

Standards and Practices

ABOUT THIS DOCUMENT

This example can be used as a starting point to create a policy or other document for your own land trust, but should be altered as necessary to reflect your organization's unique circumstances.

If you are using this material for accreditation purposes, see the [Land Trust Accreditation Commission website](#) for additional information.

To search for policies from accredited land trusts on [the Learning Center](#), include the word "accredited" along with your search terms (e.g., conflict interest policy accredited).

QUESTIONS?



Email tlc@lta.org or click the blue circle on any Learning Center page to chat with us.

Montezuma Land Conservancy
1: Landowner Communication and Negotiation Policy

Inherent in the mission of the Montezuma Land Conservancy is our philosophy that we are acting as partners to landowners and the community. This requires that all of our dealings with landowners be respectful and based on the assumption that landowners know what is best for their land, want to provide the best stewardship possible, and are acting with integrity and with good faith. All landowner contacts and negotiations should be based on this assumption unless and until it is proved otherwise. The following specific guidelines should be followed.

- 1) Reinforce the voluntary nature of conservation and conservation easements.
 - a) Never coerce or mislead landowners to entice them to grant an easement
 - b) Allow the landowner to dictate the pace of the project
 - c) Explain the landowner's role in the process – that they are ultimately responsible for the terms of the easement and decisions about the project
- 2) Listen to the landowners. Make sure to understand their goals and needs.
- 3) Inform the landowner of the full array of appropriate conservation tools, including those that may not directly involve the land trust. Explain the level of government agency involvement in each option if any.
- 4) Conservation easements involve highly complex issues. Never assume that a landowner understands everything in a single discussion. Provide the information and options more than once, preferably both verbally and in writing.
- 5) Don't hand out model conservation easements without a basic understanding of the landowner's vision and goals. Make some effort to tailor the model to the property and the landowner's general goals before giving them the document.
- 6) Make every effort to meet the landowners' needs in the transaction. Make sure to protect conservation values while doing this.
- 7) Ensure that landowners and MLC share a clear understanding of the intended purposes of the transaction, including intended uses of the property. Ensure that the landowner understands that a conservation value must be protected via this process. Document this understanding.
- 8) Involve all decision-makers and potentially affected parties.
- 9) Maintain credibility and trust. Don't give answers or information you are not sure of, and never be misleading.
- 10) Never give legal, tax or financial advice.

- 11) Always recommend that each party involved obtain independent legal, tax and financial advice.
- 12) Never give assurances as to whether a particular easement donation might be deductible or what the resulting tax benefits of a deduction will be, and never suggest what the value of a conservation easement donation might be. Follow all aspects of our Tax Benefits and Appraisal Disclosure Policy and be sure to get the disclosure form signed.
- 13) Ensure that all parties to the transaction have a clear understanding of their roles, rights and responsibilities in the granting and acceptance of the easement and in future use and management of the property. Send a project letter after the initial agreement to proceed with a project. This letter should include a list of what the landowner must do or provide prior to closing and what MLC will do, and also indicate that the letter is not a final agreement because the ultimate decision to accept the easement lies with the Board of Directors. It should list the project fee and the amount of the endowment donation requested. MLC's executive director should sign it and the landowners sign it to authorize the land trust to proceed.
- 14) Always be respectful and as helpful as possible, even when we have to say no.
- 15) Remember that everything we do depends on the landowners and the community. Good relationships are the key.

Adopted by the Montezuma Land Conservancy Board of Directors on April 16, 2003 and revised on June 10, 2009