Assessing Your Organization

*A tool for land trusts to conduct a detailed assessment of organizational progress toward implementing the Canadian Land Trust Standards and Practices*

Transactions Workbook

# Acknowledgements

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# Checklist of Written Materials, Practices or Procedures

Here are some materials that you may find helpful to review and refer to as you work through this workbook. The items in green link to highest priority practices in the AYO workbook.

Policies or bylaws provisions that define limits to the delegation of decision-making authority if the board delegates decision-making authority on transactions (3D1ai)

Full board notification of any completed transactions if the board delegates decision-making authority on transactions (3D1aii)

Donor acknowledgment of the land trust’s intent to sell before acquiring non-conservation real property (5D1a)

Land and conservation agreement project selection process (8B1)

Project selection criteria (8B2)

Partnership agreements for joint acquisitions, long-term stewardship project or when co-holding conservation agreements (8E1)

Recommendation that each party to a land or conservation agreement transaction obtain independent legal, financial and tax advice (9B2)

Landowner notification for those who may claim a federal or provincial income tax deduction or credit (10A1)

Baseline documentation report descriptions (11B1)

# Standard 1: Ethics, Mission and Community Engagement

Land Trusts maintain high ethical standards and have a mission committed to conservation, community service and serving the public interest.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Ethics

|  |  |
| --- | --- |
| 1. Do not participate in transactions that are potentially fraudulent or abusive. | Choose an item. |
| Does the land trust have specific policies, practices and actions that ensures it avoids participating in potentially fraudulent or abusive transactions? | Choose an item. |
| Notes: *E.g. What are the policies and practices? When were they adopted? When were they last reviewed?*  Click here. | |

# Standard 3: Board Accountability

Land trust boards act ethically in conducting the affairs of the organization and carry out their legal and financial responsibilities as required by law.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Board Approval of Transactions

|  |  |
| --- | --- |
| 1. The board reviews and approves every land and conservation agreement transaction    1. However, the board may delegate decision-making authority on transactions if:       1. It establishes written policies or has bylaw provisions that define the limits to the authority given to the delegated entity       2. The delegated entity provides timely notification in writing to the full board of any completed transactions | Choose an item. |
| Does the full board review and approve every land and conservation agreement transaction before the transaction is complete? | Choose an item. |
| Notes:  Click here. | |
| If there are substantial changes to a project following board approval, is the board notified of those changes prior to closing? | Choose an item. |
| Notes:  Click here. | |
| Transaction approval authority may be delegated to a committee or staff only after the board has adopted a written delegation of transaction approval policy or has such bylaws provision. Has the land trust adopted such a policy or have such bylaws provision? | Choose an item. |
| If yes, the policy or bylaws provision includes (check all that apply):  The limits given to the delegated entity (such as requiring full board approval if a conflict party is involved or requiring a committee to review before a final decision is made, etc.)  Criteria for transactions  Requirements that if the project changes significantly after approval (such as change in size, restrictions, number/type of reserved rights, then the land trust provides the board or delegated entity with notice of change before closing)  Requirements for timely notification of completed transactions to board (preferably by or at the next meeting)  Requirements for periodic evaluation of the policy | |
| Notes: *E.g. When was the policy adopted? When was it last reviewed?*  Click here. | |
| Why has the land trust chosen to delegate transaction approval to an individual or group other than the full board?  Click here. | |
| Notes:  Click here. | |

# Standard 4: Conflicts of Interest

Land trusts have policies and procedures to avoid or manage real or perceived conflicts of interest.

