

## **WORKING WITH LANDOWNERS ON CONSERVATION ISSUES: BUILDING BRIDGES OF UNDERSTANDING**

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*The following information is drawn from a number of sources around the country as well as the experience and observation of the author and others who have willingly given freely of their time to edit this piece. These steps, suggestions and cautions are not necessarily intended to be the only manner in which to approach, get to know and work closely with landowners who are interested in donating or selling their property or a conservation restriction/easement on their property. They are intended to provide the reader with a close look at the issues and tools that may assist in establishing a worthwhile and lasting relationship with landowners. The following discussion assumes (1) that the land trust already has a reasonably good idea of the conservation values that the land in question possesses; (2) that the land trust knows what its stewardship and monitoring responsibilities will be for this property and that it will be able to meet those demands; and (3) that any ethical or public relations problems that owning or holding a conservation restriction/easement on the property poses can be adequately addressed. The information in this paper is not intended to be legal advice. It is intended to be educational.*

### **Introduction**

The heart of the work that private land and conservation trusts involve themselves in is the day to day interaction with those tremendous numbers of landowners who control the vast portions of open space, forests and farmland in this country. It has been estimated that approximately 75% of the open space in this country is owned by people over the age of 60. That means that quite a bit of space considered valuable to land and water resource protection will be changing hands in the not-too-distant future.

Working with landowners has always been an art and, like painting, lends itself to many variants, styles and mediums. It is no mistake that land trusts in the ranch lands of Montana look very closely and somewhat hesitatingly at a born and bred Easterner when searching for a new land protection specialist. The land protection business itself, though not necessarily new, has undergone tremendous changes in recent times and those changes do not necessarily lessen the difficulty of establishing a relationship with a landowner who has lived on his land for all of his life.

Here in the East, there are some historical issues that have contributed to the difficulty of broaching the subject of permanently protecting a piece of property. Maybe foremost on this list is the fact that our economy has been undergoing tremendous changes since the end of World War II. While the end of the war saw unprecedented growth and accumulation of wealth as the manufacturing and industrial sectors thrived, the latter part of the 20<sup>th</sup> century and the early beginning of the 21<sup>st</sup> have seen a transformation in the nature of our workforce and the training and education of workers required to fill these jobs. At the heart of this change are the new technologies, computers and other high-tech devices that have changed our lives and the landscape. Traditional jobs, especially in the rural areas, have gone by the wayside and workers find themselves forced to be educated in these new technological areas. This, in turn, has resulted in an

influx of a different type of person into the expanding communities that are made up of the workers filling these technological needs. They are often better educated, more sophisticated and more financially well off than their mid-20<sup>th</sup> century counterparts. And when these people move into the traditional rural communities that are fodder for the huge growth demands, the community often finds itself with two very distinct groups of landowners with two very different and diverging views on what shape the community should take in the future.

It is key for those in the land protection business to understand that they, too, often are these high tech and other new science professionals who are intimately tied to the new economy. Many of the land trusts along the eastern edges of Massachusetts and (now) well into the central area of the Commonwealth are made up of many members who have strong values and attitudes about what they want in a community. To the older residents and those who were part of the older economy, these newcomers appear to have different values and sometimes can seem elitist. It is not unusual for a local land trust to include some number of people generally earning above the community's average per capita income and that fact alone can foster the specter of elitism.

Simultaneously occurring with these socio-economic differences are differences in what is perceived to be in the best interests of the community as it continues to grow. On the one side are the newcomers who want to preserve what is left (often viewed as an attempt to keep out others less capable of affording the town) and who look to solutions involving planning, land protection and land use regulation. Having a different perspective are the long time residents who often view any type of development as good for the town and see planning, land protection and land use regulation as threatening, expensive and not cost effective, difficult to understand and too much work to consider helpful. Others can also consider planning and land use as an impingement on their ability /right to do with their land as they see fit. This is not to say that there are no crossover individuals who belong to the opposite group, but that is far from the norm. It is not unusual to find the local finance committee at odds with the local land trust on an issue of preserving a particularly valuable and important piece of property.

