

Sutter Buttes Regional Land Trust

Risk Assessment and Feasibility Policy

Policy and Background

Due to SBRLT's mission, and status as a charitable organization working in the public interest, it is necessary to screen not just for the presence of conservation values, but also to assess the risk and general feasibility of all conservation projects. Each unique project will carry its own set of conservation values, as well as risks, and each must be carefully weighed to ensure that our work embodies an ethical and responsible effort to conserve the region's agricultural and natural resources.

ONE or MORE of the following factors MAY preclude involvement even though the property may meet the selection criteria favoring a land protection proposal.

1. Land trust's cost for acquiring the land.
2. Property's values are primarily scenic but cannot be readily viewed by the general public.
3. Property is part of a development proposal that is likely to have significant adverse impacts on conservation resources or the public image of the land trust.
 - a. Development may take undue advantage of the land trust's status or reputation, or
 - b. Full information on all related permits, variances, or legal approvals for the development plans is not available.
4. Adjacent properties are being developed in a way that is likely to significantly diminish the conservation values of the site.
 - a. The surrounding land use or character prohibits potential linkage to protected lands or avoidance of potential hazardous waste sites.
5. Project would be unusually difficult or burdensome to monitor, manage, and/or enforce in perpetuity in relation to the land trust's limited financial and time resources.
 - a. Cost of management would prevent the land trust from fulfilling its stewardship responsibility, grantor is unwilling or unable to contribute to a stewardship fund, or there is a tax burden;
 - b. Multiple or fractured ownership, frequent incidence of destructive trespassing, fencing restrictions, irregular configuration, difficulty for using burning to maintain a fire-dependent ecosystem, denial of permanent legal access to the property, or other unusual long-term constraints; or
 - c. Special management problems and issues associated with the site preclude a sound and proper management plan.
6. Landowner insists on reserving rights or provisions in an easement or deed that would
 - a. Seriously diminish the property's primary conservation value or the land trust's ability to enforce protection, or

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- b. Restrict the land trust's use of the property and prevent or deter the land trust from its goals, such as restrictions on re-sale to government or on selling/transferring portions that have little or no significance to conservation.
7. Property cannot be negotiated or acquired by the land trust with reasonable effort in relation to the property's conservation value, size, or merit.
 - a. There are significant problems or defects in the title;
 - b. There are property encroachments or easement or boundary disputes;
 - c. The deed does not have a proper survey or a clear property description and easily identified map prepared by a civil engineer or registered land surveyor that locates all corner points on the ground; or
 - d. The donor does not agree to pay all costs of property transfer such as a title search, recording fees, minor partition fees, or other property transfer costs.
8. Project may incur an unacceptable legal or financial liability because of a known threat to public health or safety or the expense of clean-up.
 - a. Property is irreparably contaminated;
 - b. Property may be measurably affected by a disposal site, hazardous wastes, or air, soil, or water pollution; or
 - c. Property has potentially burdensome unoccupied buildings or structures, signs, markers, parking lots, trails, steps because funds for long-term maintenance are not available.
9. There is an equal or more effective way to achieve conservation through cooperation with other, or more qualified, conservation organizations, institutions, or holders, such as the town, the state, the federal government, or another non-profit agency.
10. Legal, ethical, or public image problems are associated with the acceptance of the project.
 - a. There is a conflict of interest on the Board, interested transactions by board members or officers, or involvement in controversial projects with developers;
 - b. The project may jeopardize IRS non-profit status;
 - c. There may be a significant negative economic impact on the community;
 - d. The project may produce a significant negative precedent or impact on local zoning;
 - e. The project does not add to the diversity or continuity of the trust holdings;
 - f. There is opposition or no support from local property owners; or
 - g. There is opposition or no community or political support.
11. Staff burdens are associated with the acceptance of the project.
 - a. There is not sufficient enthusiasm within the land trust for the project,
 - b. Proper property inspection or information gathering has not been completed prior to consideration of acceptance,
 - c. There is not sufficient baseline data to determine compliance,
 - d. The language of an easement is not clear and readily understandable,
 - e. Staff capability and capacity do not meet project demands, or there are undue opportunity costs.

On-Site Assessment of Management Issues and Treats to Conservation Values

Site visits are a valuable method of conducting assessment of management issues and threats to conservation values. During site visits and contact with the landowner, staff should pay close attention to potential management issues and threats to conservation values. Staff should document and discuss potential threats and concerns, including but not limited to the following:

- Incompatible development on adjacent properties with incompatible uses
- Harmful runoff
- Erosion
- Logging
- Mining
- Invasive plant/animal species
- Encumbrances & Easements (Rights-of-way, access, power lines, railroad tracks, pipelines, water lines, and mineral exploration)
- Safety Hazards (failing roads, bridges, buildings, walls, landslides, fire, electrical, water, steep cliffs and swimming holes)
- Public Use Issues (trespassing, dumping of trash, tree cutting, vandalism, teen hangout, off-road vehicle use or drug dealing).
- Evidence of hazardous waste problems (dumps, underground tanks, areas of dead vegetation, disturbed soil, or fumes)
- Property Boundaries (easily identified by fencing/monuments or cannot be located)