*How well is the land trust meeting this practice?*

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*4 = meets or exceeds*

## Land and Conservation Agreement Transactions with Insiders

|  |  |
| --- | --- |
| 1. When engaging in land and conservation agreement transactions with insiders    1. Follow all transaction policies and procedures    2. For land and conservation agreement transactions with insiders, obtain an independent appraisal by a qualified appraiser to justify the purchase or sale price | Choose an item. |
| Within the past five years, has the land trust: | |
| Acquired (through purchase, donation or other means) land or conservation agreements from an insider? | Choose an item. |
| Sold land to an insider? | Choose an item. |
| Engaged in any other land or conservation agreement transactions with an insider (such as amendments or transfers)? | Choose an item. |
| If yes, for each transaction, did the land trust: | |
| Follow its conflict of interest policy? | Choose an item. |
| Ensure that the project met its selection criteria and follow all transaction policies and procedures? | Choose an item. |
| Ensure that there was no private inurement or impermissible private benefit? | Choose an item. |
| Obtain an independent appraisal if the transaction involved a purchase or sale? | Choose an item. |
| Document its actions and rationale appropriately? | Choose an item. |
| Notes:  Click here. | |

# Standard 5: Fundraising

Land trusts conduct fundraising activities in a lawful, ethical and responsible manner.

*How well is the land trust meeting this practice?*

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*4 = meets or exceeds*

## Non-conservation Real Property for Resale

|  |  |
| --- | --- |
| 1. When acquiring non-conservation real property with the intent of selling it to advance the land trust’s mission,    1. Obtain written acknowledgement from any donor of the land trust’s intent to sell before accepting the property    2. Follow applicable transaction policies and procedures    3. Maintain the property while in the land trust’s ownership in a manner that retains the land trust’s public credibility, manages community expectations and minimizes risk | Choose an item. |
| Does the land trust have a policy or procedure for lands it receives as gifts and does not intend to hold for permanent conservation? | Choose an item. |
| Notes: *E.g. What is the policy or procedure? When was it adopted? When was it last reviewed?*  Click here. | |
| Prior to accepting donated non-conservation property, does the land trust obtain the donor’s written acknowledgement that the organization intends to sell the property? | Choose an item. |
| Notes:  Click here. | |
| Prior to resale, does the land trust maintain the non-conservation property responsibly, even if its ownership is of a short duration? | Choose an item. |
| Notes:  Click here. | |

# Standard 8: Evaluating and Selecting Conservation Projects

In advance of every land and conservation agreement transaction, land trusts carefully evaluate and select their conservation projects.

*How well is the land trust meeting this practice?*

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*4 = meets or exceeds*

## Strategic Conservation Planning

|  |  |
| --- | --- |
| 1. Identify specific conservation priorities consistent with the land trust’s mission and goals | Choose an item. |
| Does the land trust have a strategic conservation plan or other document that identifies high priority areas? | Choose an item. |
| Notes: *E.g. When was it developed? When was it last reviewed?*  Click here. | |
| Does the land trust partner with other conservation organizations or agencies to inventory and identify special interest areas? | Choose an item. |
| Notes:  Click here. | |

## Project Selection Criteria

|  |  |
| --- | --- |
| 1. Develop and implement a written process to select land and conservation agreement projects | Choose an item. |
| Does the land trust have a written checklist or procedure for guiding the organization through project selection? | Choose an item. |
| Notes: *E.g. When was it developed? When was it last reviewed?*  Click here. | |
| 1. Develop and apply written project-selection criteria that are consistent with the land trust’s conservation priorities | Choose an item. |
| Does the land trust use written selection criteria to evaluate potential projects? | Choose an item. |
| If yes, the criteria addresses (check all that apply):  Consistency with the land trust’s conservation mission, priorities and goals  Public benefit of the transaction  Federal and provincial requirements  Project feasibility  Capacity and ability to fulfill perpetual stewardship responsibilities | |
| Notes:  Click here. | |
| Does the land trust document that it reviews each project against the criteria? | Choose an item. |
| Notes:  Click here. | |
| Are projects declined if they do not meet the criteria? | Choose an item. |
| Notes:  Click here. | |
| 1. Document the conservation benefit of every land and conservation agreement project | Choose an item. |
| Does the land trust evaluate and document the conservation benefit of every land and conservation agreement transaction? | Choose an item. |
| If yes, how is this documented and how is each project screened to ensure that all federal, state and local requirements for conservation benefit are met?  Click here. | |
| Notes:  Click here. | |

