

PALOS VERDES PENINSULA LAND CONSERVANCY

EASEMENT ENFORCEMENT POLICY

It is the policy of the Palos Verdes Peninsula Land Conservancy (PVPLC) to enforce consistently and vigilantly the terms of the conservation easements it holds. This is an essential aspect of its mission and an obligation it assumes as a qualified holder of conservation easements under U.S. Treasury Regulations 1.170A-14(c). PVPLC adopts the following policy to guide its Board and committees in carrying out these obligations.

A. Preventing Violations

PVPLC shall cultivate strong, cooperative relationships with the owners of lands on which it holds Conservation Easements, both the original donors and all successors in title. Recognizing that easement violations frequently involve failure to recognize legal boundaries, PVPLC also commits to building relationships with landowners adjacent to conserved parcels. PVPLC shall strive to create an open-door policy with such landowners to encourage them to communicate the PVPLC prior to undertaking activities that have the potential to violate easement terms. PVPLC 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 the conserved parcels will be aware of, and therefore likely to, observe the rules governing their use.

B. Monitoring

PVPLC shall conduct on the ground monitoring visits on an annual basis. Such visits shall be made at a time of year and under conditions that permit complete and accurate monitoring of the conditions on the land and

inspection of boundaries. Regular monitoring will likely allow PVPLC to identify potential violations before they occur or new violations within a reasonable time after they occur.

C. Violation Evaluation

When PVPLC learns of an alleged or potential violation, the Stewardship Committee shall take immediate steps to evaluate the facts and circumstances, develop a proposed response, and present these to the Board.

The Board shall address the violation and seek restoration of the land according to the terms of the easement. Its response 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 legal counsel to negotiate or litigate a resolution of the violation. Litigation of rights under a Conservation Easement may include seeking an injunction to prevent further violations of the easement.

D. Documentation of Violation.

PVPLC shall collect and maintain all relevant physical documentation related to the violation. Such documentation may include the initial report of the violation, investigative notes, measurements, photographs, video documentation, witness reports, and correspondence. One copy of all such documents will be kept in a separate enforcement file related to the violation.

E. Notice to Landowner.

Prior to the initiation of any enforcement action, PVPLC shall provide written notice to the landowner and a reasonable opportunity to cure any violation, except where circumstances require more immediate enforcement action.

F. Violation Resolution.

Unless otherwise specified by the Board, the Executive Director shall be the lead person acting on PVPLC's behalf and its spokesperson concerning violations with all parties, including PVPLC's legal counsel, the landowner, or the party responsible for the violation, the press, and the public. The Executive Director shall consult with the Executive Committee during the easement enforcement process so the members of that committee 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 Executive Committee and counsel (if appropriate). The Board's determination shall be based upon an analysis of PVPLC'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 or Management Plan, 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.