

Chebeague & Cumberland Land Trust EASEMENT ENFORCEMENT POLICY

It is the policy of CCLT to consistently and vigorously enforce the terms of the Conservation Easements for which it is the primary holder. This is an essential aspect of CCLT's mission and an obligation it assumes as a qualified holder of conservation easements under U.S Treasury Regulations 1.170A-14(c). CCLT adopts the following policy to guide its Board and committees in regard to easement enforcement.

A. Preventing Violations:

CCLT shall cultivate strong, cooperative relationships with the owners of lands on which it holds Conservation Easements, both the original donor(s) and all successors in title. Recognizing that easement violations frequently involve failure to recognize legal boundaries, CCLT also commits to building relationships with abutters to conserved parcels. CCLT shall strive to create an open-door policy with landowners and abutters to encourage them to communicate with CCLT prior to undertaking activities (such as cutting trees or building structures) that have the potential to violate easement terms. CCLT shall also work to create awareness on the part of the general public about the terms of its Conservation Easements so third-party users of conservation parcels will be aware of, and therefore likely to, observe the rules governing their use.

B. Monitoring:

CCLT shall conduct on-the-ground monitoring visits on an annual basis. Such visits shall be made at a time of year and under weather conditions that permit complete and accurate monitoring of the conditions on the land and inspection of the boundaries. Regular monitoring will potentially allow CCLT to spot potential violations before they occur or new violations within a reasonable time after they occur.

C. Violation Evaluation

When CCLT learns of an alleged or potential violation of a Conservation Easement, the Stewardship Committee shall take immediate steps to evaluate the facts and circumstances and develop a plan of action. The Stewardship Committee shall consult with CCLT's legal counsel if necessary to understand the provision of the Conservation Easement that potentially has been violated and, if a violation is found to exist, to plan next steps.

The Stewardship Committee shall make appropriate recommendations to the Board of Directors to address the violation and seek restoration of the protected land. Such responses may include correcting the violation with the cooperation of the landowner (whether or not the violation is the fault of the landowner) and taking steps to prevent future violations of the same nature, attempting to resolve the violation through direct negotiation with the landowner or working with CCLT's legal counsel to negotiate or litigate a resolution to the violation. Litigation of a Conservation Easement may include seeking an injunction to prevent further damage to the conservation values by the violator.

D. Documentation of Violation

CCLT shall collect and maintain all relevant physical documentation, paper and electronic, related to the violation. Such documentation may include the initial report of the violation, investigative notes, measurements, photographs, video documentation and witness reports, as well as all correspondence with any party regarding the violation. One copy of all such documentation, including the originals of any such documents, shall be kept in a separate file established for the purpose of the enforcement action. Duplicate copies of all such materials shall be kept in the file maintained for that particular protected parcel.

E. Notice to Landowner

Prior to initiation of an enforcement action, CCLT shall provide the landowner with prior notice and reasonable opportunity to cure any violation, except where emergency circumstances require more immediate enforcement action.

F. Violation Resolution

Unless otherwise specified by the Board, the President of the Board shall be the lead person acting on CCLT's behalf and as its spokesperson concerning violations with all parties, including CCLT's legal counsel, the landowner, or the party responsible for the violation, the press and the public. The President shall consult with the Executive Committee and the Stewardship Committee during the easement enforcement process so the members of those committees are aware of the steps being taken to resolve the violations.

G. Decision Making

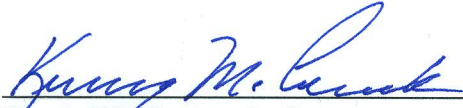
The Board shall decide whether to pursue a violation in court or to resolve a violation through mediation, arbitration, or negotiated settlement, after hearing recommendations from the Stewardship Committee and CCLT's counsel. The Board's determination shall be based upon an analysis of CCLT's legal responsibilities under the Conservation Easement and any Management Plan that has been adopted for the protected parcel, the impacts of the violation on the conservation values stated in the Conservation Easement, the potential for the violation to set an unfavorable legal precedent, the impact of the violation on the perception of the public concerning the enforcement methods chosen, and the likelihood of prevailing should the matter be decided through litigation.

H. Fund for Easement Enforcement

CCLT's Board recognizes that easement enforcement has the potential to be a significant cost of doing business. For that reason, CCLT will consider procuring insurance and/or joining a common defense fund for the purpose of easement enforcement to the extent insurance or such common defense programs are available. In addition, at the time of all future acquisitions of Conservation Easements funds adequate to support the enforcement of the easement shall be either:

1. Obtained directly from the easement's donor;
2. Allocated from existing CCLT resources, or
3. Raised by CCLT through a fundraising campaign for that specific purpose.

Certified by:


Kerry McCormack, Secretary

Sept. 22, 2010
Date