## Project Evaluation

|  |  |
| --- | --- |
| 1. Visually inspect properties before buying or accepting donations of conservation land or conservation agreements to determine and document whether:    1. There are important conservation values on the property    2. The project meets the land trust’s project-selection criteria | Choose an item. |
| Does the land trust conduct a visual inspection of all properties before closing? | Choose an item. |
| If yes, the site inspection process includes consideration and documentation of all of the following (check all that apply):  Identification of the property’s important conservation values  Whether the property meets the land trust’s project-selection criteria  Identification of any potential management problems | |
| Notes:  Click here. | |
| Is there a standard site evaluation form that provides a written record of the visit? | Choose an item. |
| Notes:  Click here. | |
| 1. Evaluate and document potential threats to the conservation values on the property and structure the project to best protect those conservation values | Choose an item. |
| In assessing potential threats, the land trust considers (check all that apply):  Past and current uses of the land  The land’s future proposed uses (by the landowner or others who may hold interests in the land, such as owners of mineral rights or road easements)  The presence of hazardous materials stored or buried on the property  The types of land management issues the landowner faces (trespass, invasive species, etc.)  How climate change predictions may affect the conservation values | |
| Notes:  Click here. | |
| 1. Evaluate and document any current or potential risks and liabilities associated with the project, including to the land trust’s reputation or to the land trust community, and modify or decline the project if the risks outweigh the benefits | Choose an item. |
| Does the land trust modify the project or turn it down if the risks outweigh the benefits? | Choose an item. |
| Notes:  Click here. | |

## Project Planning

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| --- | --- |
| 1. Individually plan all land and conservation agreement projects so that:    1. The land trust identifies the best available conservation strategy for the property    2. The property’s important conservation values are protected    3. The project furthers the land trust’s mission and goals | Choose an item. |
| Does the land trust have and follow a written process to guide the planning of each project? | Choose an item. |
| If yes, the process: (check all that apply)  Identifies the property boundaries  Identifies important conservation values  Identifies how the project meets the mission of the land trust and its project-selection criteria  Evaluates the threats to the conservation values  Clarifies landowner and land trust goals for the project  Identifies appropriate conservation strategies to protect the property and allows for comparison among possible options | |
| Notes: *E.g. What was the written process developed? When was it last reviewed?*  Click here. | |
| 1. Assess the stewardship implications of each project and the land trust’s capacity to meet those obligations | Choose an item. |
| Does the land trust evaluate its capacity to undertake the project and fulfill any long-term stewardship responsibilities? | Choose an item. |
| Notes:  Click here. | |

## Partnership Documentation

|  |  |
| --- | --- |
| 1. When engaging in a partnership on a joint acquisition or long-term stewardship project or when co-holding conservation agreement, create written agreements to clarify:    1. The goals of the project    2. The roles and responsibilities of each party    3. Legal and financial arrangements    4. Communications to the public and between parties | Choose an item. |
| Does the land trust have appropriate written agreements to manage its partnership projects? | Choose an item. |
| Notes:  Click here. | |

# Standard 9: Ensuring Sound Transactions

Land trusts work diligently to see that every land and conservation agreement transaction is legally, ethically and technically sound

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Legal Review and Technical Expertise

|  |  |
| --- | --- |
| 1. Obtain a legal review of every land and conservation agreement transaction, appropriate to its complexity, by a lawyer or notary experienced in real estate law | Choose an item. |
| Does a qualified lawyer or notary review each transaction prior to closing? | Choose an item. |
| Notes:  Click here. | |
| 1. As dictated by the project, secure appropriate technical expertise, such as in financial, real estate, tax, scientific, indigenous and land and water management matters | Choose an item. |
| Does the land trust engage other professionals with technical expertise as needed for each transaction? | Choose an item. |
| Notes:  Click here. | |

