

Application # _____

Municipality _____

Date Received _____

FOR OFFICE USE ONLY

MASSACHUSETTS CONSERVATION LAND TAX CREDIT (CLTC)
(301 CMR 14:00)

2013 Tax Credit Application

Complete Part I* of this application and return the original signed application with all requested documentation to:

EEA/DCS/Tax Credit Program
ATTN: Tom Anderson
100 Cambridge Street, 9th Floor
Boston, MA 02114

Important notes about the CLTC process

- This application must be filled out for all applicants seeking a CLTC **before** the deed or the conservation restriction is donated and recorded. Under the regulations, property that has already been donated is not eligible for a Conservation Land Tax Credit.
- This application is for a donation that will be recorded in calendar 2013 only.
- Please do not submit Parts II & III of this application until you are notified by EEA that your donation is eligible for Pre-CLTC. Once you have received notice of eligibility, you must complete and submit Part II of the application within 30 days. EEA then will issue a *Notice to Proceed*.
- Complete and submit Part III within 60 days. Once everything has been completed and approved by EEA, EEA will issue a Pre-CLTC approval letter and the applicant may record the donation. Documentation of the recording must be provided back to EEA within 30 days.
- Once the documentation is back, EEA will issue a Land Identification Number (LIN).
- Upon receipt of a Land Identification Number (LIN), the applicant **MUST** apply to the Department of Revenue (DOR) for an individual CLTC Certificate Number. DOR will issue each owner listed in the application a unique CLTC Certificate Number which is to be used on their state tax form in order to claim the tax credit.

- The total amount of tax credits allowed each year under the Conservation Land Tax Credit Program is limited to \$2 million.
- If you are proposing a donation of land to a public conservation agency this year (such as the Department of Fish and Game or a municipal Conservation Commission), you are not automatically eligible for the tax credit. You must apply to EEA prior to granting the property interest, the donation must meet the eligibility criteria for the CLTC, you **MUST** follow EEA's application process prior to granting the property interest, and you must submit all of the required documentation.

APPLICATION FOR PRE-CERTIFICATION

Part I

Landowner/Donor Information (list all additional owners on a separate sheet if more than one owner)

Landowner(s)/Donor(s) _____

Mailing Address _____

City/Town _____ State _____

Zip _____

Phone #(s) _____ Fax _____

Email _____

Type of ownership ___ Joint Tenancy, ___ Tenants by the Entirety,
 ___ Tenants in Common, ___ Life Estate,
 ___ other (describe) _____

Type of Entity ___ Individual(s), ___ Sole Proprietor, ___ Trust,
 ___ Estate, ___ Corporation (describe) _____
 ___ Limited Liability Corporation, ___ Partnership, ___ Limited Partnership,
 ___ Limited Liability Partnership, ___ Subchapter S Organization,
 ___ Other Pass-Through Entity (describe) _____ .

Check here if you've added an additional sheet of owner(s)

Deed or Conservation Restriction Gift/Bargain Sale

Attach copy of proposed deed with quitclaim covenants

Deed Recipient is a Qualified Organization? Yes _____ No _____ (The recipient must be qualified under 501(c)(3) of the Internal Revenue Code of 1986, as amended or a public conservation agency.) *Deed donations to non state or local government entities must also meet the perpetual protection requirement through the granting of a conservation restriction to an eligible entity.

OR

Attach copy of proposed conservation restriction with quitclaim covenants

Restriction Holder is a Qualified Organization? Yes _____ No _____ (The recipient must be qualified under M.G.L. c. 184 sec. 32 and 501(c)(3) of the Internal Revenue Code of 1986, as amended or a public conservation agency.)

_____ Please check here if your proposed conservation restriction has previously been submitted to or reviewed by the Executive Office of Energy & Environmental Affairs. Do you have a reference number if previously submitted? _____

Recipient/Restriction Holder

Organization _____

Contact Name/Title _____

Mailing Address _____

City/Town _____ State _____

Zip _____

Phone #(s) _____ Fax _____

Email _____

Contact Person for this CLTC application

(this is the person we'll be in contact with regarding questions on the application, the conservation value of the land and the surrounding area, and to distribute information to all the owner(s) when needed.)

Contact Name _____
Organization / Title _____
Mailing Address _____
City/Town _____ State _____
Zip _____
Phone #(s) _____ Fax _____
Email _____

Property Information

(attach any additional information or documentation needed)

Definitions

Property – all parcels including all donated areas and unrestricted areas reserved to the owner(s).

