Risk

The threat or possibility that a future event or action may be substantially different from what the leaders of an organization expect, and may adversely or beneficially affect an organization’s ability to achieve its mission and objectives.
Risk Management for Uncertain Outcomes

• reduce downside risks and
• seize opportunities

DIMENSIONS OF RISK
• Likelihood
• Magnitude
• Direction
Risk Categorization

- **A** (High Impact, High Likelihood): Immediate action—extensive control activity essential
- **B** (High Impact, Low Likelihood): Manage and monitor, consider contingency planning
- **C** (Low Impact, High Likelihood): Management effort worthwhile
- **D** (Low Impact, Low Likelihood): Accept but monitor
What Stewardship Functions Allow Us To Protect Properties?
Assessing Needs & Setting Aside Reserves
Welcome to the Legal Defense Reserves Calculator! Everyone knows it is a question of “when” rather than “if” a land trust will have to pay significant enforcement expenses to protect its land and conservation easements. Projecting actual costs or how often a land trust will need defense funds is difficult, but now it is easier with this new calculator.

By entering your land trust’s information as indicated, the calculator determines the minimum reserve levels for your land trust based on your current circumstances. This approach addresses funding reserves for legal challenges to both conservation easements and land owned outright, based on actuarial data from land trusts, but does not address funds for routine stewardship or land management.

Land trusts will want to test their defense reserve calculations at least annually to account for additions to their portfolio and other changes to their risk profile. The Land Trust Alliance will review and update the calculator every three to six years.

Questions? Please contact Lorri Barrett, Leslie Ratley-Beach, or Katie Chang.

To get started, click the Start button below.
Stewardship Reserves are an Essential Part of every Project Budget

- Property Donor
- Fundraising Campaign
- Existing surplus or reserves
Monitoring

• Easements
  • Needs: BDR, Survey, Physical Marking, Forms, History
  • Boundaries, Interior
  • Areas of special concern
  • Exercise of Reserved Rights
  • Landowner Relations
  • Policy and Procedures for Addressing Potential Issues

• Fee Properties
  • Needs: Management Plan, Survey, Monumentation, Forms, History
  • Boundaries, Interior
  • Areas of Management (trails, parking, signage, habitat)
  • Areas of Past Concern (dumping, trespass)

• Who’s doing it?
  • Staff, volunteers? Neighbors?
  • Training, supervision, review

• Remote Monitoring + Alliance Resources
Management Interventions

- Invasives control + Native Plants
  - Herbicides?
- Forestry
  - Forest Bird Habitat Management
  - Forest Health/Stand Diversity vs. Carbon Storage + Sequestration
- Water
  - Beavers?
  - Buffers from nearby use – farms, lawns, roads
  - Aquatic invasives
- Public Access/Public Use
  - Extent of use - Overuse?
  - Infrastructure cost/expectations/liability
  - Structures, paving, multiuse?
When there are Issues...

- Encroachments, Violations, Trespasses
- Amendments?
- Documenting Changes
  - Exercise of Reserved Rights
  - Current Conditions Reports/Supplements/Amendments to Baseline Documentation
  - Other documentation
- Critical Stewardship Correspondence
  - Notices from Landowner/Approval Requests
- Connecticut’s Favorable Laws: Quintuple Damages, No Adverse Possession, Recreational Use
Questions?
Programs = Stewardship = Perpetuity?
Next week...
Drilling Down: Methodology

• Land Trust Alliance Risk Assessment Tool
• Consultant Support Applications are Open!
• Let us know your questions 😊
Applying for consultant support

• Fill out and submit in Google Forms
• Applications will be open to any land trust that has participated in all five training sessions
• Continued training for your assessment team (3 person minimum)
• Includes 10 hours of individual meeting with consultant
  • Consultant compiles recommendations and work plan that prioritizes short- and long-term activities
  • Following 8 hours’ 1:1 assessment, land trust assessment team has an additional 2 hours to meet with consultant to discuss implementation

• Participants will receive over $1,500 worth of consultant support
• Offered at a reduced cost: $300/member; $500/non-member
Application Timeline

- Applications open: November 1, 2021
- Applications due: November 30, 2021
- Applicants notified: Mid Dec. 2021

Risk Assessment Timeline

- Agreement and payment due: First week of January 2022
- Assessments begin: Mid January 2022
- Assessments finalized: End of March 2022
Application Questions

• Organizational questions
  • Name, year of establishment, description of land protection efforts
  • Structure (e.g., staffed or all-volunteer), number of directors on board

• Participation in training

• Assessment team – names and roles of members

• Preparedness to begin this work in January 2022

• Commitment to continue this work
LTA Member Resources: Stewardship and Programming

- **Introduction to Stewardship Requirements for Accreditation**, self-study module available on The Learning Center
- **Learn Practice Element 11B1: Baseline Documentation**
- **Learn Practice Element 11B2: Preparing Baseline Documentation Reports**
- **Learn Practice Element 11B3: Documenting Changes to Land or Easements**
- **Learn Practice Element 11C2: Conservation Easement Monitoring**
- **Learn Practice Element 11H1: Adopting a Strong Amendment Policy or Procedure**
- **Learn Practice Element 11E1: Adopt a Conservation Easement Violation Policy and Procedures**
- **Learn Practice Element 11E2: Promptly Investigate and Document Potential Violations and Actions Taken**
- **Learn Practice Element 12B1: Develop a Written Land Management Plan for Each Conservation Property**
- **Practical Pointers for Land Trusts When Facing a Lawsuit or Other Legal Challenge of Any Size** by the Land Use Institute at Vermont Law School and The Land Trust Alliance, 2013