

**Standard 11: Conservation Easement Stewardship**

*The land trust has a program of responsible stewardship for its easements.*

**Practice 11A: Funding Easement Stewardship**

*The land trust determines the long-term stewardship and enforcement expenses of each easement transaction and secures the dedicated or operating funds to cover current and future expenses. If funds are not secured at or before the completion of the transaction, the land trust has a plan to secure these funds and has a policy committing the funds to this purpose. (See 6G.)*

It is the policy of the Blue Ridge Land Conservancy to understand and take into account the costs and sources of funding associated with each potential real estate project before the project is approved. This includes costs related to project development (initial project costs, property report preparation, initial stewardship costs) and those related to long-term management and enforcement (monitoring and ongoing easement management, encouraging voluntary compliance and enforcement.)

All projects brought to the Board for approval must address estimated costs and potential sources of funding.

1. Generally, the Conservancy will use its operating funds or other available designated funding source to cover those costs associated with initial project development.
2. The Conservancy will require that each easement be endowed sufficiently to support the long-term management and enforcement cost associated with the easement with a required contribution to the Conservancy's Stewardship Endowment Fund per the Conservancy's established fee schedule. The fee structure shall meet or exceed the minimum required by the Land Trust Accreditation Commission. The fee schedule will be re-visited annually by the Stewardship Committee to assure that the Conservancy has sufficient funding to meet its long term stewardship obligations.
3. The fee shall be paid either at the time of recordation or on a payment schedule specified in a contractual agreement. The Conservancy generally will not accept easements unless the donor is contributing the required stewardship and defense funding, except in special circumstances in which time is of the essence or the project has such high conservation value that seeking funds from outside sources is justified.
4. Sources of funding for the stewardship contribution if the donor is unable to pay the contribution shall be:
  - a. Sale of the donor's Virginia Land Preservation Tax Credits and a corresponding signed payment schedule
  - b. Upfront payment by a third-party conservation partner who may be assisting the landowner with the sale of their tax credits.

- c. Solicitation of donations from the Board, Friends of the land conservancy and the general public
  - d. Grants and foundation gifts
- 5. All stewardship contributions will be pooled to provide an endowment to support the Conservancy's stewardship program. In addition, the Development Committee will place a priority on securing endowment funding sufficient to meeting our current stewardship obligations, based on the cost analysis.
- 6. The Conservancy will require compensation from the requesting party for costs associated with deed amendments.

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**Practice 11B: Baseline Documentation Report**

*For every easement, the land trust has a baseline documentation report (that includes a baseline map) prepared prior to closing and signed by the landowner at closing. The report documents 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.*

For every easement, the Blue Ridge Land Conservancy shall complete a baseline documentation report (that includes a baseline map) prepared prior to recordation of the easement and signed by the landowner and the Conservancy before recording the easement. The report shall 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 shall be signed by the landowner at closing.

At a minimum, the baseline documentation report shall include photographs of key features and an aerial photo or detailed current map of the property, showing property boundaries, waterways, resource areas, roads, and structures. Recent site-specific resource inventories should be included, if available. If an appraisal was done as part of the transaction, information from that report, such as photos and summaries of man-made and natural features, should be included as well. The following information shall be included in the documentation:

- Date of completion
- Information on the location of the conservation easement
- Property description
- Documentation of the conservation values and public benefits, including written descriptions along with related maps and photographs
- Documentation of existing conditions that relate to the conservation easement's restrictions and reserved rights, including written descriptions along with related maps and photographs (such as the location and condition of any manmade improvements, data that would influence the exercise of reserved rights, pre-existing conditions that are otherwise prohibited by the conservation easement, other features that may threaten the conservation values, etc.)
- Dated signatures of the landowner and organization acknowledging that both attest to the accuracy of the information contained in the report (If the landowner is receiving tax benefits for a donated conservation easement, the acknowledgement must be compliant with the Treasury Department Regulations

[§1.170A-14(g)(5)(i)(D).]

