

Conservation Easement Stewardship

PURPOSE:

This policy establishes a program of responsible stewardship for the conservation easements held by the Land Trust.

POLICY:

The Land Trust commits itself to stewardship of its conservation easements in perpetuity including annual monitoring, enforcement of easement terms, and building positive landowner and community relationships. Effective stewardship defends the property's conservation resources, fosters good public relations and minimizes the impact of stewardship problems. To ensure responsible conservation easement stewardship WCLT will:

1. **Secure a stewardship donation for each easement acquired** with the amount calculated in accordance with *Policy 11.1.1 Funding Conservation Easement Stewardship*. The funds must be secured at or before the completion of the transaction or, as part of the final transaction, the Board must approve a written plan to secure these funds at a future date. The Board will approve the direction of these funds into the Legal Enforcement Fund and/or the Stewardship Fund.
2. **Complete a baseline documentation report for every easement** that is signed by the landowner at closing. The report will include a baseline map and document the important conservation values protected by the easement and the relevant conditions of the property as necessary to monitor and enforce the easement. In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, a schedule for finalizing the full report and an acknowledgement of interim data [that for donations and bargain sales meets Treasury Regulations 1.170A-14(g)(5)(I)] are signed by the landowner at closing. The Land Trust will have standard procedures for preparing, storing and handling baseline documentation.
3. **Monitor each easement at least annually** in a manner appropriate to the size and restrictions of each property. The Land Trust will have standard procedures for preparing, storing and handling monitoring documentation. Monitoring must be conducted by a minimum of two people from the board and/or staff.
4. **Build strong relationships with the owners of easement properties** through outreach, education and recognition activities. The Land Trust will maintain regular contact with easement landowners as a way to reduce easement violations and support the enhancement of the conservation resources being protected. The Land Trust will have a system for annually checking and tracking changes in easement property ownership. New owners will be contacted promptly and informed about the easement's existence and restrictions, and the Land Trust's stewardship policies and procedures.

5. **Respond promptly to a potential violation of an easement** using a standard procedure to determine if a violation has occurred and to take any necessary enforcement action to resolve the violation. The Executive Director will immediately notify the Stewardship Committee chairperson and the Executive Committee of a potential violation. The Board will approve the terms of any enforcement action, the reimbursement of enforcement costs, and any payment of expenses from the Legal Enforcement Fund in accordance with *Policy 6.3 Dedicated Funds*.
6. **Respond to landowner required notices or requests for approvals** in a timely manner using a standard procedure and a system to document and track the exercise of significant reserved or permitted rights. The Land Trust will record approvals that affect the land record.
7. **Have a contingency plan for all easements** in the event that the Land Trust ceases to exist or can no longer steward and administer an easement. If a backup grantee is listed in the easement, the Land Trust will secure prior consent of the backup grantee to accept the easement. The Land Trust will keep complete and accurate files and stewardship and enforcement funds available to facilitate the acceptance of a transfer of easement ownership.
8. **Take on the responsibility as a backup or contingency holder of a conservation easement** only for a non-profit, qualified conservation organization which has adopted and implemented the Land Trust Alliance *Land Trust Standards and Practices*. Board approval as a backup or contingency holder will use the same transaction steps as a new conservation easement including being evaluated based on the Land Trust's selection criteria. Before accepting an easement from another entity, the Land Trust requires that any stewardship and/or legal enforcement funds, as well as up-to-date project files, are transferred at the same time.

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President, Board of Directors