

Die Land Trust Bewegung in den USA

Stefan Nagel – Stephen Small Law Office, USA
Tilmann Disselhoff – DBU Naturerbe GmbH

Herbstsymposium 2012 Benediktbeuern



Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH

Was ist ein land trust?

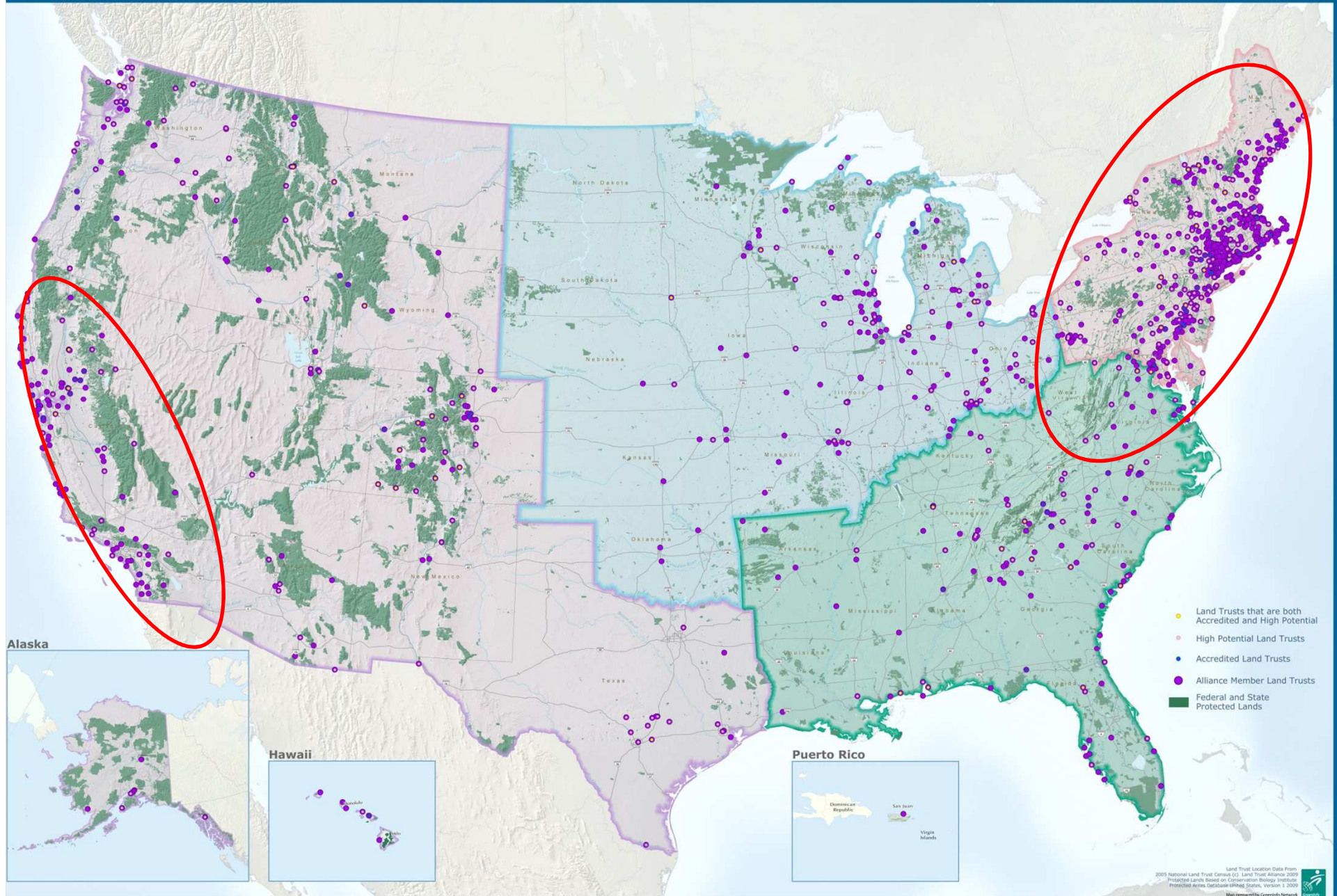
Land Trust Alliance:

