



## Ensuring Conservation Is Forever

**I**N THE LATE 1990S, Colorado Open Lands staff voiced a question that had been troubling land trusts for some time. How, they wondered, would they handle enforcement actions on their conservation easements?

“It wasn’t any particular problem we ran into,” recalls Dan Pike, with Colorado Open Lands. “We just started asking what we would do if we ever had to go to court on our easements. And honestly, we didn’t have a good answer.” Contributing to the sense of urgency was a well-publicized case in which the land trust’s costs ultimately ran to more than \$500,000.

“It was scary,” says Pike. “Those numbers just shocked everybody.”

Pike asked Jessica Jay, a first-year associate at a Denver law firm, to research easement enforcement options.

“I went into it looking for a silver bullet,” recalls Jay, “and I came back to Dan with 18 options, half of which involved insurance.” Jay was captivated by the possibilities. “I realized that if land trusts approached the issue as a community, we’d have a critical mass to create

caught the attention of Darla Guenzler with the Bay Area Open Space Council (now executive director of the California Council of Land Trusts). Guenzler launched an analysis of the scale and scope of enforcement activities across the country. Meanwhile, the Heart of the Rockies collaborative of more than 20 land trusts asked attorney Andy



J. BLANTON BELK/COURTESY OF ARIZONA LAND AND WATER TRUST

Dana to explore the feasibility of insurance models for land trusts.

Dana’s analysis indicated that pooled insurance for land trusts could be a viable

“Land trust leaders had been talking about this for over 20 years,” says Alliance Conservation Defense Director Leslie Ratley-Beach. “With help from many people—especially Sullivan and Cromwell LLP, who did the research and planning—we received the regulatory approvals and raised \$5.5 million in capital and operating costs to create Terrafirma RRG LLC, a charitable risk pool insurance service organized by the Alliance and owned by land trusts to protect against costly legal battles. A big thanks to the foundations and individual donors who made this possible.”

Participating land trusts pay an annual fee of \$60 per property and are covered for up to \$500,000 in legal fees annually to defend their easements and conserved lands. There is an annual premium discount for accredited land trusts.

Nearly 500 land trusts have signed up over 18,500 properties for Terrafirma coverage already.

“Terrafirma stands behind land trusts to protect them from catastrophic legal expenses and help them avoid unnecessary litigation through solid practices, early dispute resolution and smart risk management,” says Ratley-Beach.

Hazel Langrall, executive director of the Central Savannah River Land Trust in Georgia, says, “As a small land trust, we are grateful to have the support of a robust organization if and when we are called upon to defend the lands we steward. We truly are stronger together than we could ever be alone.”

**“I can’t tell you how pleased I am after all these years of talking about the need for such a program that the Land Trust Alliance is finally bringing it to fruition.”**—Dennis Collins, board member, Norfolk Land Trust, CT

our own insurance—something that worked for land trusts and their unique needs.”

Jay’s report, published in 1999, made the rounds of the land trust community and

option, but at a larger scale. Because no single land trust—or even a regional coalition of land trusts—was large enough, they turned to the Land Trust Alliance for help.

*Thanks to everyone who helped the Alliance create this innovative service. To enroll your land trust, please contact Leslie Ratley-Beach at 802-262-6051 or lrbeach@lta.org or visit [www.terrafirma.org](http://www.terrafirma.org).*