- The authorship and qualifications and/or experience of the baseline preparer
- Other acknowledgements or information that would make the material admissible as a business record in court (such as an indication that the record was created at or near the time of the event rather than later in anticipation of litigation, that the record was created by someone with direct knowledge or who was given the information by someone knowledgeable, that the record was created and kept in the course of the organization's regularly conducted business, and that it is the organization's regular practice to create or maintain such records)
- One or more maps that 1) clearly show the property, such as by containing property boundaries, north arrow, scale, date the map was created, etc. and 2) contain features relevant to the enforcement of the conservation easement, such as a) existing manmade improvements or incursions, such as roads, buildings, fences or gravel pits; b) vegetation and identification of flora and fauna, such as rare species locations, natural habitat, animal breeding and roosting areas, and migration routes; c) land use history, including present uses and recent past disturbances; d) distinct natural features, such as large trees and aquatic areas, etc.; and e) special use areas, such as building envelopes, protected riparian zones, forest management zones, etc.

Baseline Documentation Reports shall be stored according to the Conservancy's record storage policy.

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**Practice 11C: Easement Monitoring**

*The land trust monitors its easement properties regularly, at least annually, in a manner appropriate to the size and restrictions of each property, and keeps documentation (such as reports, updated photographs and maps) of each monitoring activity.*

The Blue Ridge Land Conservancy shall adhere to the following policy on monitoring conservation easements:

Schedule of Monitoring.

Each conservation easement held by the Conservancy shall be monitored at least annually, if at all possible, to determine whether the terms and conditions of the easement for each parcel of property are being adhered to by the landowner. In some instances, monitoring should be done more frequently in order to identify any actions that may violate the terms of the conservation easement as soon as practicable, and thus reduce the Conservancy's chances for significant time and expense in correcting a violation.

A monitoring visit should take place within the calendar year following the previous monitoring visit (e.g., if a property is monitored in March, the Conservancy should monitor the property again no later than Dec. 31 of the following year). If weather, conditions on the property or other circumstances do not permit this, the Conservancy shall monitor the property again at the earliest opportunity available.

Persons to Monitor:

The Conservancy shall utilize staff, volunteers and Board members to monitor conservation easements in order to provide necessary continuity, better easement interpretation and ongoing relations with landowners, and long-term organizational accountability. Prior to commencing monitoring, the Conservancy staff, volunteers and board members shall receive adequate training in the methods and overall monitoring process.

For safety reasons, monitoring teams shall consist of no fewer than two individuals, one of whom is familiar with the property. Teams shall carry a first aid kit, cellular phone, GPS unit and other items as necessary (emergency food and water, matches, insect repellent, raingear, sunscreen, etc.) to ensure their safety. At least one team member shall also hold current American Red Cross certification in Adult First Aid and CPR.

Method of Monitoring:

On-the-ground monitoring shall be the process used by the Conservancy unless special circumstances warrant otherwise.

**Monitoring Process- Report and Follow-Up:**

A member of the Conservancy monitoring team shall contact each landowner prior to each annual visit describing the monitoring visit planned and asking that a time convenient to both the landowner and the Conservancy be arranged.

The Conservancy's monitors shall prepare for each monitoring visit by familiarizing themselves with the conservation easement, baseline documentation, prior monitoring reports and the monitoring form. The Conservancy shall visit or view all areas of the property subject to restrictions on use and any areas of recent development activity to determine compliance with the terms of the conservation easement as well as shoot photos at GPS-tagged photo points. After each monitoring visit, the monitoring team shall complete and sign a written monitoring report which the Conservancy will send to the landowner within 30 days.

In addition, the monitoring report shall identify and address any violations and other issues uncovered during the monitoring visit, as well as the corrective actions that should be taken. At no time should the monitoring team confront landowners in the field regarding any observed violations.

Monitoring reports shall be stored according to the Conservancy's record keeping policy.

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**Practice 11D: Landowner Relationships**

*The land trust maintains regular contact with owners of easement properties. When possible, it provides landowners with information on property management and/or referrals to resource managers. The land trust strives to promptly build a positive working relationship with new owners of easement property and informs them about the easement's existence and restrictions and the land trust's stewardship policies and procedures. The land trust establishes and implements systems to track changes in land ownership.*

To support its partnership with easement donors, the Blue Ridge Land Conservancy will:

- Thank each easement donor for his/her contribution through a letter from the Executive Director and a contemporaneous gift acknowledgment, acknowledging the donation of an easement or fee simple property (but not attesting to valuation)
- Provide each easement donor with signs that note the protected status of his/her property.
- Provide each easement donor with an honorary life membership in the Conservancy.
- Ask each easement donor if the Conservancy may publicize his/her conservation easement.
- Ask each easement donor if he/she might be willing to provide a testimonial regarding his/her project or serve as a reference for other landowners.
- Remind easement donors of their obligation to notify the Conservancy if they sell their conserved property. Following a transfer of ownership, make sure all new landowners that have purchased a conserved property receive a personal visit from staff, a copy of the BDR, a complimentary lifetime membership and an easement packet.
- Provide informal services to easement donors, such as advice on enhancing wildlife habitat or utilizing best management practices.
- Maintain good relations with local officials and government staff who may be able to provide assistance in keeping the Conservancy informed of issues associated with properties under easement.