## Legal and Financial Advice

|  |  |
| --- | --- |
| 1. Do not give individualized legal, financial or tax advice when providing transaction-related information | Choose an item. |
| Does the land trust refrain from giving individualized legal, financial, or tax advice? | Choose an item. |
| Notes:  Click here. | |
| 1. Recommend in writing that each party to a land or conservation agreement transaction obtain independent legal, financial and tax advice | Choose an item. |
| Does the land trust inform each landowner in writing to obtain independent legal advice? | Choose an item. |
| Notes:  Click here. | |

## Environmental Due Diligence

|  |  |
| --- | --- |
| 1. For every land and conservation agreement transaction, conduct or obtain a preliminary environmental investigation to identify whether there are any conditions that pose environmental risks | Choose an item. |
| Does the land trust evaluate every property for environmental risk or hazardous materials? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust check public sources of information to determine if the project contains or is near a known hazardous waste site? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust have a process or form for documenting the results of environmental due diligence? | Choose an item. |
| Notes: *E.g. Describe the process. When was it developed? When was it last reviewed?*  Click here. | |
| 1. If evidence of environmental risks is found, the land trust conducts or obtains a more thorough investigation, such as a Phase 1 assessment, and takes steps to address any significant concerns | Choose an item. |
| If evidence of environmental risks is found, does the land trust conduct or obtain a more thorough investigation, such as a Phase 1 assessment, and take steps to address any significant concerns? | Choose an item. |
| Notes:  Click here. | |

## Determining Property Boundaries

|  |  |
| --- | --- |
| 1. Determine both the legal description and physical boundaries of each property or conservation agreement | Choose an item. |
| Does the land trust inspect the boundary or each property or conservation agreement before acquisition? | Choose an item. |
| Notes:  Click here. | |
| Is there a survey for each property or conservation agreement? | Choose an item. |
| Notes:  Click here. | |
| Under what conditions would the land trust acquire a property or conservation agreement without a survey?  Click here. | |
| Notes:  Click here. | |
| 1. If a conservation agreement contains restrictions or permitted rights that are specific to certain zones or areas within the property, include the locations of these areas in the agreement document so that they can be identified in the field. | Choose an item. |
| Are conservation agreement and any special use area boundaries clearly identifiable on the ground (either with survey boundary markers or clearly delineated natural features)? | Choose an item. |
| Notes:  Click here. | |
| Do the conservation agreement deeds themselves contain the locations of specific zones or areas, if restrictions or permitted rights are specific to such areas? | Choose an item. |
| Notes:  Click here. | |

## Conservation Agreement Drafting

|  |  |
| --- | --- |
| 1. For every conservation agreement,    1. Individually tailor it to the specific property    2. Identify the conservation values being protected    3. Allow only uses and permitted rights that are consistent with the conservation purposes and that will not significantly impair the protected conservation purposes and that will not significantly impair the protected conservation values    4. Avoid restrictions and permitted rights that the land trust cannot monitor and/or enforce    5. Include all necessary and appropriate provisions to ensure it is legally enforceable | Choose an item. |
| Describe the process the land trust uses to draft each conservation agreement:  Click here. | |
| Notes:  Click here. | |
| Is each conservation agreement perpetual? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust tailor each conservation agreement to the individual property? | Choose an item. |
| Notes:  Click here. | |
| Each conservation agreement deed includes or addresses the following (check all that apply):  Names of the grantor and the grantee  Legal description of the property (often an exhibit)  Identification of the protected conserved values  Restrictions that clearly protect identified conservation values  Location of specific zones or areas, if restrictions or permitted rights are specific to such areas  Control over the future exercise of significant reserved rights, including when grantee review or approval is required and a process for obtaining review or approval  Right of entry that does not unduly limit access to monitor  Right to enforce and to take immediate action  Extinguishment and proceeds provisions  Reference to baseline documentation report | |
| Notes:  Click here. | |
| The permitted rights in the land trust’s conservation agreements (check all that apply):  Are consistent with the conservation purposes  Do not significantly impair protected conserved values  Are not so broad that they negate other conservation agreement provisions | |
| Notes:  Click here. | |
| Can the land trust monitor and enforce the restrictions and permitted rights in its conservation agreements? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust use a standard conservation agreement template? | Choose an item. |
| If yes, how was the template created and how often is it reviewed by a qualified attorney?  Click here. | |
| If yes, when was the template last modified? | Click here. |
| Notes:  Click here. | |
| 1. Review each conservation agreement for    1. Consistency with enabling legislation of conservation agreements and other provincial and federal applicable legislation    2. Internal consistency, omissions and absence of errors within the conservation agreement documents | Choose an item. |
| The land trust reviews each tax-deductible conservation agreement to ensure it is compliant with provincial ad federal legislation including (check all that apply):  Identification of conservation purposes  Prohibition of surface mining  Limitation on assignment  Provisions that, when there are unexpected changes that makes impossible or impractical the continued use of the property for conservation purposes, extinguishment can only be accomplished by judicial proceedings  Provisions that, in the event of extinguishment or expropriation, the land trust is entitled to proceeds in proportion to the value of the conservation agreement at the time of the gift and must use those proceeds in a manner consistent with the conservation purposes of the original conservation agreement | |
| Notes:  Click here. | |

