

The 2007 Alliance research report, *Amending Conservation Easements: Evolving Practices and Legal Principles*, sets forth the following amendment principles.

### **Amendment Principles**

*A conservation easement amendment should meet all of the following principles:*

1. Clearly serve the public interest and be consistent with the land trust's mission
2. Comply with all applicable federal, state and local laws
3. Not jeopardize the land trust's tax-exempt status or status as a charitable organization under federal or state law
4. Not result in private inurement or confer impermissible private benefit
5. Be consistent with the conservation purpose(s) and intent of the easement
6. Be consistent with the documented intent of the donor, grantor and any direct funding source
7. Have a net beneficial or neutral effect on the relevant conservation values protected by the easement

No amendment policy should be more permissive than these principles allow, but some land trusts may choose to adopt more conservative amendment guidelines.

### *Land Trust Standards and Practices* Excerpt on Amendments

11I. Amendments. The land trust recognizes that amendments are not routine, but can serve to strengthen an easement or improve its enforceability. The land trust has a written policy or procedure guiding amendment requests that: includes a prohibition against private inurement and impermissible private benefit; requires compliance with the land trust's conflict of interest policy; requires compliance with any funding requirements; addresses the role of the board; and contains a requirement that all amendments result in either a positive or not less than neutral conservation outcome and are consistent with the organization's mission.