

## Sutter Buttes Regional Land Trust Project Selection Criteria

### Land Protection Policy

The goal of the Sutter Buttes Regional Land Trust (SBRLT) is to promote the wise use and protection natural resources of the state and region comprised of Colusa, Sutter and Yuba counties, the Land Trust operates programs to promote and demonstrate land stewardship, natural resource education, public policy, and land protection.

The land protection goals of the Land Trust are:

- To protect land capable of long-term food, fiber and/or timber production;
- To protect unique and/or ecologically significant natural areas and wildlife habitat;
- To protect areas with significant scenic, educational, or recreational values;
- To promote local stewardship through public education and technical assistance to local land conservation agencies/organizations.

### Board's Discretionary Role

All the proceeding notwithstanding, the Board of Directors retains discretion over acceptance, acquisition, or disposition and will evaluate each project and proposal on its own merits after careful investigation of the property, its resources, and public benefits.

### Land Protection Methods

The Land Trust works to protect important natural resource lands using a variety of acquisition and land conservation techniques, including:

- In-fee Properties, acquired by gift, bequest, bargain sale
- Land Transfers, can include pre-acquisition for transfer to other conservation agencies or transfer of an existing easement from local land trust or agency for permanent ownership.
- Conservation Easements and deed restrictions on privately owned land.
- Mitigation, agreement between government agency, developer, conservation organizations, and the land trust to monitor and protect natural habitat in perpetuity.

### Land Acquisition Methods

#### 1. In-fee Properties

##### a. Gifts and bequests:

The Land Trust may accept gifts and bequests of land of any size, provided such lands contain truly productive or important natural resources and conservation values. Acquisition of such land must be determined by the Board of Trustees to (a) further the goals and objectives of the Land Trust and/or (b) to be suitable for Land Trust ownership in accordance with financial and natural resource criteria.

Depending on the wishes of the donor, land conveyed to the Land Trust may be kept for permanent ownership or may be transferred to other agencies or individuals subject to suitable conservation restrictions.

Gifts of real estate which have no resource value may be accepted by the Land Trust where the donor agrees to allow the property to be resold and the proceeds used for general activities of the Land Trust.

b. **Bargain Sale Purchases:**

Land may be purchased by the Land Trust when the seller agrees to a bargain sale price (i.e., less than fair market value). Property acquired in this fashion will generally be resold with proceeds used for general activities of the Land Trust. If the property has conservation or natural resource value, it may be resold with conservation restrictions applied to ensure the permanent protection of important natural resources.

## **2. Land Transfers**

a. **Pre-acquisition for Transfer:**

Important lands identified by natural resource agencies as needing protection in order to protect or add to existing public lands, can be pre-acquired by the Land Trust for eventual transfer to appropriate non-profit conservation organizations or government agencies.

b. **Transfer of ownership, financial, and stewardship responsibilities from local land trust or agency to the Land Trust.** If a local land trust or agency can no longer retain or manage a conservation easement, the Land Trust may choose to accept full responsibility for the project and all its components.

c. **Lands conveyed to the Land Trust where the donor or seller does not require permanent ownership will be managed by the Land Trust with the intent to transfer.** Such lands should be acquired with the stipulation that another organization or agency may accept future ownership responsibility if the need arises. If no appropriate local or state agency/organization of this kind exists, these lands may be resold (with restrictions) to private owners, if the sale represents the best long-term management option for the property.

## **3. Conservation Easement**

A conservation easement (CE) is a voluntary legal contract between a landowner, government agency and/or a land trust that limits the uses of land in order to protect its conservation values. The CE establishes that:

- The landowner may continue to own and use the property, and make the limited improvements that are listed in the CE, provided that:
- The landowner promises to preserve the conservation values of the property as outlined in the terms of the agreement, and
- The land trust is granted the right to monitor the property and to enforce the terms of the agreement.

Once the CE has been signed and recorded, it becomes a permanent attachment to the title. The CE will then transfer with the deed and will apply to all future owners of the property, into perpetuity. The purpose of CEs are to protect the significant natural, agricultural, and cultural resources, not limited to farmland, wildlife habitat, historic sites, etc. and they therefore provide a benefit to the public even if open access to the property for the general public is never established.