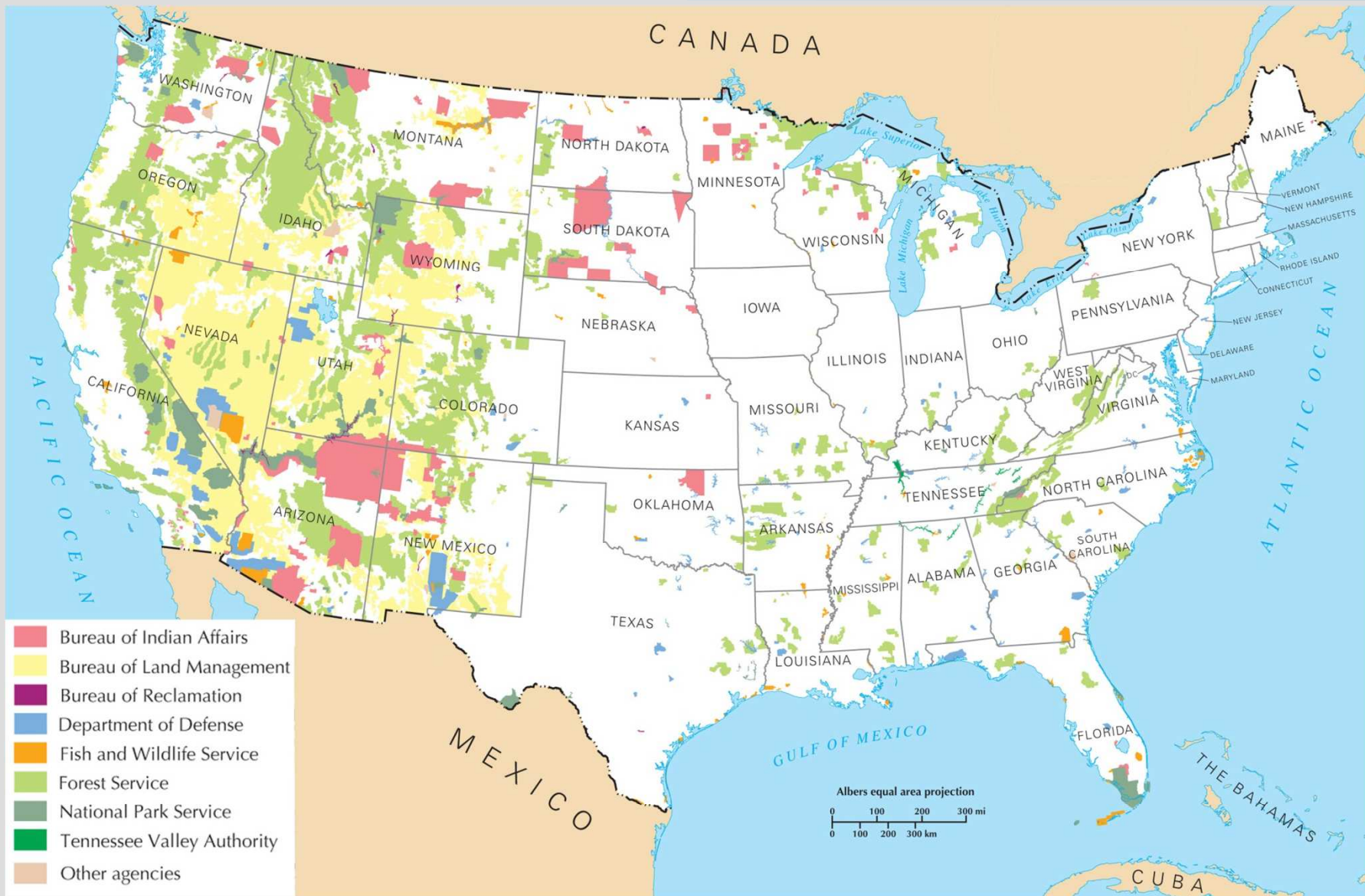
A land trust is a nonprofit organization that (...) actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of such land or easements.

