



## LCHIP Guidance Document: Natural Resource Acquisition Project Completion Process

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### Acquisition Project Completion Process

#### 1. Sign and Return Project Agreement (Agreement)

The Agreement is a contract between LCHIP and the Recipient that describes, among other things, the project scope and expected outcomes. The grant award is not confirmed until the Agreement is signed and returned to LCHIP.

#### 2. Submit Draft Deed Language ~ 12 Weeks Prior to Closing

Request current deed language requirements from LCHIP before drafting. Submit the draft deed to LCHIP in an editable format such as *Microsoft Word*.

#### 3. Request Grant Funds 8 Weeks Prior to Closing

Request LCHIP send grant funds to the closing attorney's client escrow account. Funds paid directly to the Recipient will not be released until all final documentation has been approved, generally one week prior to closing.

#### 4. Submit the **Complete Final Documentation Package (FDP) no less than 4 Weeks Prior to Closing**

See "Conservation Acquisition Final Documentation Package" below for detailed descriptions of the required documentation. When all documents have been provided, notify LCHIP that the project is ready for review and approval. LCHIP may request revisions to individual components as necessary to comply with NH RSA 227-M or the LCHIP *Criteria, Guidelines and Procedures Rev. Date 9.21.21* as may be amended or revised (the "LCHIP Guidelines").

#### 5. Submit Executed and Recorded Documents Immediately Following Closing

Prior to closing, LCHIP will coordinate delivery of the executed documents to the closing attorney and authorize the release of funds from escrow. Registry of Deeds references (book and page numbers) should be provided to LCHIP via email on the date of record. Digital copies of all recorded documents should be provided to LCHIP within thirty days of recordation.

#### 6. Submit Post-Closing Documentation within 60 Days of Closing

- Shapefile Package: A complete shapefile package showing final exterior boundaries of the protected property (polygon) and any excluded or special management areas.
- A completed NH GRANIT data sheet.
- Final BDR / PCR: 1 digital copy of the executed BDR/PCR narrative.

## Conservation Acquisition Final Documentation Package (FDP)

1. **Appraisal** Submit an appraisal completed no earlier than twelve months prior to the date the property or easement (the “Resource”) is to be acquired (closing date), by an appraiser licensed in the State of NH with at least two years’ experience with property or easement appraisals and in accordance with the most recently updated Uniform Standards of Professional Appraisal Practices (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation.
2. **Recordable Survey** Submit an electronic copy of a recordable survey describing the Resource to be acquired and completed by a surveyor licensed in the State of NH in accordance with the NH Office of Licensure and Certification, Board of Land Surveyors Rules, Land 503.03-09 as may be amended or revised. The survey must include the method and accuracy of the survey, show monumentation at all turning points as “set” or “found”, and document the existence of blazing (axe cut/paint, or paint only) through forested area unless otherwise documented in the Baseline Documentation Report or Property Conditions Report. LCHIP reserves the right to request a full-size paper copy of the survey.
3. **Title Examination** Submit a preliminary examination of title completed at least thirty days prior to acquisition by an attorney licensed to practice law in the State of NH. The title examination must be completed in accordance with the NH title examination standards of the NH Bar Association, as may be amended or revised and should be updated not more than five days prior to acquisition. Any issues that could constitute a cloud on title, or any unpaid mortgages, liens or other encumbrances that could result in the extinguishment of the restrictions to be conveyed or undermine the resource values to be protected must be resolved to the satisfaction of the LCHIP executive director prior to acquisition.
4. **Title Insurance** Title insurance must be secured for all acquisition projects. Submit a valid title insurance commitment showing a policy amount at least equivalent to the LCHIP grant award, and listing the Recipient as the proposed insured.
5. **Baseline Documentation or Property Conditions Report** Submit a Baseline Documentation or Property Conditions Report (Report) documenting the condition of the Resource and the specific conservation or preservation attributes extant at the time the restrictions are conveyed. LCHIP will provide guidance documents describing the required Reports to Grant Recipients.
6. **Evaluation of Environmental Conditions** Prior to acquisition of a fee or easement interest, an evaluation of the Property’s environmental conditions must be conducted to determine the existence or presence of any solid waste, hazardous or toxic contaminants or other pollutants.
  - **Phase 1** For acquisition of any property in fee, or acquisition of an easement Interest in any building or structure, or in property on which buildings or structures exist or are known to have existed, or acquisition of an easement Interest in property with known commercial or industrial uses, current or historic, a **Phase 1 Environmental Site Assessment (“Phase 1”)** conforming to American Society for Testing Materials (ASTM) Designation E 1527 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment process” as may be amended or revised and prepared by an environmental professional as defined therein must be submitted.
  - **Environmental Review** For all other acquisition projects either a Phase 1 or an Environmental Review must be submitted. A Guidance Document outlining the required components of the Environmental Review will be provided to Grantees.