## Title Investigation and Registration

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| 1. Prior to closing and preferably early in the process, have a title company, lawyer or notary investigate title for each property or conservation agreement the land trust intends to acquire    1. Update the title at or just prior to closing | Choose an item. |
| Does the land trust have a title company or attorney conduct a title investigation for each transaction to identify both ownership and encumbrances? | Choose an item. |
| Notes:  Click here. | |
| Is the title updated within 30 days of closing for each transaction? | Choose an item. |
| Notes:  Click here. | |
| 1. Evaluate any encumbrance and title exception and document how the land trust addressed mortgages, liens, severed mineral rights and other encumbrances prior to closing    1. Mortgages, liens and other encumbrances that could result in extinguishment of the conservation agreement or significantly undermine the important conservation values on the property are discharged or properly subordinated to the conservation agreement | Choose an item. |
| The land trust ensures that:  All mortgages are discharged or subordinated prior to acquiring a conservation agreement  All encumbrances, including any liens, easements and outstanding interest (such as mineral rights), are thoroughly analyzed and either removed or a determination made that they won’t compromise the land trust’s ability to protect the land or significantly undermine the property’s conservation values | |
| Notes:  Click here. | |
| Does the land trust obtain title insurance for all purchases of land or conservation agreements? | Choose an item. |
| Notes:  Click here. | |
| 1. Promptly register land and conservation agreement transaction documents, including baseline documentation reports or summaries when required, at the appropriate registration office | Choose an item. |
| Does the land trust submit all deeds for recording within a week after the final signatures? | Choose an item. |
| Notes:  Click here. | |

## Recordkeeping

|  |  |
| --- | --- |
| 1. Keep originals or all documents essential to the defense of each real property transaction in a secure manner and protected from damage or loss | Choose an item. |
| The land trust retains originals of:  Legal agreements, deeds, conservation agreements, amendments  Critical correspondence, including those related to project goals, tax and legal matters, enforcement and other matters essential to the project  Baseline documentation reports  Title insurance policies or evidence of title investigation  Surveys (if any)  Appraisals used to substantiate the purchase price or tax receipt  Conservation agreement monitoring reports  Fee property inspection reports  Contracts and leases in effect for land management activities  Conservation agreement stewardship records, including substantive notices, approvals, denials, interpretations, exercise or reserved rights and exercise of significant permitted rights | |
| Notes:  Click here. | |
| Does the land trust keep originals in a secure location, safe from fire, weather, water, inadvertent misplacement or other damage or loss? | Choose an item. |
| Where does the land trust keep its original land and conservation agreement records and how are they protected?  Click here. | |
| Notes:  Click here. | |
| 1. Create and keep copies of these documents in a manner such that both originals and copies are not destroyed in a single calamity | Choose an item. |
| Are copies replicas or signed originals with all exhibits attached? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust keep copies in a separate location? | Choose an item. |
| Where are the duplicates located and in what form?  Click here. | |
| Notes:  Click here. | |
| Does the land trust maintain any of its records (originals or duplicates) electronically? | Choose an item. |
| If yes, describe how the land trust keeps its electronic data secure and up to date.  Click here. | |
| Notes:  Click here. | |

