



AOK'S PROCEDURES FOR EVALUATING LAND FOR ITS SANCTUARIES INITIATIVE

Gary Haden

Audubon of Kansas has a process by which it evaluates whether a property proffered to AOK would be a valuable addition to AOK's sanctuaries system and would contribute to the public good.

Access to public land in Kansas is very limited compared to most other states, so AOK is mindful of the value of making land available for wildlife, public recreation, research and other uses not generally available on privately owned property. Contrariwise, AOK is also aware of the responsibilities associated with accepting property with the commitment to manage it in perpetuity.

Each candidate property is unique, with an ownership history, environmental attributes, management challenges and geographical location like no other.

A multitude of factors play into whether AOK accepts a property. Those may include, but are not limited to, the value of the property in serving as habitat for endangered, endemic or charismatic species. Property with exceptional scenic values, opportunities for non-consumptive recreation, biological research, or which present an opportunity to fulfill a recreational

need in an area with limited public access may receive special attention. Property dominated by agricultural activities, and which consequently might seem to have marginal natural environmental values might be accepted, provided the potential donor offers an endowment that covers not only the costs of managing the property, but would also provide a steady stream of revenue for managing other sanctuaries.

While there may be some variation in the process, AOK's procedures for evaluating whether land fits into AOK's sanctuaries system will generally proceed along the following path:

1. A donor or donors reach out to AOK expressing interest in donating a property.
2. AOK provides the prospective donor with a Sanctuary Application, which includes a Due Diligence Checklist that lists various legal steps, property transfer information, appraisals, surveys, and other information that would be necessary as part of the property transfer. A Post-closing Checklist that would be used to document the actions taken is also provided.

3. A site visit is conducted by AOK's Executive Director, the Chair of the Board of Trustees, the Chair of the Sanctuaries Committee, and other AOK representatives willing and available.

4. An Application Form is completed and presented to the Sanctuaries Committee for discussion. The form describes the property, provides information on income, taxes, expenses, and discusses the donor's wishes in terms of perpetual management of the property. The application also addresses how much time and money would be required to manage the property, what the donor's goals might be in terms of preserving prairie, forests, threatened species or habitat, or providing recreational or research opportunities.

5. The Sanctuaries Committee makes a recommendation to the Board of Trustees to do any of the following:

a. Reject the property. Rejection could be due to the property's lack of valuable habitat, size, geographical location (small property in isolated area), infestations of difficult-to-control invasive species, presence of deteriorating structures, or other features that would compound the issues associated with perpetual maintenance.

b. Accept the property, but only with the understanding that AOK might sell the property to raise funds to purchase property with greater environmental values.

c. Accept the property, but only if the potential donor meets certain conditions or allows AOK to take certain measures that would eliminate potential management problems. Conditions could include donation of an endowment of at least a minimal amount that would guarantee sufficient funds to allow for perpetual management, providing AOK the option to sell off a portion of the property, accepting the property with the understanding that certain wishes of the donor could not be met because of various limitations of AOK staffing, geography, or other factors.

d. Accept unconditionally, with the understanding that AOK would use internal financial resources or raise funds to facilitate integration of the property into the sanctuaries system.

The Board of Trustees consults with the Sanctuaries Committee and makes a decision regarding the property; that decision is communicated to the landowner.

If the Board's decision is to pursue acquisition of the gift, a 'Due Diligence Checklist' is initiated. AOK and the prospective donor then jointly draft a Memorandum of Understanding (MOU) that would guide AOK as the property is managed in perpetuity.

When AOK and the prospective donor have agreed on an MOU as to how the property will be managed in the future, the MOU should be reviewed by a legal representative of the property owner and by attorneys on AOK's Board of Trustees.

Once AOK and the donor(s) reach an MOU, a schedule for transfer of the property and the means by which the property is to be transferred are finalized.

The donor then works with their Financial Planner or Attorney to make the necessary legal arrangements for the transfer. There are various options available to the donor including outright donation, transfer upon death, life estate, charitable remainder trusts, or other financial instruments.

Please consult with your Estate Planner, CPA, Attorney, or Professional Advisor when making planned gifts. Audubon of Kansas, Inc., is a not-for-profit 501c3 conservation organization incorporated in the State of Kansas with its address at PO Box 1106, Manhattan KS 66505-1106. AOK's federal identification number is 48-0849282.