



SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS

Conservation easements are effective long-term land protection tools, provided the restrictions designed to protect the property are honored and respected by present and future landowners. Once the ink is dry on a new conservation easement deed, the Forest Society assumes new responsibilities through its Easement Stewardship Program. Because conservation easements are forever, the Forest Society takes the long view with its commitment to this program. We agree to partner with the landowner to protect and preserve special natural values of the property in perpetuity.

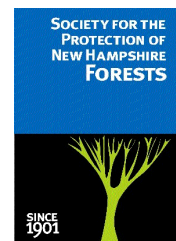


To fulfill our responsibilities, we monitor easement properties regularly to be sure that management is consistent with the easement restrictions. If questionable activities are observed, the Forest Society must defend the terms of the easement and work with the property owner toward resolution.

This brochure provides answers to common easement stewardship questions, as well as information on our endowment.

Top: The 11,000-acre Andora Forest in Stoddard and Sullivan was protected by a conservation easement donated by the Faulkner family in 1990. PHOTO: GEOFF JONES.

Conservation Easement
Stewardship



The Forest Society holds conservation easements in two ways:

The Forest Society can serve in one of two different roles. A *grantee interest easement* means the Forest Society holds the conservation easement. An *executory easement* means that another conservation organization or government agency is the grantee and the primary easement holder, and performs all monitoring and compliance activities. However, the Forest Society holds a “backup” interest in the conservation easement. The purpose of naming a backup organization is to provide additional assurance for the long-term protection of the property in the event that the primary easement holder fails to uphold the easement or ceases to exist. The Forest Society incurs some annual expense



and assumes the potential obligation of holding the grantee interest at some time in the future.

How do we monitor conservation easement protected properties?

For Grantee Interest Easements, we monitor all of our easement proper-

ties annually by air. Aerial monitoring provides a quick method to see the entire property and observe any recent activities including potentially prohibited activities such as new construction, new roads, or mining. If any questionable activities are seen, we arrange a more comprehensive inspection on the ground with the landowner. We also monitor easements periodically on the ground.

Ideally, we meet personally with each landowner every few years to discuss the easement and their land management plans. Ground-monitoring visits include a walk of the property. Typically, we invite the owner to walk with us and share their detailed knowledge of the property and its management.

When we walk the land alone, we report our observations back to the property owner.

These combined efforts work together to assure that we uphold our obligation to monitor every easement every year while also spending time to get to know the people and the properties personally.

Should a question arise, landowners are always welcome to call us. Depending upon the situation, we can answer questions over the phone, review the easement together, or walk the property to see firsthand what is involved.

For Executory Interest Easements, the Forest Society checks with the grantees annually to be sure that easement stewardship is taking place.

How do we assure compliance with the easement provisions?

As much as we try to avoid potential problems through active stew-

CONSERVATION EASEMENT STEWARDSHIP FUNCTIONS

Several ongoing activities — each essential on its own — create a strong conservation easement stewardship program when used in combination. Depending on the easement, these functions could involve any or all of the following:

- ▶ periodic monitoring, both from the air and on the ground
- ▶ communication with easement owners, either directly through landowner visits, or indirectly via phone or mail, as well as through our annual newsletter
- ▶ maintaining accurate records of the conservation values and condition of the property
- ▶ assuring compliance with the easement terms
- ▶ procuring sound financial footing to monitor and enforce the easements in perpetuity

Muster Field Farm's 252 acres in Sutton are protected by a conservation easement donated in 1992 by Robert Bristol, and held by the Forest Society. PHOTO: FOREST SOCIETY ARCHIVES.



ardship and landowner contact, occasionally activities will occur that are inconsistent with the purposes of the easement. When this happens, the staff work with the landowner to assess what has occurred, evaluate the impacts of the actions, and then develop and implement a plan to resolve the problem. Often, specialists will be consulted to gain additional objective advice on appropriate actions.



FOREST SOCIETY CONSERVATION EASEMENTS

[AS OF JANUARY 2006]

432 grantee easements protecting 75,312 acres

141 executory easements protecting 10,773 acres

85 deed restricted properties protecting 13,210 acres

The scope of action and actual resolution are dependent upon the particular circumstances.

There is a special reserve fund within the Forest Society dedicated to supporting any necessary legal and other costs associated with defending easements. This is separate from the Easement Stewardship Endowment.

As land under easement changes hands, it is very important for Forest Society staff to meet with the new owners and review the terms of the easement and their plans for the property. By building understanding and a cooperative approach, we reduce the likelihood of inadvertent easement violations, which can prove costly to litigate and remedy.

How do we ensure perpetual easement stewardship?

Assuring compliance with conservation easement provisions is crucial to the success of any land protection program. Without diligent monitoring, follow-up, and compliance efforts, an easement program cannot succeed. When accepting an interest in a conservation easement, whether grantee or executory, the Forest Society makes a commitment to protect the land in perpetuity. Contributions to the Easement Stewardship Endowment help us keep that commitment. (See the following page for more details and how you can get involved in this important program.)



THE EASEMENT STEWARDSHIP ENDOWMENT

Recognizing the need for perpetual stewardship of easement-protected properties, the Forest Society established an Easement Stewardship Endowment to provide a continuing source of revenue for its easement stewardship program. The principle of the endowment is preserved; therefore, only the interest may be used for program support.

When the Forest Society accepts a conservation easement, we also accept the perpetual obligation to monitor and enforce the easement with all future owners. To meet this continuing financial obligation, we seek donations to the endowment from any source for every new easement. We have determined that adequately endowing each easement requires a donation of \$10,000.

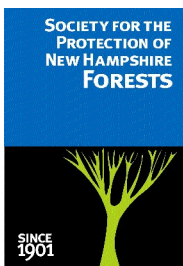
Contributions can be made in a lump-sum payment, through annual installments, or through other planned giving arrangements agreed upon during the easement-negotiation process. These contributions may also come from other sources including, for example, the local Conservation Commission or neighbors.

Direct gifts to the easement stewardship program, in addition to those given by easement donors, were fundamental in the creation of the program and providing for its long-term financial support. They now play a vital role in helping us meet our growing stewardship needs while keeping requests for landowner contributions at reasonable levels. All contributions to the endowment are tax-deductible to the extent permitted by law.

HELP BUILD THE ENDOWMENT

Even if you are not a conservation easement donor, you can help support the Forest Society's easement stewardship program and by doing so ensure the continued protection of thousands of acres. Your tax-deductible donations can be made by sending a check to:

FOREST SOCIETY EASEMENT STEWARDSHIP ENDOWMENT
54 PORTSMOUTH STREET
CONCORD, NH 03301



For more information,
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WHO ARE WE?

Founded in 1901, the Society for the Protection of New Hampshire Forests is the state's oldest and largest non-profit land conservation organization. In order to preserve the quality of life New Hampshire residents know today, the goal of the Forest Society, in partnership with other conservation organizations, private landowners, and government, is to conserve an additional one million acres of the state's most significant natural lands for trails, parks, farms and forests by 2026. The Forest Society has ongoing programs in land protection, environmental education, advocacy, research, and sustainable forest management. For more information about our programs, fieldtrips, or conservation opportunities, please visit our website at www.forestsociety.org.