Any recognized environmental or other concerning conditions known by the parties to exist must be disclosed to LCHIP and resolved to the satisfaction of the LCHIP executive director, or a credible plan for remediation must be submitted to and approved by the LCHIP executive director, prior to the release of grant funds.
7. **Final Project Budget** Submit the final project budget using the MS excel “**Final Project Budget**” spreadsheet provided by LCHIP.
8. **Property Management Plan or Stewardship Policies**
  - **Property Management Plan** (Fee acquisitions) A plan addressing how property management and overall stewardship of the Property will be undertaken over the long-term must be submitted. The plan must be sufficient to guide future management activities and decisions. A Guidance Document describing the required components of the Property Management Plan will be provided to Recipients. The LCHIP executive director may accept a draft plan prior to acquisition subject to a requirement that the final plan be submitted with, or prior to, the initial annual monitoring report.
  - **Stewardship Policies** (Easement acquisitions) Documentation of the **stewarding entity’s** easement enforcement program, including a detailed description of the annual monitoring and inspection process and written documentation of trespass,

encroachment, and/or violation response procedures demonstrating the stewarding entities capacity to enforce the restrictions conveyed must be submitted to LCHIP. Land trusts accredited by the Land Trust Alliance are exempt from this requirement.

9. **Sign Order Form** Complete and submit LCHIP's project sign order form.
10. **Publicity** Embargoed press release announcing completion of project, with acknowledgment of LCHIP support, approved for distribution following closing.
11. **Land Trust Standards and Practices (the Standards) of the Land Trust Alliance** Submit documentation that the Recipient has reviewed the Standards, agrees that the Standards are appropriate ethical and technical guidelines for land conservation, and is committed to adopting the applicable standards as guiding principles for its land conservation operations. Acceptable documentation includes membership in or accreditation by the Land Trust Alliance, or documentation of a formal resolution.

**Questions? Contact LCHIP at (603) 224-4113**

## LCHIP Guidance Document: Conservation Easement Baseline Documentation Reports

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The Baseline Documentation Report (BDR) documents the property's condition as of the date of conveyance. The BDR should be prepared prior to closing, and signed by Grantor/ee prior to or at closing. BDRs do not need to be recorded. If seasonal conditions prevent a full BDR from being completed prior to conveyance, interim data and a schedule for finalizing the full BDR may be signed by Grantor/ee at or before closing, with a final, full BDR completed and submitted to LCHIP by a date agreed to in advance. The requirement to submit a full BDR will be added to the LCHIP grant agreement. Failure to meet this obligation may require grant funds be repaid.

### 1. Property Name & Aliases

2. **Interest Holders** - list interest held and holder contact information. If property owner is not local, include contact information for local contact (ex. farm manager, lessee)

3. **Deeds / Plans** - include date of record, registry book and page or drawer/plan numbers

4. **Directions** - to primary access point from the nearest intersection of publicly maintained roads. Include approximate address for all secondary access points.

5. **Project Description** - describe history, goals/purposes, key partners & funders

### 6. Property Description

a. Acreage - list total conserved and indicate if total includes excluded, building envelopes, special management areas etc.

b. Land Cover by % of total CE area

- i. Forest
- ii. Wetland (Forested, scrub-shrub, open, etc.)
- iii. Grassland (non-ag)
- iv. Agricultural (Cropland, Orchard, Hay field, Pasture)
- v. Surface Water (pond, lake)
- vi. Developed (identify by type - farmstead, log landing, roads, etc)
- vii. Impervious surface coverage if limited by deed, with breakdown (ie barn, tanks, high tunnels)

c. Conservation Attributes / Values (align term with that used in CE)

- i. Agriculture
- ii. Forestry - include description of soils, stands, harvest history, existing forestry plan
- iii. Habitat - flora and fauna - describe key habitat types and known or suspected species
- iv. Water (surface, subsurface, wetlands, drinking water supply protection),
- v. Recreation / education - describe existing recreational uses
- vi. Scenic/aesthetic - describe public locations from which property can be viewed
- vii. Cultural/historic - describe history of property, any known historical (archeological) or cultural resources

d. Buildings and Structures

e. Other improvements / disturbances

f. Existing Conditions - observed conditions that may be inconsistent with the CE i.e. existing erosion, dumping, or unauthorized use

7. **Condition of Boundaries** - describe tagging and blazing (type, color, intervals). In attachment 9, provide photograph and photograph(s) representative of blazing/tagging, and photograph indicating the location of any obscured or less-conspicuous corner monuments such as iron pins or drill holes.

