

Treas. Reg. §1.170A-14: Qualified Conservation Contributions

- (a) Qualified Conservation Contributions
- (b) Qualified Real Property Interest
 - (1) Entire interest of donor other than qualified mineral interest
 - (2) Perpetual conservation restriction
- (c) Qualified Organization
 - (1) Eligible donee
 - (2) Transfers by donee
- (d) Conservation Purposes
 - (1) In general
 - (2) Recreation or education
 - (i) In general
 - (ii) Access (public access required)
 - (3) Protection of environmental system
 - (i) In general
 - (ii) Significant habitat or ecosystem
 - (iii) Public access not required
 - (4) Preservation of open space
 - (i) In general
 - (ii) Scenic enjoyment
 - (A) Factors
 - (B) Access
 - (iii) Governmental conservation policy
 - (A) In general
 - (B) Effect of acceptance by government agency
 - (C) Access
 - (iv) Significant public benefit
 - (A) Factors
 - (B) Illustrations
 - (v) Limitation (retained rights limitation)
 - (vi) Relationship of requirements
 - (A) Clearly delineated governmental policy and significant public benefit
 - (B) Scenic enjoyment and significant public benefit
 - (C) Donations may satisfy more than one test
 - (5) Historic preservation
 - (i) In general
 - (ii) Historically important land area
 - (iii) Certified historic structure
 - (iv) Access
 - (v) Examples
- (e) Exclusively for Conservation Purposes
 - (1) In general
 - (2) Inconsistent use
 - (3) Inconsistent use permitted
- (f) Examples
- (g) Enforceable In Perpetuity
 - (1) In general
 - (2) Mortgage subordination
 - (3) Remote future event
 - (4) Retention of qualified mineral interest
 - (5) Baseline documentation
 - (i) Documentation
 - (ii) Donee's right to inspection and legal remedies
 - (6) Extinguishment
 - (i) In general
 - (ii) Proceeds
- (h) Valuation
 - (1) Entire interest other than qualified mineral interest
 - (2) Remainder interest
 - (3) Perpetual conservation restriction (conservation easement)
 - (i) In general
 - (ii) Fair market value before and after
 - (iii) Allocation of basis
 - (4) Examples
- (i) Substantiation Requirement
- (j) Effective date

****Not legal or tax advice****