

Fact Sheet 8



Baseline Documentation Report

Standard 11; Practice B: For every conservation easement agreement (CEA) the land trust has a baseline documentation report (that includes a baseline map and photographs) prepared prior to closing and signed by the landowner at closing. Both the landowner and the land trust should hold at least one original copy. The report documents the important conservation values protected by the conservation easement agreement and the relevant conditions of the property as necessary to monitor and enforce the conservation agreement. In the event that seasonal conditions prevent the completion of a full baseline documentation report (BDR) by closing, the BDR may include an interim baseline and an acknowledgement that it will be replaced by a full report. This interim report and acknowledgement will be signed by the landowner at closing. - **Canadian Land Trust Standards and Practices (2005)**

Every conservation easement agreement (CEA) requires a signed baseline documentation report (BDR) to be prepared prior to closing and signed by the landowner and the land trust at the closing of the easement. This report should document the conservation values that were identified in the CEA and the condition of the property as it relates to the ongoing monitoring requirements. The report should also identify any pre-existing violations that are therefore accepted and not an enforcement issue.



The BDR is for the benefit of both the landowner and the land trust. The BDR is directly linked to the restrictive covenants within the easement agreement. It provides a snap shot of the condition of the land at the time the CEA was adopted. As such, the BDR becomes the basis for your ongoing monitoring and enforcement program for the property. Without a BDR, enforcement of the CEA becomes complicated as there is no documented landowner recognition of the state of the land prior to any potential violation.

What a baseline documentation report is

The BDR helps to establish the public benefit in accepting the easement and supports the conservation values of the property. It is the document upon which change can be evaluated over time. As such, it should contain photographs and maps that help to substantiate the property condition and the significant features on the property as it relates back to the CEA.

The content of a BDR needs to relate directly to the restrictions within the easement agreement and establish the current (or baseline) state at the time the easement was registered for future monitoring purposes. As an example, if the CEA deals with restricting buildings on the property, then the BDR should document existing buildings, their location, size, etc. so that this can be monitored for change over time.

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What a baseline documentation report ISN'T

A BDR is not the same as a biological inventory. A biological inventory is used to document the lists of plants and animals and other ecological features found on the property, whereas a BDR only addresses those conditions relevant to the restrictions in the easement agreement.

Contents of a baseline documentation report

Each CEA is unique to the property and the conservation objectives of the landowner. As such, each BDR is unique as it relates directly back to the easement. A good BDR will be:

- specific to the property
- specific to the conservation easement agreement terms
- clear in its documentation and description of features/conditions that will be monitored over time*
- supported by maps and photographs (with reference points) related to property condition
- signed by the landowner and the land trust at closing



*The use of language within the BDR is important when establishing current conditions. The land trust should avoid using subjective and loose language such as “good habitat” or “scenic views”.

These phrases are open to interpretation and will be difficult to enforce years later. Instead, the language should be specific and measurable. For example, the property “contains habitat for wolf and deer within one kilometre of scenic vistas visible from Route 2” (provide maps and photos).

Monitoring tool

The BDR is the basis for all CEA monitoring – as mentioned in Fact Sheet #7. In essence, the collection of information/data for this document will comprise the first monitoring of the property. For the land trust’s easement to be enforceable, it must be monitored over time to document any changes as they relate to the restrictions imposed on the land. Effective monitoring is dependent on the person monitoring being able to understand and know the property features. The BDR is a vital tool to be able to do so.

Enforcement tool

Violations are always possible, and while land trusts have a variety of tools to reduce the frequency and magnitude of violations (see Fact Sheet #5), they should be prepared for this occurrence. The BDR is an important tool in enforcement as it is the only signed document that acknowledges the condition of the conservation values of the property at the time the easement was completed. Landowners are more likely to adopt voluntary remediation if the land trust is able to identify that it has documented proof of the original condition of the property.

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The BDR can also be admissible in court and therefore the land trust should take appropriate steps to ensure the BDR is created, maintained, and stored in such a way as to minimize the potential of tampering (see Fact Sheet #9). It is also important to make sure the author of the BDR is clearly identified, and that the report is signed and dated.

Baseline documentation report supplements

A land trust may decide to update the BDR from time to time as a reflection of the property's current state. This is a good practice to follow; however, it is important that the original BDR is retained. Some triggers for updating a BDR include:

- natural changes on the property
- change in landowner
- amendments to the CEA
- remediation of any violation

As with the original BDR, these new reports should relate to the easement restrictions and should contain maps and photographs. Updates should also be signed and dated by both the landowner and the land trust.

The information provided is based on the Land Trust Alliance publication, "*Conservation Easement Stewardship*," Chapter 4. Please refer to this publication for more detailed information and case studies.



This document was reviewed and approved by the Best Practices Working Group on March 16, 2012. To access a copy of the full Land Trust Alliance manual please visit www.landtrustalliance.org.