

## Forest Society Responsibilities

The Forest Society is responsible for monitoring conservation easement properties annually (ground and/or aerial monitoring) and for enforcing easements if there is a compliance issue. This involves providing assistance to easement property owners to be sure they understand their responsibilities under the easement.

### Easement Monitoring

#### ***Aerial Monitoring***

We monitor all easement properties annually, using airplanes and satellites to capture digital images. Your steward then analyzes the images and will contact you if there are questions or concerns. A follow-up visit may be needed to view changes on the ground.



Each easement is monitored from aerial images taken once a year.

#### ***Ground Monitoring***

A conservation easement steward will visit your easement property every one to five years. You will be contacted prior to the visit to invite you to walk the property with the steward and share your land ownership experiences and any plans you have for the property. If you cannot join them, they will review your land use plans with you. After each visit, you may hear from your steward who will let you know whether there were any activities observed that raised a concern. Of course, you are welcome to contact them with questions at any time.

### Documenting the Condition of Land

To ensure the conservation values that inspired an easement are protected, the stewardship staff keeps records on file that document those values. With new conservation easements, this information is formalized in a single Baseline Documentation Report (BDR). However, not all of our baseline information is formalized in these reports (particularly with older conservation easements). As we conduct monitoring visits, we compile and review baseline information and determine if it is necessary to update your property's BDR with a Current Conditions Report (CCR). If your property is due for a CCR, we will assemble the updated information and send a draft of the report to you for your review and signature.

## Thank You

The Forest Society has the distinct honor of being one of the more than 425 Accredited Land Trusts in the nation. The accreditation program was established to recognize land conservation organizations that "meet national standards for excellence, uphold the public trust and ensure that conservation efforts are permanent." Thank you for joining us in achieving the many benefits of maintaining open space in New Hampshire. Whether your personal objectives in owning and managing your property include growing superior forest products, maintaining diverse wildlife habitat, having the opportunity for undisturbed outdoor recreation, protecting the quality of an important water resource, reducing climate change impacts, or enjoying the scenic beauty of your land, you are in good company with many other easement landowners. We look forward to meeting you and getting to know you and your property.

# Your Conservation Easement: A Landowner's Guide

## Dear Conservation Partner,

The Society for the Protection of New Hampshire Forests welcomes you as a new conservation easement property owner. Since the early 1970s, we have used conservation easements to protect forest lands, water resources, scenic vistas, wildlife habitat, and important agricultural resources. Prior to that, deed restrictions were used to place the same types of protection on private property. To date, we have protected more than 135,000 acres of land through conservation easements and deed restrictions. You join more than 750 others who share stewardship responsibility on their conservation land with the Forest Society. We trust that you are as committed to seeing your special property's continual protection as we are; and we look forward to working with you to ensure that the purposes of the conservation easement are supported.



We've prepared this document so that you may become more familiar with your responsibilities as an easement owner and the assistance available from the Forest Society to help you meet those obligations. As the owner of 57,000 acres of land all across New Hampshire, we understand property ownership and are here to support you. We hope you will contact our easement stewardship team if you have questions about your easement and how it relates to management of your land. I wish you success in the management of your property and many years of enjoyment and satisfaction from living with the land.

Sincerely,

Jack Savage  
President

## What is Easement Stewardship?

The primary role of an easement stewardship program is to ensure that the conservation values of protected properties are preserved. The Forest Society's job of protecting land isn't finished when the deed is recorded; the hard work comes in our ability and commitment to steward, or defend, the identified conservation values in perpetuity. In fact, the Forest Society is legally obligated to ensure that all the terms of the conservation easement are met. Our easement stewardship staff carries out this important commitment through annual monitoring, building mutually beneficial relationships with landowners, providing educational resources, maintaining permanent records, and working with natural resource professionals.

As a conservation easement landowner, you will work directly with an easement steward assigned to your property. Your easement steward is available to help you understand your easement, evaluate whether land uses you are contemplating are acceptable under the easement terms, and identify silvicultural, agricultural, and ecological resources on the property. We consider a conservation easement to be a partnership and an opportunity to work together with landowners to protect the special conservation features of their property.

