

Maine Coast Heritage Trust staff uses this document in its land conservation efforts. It is designed for internal MCHT use and is provided here as a reference or guide. Each land trust has its own mission, priorities, and organizational characteristics that should direct how it does its work and what documents it uses. Please feel free to use the ideas, processes, and even specific text contained in this document, but be sure to tailor them for your organization. Land trusts should always consult a lawyer and exercise due diligence in cases of legal significance. MCHT does not guarantee or provide advice as to the tax consequences of any project or action.

MCHT DISCRETIONARY APPROVALS/NOTIFICATIONS POLICY (11/01/04, REVISED AND APPROVED BY THE BOARD 4/02/10)

MCHT holds many conservation easements that require Holder discretionary approval and/or notification before the commencement of certain activities such as construction of or alterations to major structures, timber harvesting, major surface alterations, etc. MCHT will approve all requests that are consistent with the purposes and intents of the easement, as well as with any specific restrictions. When interpretation is unclear, but a potential activity is not prohibited, discretionary approvals may be appropriate. If the proposed activity is inconsistent with the intent and specific allowances of the easement, it will be denied. In the case of required notifications, the notification information will be reviewed in the same manner as an approval. Acknowledgement of notification will be sent to the landowner with any concerns articulated.

All discretionary approvals must be signed by the Director of Stewardship or the President. If not specified otherwise in the easement, responses to requests for approval and notifications will be considered and responded to within 30 days of receipt whenever possible.

PROCEDURES:

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1. Stewardship staff will review an approval/notification request and the easement.
2. Staff will contact the landowner to inform her/him of receipt of the request and to discuss the proposal.
3. Staff will consult with MCHT attorney and other involved staff.
4. A draft approval or disapproval will be developed, reviewed by MCHT's attorney, and finalized.
5. The approval or acknowledgement of notification will be signed by the Director of Stewardship or President.