Old time residents can see a decline in their own standard of living, while the property values have risen steeply. Often the children of the old time residents cannot afford to purchase a home in the town in which they were raised. The newcomers often tend to be worried less about the standard of living and more about the loss of the community's character. Large box stores are not so much a source of jobs to them as a blight on the scenic and historic backdrop they have chosen to call home. Long time locals may view these stores as a source of inexpensive goods and jobs. It is from this backdrop that many land protection specialists begin their work. Not taking these differences into account may be a fatal flaw in a land trust's efforts to save the most important areas of a semi-rural or rural town.

### **Preparing to Meet Landowners**

There is no one way to approach and get to know landowners. There are different preparations that are used in establishing a relationship. Although one on one discussion often gives the best results, there are other steps that can lead a land trust to successful outcomes. Often these other steps involve getting the landowner involved in the process

of thinking and talking about land protection with others in the same situation. This could be through formal or informal workshops, conferences or meetings. These workshops or meetings need not be directly related to land protection, either. Often, the availability of workshops on issues relevant to farming, landscaping, beaver control, or a myriad of other subjects can be an important first step in initiating contact and discussion with a landowner.

### **What do you need to know in advance?**

Doing one's research in advance is important to being successful at landowner contacts. That research can take many forms when it comes to land protection. When working with a landowner, a land trust is forming a partnership of sorts. It may not be the same type of partnership that a trust might form with a state agency in purchasing the sought after land, but it still involves a strong need to cooperate, compromise and understand each other fully. There are several areas of consideration when pulling together your background and property research. They include: environmental resources and conditions, landowner information, cultural and historical information, mapping, state and local land use bylaws, statutes and ordinances and local and state interest in the particular property. Vital information should be recorded on a project inquiry sheet, to be added to as your organization gathers additional information. A sample project inquiry sheet is attached as **APPENDIX A**.

#### *Environmental Resources and Conditions*

There are some basic questions that you want to answer immediately before doing any of the in-depth research on the property. What is the location of the property and what is the make-up of the land and its resources? Are there wetlands on the property? How much of the property is uplands? What are the soil types? What is the size of the property and the size of the proposed area to be protected? What environmental features are there which can be learned prior to actually walking the property? Does the property generally meet the criteria of the organization? If so, in what way and to what extent does it? Are there other preserved lands abutting or close by or are there other landowners in the vicinity that are in the process of protecting their land or have indicated a desire to do so? Can the organization meet the necessary stewardship responsibilities? Are there any ethical issues or public perception issues that might impact the organization's ability to take ownership or a conservation restriction/easement on the land?

#### *Landowner Information*

There are a number of questions relevant to the property owner(s) to consider when doing your background work as you prepare to talk or meet with the landowner. Among them are:

- (1) who actually owns the land; is the manager someone other than the owner;
- (2) what is the nature and makeup of the landowner's family;

- (3) what are the attitudes of the owner and, separately, the family members about preserving all or a portion of the land;
- (4) what qualities are there to the land that are particularly important to the land trust's goals;
- (5) what is the personal and financial situation of the landowner(s);
- (6) what conservation options might fit well with the landowner's needs in relation to the information that you have gathered together
- (7) what written materials might you gather together for the landowner that would best suit that particular owner's needs, interest and attention span;
- (8) what maps and other information might you pull together that would provide information about the property and be of interest to the landowner;
- (9) what type of real estate tax situation exists with this property;
- (10) what mutual goals might the trust have with the landowner;
- (11) does the landowner have any desire to reserve an option to build additional homes on the property?
- (12) what is the location of the property, both in terms of the address and its location on standard maps?
- (13) what are the environmental features of the property that make it desirable?
- (14) what are the attitudes of the abutters and other neighbors close by to the property?

