

↓ Wade Harrison of the accredited Upper Savannah Land Trust monitors a working forest property in Edgefield County, South Carolina.

OUTSIDE TO INSIDE

By LISA MCCARTHY

Stewardship Documentation Matters



Stewardship staff and volunteers work hard to monitor conservation easements and inspect conservation properties. But the work they do back in the office is just as important as the time they spend in the field. Accreditation requires that monitoring and inspection reports and documentation of enforcement actions and ownership challenges must be accurate, complete and timely.

Monitoring and Inspection Reports

Annual monitoring of conservation easements and inspection of conservation fee properties helps your land trust develop relationships with landowners and fulfill your responsibility to the public to uphold the protected conservation values. Most importantly, this work will also help you uncover violations, trespasses, unauthorized use and encroachments. Annual visits are specified in *Land Trust Standards and Practices* and are required of accredited land trusts.

Once the monitoring or inspection visit is complete, accreditation generally requires a report be completed within three months of the visit. Monitoring and inspection reports may be used in legal proceedings, and large gaps between inspection date and when the report was completed could jeopardize whether the record can be submitted as a business record.

For accreditation, monitoring and inspection reports must include all the following:

- Inspection date.
- Property inspected.
- Name of inspector.
- Observations related to property's condition and conservation values.
- Observations related to any potential conservation easement violations or conservation property ownership challenges.
- Date report completed.

Documenting Enforcement Actions and Ownership Challenges

When a violation of a conservation easement or an ownership challenge on a conservation fee property is observed, documentation needs to show that the actions taken were timely, consistent with conservation values and/or restrictions,

and did not result in private inurement or impermissible private benefit.

In this way, accreditation focuses on the outcomes of the land trust's actions. The accreditation requirements also specify that the board be informed or involved as appropriate to the scale of the violation. For example, the Commission would generally expect to see the board involved in some way if a major challenge was anticipated to involve legal action or significant costs.

Because the Commission understands there are various internal systems for responding to conservation easement violations, accreditation does not prescribe what specifically needs to be in the violation policy/procedures. To ensure your land trust has a strong violation policy/procedure that will lead to the required outcomes, the Alliance offers guidance on what a policy/procedure should include and outlines documentation strategies.

Remember, if your land trust needs to go to court, a thorough record of the actions taken will be essential. The time and resources put into documentation means your land trust will be well prepared to defend its conservation easements and conservation fee properties. Ultimately, proper documentation—starting with monitoring and

TIPS FOR TERRAFIRMA MEMBERS

Trespass, encroachment and adverse possession claims are just some of the challenges that land trusts might face as stewards of conserved properties. When violations occur, whether on easements or owned land, documentation must be thorough, complete and timely to withstand disputes. This entails a photo, description and map of every tree cut, every inch of linear damage, every rut and water erosion pool or stream, every side and dimensions of a structure or improvement, and the full extent and dimensions of grading or other topography change.

Land trusts enrolled in TerraFirma Risk Retention Group LLC benefit from affordable liability insurance they can use to defend conserved lands. TerraFirma also offers resources for risk management, including assisting insured land trusts to obtain voluntary resolution of disputes. TerraFirma has been helping land trusts uphold lasting conservation since 2013.

If your land trust is not already a member of TerraFirma and would like to learn more, visit terrafirma.org. Accredited land trusts are eligible for TerraFirma discounts. ☺

inspection reports and following through to documentation of easement violations and ownership challenges—positions your land trust to be ready to defend and protect the land and to uphold its conservation values in perpetuity. ☺

Requirements Referenced: Stewardship I.3 and V.1. Indicator Elements Referenced: Stewardship 11C2, 11E2, 12C2, 12C3.

LISA MCCARTHY is the communications liaison at the Land Trust Accreditation Commission.

LAND TRUST ACCREDITATION COMMISSION

An independent program of the Land Trust Alliance

landtrustaccreditation.org

CELEBRATING THE NEWEST CLASS OF ACCREDITED LAND TRUSTS

Congratulations to the latest round of land trusts who have successfully completed the accreditation process! Accreditation involves a rigorous evaluation that ensures applicants are operating at the highest conservation standards. Thank you for continuing to lead the way in conservation excellence.

First-Time List:

- American River Conservancy (CA)
- Brooklyn Queens Land Trust (NY)
- Casey Trees (DC)
- Cumberland River Compact (TN)
- Ever Green Team (VA)
- Grand Prairie Friends (IL)
- Kingston Land Trust (NY)
- Litchfield Land Trust (CT)
- Missouri Conservation Heritage Foundation (MO)
- Nature Collective (CA)
- Teatown Lake Reservation (NY)

And the following land trusts have achieved accreditation renewal for either the first, second or third time—congratulations!

- Aspen Valley Land Trust (CO) ♦
- Bitter Root Land Trust (MT) ♦
- Branford Land Trust (CT)
- Capital Region Land Conservancy (VA)
- Capitol Land Trust (WA) ♦
- Catskill Center for Conservation and Development (NY) ♦
- Chikaming Open Lands (MI) ♦
- Colorado Open Lands (CO) ♦
- Essex Land Trust (CT)
- Estes Valley Land Trust (CO) ♦
- Gallatin Valley Land Trust (MT) ♦
- Gates Mills Land Conservancy (OH) ♦
- Kansas Land Trust (KS) ♦

- Land Trust of Santa Cruz County (CA) ♦
- Lookout Mountain Conservancy (TN) ♦
- Lummi Island Heritage Trust (WA) ♦
- Nebraska Land Trust (NE) ♦
- Nisqually Land Trust and its affiliate, Nisqually Community Forest (WA) ♦
- Northern Waters Land Trust (MN)
- Northwoods Land Trust (WI) ♦
- Ozaukee Washington Land Trust (WI) ♦
- Peconic Land Trust and its affiliate, South Fork Land Foundation (NY)
- Save the Redwoods League (CA) ♦
- Scenic Rivers Land Trust (MD)
- Sequoia Riverlands Trust (CA) ♦
- Society for the Protection of New Hampshire Forests (NH) ♦
- Solano Land Trust (CA) ♦
- The Conservation Foundation (IL)
- The Land Conservancy of McHenry County (IL)
- Shenandoah Valley Conservancy (VA)
- Western Reserve Land Conservancy and its affiliate, Natural Areas Land Conservancy (OH)
- Westmoreland Conservancy (PA) ♦
- Wild Rivers Land Trust (OR)
- Wyndham Land Trust (CT)

Renewal list as of November 2024.
♦ Denotes second renewal.
◆ Denotes third renewal.