## Understanding Your Conservation Easement

A conservation easement deed is a permanent, legally binding agreement between a land owner (the Grantor) and the easement holder (the Grantee). Conservation easements provide permanent protection of the scenic, recreational, ecological or natural resource values of the land. They normally restrict certain activities that could adversely affect these values.

Each conservation easement is unique, based on the conservation values of the land, and is the result of negotiations between the original grantor and the Forest Society. Generally, each conservation easement identifies the purposes for the easement and the conservation attributes it protects, sets limitations on the uses of the land, and sometimes reserves specific rights for the property owner.

The “**purposes**” of the easement identify what the conservation easement restrictions are designed to accomplish. These purposes are referred to throughout the easement deed. Land “**use limitations**” in Forest Society conservation easements usually prohibit commercial or industrial uses except for acceptable forestry and agricultural activities as described in the easement. Most Forest Society conservation easements also limit or prohibit subdivision, separate conveyance of two tax parcels, the introduction of any buildings, structures, or improvements, any disturbance of the soil or water features, any outdoor advertising signage, the mining or removal of rocks, soil, or other materials from the property, and dumping. Some conservation easements guarantee public access, which would also be specified in this section.

Some easements contain “**reserved rights,**” which are activities specifically permitted on the property. Reserved rights may be permitted perpetually, or only once, and allowed only on a certain portion of the property, or over the whole property. There is normally a requirement to notify the Forest Society before exercising a reserved right.

## Your Easement Responsibilities

As a conservation easement property owner, you are responsible for complying with the specific terms of the conservation easement on your property. Although each conservation easement has different restrictions, in most cases you are responsible for at least the following:

- Allowing Forest Society representatives access to the land to monitor the property;
- Complying with the terms of your conservation easement and working with Forest Society staff to resolve any compliance issues;
- All local, state, and federal land use permits; and,
- Providing notice to the Forest Society before exercising certain reserved rights or transferring title.

You can find helpful links on managing conservation easements and learn about your steward at our website: [www.forestsociety.org](http://www.forestsociety.org)

## Your Easement Responsibilities (cont.)

### Boundary Maintenance

We recommend that you permanently identify your easement boundaries on the ground. A forester or surveyor may be needed to help with boundary marking. This will help you and your neighbors know where the easement boundaries are and might prevent you or your agent from accidentally carrying out prohibited activities in the easement area. If you need assistance locating part of your boundary, we may be able to help you during a monitoring visit. We also have boundary tags available that designate the conservation easement property boundaries.



Tag marking Forest Society easement boundary.

### Forest Management Plans and Notification

Easements written after 1992 require a notification to the Forest Society before beginning any timber harvest operation. These easements **require** that you work with a licensed professional forester who will prepare a management plan and supervise any forestry activities. Please contact your easement steward prior to conducting commercial forestry to obtain a certification of the forest management plan because Forest Society requirements in a forest management plan may differ from Current Use or Town requirements. Even when it is not required by the deed, we strongly recommend working with a licensed forester to develop a forest management plan and to oversee any forestry. A forester can help ensure that forestry activities comply with your easement, protect the viability of your forestland, and make certain that your personal goals are achieved. Moreover, working with a licensed forester will generally result in higher financial returns from harvests over time. If planned activities require permits or notification of any government or other agency, you must complete those steps as well before going forward with any activity.



Forestry on a conservation easement.

### Land Management Assistance (and Cooperative Extension)

Activities on your easement must be conducted in accordance with best practices for managing the topography, natural resources, and soils of the easement property, as prescribed in the easement deed. If you plan forestry or agricultural activities, be aware that most easements require these activities to follow scientifically based practices as recommended by the USDA, UNH Cooperative Extension (<http://extension.unh.edu>) or another natural resource management agency. We recommend that you begin your consideration of forestry or agricultural management by contacting your county’s Cooperative Extension office.

Your Cooperative Extension forester is a good resource for initial evaluation of your woodlot and information on how to proceed with forest and wildlife management. They can also provide a list of licensed professional foresters in your area. Their services are provided at no cost to you. Cooperative Extension also provides assistance on agricultural issues through their agricultural specialists and educators. For information from the Agricultural Resources staff, call (877) 398-4769. To contact your county forester, call (800) 444-8978.

You should provide a copy of the easement deed to each person who has responsibility for management of the land, such as your forester, logger, tenant or farm manager.