



Donating an Easement Guidelines

- 1. Consultation.** Following an initial telephone/email inquiry, Easement Program Manager schedules a meeting to discuss the donor's preservation goals and the purpose of the easement program. Easement Program staff conduct preliminary research on the property's eligibility for the program.* Easement Program staff may decide to conduct a site visit to assess the property's condition as well. There is no fee with the initial site visit unless the property owner requests expedited service. Easement Program staff provides the property owner an [Easement Application Form](#), [Donating an Easement Guidelines](#), [Deed of Easement Template](#), and the [Easement Program Policies](#).
- 2. Application Submission.** A prospective easement donor completes and returns the Easement Application Form along with a \$500 non-refundable application fee and [Billing Statement](#). The Easement Program Manager reviews the application for sufficiency and may request additional information if necessary.
- 3. Site Visit.** Once a completed application has been submitted, Easement Program staff will schedule a site visit to tour the property and take photographic documentation of its current condition.
- 4. Property Inspection.** The property owner obtains an independent professional property inspection prepared by a qualified inspector that assesses the architectural/structural integrity of the property. Once the inspection is completed, the property owner provides Easement Program staff with the documentation produced by the inspection for their review.
- 5. Preparation Fee.** The property owner will pay a minimum fee of \$4,000 due upon the commencement of Easement Program staff's review and assessment of the property. The preparation fee will cover the costs of site visits, property assessments, preparation of legal documents, execution of easement documents, and recordation of the executed deed. If legal and preparation expenses exceed \$4,000, the ISHS will invoice the property owner for the remaining balance. If legal and preparation expenses are less than \$4,000, the remaining balance will be credited towards the property owner's stewardship contribution.
- 6. Application Review.** The Easement Program Manager submits the application and supplementary documentation, along with any additional materials compiled during the site visit, to the Easement Program Committee. The Committee reviews the application and determines the property's eligibility for the program within thirty (30) days of receiving the property inspection documentation. If questions remain unanswered, the Committee requests additional information and then holds a second review meeting upon receipt of the additional information from the property owner. The Committee then sends the application with their recommendation to the Idaho State Historical Society's Board of Trustees for approval or denial.
- 7. Board Review.** The Easement Program Manager presents the Committee's recommendation to the Idaho State Historical Society's Board of Trustees at their next quarterly meeting, and the Board makes the final determination. If approved, the Board authorizes Easement Program staff to enter into negotiations with the property owner to draft a preservation easement on the property. The Board's approval is only valid for 1 (one) calendar year.

8. **Data Collection.** Easement Program staff prepares a Baseline Documentation Report, which includes photographic documentation and describes the characteristics and conditions of the property at the time of easement recordation as well as the features and conservation values that are subject of the easement. Staff uses photographs and information gathered at the initial site visit(s), but staff may decide to conduct another site visit if additional information is required.
9. **Easement Draft 1.** Easement Program staff provides the property owner with a preliminary easement agreement draft that is specific to the property and addresses property owner's stated preservation goals.
10. **Easement Draft 2.** Negotiations for content and language used in the preservation easement agreement begin between the Idaho State Historical Society and property owner.
11. **Document Revisions.** Final revision of legal documents and baseline documentation is completed by Easement Program staff for review by the property owner, property owner's attorney/advisors, and Idaho State Historical Society's legal counsel and Executive Director.
12. **Stewardship Contribution.** The property owner pays the stewardship contribution fee, which covers the costs of administering the easement in perpetuity. The easement program's goal is to ensure a total stewardship fund sufficient to defray the cost of administering, and if necessary, defending the entire easement portfolio. The amount of the stewardship contribution is based on a percentage of the appraised value of the property immediately prior to the easement donation. The amount is calculated using the formula explained in Section D: Fees and Funds of the [Easement Program Policies](#). The fee is due prior to the recordation of the easement.
13. **Execution.** The preservation easement agreement is executed (signed and notarized) by the Idaho State Historical Society's Executive Director and the property owner.
14. **Recordation.** The legal documents are recorded in the appropriate county's registry of deeds.
15. **Administration.** The Idaho State Historical Society's ongoing administration and enforcement begins upon recording of the legal documents and continues in perpetuity.

** Properties which are eligible for the program are either listed in the National Register of Historic Places, a contributing property within a National Register Historic District, a National Historic Landmark, a Local Landmark, or has been determined to be potentially eligible for any of the above by the State Historic Preservation Office. If a property wishes to claim a tax deduction, the property must be individually listed in the National Register of Historic Places or located within a registered historic district. If the property is located within a registered historic district, the property owner must apply for a certification of significance through the National Park Service by completing [Part 1: Evaluation of Significance of the Historic Preservation Certification Application](#).*