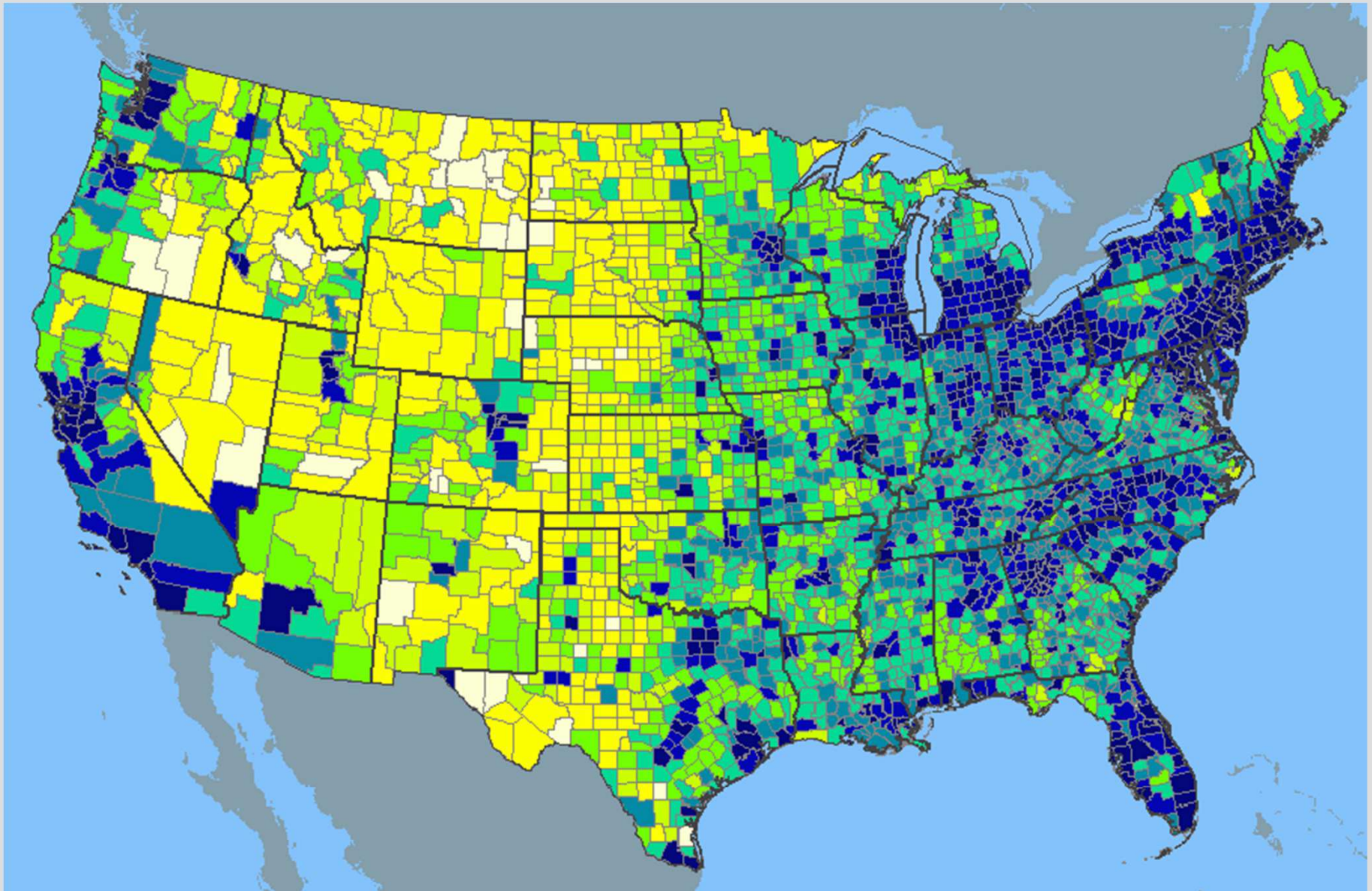
Ein land trust ist eine gemeinnützige Organisation, die (...) aktiv Flächen schützt, indem sie sich Land und Dienstbarkeiten aneignet bzw. bei deren Erwerb hilft oder indem sie Land oder Dienstbarkeiten verwaltet.



Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH



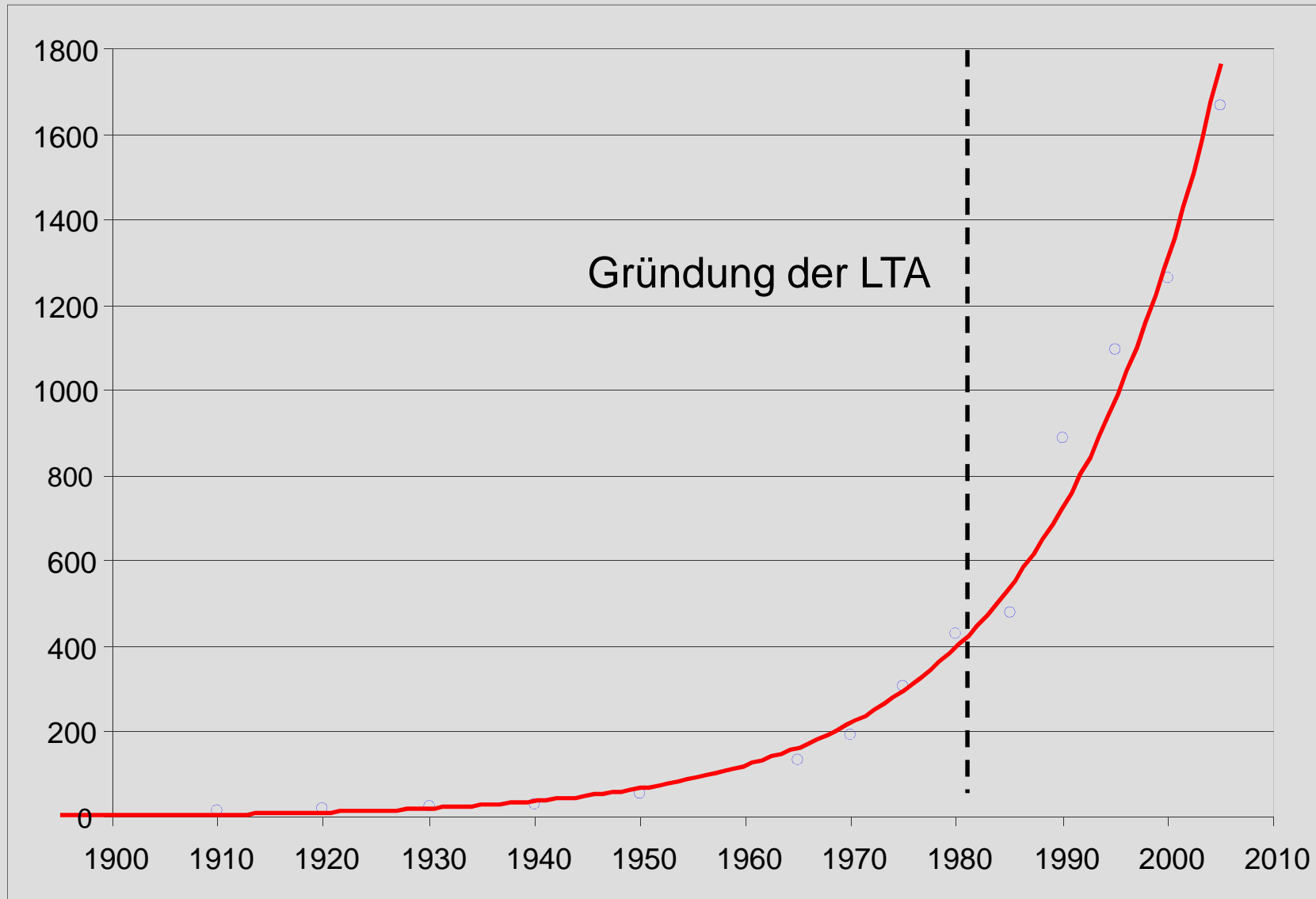




DBU
Naturerbe



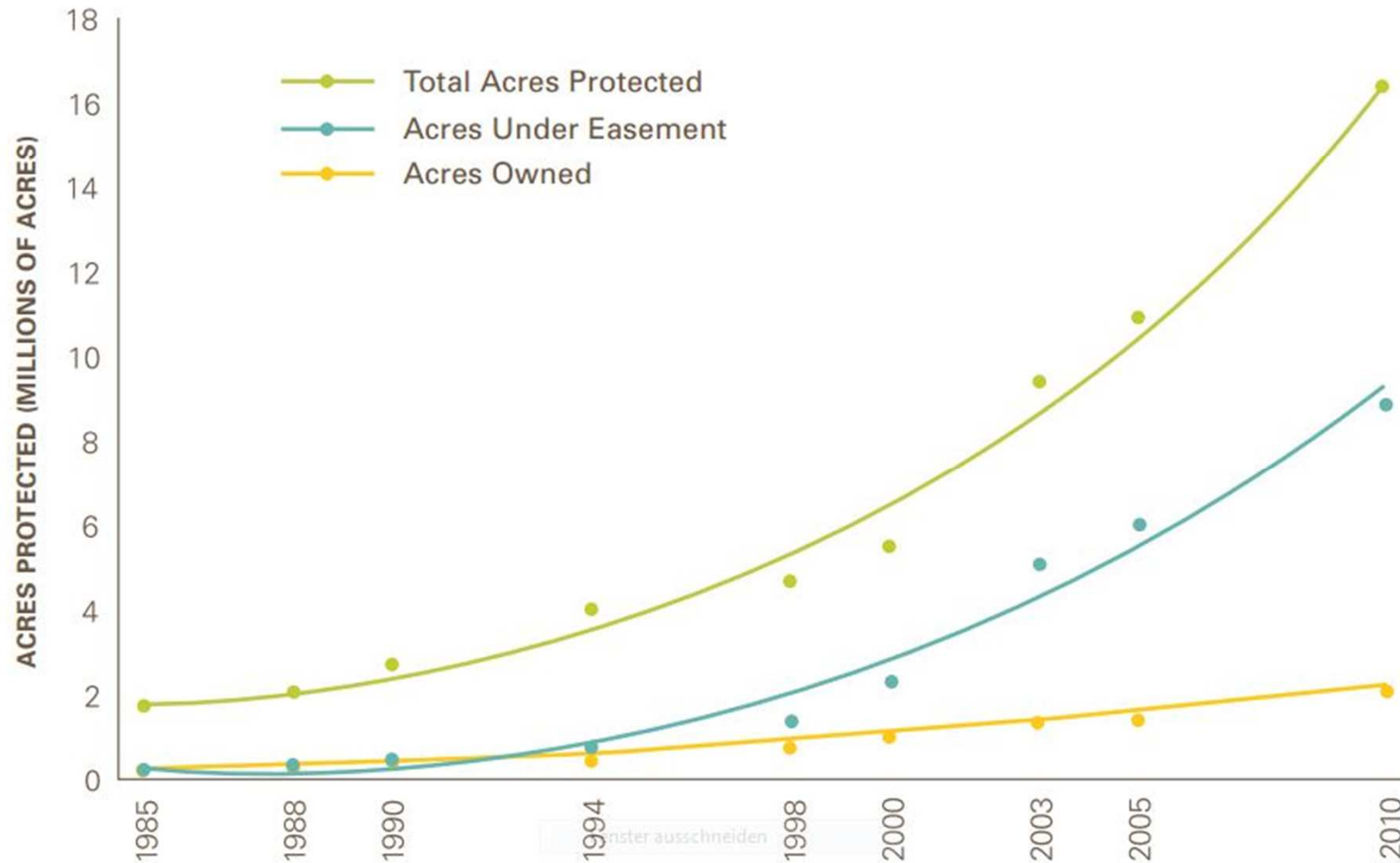
Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH



DBU
Naturerbe

Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH

Private Land Conservation by State and Local Land Trusts



DBU
Naturerbe



Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH



About

Contact us, staff and board, jobs, regional programs, partners

Policy Action

Tax, legislation, emerging issues, Congress, public funding, alerts

Conservation

For Landowners, conservation defense, strategic conservation

Join

Become a member, donate, support a local land trust

Events & News

For media, calendar, national and local news, subscribe

Land Trusts

Find one near you, types, census, successes

Training

Conferences, webinars, pubs, curriculum, standards & practices

QUICK LINKS

- Find a Land Trust
- Expert Link
- Publications
- The Learning Center
- Climate Change Toolkit

 Find Us on Facebook

 Follow Us on Twitter



Land Trusts Meet with Key Lawmakers

Washington, D.C.

You are here: Home

Land Trust Alliance

1 2 3 4

POLICY UPDATE

Have Your Senators Cosponsored the Easement Incentive?

Unless you're from CO, CT, IA, MS, MT or RI, we still need your senators' support for S. 339.

[Read more »](#)

Farm Bill Includes \$1.58 billion for Ag Easements

In the context of tight budgets and divisive politics, land trusts did remarkably well in the bill approved by the House Ag Committee.

[Help us pass it »](#)

UPDATES FOR LAND TRUSTS

Newly Accredited Land Trusts Announced

The Nature Conservancy and 22 additional organizations were awarded the national distinction of land trust accreditation.