## Purchasing Land or Conservation Agreements

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| --- | --- |
| 1. When buying land, conservation agreements or other real property interests, below, at or, in limited circumstances, above the appraised value, contemporaneously document:    1. The justification for the purchase price    2. That there is no private or undue benefit | Choose an item. |
| Within the past five years, did the land trust acquire any land or conservation agreements at a price above the appraised value? | Choose an item. |
| If yes, did the land trust document both the justification for the purchase price and that there was no private inurement or impermissible private benefit? | Choose an item. |
| Notes:  Click here. | |
| 1. Obtain an independent appraisal by a qualified appraiser in advance of closing to support the purchase price based on the fair market value    1. However, a short narrative, a letter of opinion or other documentation from a qualified real estate professional may be obtained in the limited circumstances when:       1. A property has a very low economic value       2. A full appraisal is not feasible before a public auction       3. Or the amount paid is significantly below the fair market value | Choose an item. |
| Has the land trust purchased land or conservation agreements in the last five years? | Choose an item. |
| If yes, did the land trust obtain an independent appraisal by a qualified appraiser in each instance? | Choose an item. |
| If the land trust did not obtain an independent appraisal by a qualified appraiser in each instance, please describe the circumstance:  Click here. | |
| Notes:  Click here. | |
| When negotiating bargain sale transactions, is the land trust honest and forthright in its communications with the landowner? | Choose an item. |
| If yes, how is this documented?  Click here. | |
| Notes:  Click here. | |

## Selling or Transferring Land or Conservation Agreements

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| --- | --- |
| 1. When selling land, conservation agreements or other real property interests,    1. Establish protections as appropriate to the property    2. If the sale is to a party other than another charitable organization or public agency, obtain an independent appraisal by a qualified appraiser or a short narrative, a letter of opinion or other documentation from a qualified real estate professional to determine the value of the asset and to support the selling price    3. Select buyers in a manner that avoids any actual or appearance of impropriety | Choose an item. |
| Has the land trust sold or transferred land or conservation agreements in the last five years? | Choose an item. |
| Notes:  Click here. | |
| When selling land or conservation agreements, the land trust (check all that apply):  Documents the important conservation values of the property  Drafts appropriate protection agreements  Obtains an independent appraisal by a qualified appraiser to determine the value of the asset and support the selling price, where appropriate  Markets the property broadly to ensure that the land trust receives a fair price, locates the best potential steward of the property and retains public trust and credibility by avoiding the appearance of private inurement or benefit | |
| Notes:  Click here. | |
| 1. When selling or transferring conservation land or conservation agreements to another charitable organization or public agency, consider whether the new holder can fulfill the long-term stewardship and enforcement responsibilities | Choose an item. |
| Does the land trust evaluate the stewardship capabilities of the entity receiving the property? | Choose an item. |
| Notes:  Click here. | |
| 1. For the sale or transfer of land or conservation agreements certified as ecological gifts, request authorization from the Minister of Environment and Climate Change Canada, or its replacement | Choose an item. |
| Has the land trust sold or transferred land or conservation agreements certified as ecological gifts? | Choose an item. |
| If yes, has the land trust requested authorization from the Minister of Environment and Climate Change Canada, or its replacement? | Choose an item. |
| Notes:  Click here. | |