#### **4. Mitigation**

Mitigation is the permanent protection of a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established (creation), enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by permit. The Land Trust's role in a mitigation agreement can range from pre-planning mitigation efforts to providing long-term management and stewardship of the site. The level of involvement will depend upon the interest of the Land Trust, project specifics, and other parties involved. The following list includes potential responsibilities the Land Trust may assume:

- Planning and design
- Fee title holder
- Easement holder
- Habitat creation, enhancement or restoration
- Long-term stewardship fund holder
- Long-term manager

#### **Project Selection Criteria**

All potential projects will undergo evaluation to ensure they meet all of the selection criteria outlined below. This will include a site visit and meeting with all parties involved in the project. The project will then be reviewed by the Land Stewardship Committee and Executive Director to determine if there is adequate data to support the selection criteria. If the projects meets the selection criteria it will then be presented to the Board at their regular scheduled meeting for an approval to pursue or decline the proposed project.

All projects must meet ALL of the following preliminary criteria:

- Projects must be consistent with the Land Trusts conservation plans and policies.
- Sufficiently sized property to provide significant public benefit, and its resource values are likely to remain intact even if adjacent properties are developed. Each potential project will undergo conservation and natural resources assessment to determine if the project has significant public benefit.
- A feasibility assessment will be performed to determine the Land Trusts capacity to manage, monitor and defend the project.
- Adequate legal and physical access to the property.

Additional criteria for specific projects are as follows:

C:\Users\Middle Mountain\Documents\Middle Mountain\Board  
Notebook\2018\Stewardship\Standard 8B\_Selection Criteria\_04\_03\_14.docx

Draft: 03/14/2014

Approved: 04/03/2014

**Land Transfers:**

The Land Trust may pre-acquire lands that are intended for transfer to other organizations, agencies, or private owners. These projects can either be proactive or reactive.

**Criteria for Proactive Projects**

Proactive projects are initiated by the Land Trust or at the request of another conservation agency or organization.

Land must meet two or more of the following:

- a) Land is targeted by a government agency for acquisition.
- b) Property has outstanding natural resource or conservation value.
- c) Land is adjacent to, or an inholding within, existing Land Trust-protected land.
- d) Land provides access to public land or public waters.
- e) Acquisition presents significant other public relations, program development, or other financial opportunities.
- f) Acquisition has potential for increasing the operating capacity of the Land Trust.

**Criteria for Reactive Projects**

Reactive pre-acquisition projects are initiated by the landowner and are those where the property has not been previously identified as needing protection. As a minimum, these projects must:

- a) Have a potential for increasing the operating capacity of the Land Trust or will result in no net costs.
- b) Property has outstanding natural resource conservation opportunity
- c) Where properties are to be transferred to agencies or to private owners, appropriate conservation restrictions shall be placed in the conveyed deed. Such restrictions may allow for limited development, but shall protect important natural resources to the greatest extent practicable.

**Permanent In-fee Acquisitions and Conservation Easements**

In addition to the Pre-assessment Criteria, properties must also meet one of the following:

- a) Property is adjacent to existing protected natural areas.
- b) Property has substantial or important frontage on a major water body.
- c) Property protects natural resources or unique conservation values that provide a significant public benefit
- d) Property contains a viable and valuable forest resource.
- e) Property has habitat for rare, threatened, or endangered species.
- f) Property is on a major trail corridor or has significant public recreation opportunities.
- g) Property is critical wildlife habitat identified by wildlife experts.
- h) Property has, contains, or is part of a scenic vista from a well-traveled road.
- i) Project may serve as a focus for future land protection efforts.
- j) Property has significant potential to aid in promoting land conservation awareness or other public relations, fundraising, or marketing benefits.

C:\Users\Middle Mountain\Documents\Middle Mountain\Board  
Notebook\2018\Stewardship\Standard 8B\_Selection Criteria\_04\_03\_14.docx

Draft: 03/14/2014

Approved: 04/03/2014

Criteria for Executory Interest Easements:

All Executory interest easements, where local agencies or land trusts serve as the Grantee, must meet at least one of the above criteria (a-j) and:

- a) The land must be identified by a governmental agency or town master plan as being worthy of protection.