

Land Trust Standards & Practices:

A PLAY BOOK FOR YOUR
STEWARDSHIP PROGRAM

October 12, 2017



All images courtesy of accredited Scenic Hudson (NY). Background: Conserved farmland at Old Mudd Creek Farm in Livingston, NY/Robert Rodriguez, Jr., photographer. Banner images - left to right: Hudson River kayaker at Scenic Hudson's Foundry Dock Park in Cold Spring, NY/Nick Zungoli, photographer; Flowerbeds at Scenic Hudson's Foundry Dock Park in Cold Spring, NY/Robert Rodriguez, Jr., photographer; Cattle on conserved farmland at Northwind Farm in Red Hook, NY/Robert Rodriguez, Jr., photographer; View of the Hudson River and Catskill Mountains from Scenic Hudson's Poets' Walk Park in Red Hook, NY/Robert Rodriguez, Jr., photographer.



Welcome & Introductions

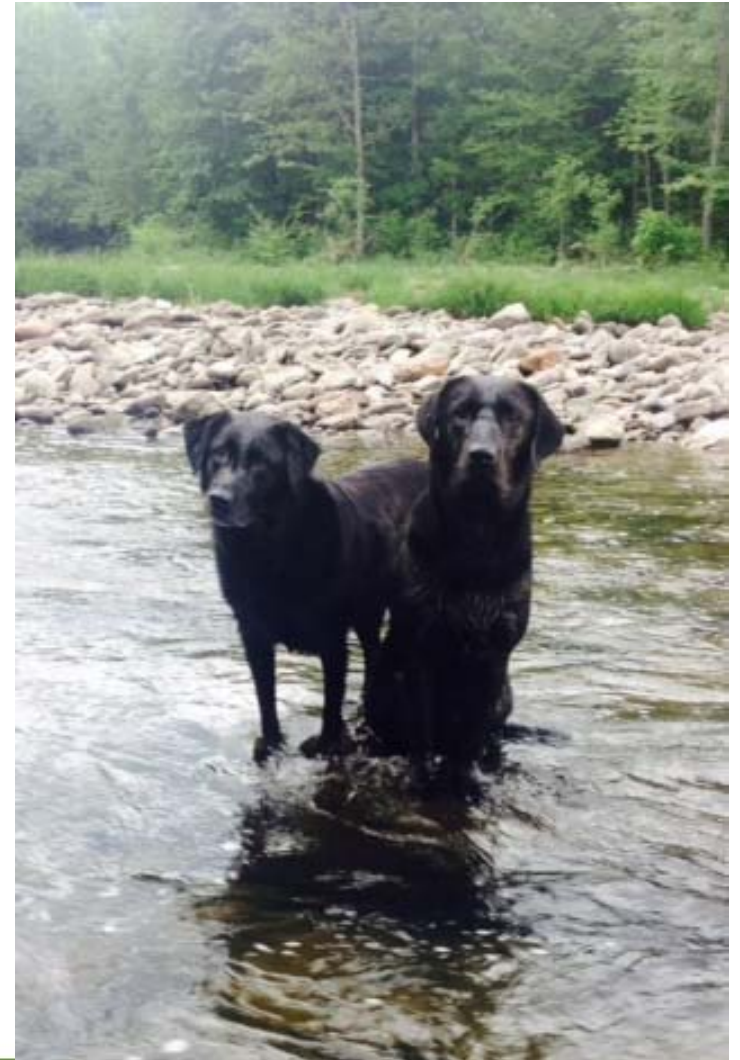
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What Are Land Trust Standards & Practices?

- Ethical and technical guidelines
- First developed in 1989, updated four times since
- Framework to support eligibility for TerraFirma insurance and accreditation





- Insurance program owned by participating land trusts
- Insures members against legal costs of defending conservation
- Available to Alliance members meeting eligibility criteria
- Both conservation easements and fee owned lands are eligible
- Information and training on risk management to the members.
- Learn more: <https://terrafirma.org/>

Land Trust Accreditation

- Established in response to IRS move to eliminate tax deductibility
- Independent verification of high standards
- 389 land trusts currently accredited, 6 in RI
- Accredited land trusts apply for renewal every 5 years
- Learn more: <http://www.landtrustaccreditation.org/>



What Are Land Trust Standards & Practices?