# Standard 10: Tax Benefits and Appraisals

Land trusts work diligently to see that every charitable gift of land or conservation agreement meets provincial and federal tax law requirements, to avoid fraudulent or abusive transactions and to uphold public confidence in land conservation.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Landowner Notification

|  |  |
| --- | --- |
| 1. Inform potential land or conservation agreement donors who may claim provincial or federal income tax deduction or credit, in writing and early in project discussions, of the following:    1. Canada Revenue Agency strongly recommends an independent appraisal prepared by a qualified appraiser for gifts of property valued at more than $1,000, including information on timing of the appraisal    2. As the beneficiary of the tax receipt, the donor has the primary responsibility for any determination of the value of the donation (even in the case where the appraisal has been arranged for or commissioned by the land trust)    3. An independent appraiser who is certified by the Appraisal Institute of Canada and who follows the Canadian Uniform Standards of Professional Appraisal Practice should perform the appraisal, or, in Quebec, Les noms de pratique professionnelle des evaluateurs agrees (Les norms de pratique)    4. The land trust requires a copy of the completed appraisal in order to issue a charitable donation receipt    5. The land trust will not participate in projects where it has significant concerns about the potential for false receipting, tax avoidance, tax abuse or tax fraud | Choose an item. |
| Does the land trust provide this notification with the required content to potential donors in writing and prior to closing? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust notify potential donors in writing that it will request a copy of the completed appraisal? | Choose an item. |
| Notes:  Click here. | |
| 1. Where appropriate, inform potential donors about the Ecological Gifts Program including:    1. The increased tax benefits associated with making a gift under the program    2. The consequences of unauthorized disposition or change in land use of ecological gifts    3. That appraisals of ecological gifts must comply with the Ecological Gifts Program Guidelines for Appraisals and will be reviewed independently by the Appraisal Review Panel | Choose an item. |
| Has the land trust received land donated through the Ecological Gifs Program? | Choose an item. |
| If yes, does it inform potential donors of the items above? | Choose an item. |
| Notes:  Click here. | |
| 1. Do not make assurances as to:    1. Individualized legal or tax implications    2. Whether a particular land or conservation agreement donation will be eligible for a donation tax deduction or credit    3. What monetary value of the donation the Canada Revenue Agency and/or province will accept    4. What the resulting tax benefits of the deduction or credit will be, if any | Choose an item. |
| Does the land trust refrain from making such assurances? | Choose an item. |
| Notes:  Click here. | |

## Legal Requirements: Land Trust Responsibilities

|  |  |
| --- | --- |
| 1. If the land trust holds charitable donations of land or conservation agreements, it meets the requirements for a qualified donee under the applicable provisions of the Income Tax Act | Choose an item. |
| If the land trust accepts and holds conservation agreements, does the land trust understand and meet the requirements for a qualified donee under the Income Tax Act? | Choose an item. |
| Notes:  Click here. | |
| 1. Issue donation tax receipts only in accordance with the provisions of the Income Tax Regulations | Choose an item. |
| Does the land trust only issue a donation receipt when all information is complete? | Choose an item. |
| Notes:  Click here. | |
| Does the land trust refuse to issue the donation receipt if it believes no gift has been made or if the property has not been accurately described? | Choose an item. |
| Notes:  Click here. | |

## Avoiding Fraudulent or Abusive Transactions

|  |  |
| --- | --- |
| 1. Review, on the land trust’s own behalf, each transaction for consistency with provincial and federal income tax deduction or credit requirements | Choose an item. |
| Does the land trust review for its own purposes every transaction in terms of these requirements? | Choose an item. |
| Notes:  Click here. | |
| 1. Evaluate any appraisals to determine whether the land trust has substantial concerns about the appraisal value or the appraisal | Choose an item. |
| Does the land trust always request a copy of the completed appraisal? | Choose an item. |
| Notes:  Click here. | |
| The land trust evaluates the appraisal to ensure that it includes:  The property description for the gift that the land trust received  A date of fair market valuation that is no more than 60 days prior to the date of donation and no later than the date of the donation  For conservation agreements, there is a value for the entire contiguous parcel, if there are clearly contiguous parcels  For conservation agreements, the appraiser considered enhancement, if enhancement would clearly apply | |
| Notes:  Click here. | |
| The land trust evaluates the title documentation and any appraisal to confirm:  The name of the landowner(s) and the land trust is correct  The appraised fair market value on the receipt matches the value in the appraisal  The amount received in a bargain sale, if any  The date of the gift (for conservation agreements, the year the land trust received the gift needs to match the year the conservation agreement was registered)  The appraiser has signed the form prior to the land trust’s signing | |
| Notes:  Click here. | |
| 1. Discuss substantial concerns about the appraisal, the appraised value or other terms of the transaction with legal counsel and take appropriate action, such as:    1. Documenting that the land trust has shared these concerns with the donor    2. Seeking additional substantiation of value    3. Withdrawing from the transaction prior to closing | Choose an item. |
| Does the land trust involve legal counsel, as appropriate, to discuss substantial concerns with a transaction? | Choose an item. |
| Notes:  Click here. | |
| If the land trust has substantial concerns, it takes appropriate action, such as:  Sharing those concerns with the donor  Seeking additional substantiation of value (by, for example, requesting a review by an independent appraiser)  Withdrawing from the transaction prior to closing | |
| Notes:  Click here. | |

