

Board Boot Camp 201: Core Functions of a Land Trust

RHODE ISLAND LAND & WATER CONSERVATION SUMMIT

Chuck Toal - Avalonia Land Conservancy
Kevin Case- Land Trust Alliance

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Workshop Goal

Establish a basic understanding of the technical aspects of land protection and stewardship for both conservation easements and fee owned land.



Mission:

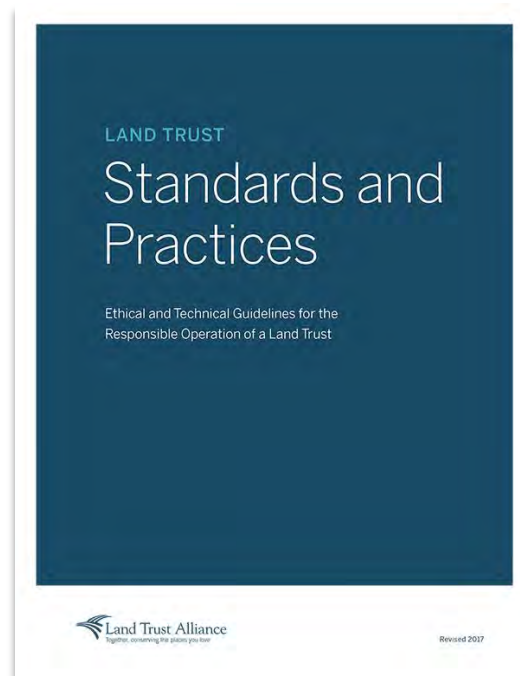
The Land Trust Alliance works to save the places people need and love by strengthening land conservation across America.



What We Do

Improve the quality and rigor of land conservation

The ethical and technical guidelines for the responsible operation of a land trust





Excellence · Trust · Permanence



Standards & Practices Themes

- The credibility of the land trust community rests on the legal and ethical action of all members
- Land trusts must be responsive to and engage their community
- Sustainable organizations rely on written documentation, policies and procedures, and financial stability
- Stewardship and defense capacity essential for ensuring lasting protection



12 Standards

Governance

- Ethics, Mission and Community Engagement
- Compliance with Laws
- Board Accountability
- Conflicts of Interest

Strong Organizations

- Fundraising
- Financial Oversight
- Human Resources

Land Protection

- Evaluating and Selecting Conservation Projects
- Ensuring Sound Transactions
- Tax Benefits and Appraisals

Stewardship

- Conservation Easement Stewardship
- Fee Land Stewardship

STANDARD 1

Ethics, Mission and Community Engagement

Land trusts maintain high ethical standards and have a mission committed to conservation, community service and public benefit.

PRACTICES

A. Ethics

1. Adopt a written code of ethics and/or values statement and adhere to it in implementing the land trust's mission, in its governance and in its operations
2. Adopt a written whistleblower policy that protects individuals who come forward with information on illegal practices or unethical behavior
- 3. Do not knowingly participate in transactions that are potentially fraudulent or abusive

B. Mission, Planning and Evaluation

1. Adopt a mission that advances conservation and serves the public interest
- 2. Establish strategic goals for implementing the mission, and then review and update them, as needed, at least once every five years
 - a. Revisit the mission during the strategic review to confirm it is relevant
3. Review programs and activities at least annually to ensure they are advancing the strategic goals and make adjustments, as appropriate

C. Community Engagement

1. Develop an inclusive, welcoming organizational culture that respects diversity
2. Seek to engage people who are broadly representative of the community in which the land trust works and foster opportunities to connect them with the land
3. Develop an understanding of the land trust's community, and communicate the land trust's work, services and impact in a manner that resonates with and engages that community
4. Build relationships with community leaders and other stakeholders in the land trust's community

● Accreditation indicator element | ■ Terralina enrollment prerequisite | ▲ Required for both

Land Trust Standards and Practices - Standard 1: Ethics, Mission and Community Engagement

