



Stewardship and Monitoring Challenges for Land Trusts During COVID-19

Land Trust Roundtable
November 10, 2020



Today's Agenda



1. Property Transfers and New Owners



2. Concerns and Violations Response Procedures



3. Records Policy and Data Management



4. COVID Adaptions and Best Practices



5. Updates and News from MET

- **TITLE CHANGES:** How to foresee and detect changes in title
- **NOTIFICATION OF CHANGE:** What to do once notified of the change in title
- **TRANSFER TO LLC:** What to do if property transfers to LLC or entity where primary decision maker is not indicated

1. Property Transfers & New Owners

How to foresee and detect changes in title

- Follow real estate listings in local media
- Sign up for online Trulia account
- Send annual correspondence to landowners asking about plans
- On a periodic basis, query State Department of Assessment & Taxation's Real Property Search website for all parcels in portfolio
- Compare mailing address list with USPS National Change of Address database



What to do once notified of change in title

- Contact and introduce your organization and offer to answer questions on easement language, offer to:
 - Send copy of easement and/or exhibits
 - Provide sign (e.g. *This Property is Conserved Forever*)
 - Meet onsite and cruise property together

What to do if property transfers to LLC or other entity where primary decision maker is not indicated



Conduct *Business Entity Search* on SDAT website to confirm official owner and identify Resident Agent who is legal representative of entity.



Run RPS report and look for recording info for transfer, then look up deed in *mdlandrec.net* and examine last (recording) page for identity of grantee.



Call Resident Agent and ask for identity of Managing Member of entity.

Discussion & Questions

Property Transfer & New Owners

- How to foresee and detect changes in title
- What to do once notified of the change in title
- What to do if property transfer to LLC or entity where primary decision maker is not indicated

- **MET'S STEWARDSHIP PHILOSOPHY:**
Majority of issues are result of confusion or ignorance of restrictions, and that education and cooperative approach is best means to avoid and address concerns. Court actions are pursued as a last resort after voluntary means exhausted.

2. Concerns and Violations Response Procedures

Steps following report of restricted activity



1. Contact local partner(s) – LLT, P&Z, SCD: awareness, permit applications?



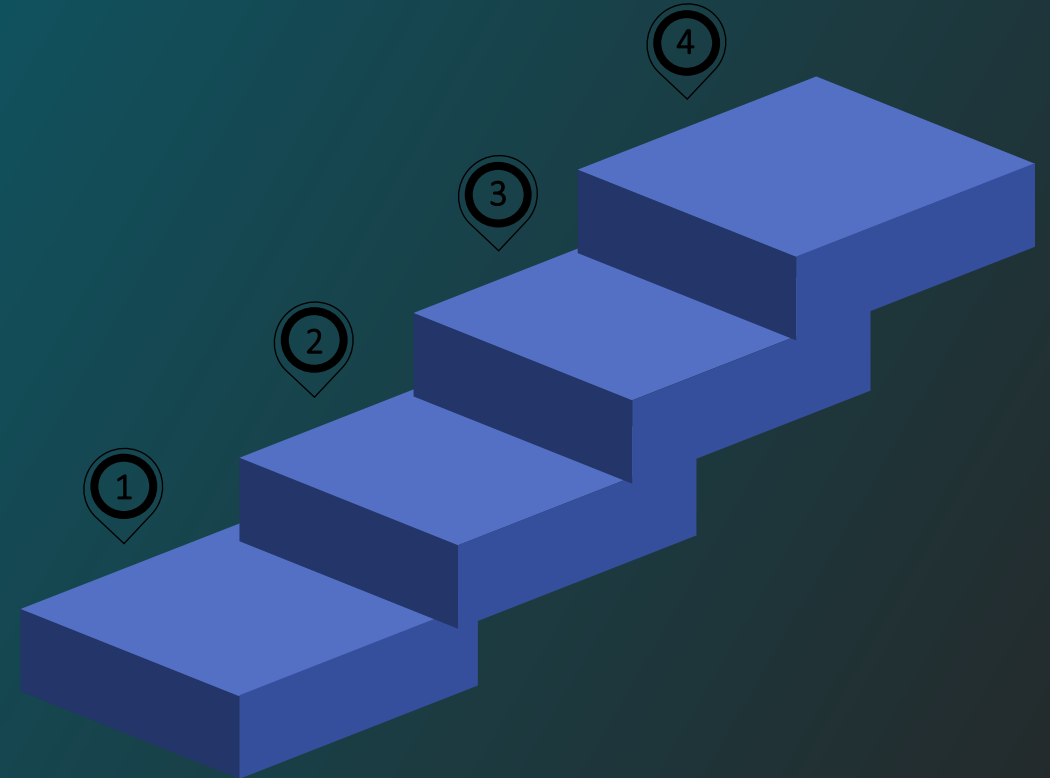
2. Contact landowner – background, approvals received?