[Read more »](#)

Missed Something At Rally In Salt Lake City?

RallyNet is now open - view handouts, presentations, sample documents and more! [RallyNet »](#)

[TAKE A STAND FOR LAND](#)

MAKE A DIFFERENCE >>

Donate Now!



CONSERVATION NEWS

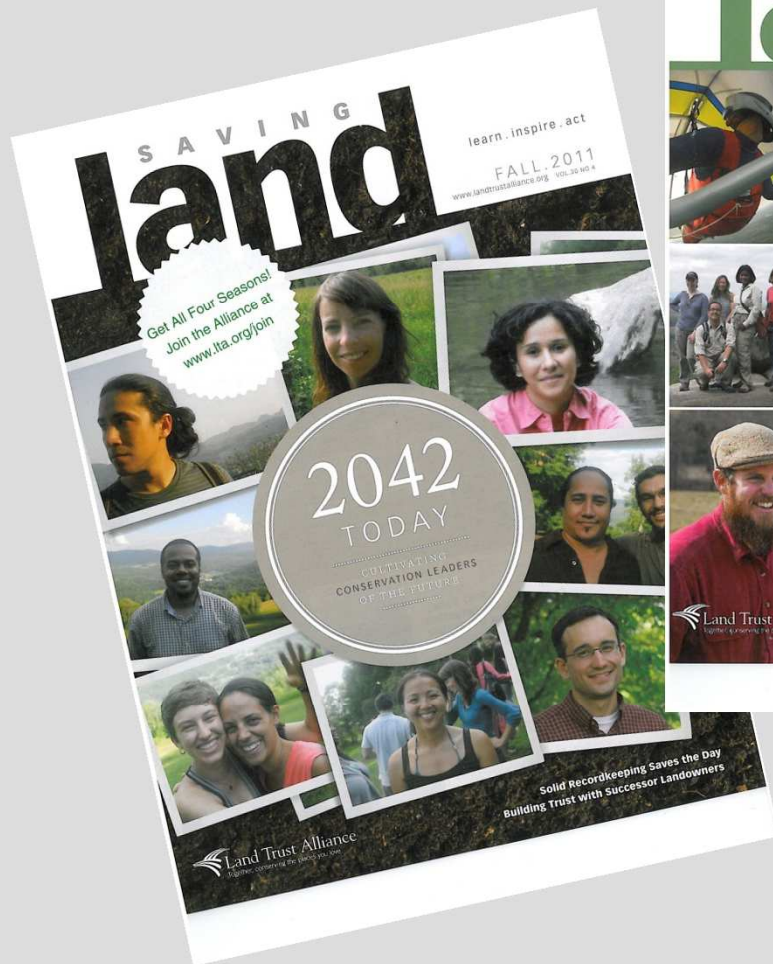
- » [International Land Conservationist: Protect Land, Lift Poverty](#)
October 1, 2012 | Deseret News | Salt Lake City, UT
- » [Salt Lake City to Host Largest U.S. Gathering of Land Conservation Leaders](#)
September 26, 2012 | Land Trust Alliance | Washington, D.C.
- » [The Nature Conservancy Added to List of Accredited Land Trusts](#)
August 29, 2012 | Yahoo News

[eNews Sign-up >>](#) [More News >>](#)

EVENTS



- » [All Things Rally](#)
- » Nov 01, 2012
[Coalition of Ohio Land Trusts Fall 2012 Statewide Meeting](#)
Columbus, OH
- » Nov 08, 2012
[Protecting Freshwater Resources Together](#)
Flint, MI
- » Nov 14, 2012
[Mississippi-Alabama Bays and Bayou Symposium](#)



DBU
Naturerbe

Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH

Organizational Strength

Standard 1: Mission

The land trust has a clear mission that serves a public interest, and all programs support that mission.

- Practice 01A: Mission
- Practice 01B: Planning and Evaluation
- Practice 01C: Outreach
- Practice 01D: Ethics

Standard 2: Compliance with Laws

The land trust fulfills its legal requirements as a nonprofit tax-exempt organization and complies with all laws.

- Practice 02A: Compliance with Laws
- Practice 02B: Nonprofit Incorporation and Bylaws
- Practice 02C: Tax Exemption
- Practice 02D: Records Policy
- Practice 02E: Public Policy

Standard 3: Board Accountability

The land trust board acts ethically in conducting the affairs of the organization and carries out the board's legal and financial responsibilities as required by law.