Parcels – all separately described lots that make up the Property.

Unrestricted area – unrestricted areas of the Parcels that are not being donated or restricted and are reserved to the owner(s).

Restriction (premises) – the parcels, or portions of parcels that will be subject to a perpetual conservation restriction

Property Location

Street Address of tract(s) _____
City/Town _____ County _____
Zip _____

Property Recording Information (attach copies)

Registry _____ Book _____ Page _____

Plan Book _____ Plan number or page _____

Plan Book _____ Plan number or page _____

Assessor information

(attach copy of assessors map showing property to be donated)

Assessor map _____ parcel _____ lot _____

If only a portion, and not the entirety, of one or more parcels is being donated, sketch the location of the area(s) to be donated using a recorded plan or the assessors map, and label "Donated Land" or "Conservation Restriction" or "Unrestricted Area" as approximately located.

NOTE: If a donation is for part of a parcel, the final application must include a metes and bounds description or recordable survey describing the portion(s) to be donated and any exclusions.

Acreage

Total Acreage of Parcel(s): _____

Total Acreage of Parcel(s)/Restriction to be donated: _____

Total Un-donated area: _____

Is the property benefited or burdened by any other interest including easements, stipulations, reservations or rights? _____

Explain and attach copies: (include any claims or potential claims of adverse possession or prescriptive easements) _____

Other Property Information (if not applicable, write n/a)

Conservation Values and Purposes

Please indicate all of the following Conservation Values and Purposes that will be significantly advanced by the donation of the subject property (check all categories that apply and circle the attributes that the donated land will protect.) Attach maps or other documentation indicating where on the donated land the attribute(s) occur). Document each of the values that apply (a state map indicating the land contains a particular value will satisfy this requirement) and describe how the property will support each of the indicated Conservation Purposes. (Attach additional sheets and maps as necessary; refer to supporting documents as appropriate.) Please only note those resources that are relevant to the subject property. Direct links to resource maps have been provided.

a.) ___ **Protection of water supply.** The donated land will protect substantial areas designated as Zone I, Zone II, Zone A and Zone B or High and Medium Yield Aquifers as identified by the Massachusetts Department of Environmental Protection. See: http://www.mass.gov/dep/service/my_comm/mycomm.htm

b.) ___ **Wildlife habitat protection of statewide importance.** The conservation of areas that significantly contribute to the viability of high priority plants, animals, and habitats designated by the Massachusetts Natural Heritage and Endangered Species Program, including those listed as Endangered, Threatened or of Special Concern under the Massachusetts Endangered Species Act, Priority and Estimated Habitats, Critical Natural Landscapes contained in the BioMap 2 or the DFG Wildlife Action Plan. See: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/priority_habitat_home.htm

c.) ___ **Preservation of prime or state important farmland and working farmlands.** Properties must consist of a minimum of five (5) contiguous acres preserved for production of, or actively devoted to, agricultural or horticultural uses and managed for those purposes in accordance with a Natural Resource Conservation Plan developed by the USDA Natural Resources Conservation Service using Best Management Practices that are consistent with the Clean Water Act and the US Environmental Protection Agency's Nonpoint Pollution Control Program. See: http://www.smallfarm.org/main/for_new_farmers/new_farmers_q_and_a/develop_a_conservation_or_land_use_plan

d.) ___ **Preservation of prime or important forested soils and working forest lands.** Properties must consist of a minimum of five (5) contiguous acres preserved for production of timber products, or used and managed for those purposes according to Best Management Practices. Forestry must be in accordance with the Massachusetts Forest Cutting Practices Act or meet those thresholds, under a plan by a licensed forester, approved by the Massachusetts Department of Conservation and Recreation consistent with conservation purposes. See: <http://www.mass.gov/dcr/stewardship/forestry/service/steward.htm> and

http://www.smallfarm.org/main/for_new_farmers/new_farmer_q_and_a/develop_a_conservation_or_land_use_plan/

e.) ___ **Protection of land that substantially contributes to identified federal, state, or local natural resource areas of regionally significant environmental importance**, such as Areas of Critical Environmental Concern. See:

<http://www.mass.gov/dcr/stewardship/acec/acecProgram.htm>

Describe significant features and how they contribute to or meet this requirement.

