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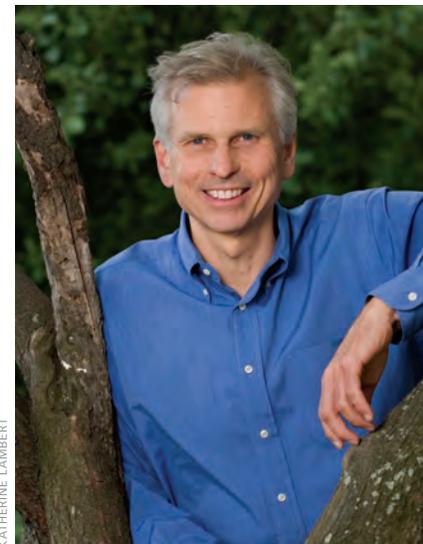
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Change and Permanence

A young couple bought an apple orchard near Lake Champlain at a time when most orchards in Vermont were going out of business. They were able to keep the orchard going because the Vermont Land Trust bought the development rights, which made the land affordable for farming. The easement included the right to build a large house with views of the lake and mountains, but the farmers did not need an estate-type house. They had 30 seasonal workers living with their family in the farmhouse, and they needed to build a dormitory. So the land trust amended the easement to allow the dormitory in exchange for eliminating the right to build a large house.



KATHERINE LAMBERT

In a constantly changing world, land trusts stand for permanence. We value places that transcend time and change and connect us with the natural world and agricultural traditions. We earn public trust by keeping the promise that these lands will be conserved into the future.

In the next 30 years, the U.S. population will grow by 100 million, bringing increased pressure for real estate, energy and transportation. At the same time, we will see more severe hurricanes, drought and wildfires that will change the lands that once seemed unchangeable. The Land Trust Alliance created TerraFirma to fund the legal costs of defending easements from legal attacks. But how do we handle other changes—some of which may increase certain conservation values while diminishing others?

There has been a heated debate in legal circles on whether and how land trusts should amend conservation easements. On one side, some argue that easements are governed exclusively by state law and can be terminated by the consent of both parties. On the other, some believe that most easements are charitable assets and require court approval for all but the most modest of changes.

There are several layers of state and federal law that govern amendments to easements—with conflicting requirements. As the demand for amendments becomes more frequent, land trusts have asked the Alliance for practical advice. You can find good guidance in the Alliance's *Amendment Report* and in the Accreditation Commission's *Requirements Manual*. But questions remain and there are no easy answers. In response, we are convening a series of listening sessions with executive directors, attorneys and other stakeholders to build on current guidelines.

In the coming months, you will hear more from the Alliance about managing amendments. We cannot stop change, but we will need to respond in a way that complies with the law and preserves public trust.

Rand Wentworth