# Standard 11: Conservation Agreement Stewardship

Land trusts have a program of responsible stewardship for their conservation agreements.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

|  |  |
| --- | --- |
| 1. Does the land trust hold conservation agreements? | Choose an item. |
| If no, skip to the next section | |

## Baseline Documentation Report

|  |  |
| --- | --- |
| 1. For each conservation agreement, have a baseline documentation report signed-off by the necessary technical expertise, with written descriptions, maps and photographs, that documents:    1. The conservation values protected by the agreement    2. The relevant conditions of the property as necessary to monitor and enforce the agreement | Choose an item. |
| At a minimum, all the land trust’s baseline documentation reports contain the following (check all that apply):  Date of completion  Written descriptions, maps and photographs that document the protected conservation values  Written descriptions, maps and photographs that document the relevant conditions of the property as necessary to monitor and enforce the terms of the conservation agreement  Acknowledgement attesting to the accuracy of the report signed by the land trust and the landowner (or documented attempts to obtain landowner signature) | |
| Notes:  Click here. | |
| Does the land trust have an adequate baseline documentation report for every conservation agreement it holds? | Choose an item. |
| If no, for how many conservation agreements does the land trust lack adequate documentation? | Click here. |
| If no, does the land trust have a plan for completing the baseline for those conservation agreements without adequate documentation? | Choose an item. |
| Notes:  Click here. | |
| Are the land trust’s baseline documentation reports distinct documents that represent the property’s condition at a specific point in time? | Choose an item. |
| Notes:  Click here. | |
| 1. Prepare the baseline documentation report prior to closing and have it signed by the landowner and land trust at or prior to closing    1. Baseline documentation reports that required technical data collection are prepared with the support of professional(s) having appropriate background and expertise | Choose an item. |
| Are all baseline documentation reports routinely prepared prior to closing and signed by the landowner at closing? | Choose an item. |
| Notes:  Click here. | |
| * 1. In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, the landowner and land trust sign a schedule for finalizing the full report and an acknowledgement of interim data at closing | Choose an item. |
| In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, does the land trust prepare and sign at closing, along with the landowner, an acknowledgement of interim data and a schedule for finalizing the final report? | Choose an item. |
| Notes:  Click here. | |
| 1. The landowner and the land trust each hold at least one original copy of the signed baseline documentation report | Choose an item. |
| Do the land trust and the landowner hold at least one original copy of the signed baseline documentation report for all conservation agreements? | Choose an item. |
| Notes:  Click here. | |

# Setting Priorities

Based on what you have learned about your land trust’s implementation of these transaction practices, please complete the following list.

Our organization’s transactional strengths are:

|  |
| --- |
| 1. Click here. |
| 1. Click here. |
| 1. Click here. |

Our greatest transactional challenges are:

|  |
| --- |
| 1. Click here. |
| 1. Click here. |
| 1. Click here. |

Some specific steps we will take over the next one to three years toward overcoming the challenges are:

|  |
| --- |
| 1. Click here. |
| 1. Click here. |
| 1. Click here. |