8. **Signed Affidavit of Preparer** - Identify preparer and describe qualifications, dates of inspection and extent of investigation and brief description of report (# of total pages, # of maps, # of photographs).

9. **Attachments**

- a. Maps - Overlay boundary lines and use consistent orientation, scale and data frame when feasible.
  - i. Aerial photograph
  - ii. Land Cover - identify current uses, natural and disturbed land areas, and key features, buildings, structures, and improvements
  - iii. Soils - forest or agricultural as appropriate to the project
  - iv. Wildlife habitat (NHFG Wildlife Action Plan)
  - v. Water - surface, subsurface, hydric soils, wetlands, and high-priority water supply lands as appropriate to the project
  - vi. Photo Locator - show location and perspective of each photograph
- b. Photographs numbered to correspond with locations on photo locator map and showing resources protected, structures and improvements, and other features
- c. Recorded survey / plan
- d. New Hampshire Natural Heritage Report
- e. Recorded easement
- f. Environmental Assessment (Phase 1 or Environmental Review)

10. **Signed Acknowledgements of Property Condition**

- a. Grantor/ee - include the following above the Grantor/ee signature

*In compliance with Section 1.170A-14(g)(5) of the federal tax regulations, the undersigned accept and acknowledge that the foregoing description of natural resources and other features, together with its attachments, is an accurate representation of the property at the time of the conservation easement conveyance. The Grantor further certifies that if any of the documentation (information, exhibits, or photographs) was prepared in advance of the closing and date of execution of the conservation easement, the condition of the property as depicted in this Report has not materially changed since the date of documentation. The Grantor and Grantee accept and acknowledge that the entirety of this report is intended to aid in the enforcement of the conservation easement.*

- b. LCHIP - LCHIP prefers not to sign BDRs. If required, include the following above the LCHIP signature.

*In compliance with Section 1.170A-14(g)(5) of the federal tax regulations, the undersigned states that, to the best of their knowledge, the foregoing description of natural resources and other features, together with its attachments, is an accurate representation of the property at the time of the conservation easement conveyance; that they have no evidence contradicting the foregoing description, and that they are relying on the knowledge and expertise of the preparer in accepting and acknowledging this description.*

## LCHIP Guidance Document: Property / Current Condition Reports

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Property Condition Reports must include, at minimum, the following elements:

### 1. Project Summary

- a. Names and contact information for all interest holders & acquisition date
- b. Detailed directions to the property from the nearest town
- c. Narrative describing conservation values protected
- d. Extent of the investigation – who did the work, when was the property visited, who consulted etc.

### 2. Project History

### 3. Historic land uses and management

### 4. Physical Description

- a. Topography – A general description and notable landmarks referenced in the report
- b. Geology – Note the underlying geology and any notable features located on the property
- c. Soils – Note the major soil types and their locations on the property
- d. Hydrology – Note water features, watershed information and other information related to water
- e. Vegetative communities & wildlife values (include known species)
- f. Scenic, open space and historical values
- g. Inventory of property improvements - include GPS locations of all improvements, including:
  - i. Major & minor agricultural structures such as barns, sheds, riding arenas, corrals, fences, stock tanks
  - ii. All manmade ponds, stock tanks or reservoirs and any recreational improvements
  - iii. Roads, public and private, paved and unpaved, including two-tracks
  - iv. Existing radio towers, cell towers, power lines, dumps, transfer stations, cemeteries, gravel pits and similar areas of site disturbance
  - v. Description of boundary markings/monuments

### 5. Property Management Plan

- a. Description of management goals
- b. Five-year management plan, include the following, as appropriate
  - i. Forest management
  - ii. Planned improvements (trails, kiosks, bridges, culverts, shelters, parking areas, signage etc.)
  - iii. Boundary maintenance plan
  - iv. Invasive species control
  - v. Other

### 6. Appendices

- a. USGS topographic map
- b. Locus map showing nearby conservation land
- c. Aerial map
- d. Annotated survey plan or detailed property map including man-made features'
- e. Copy of recorded property deed(s) or other legal restrictions encumbering the property



## 1. PROJECT DESCRIPTION

Include the project name, property location (town, address or street intersection, tax map/lot number(s)), current and most-recent owners, the organization completing the assessment and the planned acquisition type (fee, conservation easement, other).