(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these unique or significant features as appropriate).

f.) ___ **Protection of a substantial area of land that protects significant environmental areas and wildlife habitat identified on the Massachusetts BioMap2:** See: <http://maps.massgis.state.ma.us/dfg/biomap2.htm>

Describe which features on the BioMap2 and attach maps. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these features).**

g.) ___ **Protection of substantial areas that significantly contribute to the goals of the State Wildlife Action Plan.** See:

http://www.mass.gov/dfwele/dfw/habitat/cwcs/cwcs_background.htm

Describe how this land contributes. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

h.) ___ **Protection of water quality** and regional water supplies by protecting land that contains streams, rivers, natural wetlands, floodplains or abuts a water body such as a great pond, reservoir, or coastal wetlands with a minimum of a 100' permanently protected vegetated buffer zone that contribute to water quality, flood prevention, provides habitat, hydrologic connections, and prevents pollution. Attach maps, including an excerpt of a USGS map identifying the water quality features. See also:

<http://www.mass.gov/dep/water/resources/caps.htm>

Describe and provide mapping identifying and showing the location of the water features. Explain how they protect water quality and regional water supplies. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

i.) ___ **Protection of water-based habitat that contributes to Ecological Integrity** (maps currently available for Western Massachusetts only). 'Massachusetts Ecological Integrity Maps' and 'MassDEP Important Habitat Maps' for 112 cities and towns in Western Massachusetts. See: <http://www.mass.gov/dep/water/resources/caps.htm> and <http://www.masscaps.org/>

Describe and provide mapping identifying and showing how this land contributes to these goals. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

j.) ___ **Protection of land with significant archaeological and/or historic sites**, listed in or eligible for the Massachusetts or National Register of Historic Places either individually, or as a contributing building or land area within a historic district, or mapped as important for cultural resource protection. See, for individual regional and town reports: <http://www.sec.state.ma.us/mhc/mhchpp/TownSurveyRpts.htm> and for additional information, go to: <http://www.sec.state.ma.us/mhc>

Describe any unique or significant features of this land, including natural, historic, and archaeological resources of interest. Provide a letter from MHC stating the importance of preserving the land. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these unique or significant features as appropriate).**

k.) ___ **Creation of nature-based outdoor recreation opportunities** open to the general public, particularly in environmental justice areas. Please provide maps or population, density and demographic information showing that the donation is located in an environmental justice area. See: <http://maps.massgis.state.ma.us/EJ/viewer.htm>

Describe and provide mapping identifying and showing how this land contributes to these goals. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

l.) ___ **Provides habitat or recreational connectivity** through the protection of land contiguous with existing conservation lands. Provide maps from MassGIS, the local Open Space and Recreation Plan, or other maps showing connection or close proximity to other protected lands. Include maps of any trails, greenways, rail trails, etc. and

describe how the donated land will enhance existing protected land, provide connections for wildlife, access for the public, or other benefits.

Describe the lands adjacent to the subject property, including current protection status (if any) or land use and how the land contributes to these goals. Include proximity to nearby conservation lands. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

m.) **___ Protection of land with significant national conservation, archaeological and/or historic sites** such as the National Heritage Corridors. See the following maps:

John H. Chafee Blackstone River Valley National Heritage Corridor:

<http://www.nps.gov/pwr/customcf/apps/maps/showmap.cfm?alphacode=blac&parkname=Blackstone%20River%20Valley%20National%20Heritage%20Corridor>

Essex National Heritage Area: <http://www.essexheritage.org/largemap.shtml>

Freedom's Way National Heritage Area: <http://www.freedomsway.org/index.html>

Quinebaug & Shetucket River Valley National Heritage Area:

<http://www.tlgv.org/resources/more-subpage.html>

Upper Housatonic Valley National Heritage Area, Inc. See:

<http://www.upperhousatonicheritage.org/index.php?catId=2&subCatId=42>

Describe any substantial areas or unique or significant features of this land, including natural, historic, and archaeological resources of interest that significantly contribute to the designated sites. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these unique or significant features as appropriate).**

Existing Constraints and Restrictions

1. Is the property subject to any regulatory restrictions on development under any state or local government regulations or ordinances (e.g., Wetlands Protection Act, River Protection Act, Zoning, public or private restrictions, covenants, easements, etc.)?

