**Policy 4.5 Reserved or Permitted Rights**

**Rights**

**Committee Responsible**: Stewardship Committee

**Adopted**: **[DATE]**

**Amended**: **[DATE]**

**Purpose**

The Land Trust will ensure that each easement is drafted individually for each landowner using the same fundamental principles, but also recognizing that the property owner may reserve the right within the easement document to conduct specific practices that do not degrade or hinder the conservation values of the property.

**Policy**

1. Reserved rights, if any, will be stipulated by a majority of the Stewardship Committee when drafting the easement. If certain reserved rights have the possibility of affecting the conservation values, those reserved rights must be approved by a majority of the Stewardship Committee.
2. When the easement is being drafted and there are reserved rights those reserved rights must be approved by the Stewardship Committee to ensure consistency with Land Trust mission and goals before they can be written into the easement.
3. When existing reserved rights are being executed and the landowner has notified the Land Trust of their intent to implement the reserved right, the Land Trust will communicate the specific elements they need to review to ensure that the easement purpose is being protected.
4. The Land Trust shall maintain a permanent record of all notices, approvals, denials, interpretations and the exercise of any significant permitted rights.
5. Conservation easement donors will receive a copy of this policy.
6. All requests from landowners to execute reserved rights must meet the Land Trust’s policies and protocol, ensure the ongoing protection of conservation values and in no way be seen as a violation of private benefit/inurement provisions under IRS tax code regulations.