

Standard 11: Conservation Easement Stewardship

Baseline Documentation Policy

For every easement Utah Open Lands (UOL) has a baseline documentation report ("Report"). 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. If an extenuating circumstance, such as weather conditions, prevents the completion of a final Report before the closing, then a preliminary report shall be prepared that meets Treasury Regulations § 1.170A-14(g)(5)(i)(v) for donations and bargain sales. The Report shall be finalized as soon as practicable under the circumstances. The Report shall be recorded in the office of the County Recorder's Office of the county in which the Easement is/was filed.

UOL has created a template/guideline (see Baseline Checklist) for all UOL baseline work. Noted here are the minimum requirements for Report. Reports must 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 is usually included in the documentation: 1) date when Report was prepared; 2) authorship and qualifications; 3) acknowledgment statement; 4) background information; 5) property description; 6) easement summary; 7) legal information; 8) conservation values; 9) maps or plans; and 10) photographs.

Any areas that may be affected by landowner reserved rights, such as building areas, must be carefully documented in their "before" condition.

Storing Baseline Documentation

Given the critical significance of the Report, UOL has standard policies and procedures for its storage (see Records Policy). At least three originals of the Report should be prepared at the outset: one for the landowner; one for the UOL's monitoring file; and one to be kept in a secure, fireproof location. In the event of a discrepancy among original Reports, the one held by the land trust in a secure location would be the guiding document. A "working copy" should also be made to take out into the field. When an easement property changes hands, a copy should be prepared for the new owner unless the previous owner provides the original. Also, if the easement designates a specific backup holder, or is co-held by another organization or agency, an additional original should be prepared for the secondary holder.

Updating Baseline Documentation

Any Report prepared, regardless of when the easement was granted, needs to document the property in its current condition. UOL uses the same standard protocol for all Reports. To ensure that enhancements and restoration within the confines of the conservation easement are recognized and protected, an updated Report shall be completed at the discretion of Utah Open Lands as may be reasonable to establish the baseline of the restored or enhanced condition.