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**Practice 11E: Enforcement of Easements**

*The land trust has a written policy and/or procedure detailing how it will respond to a potential violation of an easement, including the role of all parties involved (such as board members, volunteers, staff and partners) in any enforcement action. The land trust takes necessary and consistent steps to see that violations are resolved and has available, or has a strategy to secure, the financial and legal resources for enforcement and defense. (See 6G and 11A.)*

The Blue Ridge Land Conservancy shall follow the following policy for enforcing conservation easements:

**Overall guidelines for violation response and enforcement:**

1. Maintain the conservation purposes of the conservation easement.
2. Maintain the Conservancy's image both in its ability to achieve its mission overall and in its ability to enforce specific easements.
3. Protect the Conservancy's legal rights and economic value in the easement.
4. Maintain the most constructive working relationship possible with the easement donor.
5. Never give an easement donor an on-the-spot opinion about whether or not a violation exists. No person in the field should make decisions on violation response.
6. Conduct meetings with the property owner, in relation to the violation, as a team of two, including at least one staff member and which may also include a board member or legal counsel.
7. Maintain professionalism and integrity.
8. Be flexible as the situation warrants. Balance the harm caused by the violation with the cost/benefit of the selected enforcement response.
9. The Conservancy will only use litigation as a last resort.
10. Maintain consistent responses to similar easement violations.
11. Notify and work with any co-holder of easement.

**Steps to take in the event of a suspected violation:**

1. The Conservancy staff person or volunteer shall meet on site with the easement donor, and ask questions for further clarification of the suspected violation. Staff or volunteers should take photographs or a video and thoroughly document the suspected violation. They should not state definitively that there is or is not a violation. They should use polite deferment techniques. The staff member or volunteer should thank the easement donor for his/her time. They should tell the easement donor they will follow up and send a copy of the monitoring report.

2. If the Conservancy staff person or volunteer is not accompanied by the easement donor, they should simply complete the monitoring with good documentation and report the suspected violation to the Executive Director.
3. The Executive Director shall review the monitoring report and purpose of the easement with the monitor. The Executive Director shall carefully review the full easement, visit the site if necessary, and make an initial assessment of whether or not there is a violation. The Executive Director shall then consult with the Stewardship Committee to further discuss and come to a final decision on whether or not there is a violation. In the case of a co-held easement the Executive Director shall contact the co-holder to inform them of the issues and involve them in the decision-making process.
4. If it is determined that there is not a violation, the process ends.
5. If it is determined that there is a violation, the Executive Director shall determine whether or not it is a minor or major violation, and for what reasons. In the case of a co-held easement, the Executive Director shall contact the co-holder to inform them of the issues and discuss potential responses.
6. The Stewardship Committee shall develop suggestions for remediation and/or compensation by the easement donor. At this time, the Committee may identify specific legal counsel within or independent of the Committee to provide consultant legal services.

The Executive Director shall then draft and send a letter to the easement donor (copied to any co-holders), along with a report to the Board at its next meeting. The letter shall specify the easement violation and references appropriate language from the easement. The letter should request a personal meeting with the easement donor.

If the easement donor cannot be contacted by telephone, the staff shall draft and send a certified letter (return receipt requested) that specifies the violation and requests a personal meeting to resolve the situation. A copy of the certified letter should also be sent by first class mail. A timeframe for contact should be specified in the letter. Upon contact, go to step 7. If the certified letter is rejected, staff shall attempt to have it delivered personally. If a response is not received in the time period identified, the situation shall be re-evaluated. An effort shall be made to visit the property at times when someone may be found at home and attempt to make contact. If there is no success with repeated attempts at contact and it is a major violation, litigation should be considered.

7. In the meeting, Conservancy representatives and the easement donor should walk the site, discuss the purpose of the easement, and the nature of the violation.

