

## Utah Open Lands Criteria for Accepting Conservation Easements

Utah Open Lands will consider accepting easements that are consistent with its mission and philosophy and that meet the following criteria:

- Located within Utah in general, and specifically within areas which Utah Open Lands maintains conservation easements such as the Wasatch Back, Wasatch Front, South Eastern and North Eastern Utah, or are strategic acquisition properties, with exceptional conservation value that fall within Utah Open Lands' mission and purpose;
- Perpetual;
- Qualifies under 170(h) Federal Code as having public benefit for conservation purpose;
- Of sufficient size to protect the conservation values associated with it;
- Are feasible and within the capacity and ability of Utah Open Lands to fulfill the perpetual stewardship responsibility;
- Accompanied by a donation of at least \$6,500 to the Utah Open Lands' Easement Stewardship Fund pursuant to our stewardship policy; and,
- Consistent with one or more of the following IRC § 170(h) criteria:
  - Preservation of land areas for outdoor recreation by, or the education of, the general public;
  - Protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem;
  - Preservation of certain open space, including farmland and forest land, for its public scenic value or pursuant to a clearly delineated Federal, State or local government conservation policy;
  - Preservation of a historically important land area or certified historic structure;

Preference shall be given to those easements that protect land:

- With important concentrations of natural, historic and/or open space resources;
- Facing a high risk of conversion for development or unknown use;
- Adjacent to existing easements or other protected open space areas;
- Containing a low level of existing development; or,
- With low potential for future problems in monitoring, management, liability and/or enforcement.

### **Risk Evaluation**

Factors which may preclude Utah Open Lands' involvement. *A property may meet the selection criteria favoring a land protection proposal and still may not be accepted if one of more of the following considerations apply:*

- The property's values are primarily scenic, but are not readily visible or accessible to the general public;
- The property is small and there is little likelihood of adjacent properties being protected;
- The proposed open space is part of a development proposal which, overall, is likely to have significant adverse impacts on conservation resources;
- Adjacent properties are being, or are likely to be, developed in a manner that would significantly diminish the conservation values of the property in question;
- There is reason to believe that the land/easement would be unusually difficult to manage/enforce, for example, because of multiple or fractured ownerships, frequent incidence of destructive trespassing, fencing restrictions, irregular configuration, etc.
- The landowner insists on provisions in a conservation easement that Utah Open Lands believes would seriously diminish the property's conservation values or Utah Open Lands' ability to enforce the easement;
- The easement cannot be obtained by Utah Open Lands with reasonable effort in relation to the property's conservation value;
- The property is irreparably contaminated;
- The property is not large enough to be significant for its purpose;
- Ethical or public image problems exist in association with the acceptance of this project.
- The conservation values are likely to be impaired by land use or the conservation values will be in conflict with one another such that they will impair or damage said conservation values.
- This project involves a pass-through entity of unrelated individuals.
- Landowner has owned for less than 36 months.
- Value is 2.5 times the basis in the property.