

## January 24-25, 2007 OWEB Board Meeting

### Executive Director Update #C2: Conservation Easement Stewardship

#### Background

In September 2006, staff provided the Board a synopsis of how OWEB uses conservation easements to protect its investment in land acquisition projects. Included in the staff report was information related to the legal basis for conservation easements, the standard provisions in the easement templates, and management implications and stewardship responsibilities. This information item is a continuation of that discussion.

#### Elements of a Conservation Easement Stewardship Program

In order to protect OWEB's right to enforce the terms of its easements, as well as ensure public funds are being used for perpetual conservation, OWEB needs to continue to develop and engage in a consistent, regular easement stewardship program with the following elements.

**A. Monitoring.** OWEB should monitor its easement properties regularly and in a manner appropriate to the size and easement restrictions of each property. Staff have developed protocols for site monitoring and conducted monitoring site visits on eight of the 27 acquisition projects in the summer of 2005. As OWEB's portfolio expands, a monitoring schedule should be developed to ensure that critical sites are monitored in 2007.

**B. Landowner Relations.** OWEB should maintain regular contact with grantees and/or owners of easement properties and develop a process to track changes in land ownership, especially for funded conservation easements where OWEB isn't required to approve the sale of the underlying fee title interest. Conducting monitoring site visits on a regular basis (annually or every two years) will contribute to maintaining landowner relations.

**C. Recordkeeping.** OWEB has created monitoring binders for each of the land acquisition projects in the portfolio. However, baseline documentation and photo monitoring points have been established for only one-third of the projects. Efforts to establish this information is a critical component in developing the stewardship program.

**D. Amendments and Approvals.** OWEB has adopted procedures related to the review and approval of the sale or transfer of the interest purchased in part with OWEB funds, consistent with ORS 541.376. OWEB has not developed procedures for responding to requests for amendments to easements, however. Staff will be working with the Department of Justice and the Board Land Acquisition subcommittee to explore ways to process these types of requests.

**E. Enforcement and Defense.** OWEB should develop a procedure for responding to a potential violation of an easement and determine the role of the parties involved (Board members, staff, Department of Justice, and partners) in any enforcement action. Staff have been in discussions with the Department of Justice and the Board Subcommittee to determine the most effective way to deal with easement non-compliance.

Staff will be working on these items to prepare for the 2007 summer monitoring season. In order to adequately prepare and implement, it might be prudent to dedicate more agency resources so that a concentrated effort can be made to document some of the existing site conditions well in advance of conducting site visits. Staff intend to engage the Board in a more detailed discussion on these issues at an upcoming meeting.

If you have questions or need additional information about conservation easement stewardship, please contact Lori Warner-Dickason at [lori.warner-dickason@state.or.us](mailto:lori.warner-dickason@state.or.us) or 503-986-0046.