8. If the Conservancy team and easement donor agree upon the nature of a violation, they should discuss alternatives for remediation and attempt to arrive at a solution. This may require further visits, research, consultations, and meetings.
9. The visit(s) shall be followed by a letter that documents the conversation and discussed alternatives. If an agreement has been reached, the letter shall also document the chosen remediation and a schedule of restoration as appropriate.
10. If the easement donor does not agree there is a violation or does not agree on the solution to a violation, the Executive Director shall reaffirm his/her position and states that he/she will consult the Conservancy's legal counsel as well as notify the Board.
11. The Executive Director shall consult with the Stewardship Committee and/or legal counsel to brainstorm other approaches that may be taken to attempt to reach an amicable resolution. Other alternatives may be employed to bring the easement donor back into negotiation. The Executive Director and Stewardship Committee should identify a time limit for closure of the case to avoid letting the issue lag over an extended period of time.
12. If it is a major violation and the Conservancy has exhausted all attempts at negotiation, the Executive Director will seek Board approval to take the violation to court.
13. If it is a minor violation, and after exhausting attempts at negotiation for removal and full restoration, the Conservancy may consider temporary approval (limited term) or less than full restoration.
14. For either a major or a minor violation, the Conservancy may consider the use of an amendment or a discretionary approval (similar to amendment but not signed by easement donor) to resolve the violation. However, there are a number of considerations the Conservancy must weigh before pursuing this route:
  - If there has to be an exchange to compensate for any adverse impact of the amendment. The monetary value of the easement may not be reduced by the amendment (requires an appraisal). Amendments should be either conservation neutral or improve the conservation value.
  - Consider whether or not the amendment would be controversial in the community and incite negative public reaction.
  - Consider the time and expense for the approval process.
  - If an amendment is pursued, obtain Board approval before informing the easement donor. Document and update baseline data immediately.

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**Practice 11F: Reserved and Permitted Rights and Approvals**

*The land trust has an established procedure for responding to landowner required notices or requests for approvals in a timely and consistent manner, and has a system to track notices, approvals and the exercise of any significant reserved or permitted rights.*

It is the policy of the Blue Ridge Land Conservancy that every new conservation easement shall contain language stating that the Conservancy reserves the right to request reimbursement from the easement donor for the Conservancy's reasonable costs for considering a request to exercise a reserved right. If and when an easement donor wishes to exercise a reserved right needing Conservancy approval, the Conservancy will use the following procedure:

**Consideration of Request**

No request shall jeopardize the obligations of the Conservancy to monitor and enforce the easement, terminate the easement, or cause the easement to fail under IRS tax codes or any other applicable law.

**Approval Procedure**

1. The initial request must be made in writing by the easement donor to all parties involved with the request. This must include the intent and nature of the action, the specific reason(s) the action is needed, and an explanation of how the request does not impede the original easement. When appropriate, the request must be accompanied by a map, written plans drafted by proper professionals, blue prints, picture(s) and/or other documentation.
2. Conservancy staff will review each request to determine whether the request is properly documented and satisfies the guidelines and purposes stated in this policy. The request must be consistent with the original easement document, the baseline documentation report, and monitoring reports. Evaluations of all requests may include reasonable efforts to contact parties involved with the original transaction, including the landowner who donated the easement and transferred the property or his/her heirs. Other staff, Board members, legal counsel, or natural resource professionals may also be asked to review the request. After staff determines whether the request is properly documented, satisfies the stated guidelines and purposes above, it will submit the plan to the Stewardship Committee (Committee).

3. The Committee should meet to consider the request within 30 days. Staff will present all the information gathered, together with its recommendation to the Committee. If the Committee concludes the request is legally permissible, consistent with the terms of the policy statement, and clearly warranted by circumstances, the Committee may approve, approve with modification, or reject the request. Approval shall require a majority vote of the full Committee. Notification of the Committee decision will be forwarded by the Executive Director in writing to the party proposing the request. The Committee may also decide to make a recommendation to the Board for a discussion and vote.
4. If a proposed request is rejected by a majority vote of the Committee or Board, the Executive Director will, by certified return receipt mail, inform the party of the Committee's decision and advise the landowner of his/her right to resubmit the proposal for reconsideration by the Committee within thirty (30) days from the date he/she receives notification. The easement donor may resubmit the request, along with additional written documentation to justify the request, when changes have been made to address the Conservancy's concerns.
5. If the party resubmits the request and additional written documentation within the required time period, the Executive Director will review the resubmitted documents and present the material along with staff recommendation to the Committee at the next convenient regularly-scheduled meeting. Following a decision of the Committee or Board, the Executive Director will notify the party in writing of the Committee or Board decision.