Yes ___ No ___

If Yes, explain: _____

2. Has the land been set-aside or used towards development requirements at any time in order to increase building density levels (e.g., dedicated "greenspace" within conservation or open space subdivisions or cluster developments)?

Yes ___ No ___

If Yes, explain: _____

3. Is any area of the land used or planned for uses such as golf courses, soccer fields, softball fields, or other types of intensively managed or intensively active recreational or commercial uses?

Yes _____ No _____

If Yes, explain: _____

4. Briefly describe the past and current uses of the subject property. Past uses should include historic uses for the past several decades, including structures, orchards, agriculture, mills, etc.

5. How is/will the property be permanently protected to maintain the Conservation Purposes, what activities will be allowed and which will be prohibited?

_____ Perpetual conservation restriction (**provide a copy of a proposed draft Conservation Restriction**) with a grantee who has agreed to accept the restriction and has reviewed and approved the draft, subject to the understanding that DCS may require edits or suggest changes before it is signed. Describe what uses will be allowed on the property (including any public access), what activities will be prohibited, and how the land will be permanently protected and managed.

_____ Fee simple donation to a public agency or a private agency.
Provide a copy of the draft deed (and restriction, where applicable).

Explain how the fee simple donation will be protected for conservation uses only:

6. Briefly describe how the property will be managed and by whom, to maintain the conservation values being protected. **If available, provide a copy of the forest or agricultural conservation management plan.**

REFER TO EXHIBIT A FOR REQUIREMENTS OF CONSERVATION RESTRICTIONS UNDER THIS PROGRAM.

To be signed by Donor or Donor's authorized agent or Legal Representative):

I endorse the accuracy of the information provided in this application. I affirm that the donated property is not dedicated open space by local governmental regulation or ordinance, or that it has been dedicated to increase building density levels under such regulations or ordinances. Further, I certify that to the best of my knowledge the donor of the subject property possesses good record and marketable title to the premises to be donated, that any liens or mortgages have been (or will be) subordinated, and that they have not received a conservation land tax credit as defined by 301 CMR 14.00, in the last three years.

I agree to provide additional documentation requested by the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) to complete this application. Further, I authorize the EEA to enter the property to conduct on-site investigations for making the conservation purposes determination. In the case of a conservation restriction, I am aware that annual site inspections will be required to ensure that my land is being used in a manner consistent with the conservation restriction.

Signature of Owner or Individual with Power of Attorney for Other Owners of Interest

Date

Printed Name

Signature of Owner or Individual with Power of Attorney for Other Owners of Interest

Date

Printed Name

To be signed by Recipient/Restriction Holder:

I certify that our organization meets the criteria of a Qualified Organization as defined by the Massachusetts Land Conservation Tax Credit Program, and as an official representative of this Qualifying Organization, I have the authority to accept the donation of the subject property in fee simple or by conservation restriction. I certify that our Organization has the capacity to manage the land if we retain title, or annually monitor and enforce the terms of the conservation restriction.

Signature(s) of Recipient/Restriction Holder

Date

Printed Name and Title

Pre-Certification Application checklist:

- Is the application signed by the landowner and recipient/restriction holder?
- Does the application package include all supporting documentation for identification of the property and its natural, historic, or archaeological resources, including but not limited to maps, photos, baseline document, survey plats, historical data, etc.
- Does the application package include a description and documentation of the Conservation Purposes supported by the donation?
- If the site is protected by conservation restriction, a draft copy is included and it meets all applicable requirements

Questions? Please call 617-626-1013.

Mail completed applications to:

ATTN: Tom Anderson
EEA/DCS/Tax Credit Program
100 Cambridge Street, 9th Floor
Boston, MA 02114

Please mark "Conservation Land Tax Credit Application" in lower left hand corner of envelope.

The Notice of Eligibility letter signifies that EEA has determined that the proposed land donation meets the criteria for the tax credit. The application is a 3-step process designed to avoid unnecessary expenses for applicants until the land donation has been determined to be eligible.

If you receive a notice that your proposed donation does not meet the criteria, and is not eligible for the tax credit, you have fifteen days to provide additional information to EEA. EEA will evaluate the new information and will inform you if the new information has resulted in a change in determination.

STOP HERE

DO NOT CONTINUE UNLESS YOU RECEIVE A NOTICE OF ELIGIBILITY FROM EEA.