- Practice 03A: Board Responsibility
- Practice 03B: Board Composition
- Practice 03C: Board Governance
- Practice 03D: Preventing Minority Rule
- Practice 03E: Delegation of Decision-Making Authority
- Practice 03F: Board Approval of Land Transactions

Standard 4: Conflicts of Interest

The land trust has policies and procedures to avoid or manage real or perceived conflicts of interest.

- Practice 04A: Dealing with Conflicts of Interest
- Practice 04B: Board Compensation
- Practice 04C: Transactions with Insiders

Land Transactions

Standard 8: Evaluating and Selecting Conservation Projects

The land trust carefully evaluates and selects its conservation projects.

- Practice 08A: Identifying Focus Areas
- Practice 08B: Project Selection and Criteria
- Practice 08C: Federal and State Requirements
- Practice 08D: Public Benefit of Transactions
- Practice 08E: Site Inspection
- Practice 08F: Documenting Conservation Values
- Practice 08G: Project Planning
- Practice 08H: Evaluating the Best Conservation Tool
- Practice 08I: Evaluating Partnerships
- Practice 08J: Partnership Documentation
- Practice 08K: Evaluating Risks
- Practice 08L: Nonconservation Lands
- Practice 08M: Public Issues

Standard 9: Ensuring Sound Transactions

The land trust works diligently to see that every land and easement transaction is legally, ethically and technically sound.

- Practice 09A: Legal Review and Technical Expertise
- Practice 09B: Independent Legal Advice
- Practice 09C: Environmental Due Diligence for Hazardous Materials
- Practice 09D: Determining Property Boundaries
- Practice 09E: Easement Drafting
- Practice 09F: Documentation of Purposes and Responsibilities
- Practice 09G: Recordkeeping
- Practice 09H: Title Investigation and Subordination
- Practice 09I: Recording
- Practice 09J: Purchasing Land
- Practice 09K: Selling Land or Easements
- Practice 09L: Transfers and Exchanges of Land

Standard 5: Fundraising

The land trust conducts fundraising activities in an ethical and responsible manner.

- Practice 05A: Legal and Ethical Practices
- Practice 05B: Accountability to Donors
- Practice 05C: Accurate Representations
- Practice 05D: Marketing Agreements

Standard 6: Financial and Asset Management

The land trust manages its finances and assets in a responsible and accountable way.

- Practice 06A: Annual Budget
- Practice 06B: Financial Records
- Practice 06C: Financial Reports and Statements
- Practice 06D: Financial Review or Audit
- Practice 06E: Internal System for Handling Money
- Practice 06F: Investment and Management of Financial Assets and Dedicated Funds
- Practice 06G: Funds for Stewardship and Enforcement
- Practice 06H: Sale or Transfer of Assets (Including Land and Easements)
- Practice 06I: Risk Management and Insurance

Standard 7: Volunteers, Staff and Consultants

The land trust has volunteers, staff and/or consultants with appropriate skills and in sufficient numbers to carry out its programs.

- Practice 07A: Capacity
- Practice 07B: Volunteers
- Practice 07C: Staff
- Practice 07D: Availability of Training and Expertise
- Practice 07E: Board/Staff Lines of Authority
- Practice 07F: Personnel Policies
- Practice 07G: Compensation and Benefits
- Practice 07H: Working With Consultants

Standard 10: Tax Benefits

The land trust works diligently to see that every charitable gift of land or easements meets federal and state tax law requirements.

- Practice 10A: Tax Code Requirements
- Practice 10B: Appraisals
- Practice 10C: No Assurance on Donor Deductibility or Tax Benefits
- Practice 10D: Donee Responsibilities - IRS Forms 8282 and 8283

Standard 11: Conservation Easement Stewardship

The land trust has a program of responsible stewardship for its easements.

- Practice 11A: Funding Easement Stewardship
- Practice 11B: Baseline Documentation Report
- Practice 11C: Easement Monitoring
- Practice 11D: Landowner Relationships
- Practice 11E: Enforcement of Easements
- Practice 11F: Reserved and Permitted Rights and Approvals
- Practice 11G: Contingency Plans/Backups
- Practice 11H: Contingency Plans for Backup Holder
- Practice 11I: Amendments
- Practice 11J: Condemnation
- Practice 11K: Extinguishment

Standard 12: Fee Land Stewardship

The land trust has a program of responsible stewardship for the land it holds in fee for conservation purposes.