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**Practice 11G: Contingency Plans/Backups**

*The land trust has a contingency plan for all of its easements in the event the land trust ceases to exist or can no longer steward and administer them. If a backup grantee is listed in the easement, the land trust secures prior consent of the backup grantee to accept the easement. To ensure that a backup or contingency holder will accept an easement, the land trust has complete and accurate files and stewardship and enforcement funds available for transfer. (See 11H.)*

Section 10.1-1015, Code of Virginia (Conveyance to the Commonwealth) states that if an easement holder ceases to exist, the easement and its right of enforcement shall vest in the Virginia Outdoors Foundation, unless the easement specifies transfer to another holder. The policy of the Blue Ridge Land Conservancy shall be that in the event it ceases to exist or can no longer administer and steward its conservation easements, they shall vest to the Virginia Outdoors Foundation, or the Conservancy's interest in the easement shall vest, in the event there is a co-holder.

To be prepared for this possibility, the Conservancy shall maintain adequate legal defense and stewardship funds as determined by the Land Trust Accreditation Commission, as well as accurate and up-to-date records, all of which shall be transferred to the Virginia Outdoors Foundation should such a scenario take place.

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**Practice 11H: Contingency Plans for Backup Holder**

*If a land trust regularly consents to being named as a backup or contingency holder, it has a policy or procedure for accepting easements from other land trusts and has a plan for how it will obtain the financial resources and organizational capacity for easements it may receive at a future date. (See 11G.)*

Because all conservation easements in the Commonwealth of Virginia vest to the Virginia Outdoors Foundation in the event that an easement holder ceases to exist or cannot perform its obligations, it is the policy of the Blue Ridge Land Conservancy not to be named knowingly as a backup holder in any conservation easement.

In the event that the Conservancy should consider being named a backup holder, the following criteria should be considered:

1. The resource conserved should meet the minimum requirements of the project selection criteria and be reviewed by Stewardship Committee.
2. The recorded conservation easement should be essentially equivalent in structure, language, intent, function, configuration and enforceability to the Conservancy's standard conservation easement.
3. A stewardship endowment should be provided on par with the Conservancy's current endowment schedules for the type of project and accompany the transfer of the conservation easement.
4. The baseline documentation report and additional documentation should meet the Conservancy's current standards for the property conserved.
5. There should be no outstanding violations or probability of future violations, and there should have been annual monitoring done since the creation of the easement.

The Conservancy may waive in whole or in part any one of these guidelines should there be compelling reasons in its opinion to do so. Board action is required to accept the transfer of easements or co-holds.

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**Practice 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.*

**Overall Policy:**

It is the policy of the Blue Ridge Land Conservancy to entertain amendments to conservation easements only when the amendment clarifies or strengthens the easement, while at the same time provides no enurement or impermissible private benefit to the Board, staff or the easement holder. The Conservancy will not sanction amendments that in any way materially diminish the conservation values of the property involved or the easement's perpetual duration. If an amendment is requested by the easement donor, the Conservancy may require cost reimbursement for its reasonable costs involved in the consideration, review, and approval of the amendment.

A proposed amendment will be considered only under exceptional circumstances and in accordance with the guidelines and procedures listed below.

**Guidelines**

- A proposal to amend a conservation easement must be consistent with the conservation values and the purpose of the conservation easement, and will be considered solely on its own individual merits.
- No amendment may jeopardize the obligations of the Conservancy to monitor and enforce the easement, terminate the easement, or invalidate the easement under the Internal Revenue Code or any other applicable law.
- A proposed amendment may not increase the net value of the property in violation of the private benefit/inurement provisions of the Internal Revenue Code.
- A proposed amendment will be considered only if it has been shown that no reasonable alternative is available, unless the amendment makes the easement more restrictive or adds property to the easement.
- The amendment must be the minimum change necessary to achieve the purpose unless the amendment makes the easement more restrictive or adds property to the easement.

