the size, location, and character of the property, the complexity of the conservation easement and reserved development rights, the number of landowners involved, an assessment of potential threats to the conservation values, the real costs of annual stewardship monitoring, and any other factors the TLT Board of Directors determines to be important. The information below provides general examples of how we calculate the Stewardship Fee. We work within these guidelines as closely as possible, but every project has its own unique circumstances and the final fee determination will be made on a case-by-case basis.

Individual Landowners

- \$5,000 minimum fee for properties up to 25 acres

PLUS

- \$50 per acre for each acre over 25 acres (up to 200 acres total including the first 25 acres)

PLUS

- \$1,000 for each reserved building envelope (not including existing primary residence)

PLUS

- \$250 for easements outside of Taos Valley or \$500 for easements outside of Taos County
- additional amounts to reflect complicating factors and real costs of stewardship monitoring (as outlined in the paragraph above).

Conservation Easements over 200 Acres

Amounts will be determined on a case-by-case basis by the TLT Board of Directors with a minimum fee of \$13,750 using the formulas above as a base.

Multiple Landowners or Neighborhood Conservation Easements

Same as for individual landowners, plus an additional amount of \$1,000 per landowner to account for additional cost and complexity of working with multiple owners.

Adding Acreage or New Conservation Easements to Existing Conservation Easements

For additional land contiguous with an existing TLT easement, we will calculate the stewardship fee based on the total combined acreage (including previous and new easements) and credit the amount already paid on previous easements, charging only the difference, if any, for the new acreage.

Developer/Subdivision Easements

- Same as for individual landowners

PLUS

- one percent of the gross sales price of each lot

PLUS

- additional amounts to cover insurance or other specific costs to TLT.

Donations of Land in Fee Simple

TLT will apply the same formulas and the same considerations used for the conservation easement fees outlined above, and additional site-specific management considerations, to determine overall Stewardship Fees for donations of land in fee simple. If the donor of land in fee simple cannot or does not pay the Stewardship Fee, TLT is obligated to raise that money from another source in order to ensure that we have the resources we need to properly protect and manage the property.