

Groundswell Conservancy Policy

Name: Permitted and Reserved Rights

Approval: Approved by Executive Committee November 3, 2016

Land Trust Alliance Standards and Practices 11F. 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.

Most conservation easements held by Groundswell Conservancy contain procedures for responding to landowner required notices or requests for approval, and Groundswell Conservancy follows the specific procedure contained in those easements when responding to such notices or requests. When dealing with landowner notices or requests for property where the easement does not contain such procedures, Groundswell Conservancy follows the practices described below.

When the Landowner is required to obtain Groundswell Conservancy's written approval before undertaking an action identified in the conservation easement, Groundswell Conservancy shall encourage the Landowner to submit a written request for approval to Groundswell Conservancy at least 60 days before the date the Landowner wishes to undertake the activity.

The notice or request for approval shall describe the nature, scope, design, location, size, timetable, and any other material aspect of the activity in sufficient detail to permit Groundswell Conservancy to make an informed judgment as to its consistency with the purpose of the easement.

No action requiring approval under the easement is allowed unless the Landowner receives written notice of the approval from Groundswell Conservancy. Groundswell Conservancy may withhold its approval if it does not receive sufficient information to make a decision or if it determines that the proposed action is not consistent with the purpose or terms of the easement. Groundswell Conservancy may condition its approval on the Landowner's acceptance of modifications, which would, in Groundswell Conservancy's judgment, make the proposed activity consistent with the easement or otherwise meet any concerns.

Following approval of a proposed action as described above, the Landowner shall use their best efforts to complete the action as soon as possible or practicable. In no event should the Landowner exceed the period authorized in the written approval, or two years from the date of approval if no date is specified, to complete an approved activity. If the activity is not completed within that time period, the Landowner must receive written approval from Groundswell Conservancy to proceed or re-submit the request for review and approval, according to the procedures described in the easement.

Groundswell Conservancy is accredited by the Land Trust Accreditation Commission. Policies may be updated to reflect changing accreditation standards and practices, as well as changing local organizational needs.

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