**Policy 3.6 Funding Stewardship of Conservation Properties**

**Committee Responsible**: Preservation Committee

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

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

**Purpose**When the Land Trust considers the acquisition of a fee simple property or to accept a conservation restriction, it must assure there will be sufficient resources to fulfill its fiduciary responsibility to steward and defend the properties in perpetuity.

**Policy**

**Stewardship Fund Contribution**

By accepting a conservation property from a landowner, the Land Trust also accepts a public trust responsibility to protect the property in strict accordance with the provisions agreed to between the landowner and the land trust in the conservation documentation. We commit to this responsibility in perpetuity. The Land Trust has a legal obligation to:

1. Monitor and inspect the conservation property on a regular basis,
2. Protect the conservation property from encroachment and misuse, and
3. Enforce all provisions of the conservation documentation, through legal action if needed.

In our experience, the grantor of a conservation easement is not likely to violate the terms of the agreement, but through inheritance or sale someone else will eventually own the property. A future landowner may not have the same strong commitment to conservation or understanding of the easement and may violate the provisions of the conservation restriction. The Stewardship Fund ensures that the land trust will have the resources it needs to carry out the intentions of the grantor, as well as our legal obligations to the public, for the permanent protection of the land.

To ensure that the land trust has the financial resources to meet this legal obligation, the Land Trust has followed the standard land trust practice of establishing the **[Sample Fund]** and the Legal Defense Fund. These funds are dedicated funds used solely for the activities outlined above, not co-mingled with general funds, and not used to pay for general Land Trust operating expenses.

When the Land Trust purchases or receives a fee-simple property, it commits to raise the funds to cover the costs associated with the purchase price as well as transaction costs such as a survey, appraisal, legal fees, and professional services AND based on the calculation below commits to contribute to the stewardship and legal defense funds. Since the public will realize the benefit of access and enjoyment, where the funds come from is left to the discretion of the Board (e.g. part of the fundraising campaign, the general fund or individual donations).

When the Land Trust receives a Conservation Restriction, the Land Trust Preservation Committee will discuss the need for ongoing stewardship funds from the donor/grantor of the Conservation Restriction up front. The donor/grantor will cover the transaction costs such as survey, appraisal, legal fees (their own, not the Land Trusts), professional services AND commit to contribute, based on the calculation below, to the Stewardship and Legal Defense fund. In the event that the donor/grantor is unable or unwilling to contribute to the ongoing stewardship of the Conservation Restriction the Land Trust may refuse to accept the Conservation Restriction or may agree to raise the funds from other sources.

**Stewardship Fund Contribution Calculation**

The Stewardship Fund Contribution for a single conservation restriction or fee-simple property acquisition is based on recommendations of the National Land Trust Alliance. The contribution is calculated according to the following:

• Minimum contribution: $5,000 ($3500 to the Stewardship Fund and $1500 to the Legal Defense Fund)

**AND**

• Additional amounts to reflect complicating factors and real costs of stewardship monitoring (if deemed appropriate by a vote of the Board of Directors).

**Multiple Parcels covered but a Conservation Easement**

• Minimum contribution: $5,000 ($3500 to the Stewardship Fund and $1500 to the Legal Defense Fund)

**AND**

• An additional amount of $500 per parcel with the potential to have separate landowners (e.g. if one Conservation Restriction covers several parcels that may be owned by a single entity at the time the Conservation Restriction is put in place but at a future date may be sold to separate owners the $500 would apply ) to account for additional cost and complexity of working with multiple owners.

The Land Trust is a 501(c)(3) nonprofit organization and all contributions, including Commitment and Stewardship Contributions, are tax deductible as provided by law.