



- YES NO Land contains an exemplary natural ecosystem such as old forest growth or shale barren.
- YES NO Land provides access to significant public recreational opportunities.
- YES NO Land provides opportunities for outdoor education or scientific research .
- YES NO Land offers public access to scenic view.
- YES NO Land is part of the scenic view from a public road, trail, river, or lake.
- YES NO Land has historical value, and is listed (or is eligible to be listed) with the National Register of Historic Places.
- YES NO Land will enhance the scenic value of significant natural, cultural, or historic sites.
- YES NO Land contains prime/unique agricultural soils and is in active agricultural production.
- YES NO Land contains mature forest with a variety of species sufficient to support a productive forest.
- YES NO Land makes a significant contribution to the rural character of a town, county, or the state.

Please add your own comments on the conservation values of your property:

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Name \_\_\_\_\_

Address \_\_\_\_\_

City State ZIP

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

To be eligible, all projects must meet federal IRS regulations (see enclosure) and have significant conservation value. The West Virginia Land Trust reviews this completed criteria checklist, as well as a number of other considerations (see attached for examples), to determine if we can assist you in conserving your property. If the West Virginia Land Trust is not able to assist you, you may still be able to help conserve land in West Virginia. See Addendum B.

When you have completed this checklist, please return it to:

***West Virginia Land Trust, PO Box 11823, Charleston, WV 25339-1823***

Don't hesitate to call with your questions!

The number is: 1-866-WVA-LAND or

(304) 346-7788.

## **West Virginia Land Trust: Determining Whether to Proceed with a Conservation Project**

When determining whether to proceed with a conservation project, West Virginia Land Trust evaluates the completed criteria checklist attached and generally looks for properties that meet either both criteria under Step A OR one under Step A and three under Step B. But, in addition to evaluating the conservation value of the property in question, there are a number of other considerations that the West Virginia Land Trust must evaluate.

Below are considerations which may lead to West Virginia Land Trust's decision NOT to pursue the conservation of a specific property. While this list is not all-inclusive, the following are presented to give some indication whether or not to go forward with a potential project. If any of these considerations apply to your project, please call West Virginia Land Trust for assistance. OR if you have questions about any of these considerations, please contact us.

- A. **Title Limitations:** The property has any mortgages, liens, and other title limitations which would jeopardize the conservation purposes of the project, limit ability to enforce restrictions, or create significant potential for project failure.
- B. **Development:** The property is part of, or adjacent to, a development that might have an adverse impact on the conservation values to be protected or would reflect negatively on the public image of the Land Trust. See Addendum C.
  - ◆ Development project may not take undue advantage of the status of West Virginia Land Trust.
  - ◆ Full information on all related permits, variances, & legal approvals for development plans must be available.
- C. **Difficult Provisions:** Landowner insists on provisions which would significantly diminish land's conservation value or the ability to monitor it.
- D. **Cost:** Cost of the project is prohibitive.
- E. **Location:** Development of adjacent properties threatens conservation value of the project.
- F. **Management:** Project could be unusually difficult to manage, monitor, or enforce in relation to the Land Trust's resources. Such difficulties may include difficulty in devising a management plan, monitoring the project because of location, frequent trespassing, fencing restrictions, land configuration, or difficulty in access. Other management difficulties may include pre-existing tax burdens, and the unwillingness or inability of a donor to contribute to stewardship funds.
- G. **Reasonable effort:** The cost or work required by the project is substantially greater than the project's value, size, or merit.

- H. **Liability:** The project might incur unacceptable legal or financial liability due to threats to public safety or health OR project involves hazardous waste, air, soil, or water pollution, or burdensome characteristics such as unoccupied structures or dangerous trails which lack funds for improvements.
- I. **Alternative Solutions:** There is an equal or better way to achieve conservation aims by cooperation with other qualified organizations, institutions, or holders.
- J. **Legal, Ethical, & Public Image Problems:**
- ◆ Conflict of interest on Board, interested transactions by Board members, or involvement in controversial projects with developers.
  - ◆ Project may jeopardize IRS non-profit status.
  - ◆ Project may have significant negative impact on the community.
  - ◆ Project sets negative precedent with local zoning.
  - ◆ Project does not add to Land Trust's diversity or continuity.
  - ◆ Property owners, politicians, or citizens oppose/withhold support.
- K. **Administrative Burdens:**
- ◆ There is not sufficient enthusiasm within the Land Trust.
  - ◆ Proper inspection or information has not been completed prior to consideration of acceptance.
  - ◆ There is insufficient baseline data to determine compliance with IRS regulations and Land Trust criteria.
  - ◆ Staff capability or organizational capacity do not meet the demands of the project.
- L. **Stewardship Funds:** There is no funding source available to protect the property in perpetuity.

**~ A DISCLAIMER ~**

THE WEST VIRGINIA LAND TRUST RETAINS DISCRETION OVER  
ACCEPTING OR REJECTING CONSERVATION PROJECTS  
AND WILL REVIEW EACH PROJECT ON A CASE-BY-CASE BASIS.

**ADDENDUM A** – Vest Pocket Projects: In certain situations, small projects can have significance. The “vest pocket park” concept can apply where land is at a premium. The Land Trust staff and board will work to determine value of small projects, and to accept, decline, or assist in alternative partnerships.

**ADDENDUM B** – Advancing Stewardship in WV: Although some projects are not within the mission or available resources of the Land Trust, you may still be able to support the work of the Land Trust in conserving West Virginia’s unique lands. Donations of land for resale, monetary investments, or volunteer hours can provide invaluable assistance to the work in West Virginia.

**ADDENDUM C** – Limited development: The Land Trust encourages limited development projects where building is curtailed so that special natural, scenic or historical features are afforded substantial protection. The Land Trust staff and board will work to ensure that limited development easements have substantial and justifiable conservation value.