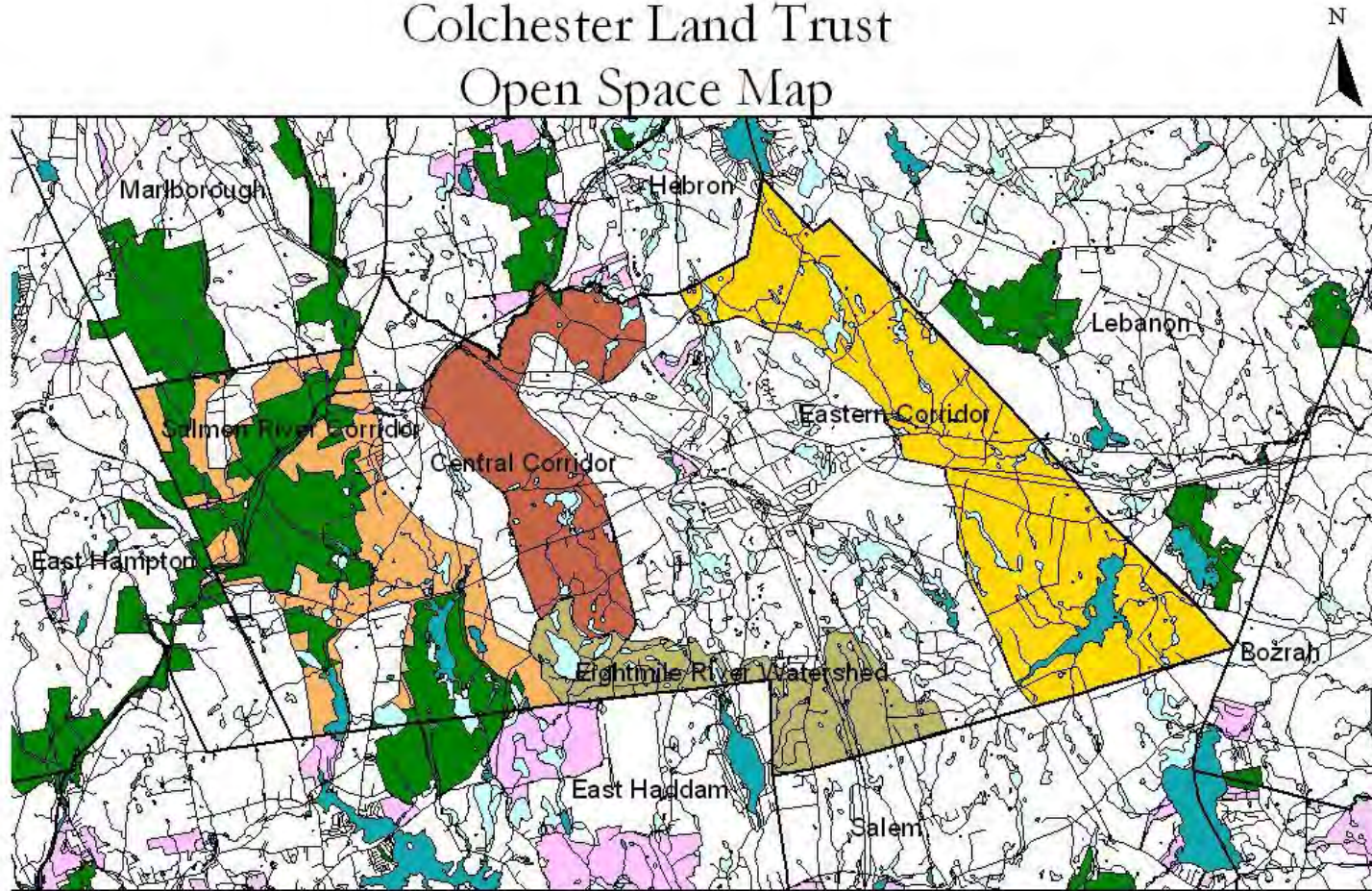
Standard 8. Evaluating and Selecting Conservation Projects

- A. Strategic Conservation Planning
- B. Project Selection Criteria and Public Benefit
- C. Project Evaluation
- D. Project Planning
- E. Partnership Documentation



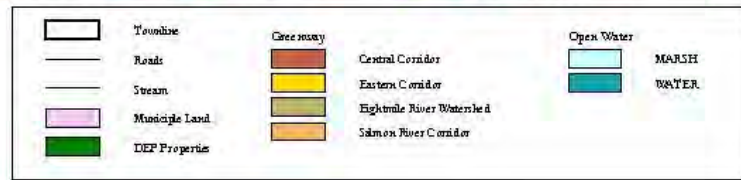
Standard 8A - Strategic Conservation Planning

Colchester Land Trust Open Space Map



8000 0 8000 16000 Feet

Prepared by:
Colchester Land Trust
May 31, 2006



Sample Selection Criteria

Criteria	Score
Aquifer protector	0
Scenic quality	0
River and stream protector	0
Links to existing open space	0
Farmland	0
Historic significance	0
Land suitable for passive recreation	0
Significant wildlife	0
Size	0
Provide relief from high density land use	0
Total	0

Rate each item 1 - 10

No project below 40 should be considered

Project 40 - 50 deserves reserved consideration, low priority

Project 50 - 60 needs further investigation, but is a mid priority

Project 60 - 70 is a high priority, deserves funding

Few projects will rank above 70,

if so, no question as to conservation value

Ask each board member to complete criteria independently and take a consensus of the board

Standard 9. Ensuring Sound Transactions

- A. Legal Review and Technical Expertise
- B. Legal and Financial Advice
- C. Environmental Due Diligence
- D. Determining Property Boundaries
- E. Conservation Easement Drafting

Standard 9 Ensuring Sound Transactions (cont.)