1. Ethics, mission & community engagement	7. Human resources
2. Compliance with laws	8. Evaluating & selecting conservation projects
3. Board accountability	9. Ensuring sound transactions
4. Conflicts of interest	10. Tax benefits & appraisals
5. Fundraising	11. Conservation easement stewardship
6. Financial oversight	12. Fee land stewardship



An aerial photograph of a rural landscape. The foreground is dominated by a lush green field. To the left, a brown, tilled field is visible. In the background, there are rolling green hills, a small blue-roofed building, and a clear blue sky. The entire image is framed by a dark green semi-transparent overlay that contains the text.

STANDARD 11 Conservation Easement Stewardship

Land trusts have a program of responsible stewardship for their conservation easements.

A. Funding Conservation Easement Stewardship

- Estimate Long Term Stewardship and Enforcement Expenses
- Track Stewardship and Enforcement Costs



B. Baseline Documentation Report

- BDRs for each conservation easement
- Prepare prior to closing
- Document significant changes with monitoring reports, supplements or current conditions



C. Conservation Easement Monitoring

- Adopt a written policy and/or procedures
- Monitor at least once per calendar year with prompt documentation



D. Landowner Relationships

- Maintain regular contact with landowners
- Establish systems to track changes in ownership
- Attempt to meet new owners and share written information about easement



E. Conservation Easement Enforcement

- Adopt a written policy and procedures
- Investigate potential violations
 - Timing is everything
 - Documentation is too
- Involve legal counsel as appropriate



F. Approvals & Permitted Rights

- Timely and consistent response to requests
- Establish written procedures to guide use of discretionary approvals
- Maintain records



G. Contingency Strategy

- Prepare for possibility that land trust ceases to exist or can no longer act as steward

H. Amendments

- Adopt policy and/or procedures consistent with Land Trust Alliance Amendment Principles
- Evaluate proposals guided by Amendment Principles
- Adjustment of boundaries resulting in de minimus extinguishment address Standard J.1



Amendment Principles

1. Clearly serve the public interest and be consistent with 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 law,
4. Not result in private inurement or impermissible private benefit,
5. Be consistent with the conservation purpose(s) and intent of the easement,
6. Be consistent with the documented intent of donor, grantor and funding source, and
7. Have a net beneficial or neutral effect on the relevant conservation values protected by the easement.



I. Condemnation

- If easement is threatened with condemnation,
 - Take steps to mitigate harm and document
 - Document percentage of full value
 - Document attempts to receive proportional share of proceeds and use proceeds according to easement.



J. Partial or Full Extinguishment

- Follow easement terms, obtain judicial or regulatory review
- Ensure no private inurement or impermissible private benefit
- Avoid or mitigate harm to conservation values
- Consider impacts and/or community perception



An aerial photograph of a rural landscape. The foreground is dominated by a lush green field. To the left, a brown, tilled field stretches towards the horizon. In the distance, a small blue-roofed building is visible among trees. The sky is a clear, pale blue.

STANDARD 12

Fee Land Stewardship

Land trusts have a program of responsible stewardship for the land held in fee for conservation purposes.

A. Funding Land Stewardship

- Determine immediate financial and management implications
- Estimate long-term implications
- Anticipate and track costs associated with long term management, stewardship and enforcement



B. Land Management & Stewardship

- Develop written management plan within 12 months of acquisition to identify:
 - Conservation values
 - Management goals
 - Activities to achieve goals and protect values
 - Specify uses appropriate for the property
- Implement and regularly update plan



C. Inspecting Land Trust Properties

- Determine boundaries and physically mark them as possible and necessary
- Inspect properties at least once per calendar year and document visit
- Address and document management problems in a timely manner



D. Contingency Strategy

- Prepare for possibility that land trust ceases to exist or can no longer own or manage

E. Condemnation

- If property is threatened with condemnation, take steps to avoid or mitigate harm and document actions taken



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23

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Questions?