PART II

If you have received a Notice of Eligibility letter from EEA, please submit the following information within 30 days:

Provide an electronic or hard copy of a Certified Appraisal¹ by an appraiser qualified to perform the subject appraisal. The appraisal must include all of the assumptions, constraints, and benefits taken into account. **The appraisal must be commissioned by the donor.** Please have Executive Office of Energy & Environmental Affairs Conservation Land Tax Credit program and the Massachusetts Department of Revenue included as "intended users" of the document.

(If the appraised value was based on potential development, please provide the information showing the basis and development assumptions and constraints and whether a change in zoning would be required).

Note: If the interest being appraised consists of multiple lots with multiple owners, separate values must be assigned to each individual lot so the percentage of the tax credit can be accurately allocated among all owners.

Provide us a statement confirming the amount of consideration (if any) the donor(s) will receive from the gift/bargain sale.

Appraised value of donation \$ _____

Minus total of all consideration
To be received - \$ _____

Equals total gift/bargain sale
For this donation = \$ _____

Q. Why does EEA request a Certified Appraisal and information on the consideration to be received ?

A. The CLTC Program is limited to an annual allocation of \$2 million. The appraiser's valuation helps determine the amount of the potential tax credit that will be claimed. If there are sufficient funds remaining in the annual allocation of the CLTC program, the applicant will receive a Notice to Proceed.

Q. What if the annual allocation for the program has been reached, but the applicant's donation has been determined to be potentially eligible?

A. If the annual limit on the cost of approved tax credits as provided under 830 CMR 62.6 (6) has been reached, applicants who are potentially eligible for the tax credit will be notified and they will be considered eligible for Pre-CLTC as funding becomes

¹ Documented narrative with an adequate explanation of the appraisal procedure and data (including comparables and adjustments) used to arrive at the valuation.

available, whether it occurs in the year of the original application (if another applicant's donation will no longer be made in that tax year), or the following year.

Q. What if the annual allocation for the program has not been reached but the applicant's donation will exceed it?

A. The applicant will be notified, and may make several choices, including:

1.) The applicant may choose to donate in the next tax year. If the applicant notifies EEA that they wish to make the donation in the following year, the applicant will not have to re-apply, but will be able to proceed with Part III upon notification by EEA that the applicant's donation will not exceed the allocation in that year. An applicant may not elect to "skip" years. They may only apply in the next year following where there are sufficient tax credits available.

2.) The applicant may elect to reduce the value of the donation or seek a bargain sale.

STOP HERE

DO NOT CONTINUE UNLESS YOU RECEIVE A NOTICE TO PROCEED FROM EEA.

Part III

Final EEA Certification.

Once the applicant has received a Notice to Proceed, the applicant must provide the following within 60 days:

1. **Title examination** certifying good record and marketable title and listing all interests in the property, including liens, easements, leases, life estates, etc. The title examination must list all ownership interests, the name, address and contact information for each owner, and the percentage of each owner's ownership interest in the donation and evidence the capacity to convey a clear title. The title examination must also list all liens and any votes required for the granting of the donation. Title report update will be required for interim period between title exam and recording.
2. All liens must be subordinated to or exclude the donated property interest, and be recorded prior to the recording of the donation.

In cases where title insurance would satisfactorily cover a defect in title that would otherwise make the Applicant ineligible for the CLTC, the parties may seek approval from EEA to obtain title insurance in favor of the Grantee(s) to cure said defect;

3. The applicant should also prior to recording, at this time provide final redlined copies of the deed and/or conservation restriction, for approval of any changes that were made since the initial submission.
4. **Survey and/or legal description.** If there is an existing recorded survey and the donation will be of the entirety of one or more parcels shown on the survey, a new survey is not required. If the donation is of a portion of one or more parcels, or will have a conservation restriction imposed on a portion of one or more parcels, or if there are exclusions or defined reservations, such as a driveway in a specific location, a survey or a metes and bounds description is required. All plans should be labeled appropriately to reflect the protected status of any donated property interests.
5. Certification of the % ownership of each owner and that all owners have been supplied with a listing of the individual interests in the property and they agree to the Qualified Donation

EEA notifies the applicant that the property interest and all documents meet EEA's requirements for a CLTC. The applicant obtains all signatures and fully executes and records the subordination(s), deed(s) and/or conservation restriction and plan and provides copies to EEA within 30 calendar days of receiving the Pre-CLTC approval letter, with a GIS form containing the recording information.