F. Title Investigation and Recording

G. Recordkeeping

H. Purchasing Land or Conservation Easements

I. Selling or Transferring Land or Conservation Easements



Standard 10. Tax Benefits and Appraisals

- A. Landowner Notification
- B. Legal Requirements: Land Trust Responsibilities
- C. Avoiding Fraudulent or Abusive Transactions



Standard 11. Conservation Easement Stewardship

- A. Funding Conservation Easement Stewardship
- B. Baseline Documentation Report
- C. Conservation Easement Monitoring
- D. Landowner Relationships
- E. Conservation Easement Enforcement



Calculating Stewardship & Legal Costs

Colchester Land Trust Stewardship Calculator 4/6/2014

Stewardship Cost Estimate:

Management Plan Preparation (Fee) _____

Baseline Documentation (Easement) _____

Landowner Relations (Easement) _____

Enforcement (Easement) _____

Grantee Approvals (Easement) _____

Annual Monitoring _____/yr

Administration _____/yr

Risks/High-Cost Scenarios:

Fee only: Special Start-up Costs (e.g. habitat restoration, creation of trails or infrastructure, special signage, site cleanup, outreach to neighbors and community, ecological/biological surveys, brochures/maps, fencing, etc.):

Fee Only: Ongoing Management Costs (e.g., invasives control, trail maintenance, habitat maintenance, mowing, etc.):

Estimated Per-Annum Cost: _____

Principal Needed to Generate Income _____

Equal to Per-Annum Cost: _____

Stewardship Commitment/Assessment: \$ _____



This is a tool to help calculate minimum adequate legal defense reserves for conservation easements and other property owned by your land trust. It is for **legal defense reserves calculations only**. It does not calculate reserves for stewardship routine costs. The reserves determined by this calculator are **not** a substitute for routine stewardship costs.

This calculator is for **ordinary conservation defense costs only**. It does **not** cover catastrophic events such as multiple appeals, strategic lawsuits against public participation (SLAPP suits), liability for unusual land trust activities or extreme negligence. This calculator determines reserves based on current data and current conditions. Land trusts should re-evaluate reserves at least annually to account for changing risks and increased portfolios.

Part I: Base Reserves

The **base reserve** is the minimum of money your land trust needs to save up to be able to survive a significant legal claim in your state. This number may change as the actuaries learn more.

Please fill out the blue boxes in the form with your land trust's information.

Land trust's name:

RESET ALL FIELDS

State in which land trust is located:

Select State

\$ 0

Base Fund

Does the trust have general liability insurance?

No

- \$ 0

How long has the trust been insuring owned property with Terrafirma?

Not enrolled

- \$ 0

How long has the trust been insuring property under easement with Terrafirma?

Not enrolled

- \$ 0

Does the trust have Directors and Officers (D&O) Insurance?

No

- \$ 0

Discounted initial base reserves after insurance:

\$ 0

CONFIRM

Violation Types

1. Minor: A minor violation is defined as actions that have a measurable negative effect on the conservation values of the easement, terms of the easement and/or violate the conservation purposes
2. Moderate: A moderate violation is defined as actions that cause substantial negative impact to the conservation values of the easement or the easement terms
3. Major: A major violation is defined as having a permanent negative impact to the conservation values and purpose of the easement or easement terms



Standard 11 (cont.)

F. Approvals and Permitted Rights

G. Contingency Strategy

H. Amendments

I. Condemnation

J. Partial or Full Extinguishment



Standard 12. Fee Land Stewardship

- A. Funding Land Stewardship
- B. Land Management and Stewardship
- C. Inspecting Land Trust Properties
- D. Contingency Strategy
- E. Condemnation



Land Trust Standards and Practices and your Land Trust

- Land Trust Alliance members must adopt the 2017 Standards
- All land trusts are encouraged to implement the Standards at a pace appropriate for their organizations



Rhode Island Land Trust Council & Land Trust Alliance Resources

- Rhode Island Land & Water Partnership Resource Library - <http://www.landandwaterpartnership.org/library.php>
- Land Trust Alliance Learning Center: <http://learningcenter.lta.org>
- Land Trust Standards and Practices Curriculum
- Training, conferences, online learning and webinars





Thank You!