- Practice 12A: Funding Land Stewardship
- Practice 12B: Stewardship Principles
- Practice 12C: Land Management
- Practice 12D: Monitoring Land Trust Properties
- Practice 12E: Land Stewardship Administration
- Practice 12F: Community Outreach
- Practice 12G: Contingency Backup
- Practice 12H: Nonpermanent Holdings
- Practice 12I: Condemnation

Standard 12: Fee Land Stewardship

The land trust has a program of responsible stewardship for the land it holds in fee for conservation purposes.

Practice 12A: Funding Land Stewardship

Practice 12B: Stewardship Principles

Practice 12C: Land Management

Practice 12D: Monitoring Land Trust Properties

Practice 12E: Land Stewardship Administration

Practice 12F: Community Outreach

Practice 12G: Contingency Backup

Practice 12H: Nonpermanent Holdings

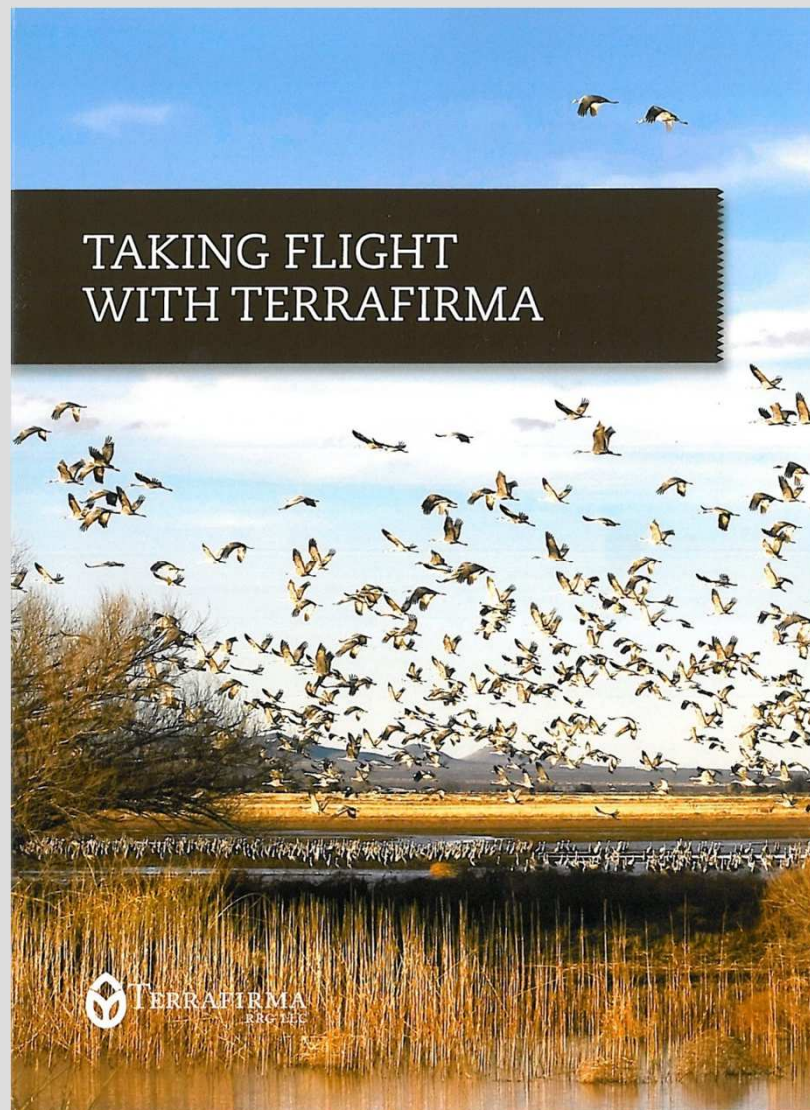
Practice 12I: Condemnation



DBU
Naturerbe

Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH

TAKING FLIGHT WITH TERRAFIRMA



DBU
Naturerbe



Gesellschaft der
Deutschen Bundesstiftung Umwelt
zur Sicherung des Nationalen
Naturerbes mbH