## 2. SITE INFORMATION AND HISTORICAL USE NARRATIVE

- A. Agricultural Use** - Is there a history of agricultural use on the property? If so, what types of crops were grown? Was the property irrigated? When and what types of pesticides, herbicides, and fertilizers were used, if any? Do any chemicals, raw materials, finished products, fuel, or machinery remain on the property? If so, describe.
- B. Forest Management** - Is there a history of forest management, timber harvests on the property? If so, was there a forest management plan in place? Were any chemicals or other pesticides used? If so, what and when? Do any chemicals, raw materials, finished products, fuel, or machinery remain on the property? If so, describe.
- C. Manufacturing** - Is there a history of manufacturing activity on the property? If so, what was manufactured and when? Do any chemicals, raw materials, finished products, fuel, or machinery remain on the property? If so, describe.
- D. Chemicals** - Is there a history of chemical use on site? If so, describe the type, amount, and location where chemicals were used, stored, recycled, or disposed of.
- E. Waste/Sewage/Wastewater** - Is there a history of industrial waste, sewage, or wastewater being disposed or discharged on site (onto land or into water) that may have left deposits of hazardous substances in or on the land or in the groundwater? If so, describe, including type, amount, and location where generated, stored, treated, recycled, or disposed of.
- F. Buildings/Structures** - Are there any buildings or structures on the property? If so, is it likely or probable that asbestos or urea formaldehyde foam were used in any buildings or structures? If yes, where and when?
- G. Mining** - Is there a history of mining activity on the property? If so, what was mined and when? What methods or processes were used? How and where were tailings and waste disposed of? What chemicals, if any, were used in mining and processing? Do any chemicals, raw materials, finished products, fuel, or machinery remain on the property?
- H. Use of Surrounding Properties** - What are the current and past uses of the surrounding properties? Do the activities on these properties pose potential environmental risks (see considerations above)?

## 3. DESCRIPTION OF INVESTIGATION

- A. Physical Inspection** - Include the name, address, phone number of each person performing or attending the inspection, the date of inspection and the total time spent on-site. Briefly describe the inspection visit.
- B. Documents Reviewed** - List all documents reviewed and a brief summary of findings
- C. Interviews** - List all persons interviewed. Provide name and contact information and their relationship to the property. Briefly describe any findings of significance

## 4. SUMMARY OF FINDINGS / PREPARER'S RECOMMENDATION

Provide a brief summary of findings; describe any risks or concerns and provide a recommendation to proceed with the acquisition, not proceed, or to conduct a further investigation into environmental conditions.

## 5. CERTIFICATION BY PREPARER

Include the name, address, email, and phone number of the preparer, with a brief summary of the preparer's background. Have preparer sign and date the report.

## 6. ATTACHMENTS

- A. Aerial photograph showing property boundaries
- B. Inspection Map showing route followed and significant observations
- C. Transcript of Landowner Interview(s)
- D. Transcript of Abutter Interview(s)
- E. Transcript of Municipal Official Interview(s),
- F. Correspondence to/from Municipal officials inquiring about known hazardous material or waste sites (Selectman and Fire Chief at minimum).
- G. Map from NH Dept. of Environmental Services [OneStop Data Mapper](#) showing location of property relative to all documented hazardous waste sites in the DES database.
- H. Copy of “all sites” list from Dept. of Environmental Services [OneStop](#) for municipality in which property is located showing that Property is not included on the “all sites” list.(for areas of interest, select all options; for location, enter town/city name. Then click “enter”)
- I. Survey and/or site plan showing current or former locations of:
  - Surface Water Bodies, including Streams or Other Flowing Surface Water; Land Features
  - Buildings & Structures; Note if a Known or Suspected Location of Asbestos or Urea Formaldehyde Foam
    - Motor Vehicle Garage or Service Site
    - Incinerator; Emission Stack, Chimney, or Vent
    - Pipelines, Electrical Transformers
    - Wastewater Outlets, Pipes
    - Groundwater Production or Monitoring Wells
    - Septic Systems and Leach Fields
    - Above or Underground Storage Tanks, Drums, Wells, Beds or Other Containers
  - Chemical or Waste Storage Sites, Dumps, Piles, Pits
  - Drainage Systems, Ditches
  - Railroad Tracks, Roads, Parking Areas
  - Stained Soil or Concrete, Vegetation Damage, Soil Disturbance; Foul or Unusual Odors; Oily Sheens or Discoloration of Surface Water
  - Areas Encumbered By Use-Restrictions or Reserved Rights (Easements, Rights of Way, Etc.)
- J. Reports
  - Environmental Impact Reports
  - Environmental Audits or Assessments
  - Technical Reports or Studies of the Geology and Hydrology of the Area
- K. Deeds
  - Easement Agreements
  - Deed Restrictions
  - Documents from Federal, State, or Local Agencies Regarding Property Use
- L. Permits
  - Conditional or Special Use Permits

**Questions? Contact LCHIP at 603-224-4113**