

Standard 11: Conservation Easement Stewardship

Landowner Relationships Policy

Utah Open Lands (UOL) maintains regular contact with owners of easement properties. When possible, it provides landowners with information on property management and/or referrals to resource managers. UOL 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 UOL's Policies and Procedures relevant to stewardship, monitoring, enforcement and violations (see Letter to new owners). UOL has established and implements systems to track changes in land ownership. (see Monitoring Checklist and Landowner database).

UOL understands the significance of building strong relationships with the owners of easement-protected properties may be the best way to reduce both the threat of potential easement violations and resource degradation. As the pace of conservation activity increases, and a second and third generation of owners takes over easement-encumbered properties, the need for strategies to build effective relations with landowners increases to ensure the protection and enhancement of a property's conservation values. Enhanced landowner relationships can take place through the conservation easement, in association with the easement or completely outside of a conservation easement. The following are practices that UOL engages:

- **General Outreach.** This includes informational or educational activities geared to landowners to help them manage their lands to sustain conservation values. Landowners also receive all periodic informational mailings, updates, newsletters, campaign information, etc. Outreach may happen through websites, field trips, tours, publications, and other forms of communication and media.
- **Monitoring Contact.** Notification of upcoming monitoring trips. UOL discusses when the landowner should expect the monitoring visit to occur or schedule and encourage the landowner to accompany monitoring site inspections. Post monitoring letter reminds them of the annual visit, the significance of stewardship, the cost of monitoring each year, and any information relevant to the monitoring visit that the landowner should be informed of.
- **Discuss any particular conditions on the property the trust must inspect.** For example, if a restriction prohibits all tree cutting within 100 feet of a pond, UOL should explain that the monitor will inspect the woodland.
- **Review baseline documentation,** including photos, notes and studies or summaries that was prepared. Highlighting its documentation of existing conditions that the landowner may alter. For example, if a landowner has reserved the right to expand a shed, the trust should explain how baseline documentation photographs of the shed will provide the basis for comparison in future monitoring.
- **Review policy for handling easement violations** and legal rights to enforce the easement.
- **Invite the landowner to contact the trust** with any questions about interpretation of the easement.
- **Tracking system** of properties known to be for sale through monitoring visits; inquiries by real estate agents, attorneys, and prospective buyers; and right of first refusal (ROFR) waivers requested and approved. (see Landowner Database). Owners or representatives of properties for sale will be contacted periodically to inquire as to their status. Even conserved farms where a ROFR waiver has been approved will be tracked because they can take months or years to close, or fall through and not close at all. Farm transfers between family members, where the ROFR does not apply, would also be tracked.

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- **Ask** landowners in annual monitoring calls or visits “is your property being marketed for sale” and “are you considering a sale in the future,” and periodically request in mailings and newsletters that landowners contact UOL whenever they convey some or all of their conserved land.
- Promptly call each successor owner as soon as the sale has been completed to introduce them to UOL, confirm the names of all owners and managers, their address(es) and phone number(s), their preferred times and places of contact, and schedule a personal successor owner visit.
- Prepare a package for the successor owner including a copy of the conservation easement and baseline documentation report, newsletter, brochure, and other pieces as appropriate in order to help place successor owners within the context of other conserved lands around them. We hope to help successor owners feel that they have purchased a very special piece of land and that UOL is there to support them as stewards of that land.
- Personally visit each successor owner on site at the conserved property as soon as possible after their taking ownership of the property. The goal of this visit is to (1) offer a friendly introduction to UOL, (2) review the reasons for conserving the property, (3) give an overview of the conservation easement restrictions and reserved rights, (4) emphasize the need to contact UOL early before exercising any reserved right, and (5) offer to help with any questions, problems or concerns. Sometimes successor owners are unavailable to meet for a period of time, or prefer to wait for a family gathering or until summer, in which case the information would be mailed and a visit scheduled at the owner’s convenience.

An additional benefit of the successor landowner outreach and tracking system will be to provide better and more timely tables of sales data on conserved properties of all types, which will be especially useful to real estate appraisers.