Much of this information can be obtained upon your first lengthy sit down with the landowner(s). Some may only be obtainable over a long period of discussions and trust building between the landowner and your organization. An example of a landowner questionnaire is attached as **APPENDIX B** (*Please note that this questionnaire is structured such that a landowner fills it out. This may or may not be appropriate in each situation, depending upon the degree to which your relationship with the landowner has developed. It may be more appropriate to use this questionnaire as a guide to obtaining your own information during talks with the landowner. Whether all questions can or should be answered by a landowner are dependent upon the nature of your relationship with that landowner. When in doubt, err on the side of caution.*).

Try to anticipate questions that will be asked of you by the land owner and the family. They may be questions that do not relate specifically to your mission, but may be very connected and pertinent. It will be important to understand and be able to explain about things like condemnation or eminent domain, tax issues (federal and state taxes, as well as local property taxes), liability for visitors and trespassers, transfer of the property to family or otherwise, privacy, public access, enforcement techniques and stewardship procedures, to name a few.

It is helpful to supplement your information with cultural and historical information. This is especially true where the property has a long history. Possibly the landowner will not know the cultural or historical significance of the property. Or, as is often the case, the landowner can correct misinformation gained during your own research. Either way, this is sometimes a good point on which to start a conversation, since many landowners enjoy discussing the history of their property. Learning and talking about the events that have given rise to more recent land use patterns, uses and

practices can be very helpful to your role. If you are privy to a story of how a local river changed course along the landowner's property during the flood of 1938, the landowner may know more about this than you have found in historical records. A discussion of this nature can be very educational and enjoyable for both parties, especially as an ice breaker.

In order to find this information, you can look to your local historical commission and/or historical society, the state Historical Commission, local libraries, a local historian or author, nearby colleges and other schools, local newspaper archives, annual town reports and other town board records. Local and regional museums may have artifacts and photographs. Often the state department of transportation and/or engineering office and selected other state agencies have a great repository of photographs, especially aerial photographs (orthophotos). In some cases, you may be able to get a hold of satellite imagery of the particular property. Nearby historic structures or landmarks, local cemeteries, canals, dams and archeological resources often can be the spark of a separate discussion also.

You will need to use your own judgment when determining exactly how much or how little the landowner wishes to discuss about his or her property. A landowner who pulls out an old map to help elucidate on some point of historical note will certainly be more open to you pulling out your own GIS maps or core bio-habitat maps when the discussion moves in that direction. It is wise to be watchful and considerate of the landowner's interest in these types of discussions. It can give you a hint of how to handle the more detailed issues that are yet to be talked about.

### Maps

Maps can be extremely helpful in discussions with landowners. Not only can they provide significant resource and land use data that may be new information to the landowner. They may also help focus the discussions about the property. The landowner may not be accustomed to seeing his property from this perspective and it may help him to visualize the nature of his property in greater detail, especially in relation to surrounding properties. It also helps you to create a visual reality for the landowner with regards to the ecological and other values that your organization feels are so valuable on his property.

This, too, is a timing issue. A map can be of great interest to a landowner, but it may also tell the landowner that you have been spending a lot of time preparing to discuss the sale or donation of the property or a conservation restriction. That may bring about a sense of resentment. This is a matter of judgment and sensing when it is appropriate to take this step. If and when you do show the landowner maps, it would be better to be able to leave copies of key maps with the landowner (or be able to assure the landowner that you will deliver certain copies within a short time), so that he can look at them at his leisure, when the pressure factor is absent.

Maps that can be helpful include: topographic maps (Unites States Geological Survey maps can be purchased at various locations, including USGS offices and local stores that cater to back country recreational pursuits); Geographical Information System (GIS) maps, which are available from selected state environmental agencies (Executive Office of Environmental Affairs in Massachusetts, the Department of Environmental and

environmental consulting companies; state protected land maps available from selected state agencies that deal with fish, wildlife, recreation and water resource issues; assessors maps; local maps of protected land; greenway maps from organizations dedicated to protecting greenway areas; trail maps available from non-profits and state agencies that support trail usage; watershed maps available from local and state watershed protection groups; and various other resource maps that you may come across as you go about your work.