Final Documents required to be provided to EEA for issuance of a LIN:

___ Copy of Recorded Deed and/or Restriction with book and page number or certificate number and date, with appropriate “marginal reference indexing” between Deed and Conservation Restriction and/or CR to grantor’s Deed, of a qualifying grant to an Agency, a Qualified Organization, or a Public Conservation Agency, of a Property Interest in Pre-CLTC land that meets EEA’s criteria and conveyancing standards which perpetually protects the Qualified Donation and is recorded or registered at the appropriate Registry of Deeds;

___ A recorded survey showing the subject and/or metes and bounds description, referencing a recorded instrument or a sketch plan containing a metes and bounds description, which clearly delineates the land as Conservation Land or the restricted area as a Conservation Restriction, recorded with the instrument(s) granting the Property Interest. Excluded areas shall be described in the same manner, with permanent boundary markers in place or provided for in the Qualified Donation Instrument.

___ An electronic copy of completed Baseline Documentation Report sufficient to establish the condition of the property at the time of the donation.

___ Notarized ***Affidavit Regarding Consideration*** completed by each owner/donor

___ Evidence of good record and marketable title to property (e.g. title abstract, and if requested, (electronic is preferred) copy of title examination, title policy, attorney’s opinion of title with supporting documentation) and certification of title that complies with EEA title specifications and standards verifying all necessary signatories to the instruments conveying the Property Interest and what is required for the Qualified Donation to have a first lien position;

___ Votes authorizing the transaction, and attested copies of votes granting authority, if applicable;

___ Satisfactory evidence that all liens affecting Certified Land have been released or subordinated;

___ If there are encumbrances or interests affecting the Certified Land, EEA may require an agreement from the holders of said encumbrances or interests that they will exercise their rights only in a manner consistent with Natural Resource Protection, duly recorded with the registry of deeds;

Upon satisfactory receipt of the above, an LIN will be issued to the applicant, which verifies to the Department the Certified Land’s eligibility for the tax credit. The LIN number will be used by the DOR to issue a unique CLTC number to each Owner/Donor.

Questions? Please call (617) 626-1013

Exhibit A - Requirements for Conservation Restrictions

The following are required components of conservation restrictions accepted under the Massachusetts Land Conservation Tax Credit Program (CLTC). Applicants must use the EEA, Natural Heritage, or Water Supply model Conservation Restriction as their base document.

- An electronic baseline documentation report that provides a detailed description of the condition of the land at the time the conservation restriction is placed on the property, as well as a forest or agricultural management plan if the property warrants such a plan (if there are NHESP interests, the plan must be approved by Natural Heritage).
- A provision stating that no amendments shall be made to the conservation easement without the approval of EEA.
- Identification of all of the donation's Conservation Purposes that made the property eligible for the CLTC;
- A provision stating that the conservation restrictions run with the land in perpetuity for conservation purposes and that any reserved use shall be done in a manner consistent with the Conservation Purposes;
- A provision that prohibits the Grantee from subsequently transferring the interest in land unless the transfer is to another c. 184 sec. 32 eligible public or private conservation agency that will maintain the Conservation Purposes for which the donation was originally intended;
- A provision that provides that the donation of the less-than-fee interest is a property right, immediately vested in the public or private conservation agency receiving the donation, and that the less-than-fee interest has a fair market value that is at least equal to the proportionate value that the conservation restriction at the time of the donation bears to the property as a whole at that time.
- A provision that if public action or subsequent changes in conditions make the property's continued use for Conservation Purposes impossible or impractical and judicial proceedings are sought to extinguish the easement or restrictions, then the Grantee is entitled to a portion of the proceeds from the property's subsequent sale, exchange, or involuntary conversion at least equal to the perpetual conservation restriction's proportionate value and that the Secretary must first review and approve any extinguishment or changes.
- All provisions or restrictions pertaining to mineral rights must be consistent with the provisions of IRC Section 1.170A-14.

Conservation Restrictions for Historic Resources:

· If the Conservation Purpose is for the preservation of an archaeological site, historic resource, or historically important land area, include documentation, in the form of the nomination or determination of eligibility for the Massachusetts Historic Commission. It can include a land area within a registered historic district that can reasonably be considered as substantially contributing to the district's significance, and a land area adjacent to a property listed individually in the Massachusetts Register of Historic Places where the land area's physical or environmental features substantially contribute to the property's historic or cultural integrity.

