



UPPER PENINSULA LAND CONSERVANCY

Policy 11F : Approvals and Permitted Rights *Standard 11F 2021 Land Trust Alliance Standards and Practices;* *2021 Accreditation Requirements Manual*

Board Approved: **May 20th, 2022**

PURPOSE

Conservation easements may contain specific reserved rights of the property owner and specific processes for notifications, approvals, or denials of requests to exercise these rights. This policy outlines how UPLC addresses requests to approve or interpret reserved property rights. The same policy addresses requests which are not specifically mentioned in the original easement or about which the language is ambiguous.

This policy outlines requirements for accompanying procedures, so that they align with Land Trust Alliance **Standard 11F:**

F. Approvals and Permitted Rights

- 1. Respond to landowner required notices or requests for interpretation or approvals in a timely and consistent manner, as specified in the conservation easement deed or in a written procedure*
- 2. Establish written procedures to guide the land trust's decision-making if using discretionary approvals or if conservation easement deeds contain such clauses*
- 3. Maintain a permanent record of all notices, approvals, denials, interpretations and the exercise of any significant permitted rights*

INTRODUCTION

The strength of the conservation easement and the landowner relationship are improved by timely documentation of notices and decisions regarding reserved rights and the preserved history of this documentation.

REFERENCES

Please refer to the accompanying Procedure, Procedure 11F: Approvals and Permitted Rights, for guidelines regarding execution of this policy.



UPPER PENINSULA LAND CONSERVANCY

- *Land Trust Alliance Practice Element IIF: Approval and Permitted Rights*
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POLICY

Summary:

A. It is the policy of the Upper Peninsula Land Conservancy to:

- 1) Promptly respond to landowner notices, requests for interpretation, and requests to authorize the exercise of reserved rights under a conservation easement.
- 2) Route such matters, together with supporting documentation, to the Stewardship Committee, which will be responsible for a decision or response. If the Stewardship Committee deems it necessary, the matter may be referred to the Board of Directors for guidance.
- 3) Preserve the history of these notices and UPLC responses together with the original easement documentation and monitoring reports.

B. In the case that the language of the easement provides a basis and a process for decisions, this shall be followed.

C. In situations which are not directly addressed by the easement language, UPLC may exercise discretionary approval which:

- 1) is consistent with the purposes of the easement.
- 2) does not impair the conservation values of the property.
- 3) cannot be used to terminate or extinguish the easement or cause it to fail under applicable law or tax code.
- 4) may not result in private inurement.

REVISIONS

This policy should be reviewed by the *Stewardship Committee* on a *biennial* basis. Any amendments must be approved by vote of the Board of Directors and will require a *simple majority* to be changed.

This policy may be amended or repealed, and new related policies may be adopted, from time to time by the Board of the UPLC, except that no change in the policies will affect obligations accepted by the Conservancy for funds or properties donated prior to the change, unless such change is approved in writing by the donor or donors of such properties, interests, or funds.

The Board may make reasonable exceptions to the policy in particular cases by Board vote with simple majority, and will document the reasons accordingly in the minutes of the meeting where the decision was made and copies will be placed within the appropriate files in accordance with Recordkeeping policies.