



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF
CHIEF COUNSEL

6/18/04

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Dear _____ :

This letter is in reply to your inquiry dated May 5, 2004, to Senator _____ of Senator _____ office asked us to respond to you directly on your request for an official statement that a _____ qualifies to be a donee of a conservation easement. In your telephone conversation with _____ of this office on June 2, 2004, you indicated that _____ is not an entity described in § 501(c)(3) of the Internal Revenue Code. I hope the following general information is helpful.

An organization must be a "qualified organization" within the meaning of Sections 170(c) and 170(h)(3) of the Code in order to be eligible to receive deductible charitable contributions of conservation easements. Section 170(c) describes the types of entities generally eligible to receive deductible charitable contributions, and § 170(h)(3) describes qualified organizations eligible to receive deductible conservation easements.

Under these provisions, a qualified organization may include a governmental unit, such as a state, a political subdivision of a state, or an instrumentality of a state or of a political subdivision of a state. Depending on the facts and circumstances, a _____ could be considered a governmental unit for purposes of determining whether it is a qualified organization within the meaning of § 170(h)(3) of the Code.

If you would like us to examine your information and determine whether your is eligible to receive a deductible conservation easement, you would need to request a private letter ruling. You will find information on how to request a private letter ruling in Rev. Proc. 2004-1, 2004-1 I.R.B. 1. I have enclosed a copy. If you need further assistance, please call me at _____ or _____, I.D. Number

at _____ for questions on the deductibility of charitable contributions, or
at _____ for questions on governmental units.

Sincerely,

Robert M. Brown
Associate Chief Counsel
(Income Tax and Accounting)

cc: The Honorable

Enclosure: Rev. Proc. 2004-1