- A landowner initiated proposed amendment will be considered only if the landowner agrees to pay all expenses incurred by the Conservancy, including staff time and costs for legal review of the proposal.
- All amendments shall be in compliance with any funding requirements and shall be consistent with the land trust's mission. In addition, when modifying easement boundaries or amending conservation easements that may result in the termination/release of a conservation easement in whole or in part, the Conservancy shall 1) comply with all of its policies, the terms of the easement document, *Land Trust Standards and Practices*, and state and federal law, 2) seek judicial review when required, 3) document its consideration of the impact of its action in the context of its ethical obligations to the donor, the public and the land conservation community, and 4) document the financial impact of the amendment through appraisals or with other evidence to confirm that the amendment will not result in private inurement or impermissible private benefit.

### **Purpose of Proposed Amendment**

The Conservancy may approve a proposed amendment to a conservation easement only in the following circumstances:

1. Correction of error or ambiguity. The Conservancy may approve a proposed amendment to correct an obvious error or oversight in a conservation easement such as misspelling, correction of a legal description, inclusion of language unintentionally omitted, and clarification of ambiguous language or obsolete terms.
2. Settlement of condemnation proceedings. Conservation easements and other interests the Conservancy holds in land are subject to condemnation for public purposes, such as highways, schools, etc. When it appears that the condemnation power could be properly exercised, the Conservancy may enter into a settlement agreement with the condemning authority in order to avoid the expense of unnecessary litigation. In reaching such an agreement, the Conservancy shall attempt to preserve the purpose of the conservation easement.
3. Minor modifications consistent with conservation purpose. The Conservancy may approve a proposed amendment to a conservation easement when: (a) the proposed amendment is not inconsistent with the purpose of the easement, and (b) the amendment enhances the conservation purposes of the easement, or achieves a purpose substantially the same as the original easement.

### **Approval Procedure**

1. The Conservancy or the landowner may propose an amendment.
2. The proposed amendment must be made in writing and directed to the Conservancy, must state the intent and nature of the desired change, the

specific reason(s) the change is needed, and how the request does not affect the purpose of the easement. The proposed amendment must be accompanied by a map, picture(s) and other appropriate documentation.

3. The Conservancy staff will review the proposed amendment to determine if the proposal is properly documented and conforms to the guidelines and purposes stated in this policy. The proposed amendment should be consistent with the format of the easement document. The Conservancy staff evaluations of a proposed amendment will include reasonable efforts to contact parties involved with the grant, including the landowner who donated the easement. The staff will submit its determination and recommendation to the Stewardship Committee.
4. If the Committee concludes that the proposed amendment is legally permissible and clearly warranted by circumstances, the Stewardship Committee will present the proposed amendment at the next Board meeting. A decision of the Board to approve or disapprove the request shall be final, unless the parties appeal as provided below.
5. The Board may approve, approve with modification, or reject the proposed amendment. Approval shall follow procedures for voting on substantive matters according to current bylaws. Notification of the decision will be forwarded in writing to the party proposing the amendment.
6. Appeal process:
  - a) If a proposed amendment is rejected by a vote of the Board, the Conservancy staff will, by certified return receipt mail, inform the party of the Board's decision and advise the party of their right to resubmit the proposed amendment for reconsideration by the Board.
  - b) The party requesting reconsideration shall have thirty (30) days from the date it received notification to resubmit the proposed amendment along with additional written documentation to justify the proposed amendment. Failure to resubmit the proposed amendment and accompanying documentation within the required time period shall be deemed a waiver of the party's right for reconsideration.
  - c) If the party resubmits the proposed amendment and additional written documentation within the required time period, the Conservancy staff will review the resubmitted documents and present the materials along with a staff recommendation to the Board at the next convenient regularly scheduled Board meeting.
  - d) Following a decision of the Board, the Conservancy staff shall notify the party in writing of the Board's decision.

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**Practice 11J: Condemnation**

*The land trust is aware of the potential for condemnation, understands its rights and obligations under condemnation and the IRC, and has appropriate documentation of the important conservation values and of the percentage of the full value of the property represented by the easement. The land trust works diligently to prevent a net loss of conservation values.*

Because condemnation of land protected with a conservation easement is a rare and complex issue, it is the policy of the Blue Ridge Land Conservancy to consult with its legal counsel and develop a plan of action that is specific to the circumstances of the threatened condemnation. The overriding principles of any plan shall be the Conservancy's duty to defend the properties conserved by its conservation easements, the likelihood of defeating the condemnation through various legal and non-legal means, possibilities for negotiating a favorable settlement in the event that the condemnation cannot be defeated, and receiving fair compensation by the condemning body in the event the condemnation occurs.