

# UPPER PENINSULA LAND CONSERVANCY

## 8D Public Benefits of Transactions

Board Approved June 10, 2014

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It is the policy of Upper Peninsula Land Conservancy (UPLC) to make certain that every conservation transaction provides adequate and appropriate public benefit. As a 501(c)(3) non-profit organization, UPLC has a legal and ethical obligation to ensure that each land conservation project meets one or more of the following criteria:

### **IRS Criteria providing public benefit - IRC 170(h):**

1. Protection of a relatively natural habitat for fish, wildlife or plants, or similar ecosystems; or
2. The preservation of an historically important land area or certified historic structure; or
3. Open space (including farmland and forest land) that is either preserved for the scenic enjoyment of the general public, or protected pursuant to clearly delineated federal, state or local governmental conservation policy that will yield a significant public benefit; or
4. Outdoor recreational or educational use by the general public.

Qualities to be documented may include the following:

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- The uniqueness of the property to the area
- The intensity of land development in the vicinity of the property (both existing development and foreseeable trends of development);
- The consistency of the proposed open space use with public programs (whether federal, state or local) for conservation in the region, including programs for outdoor recreation, irrigation or water supply protection, water quality maintenance or enhancement, flood prevention and control, erosion control, shoreline protection, and protection of land areas included in, or related to, a government approved master plan or land management area;
- The consistency of the proposed open space use with existing private conservation programs in the area, as evidenced by other land protected by easement or fee ownership by nonprofit organizations in close proximity to the property;
- The likelihood that development of the property would lead to or contribute to degradation of the scenic, natural or historic character of the area;
- The opportunity for the general public to use the property or to appreciate its scenic values;

- The importance of the property in preserving a local or regional landscape or resource that attracts tourism or commerce to the area;
- The likelihood that the conservancy will acquire equally desirable and valuable substitute property or property rights;
- The cost to the conservancy of enforcing the terms of the conservation easement;
- The population density in the area of the property; and
- The consistency of the proposed open space use with a legislatively mandated program identifying particular parcels of land for future protection.
- Does the project support local, regional or statewide conservation plans, national designations, or similar goals?
- By protecting this particular property, will you further other state laws, local master or comprehensive plans, scenic highway plans, watershed protection strategies, national designations, etc.?
- For easements purchased using local, state or federal dollars, does the project satisfy the requirements for use of such funds?  
Note: Document the public benefit requirements, in addition to any listed above, required for the use of such funds.