3. Conduct visit – assess severity & scope of impact of planned or actual activity



4. Discuss results with attorney and board and determine strategy





Decide on a strategy and inform



Regulatory Agency



Landowner



Third Party Encroachment – a special case



Regulatory Agency

- Inform local regulatory agency about concern
 - Inform agency whether landowner has sought and/or received approval for disputed activity from your land trust
 - Cite requirement in easement for your approval (e.g. for new home site, access, events, etc.)



Landowner

- Write landowner/resident agent to summarize concern
 - Cite relevant easement language
 - Request stop to planned or ongoing activity, and
 - If relevant, request restoration to pre-activity conditions, and cite deadline for restoration

Third Party Trespass or Encroachment

- Elucidate prior awareness and what effort by landowner to discourage, prevent or stop activity
- Verify and/or encourage boundary signage and access control (e.g. gate, logs, boulders)
- As above, assess and document scope and severity of impact
- Consider whether expert documentation and/or witness may be required (e.g. MD Licensed Forester, surveyor, wetlands or wildlife expert)
- Determine with attorney and partners whether to bring claim against the trespasser, and based on proactivity and cooperation, whether the landowner, too



Discussion & Questions

Concerns and Violation Response Procedures

■ MET's Stewardship Philosophy

- Majority of issues are result of confusion or ignorance of restrictions, and that education and cooperative approach is best means to avoid and address concerns. Court actions are pursued as a last resort after voluntary means exhausted.

■ Steps following report of restricted activity:

- Contact local partner(s)
- Contact landowner
- Conduct visit
- Discuss results with attorney and board and determine strategy

■ What is the strategy?

- Inform regulatory agency?
- Write landowner?
- Third Party Encroachment?
- Other?

- What are people using?
- How and where are data and records backed up?
- Database option?

3. Records Policy & Data Management

Records Policy and Data Management



What are people using?

Shoebox?

Spreadsheets?

Database?

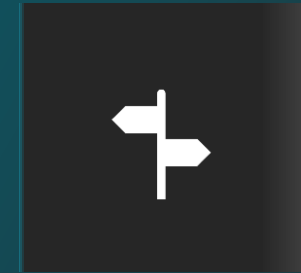


How and where are data and records backed up?

Safety deposit box?

Offsite digital copy via removable media?

Cloud storage?



Database Options

Landscape?

LOCATE?

Other options?

- Have you developed any new approaches to land protection and stewardship?
- Aerial Monitoring: Who's Using What?
- How has your land trust nurtured landowner relationships this year?

4. COVID Adaptations & Best Practices



COVID-19 Adaptations

■ Best Practices

- Social distancing, masks, hand sanitizer after every stop
- No sharing of tools/materials
- Riding solo to site visits
- Limited physical landowner contact
- More telephone communication
- Virtual volunteer activities (calls, emailed surveys, suggestions?)



COVID-19 Adaptations

■ Aerial Imagery Review

- 2019 Eastern Shore 6-inch imagery available, but > 16 months old
- MET piloting Lens for Eastern Shore solely helds, examining 2020 high resolution (generally ≤ 1 m resolution) commercial satellite imagery & report generation
- Dependent on results and on supplemental funding, may expand to partners for balance of Shore and/or Western Shore
- LightHawk volunteer pilots and flyovers with digital (GoPro) photography (sign up for flights); input flight plan; call with coordinator and pilot; share digital maps and objectives via email, examine resulting digital images



Discussion & Questions

COVID-19 Adaptations

- Best Practices: Have you developed any new approaches to land protection and stewardship?
- Aerial Monitoring: Who's Using What?
- What's worked (and what hasn't) with your volunteer programs?
- How has your land trust nurtured landowner relationships this year?
- Other Resources
 - [UMD Extension COVID-19 Resources](#)
 - [Forever Maryland Foundation's COVID-19 Resources](#)
 - [PennState Extension COVID-19 Resources](#)
 - [UNH COVID-19 Safety Training Video](#)



News & Updates from MET

- Model Deed of Easement
- Cooperative Agreement
- Co-held Monitoring Reports
- Volunteer Program & New Coordinator
- Questions?