

# Conservation Matters

A monthly column focused on conservation education, as the result of collaboration among area conservation commissions and organizations. If you would like to contribute articles, please contact Jessica Tabolt Halm [jess\\_tabolt@hotmail.com](mailto:jess_tabolt@hotmail.com)

**Title:** Preparing for Perpetuity

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Over the past year many Conservation Matters articles have focused on Conservation Easements. You've put a Conservation Easement on your property but what comes next? And what are those Stewardship funds for? The organization that holds the easement, usually a Land Trust, a Conservation Organization or maybe even a Conservation Commission has the responsibility to ensure the conditions of the easement are upheld. When an organization agrees to protect land by holding a conservation easement, they promise to take care of that land over the long term. This is a commitment to the landowner to protect the conservation values of their property – forever. This starts with regular conversations with the landowner and visits to the property. Keep in mind that the easement is attached to the land so that any transfer of ownership will not affect the conditions of the easement.

When the Pemi-Baker Land Trust is involved, it is responsible for keeping track of what happens on the land and ensuring that all activities are consistent with the easement. The primary purpose of monitoring is to make certain that there are no violations of the terms of the easement, to discover and document any problems that have occurred and, just as important, to cultivate a strong working relationship with the landowner. Is there a timber sale planned? Does it require approval or notification? Are there changes planned for the reserved areas? These are the topics that are hopefully discussed during the annual monitoring trip. Often, the person monitoring is the only person to regularly walk the property boundaries. They can discover problems, such as trespasses, that are unknown to the landowner. Resolving these issues before they become expensive problems is the benefit of the regular monitoring visit.

What if something goes wrong? Hopefully the situation has been identified quickly and the landowner or the violator is willing and able to correct it. Sometimes, this isn't the case and the easement holder needs to take action, even legal action in some cases. That is where the need to have sufficient funds comes in. Once problems become legal issues, professional legal representation becomes necessary and this is rarely inexpensive.

How are those monitoring fees determined? Each organization determines the amount of Stewardship Funds needed. Keep in mind that the fees are collected only once and they need to be sufficient to enforce and potentially defend in court the easement - forever. Some of the considerations that go into determining the amount include: size and access to the property, complexity of easement, are there activities needing approval, are there allowances for subdivision, and does the organization have paid staff.

What if the property is too big or too difficult to walk around? Getting aerial photography of the property is one alternative and one use of the monitoring fund. The Society for the Protection of New Hampshire Forests has annual flights of the properties they are responsible for. They offer to include other lands as part of the flight for a reasonable fee. This is very helpful to document any changes that have taken place since the last flight. It is also useful to monitor those areas that are difficult to access.

The monitoring of easements is an important and necessary part of the Conservation Easement. Often, it is also one of the most pleasant aspects in that the monitor gets to spend the day walking in the woods and enjoying the beautiful area that is now protected – forever.



Photo Caption: "Permanently conserved farms can save views like this forever."