### *State and local bylaws and ordinances*

A complete research of a property should include an analysis of the variety of land use and environmental regulations and laws that affect the particular property and surrounding area. This is most important in giving you an idea of what potential uses the property can be put to and what methods that might be best utilized to protect the property.

Zoning bylaws regulate the way in which development takes place – its location, density and size. Aside from the state legislative scheme that sets the ground rules for these regulations, each city and town has developed its own set of bylaws. Understanding the limitations contained within these bylaws is essential to such things as appraising the value of the property, assessing the demand that may or may not exist for housing or commercial use and understanding innovative or outmoded techniques for guiding development into certain areas of the community. Does the town have any overlay districts, and, if so, how do they affect the use and value of the property? What types of site plan review are required and is there any communication between building departments, local zoning boards of appeal, planning boards and conservation commissions during a site review process? On the surface, this may seem like an over reach of the research process. When discussing options with a landowner, however, it is helpful to you to know exactly what the landowner can and cannot do with his land as you approach possible negotiations. If a landowner has unreasonable expectations about what he can do in terms of developing his property, it is in the land trust's best interests to be aware of this. This is not to suggest that you want to use this information to "correct" or alter a landowner's view during an initial conversation. This information is important to the land trust in order to understand what its position can and should be when considering entering into negotiations for the purchase of a property or a conservation restriction on the property.

Similarly, having a full understanding of the local subdivision control regulations will enable you to better formulate your approach to dealing with the landowner. Depending upon the town or city, the regulations may apply to residential property only or may also apply to nonresidential subdivisions. In some communities, these regulations will also include open space provisions, which may be of interest or assistance to your efforts. Federal, state and municipal wetland protection statutes and ordinances (and possibly river protection statutes, as the case is in Massachusetts) and, in some cases, local health regulations can have great impact on how a property is viewed and valued.

Most important to keep in mind is that these land use regulations are particularly complex. It is best to seek assistance from legal counsel for interpretation when reading these local bylaws. Often you can also find classes that will bring you up to speed on

understanding your state's zoning and subdivision control bylaws and wetland regulations. In Massachusetts, for example, the planning, zoning and subdivision control laws are addressed in regular classes offered by the Citizen Planners Training Collaborative in cooperation with the University of Massachusetts Extension. Wetland and river protection issues can be studied through classes that are offered by the Massachusetts Association of Conservation Commissions. Both of these groups have annual conferences with day long agendas of classes and workshops and both are held in the month of March. Look for similar resources in your state and make yourself familiar with them.

Additionally, local boards of health generally have the ability to adopt more stringent regulations on issues affecting public health. A prime example in Massachusetts is Title V on-site sewage treatment and disposal systems. The development potential for a property can be very affected by the application of Title V and local bylaws.

In Massachusetts, other potential statutes, bylaws and programs that might have an effect on the value and use of a particular property include the Coastal Zone Management program, the Endangered Species Act and Areas of Critical Environmental Concern (ACECs).

Checking a property's tax status is also important, since a landowner may have taken advantage of a special tax status (e.g., M.G.L. c.61, c.61A and c.61B in Massachusetts and Public Act 490 in Connecticut), which provides certain tax reductions for property in forestry, farming or recreation, respectively. In Massachusetts these programs also include a right of first refusal provision if the landowner determines to alter the use of the property or sell the property to someone else who intends to alter the use. The right accrues to the municipality, which has a statutory ability to assign the right to a non-profit that performs land protection.

#### *State or local interest in the property*

It is helpful to know how much and what type of conservation or other interest might exist at the local or state level with regards to the property in question. Is it on the radar screen of your municipality (does the town have an up to date open space plan?) or one of the state agencies? Has any regional, state or national organization shown any interest in the property and, if so, where do they stand with regards to this property at this point in time?

### **First Contact**

Every effort should be made to avoid making a cold call to a landowner, whether it is a letter, phone call or a knock on the door. This type of initial contact can be awkward and may be intimidating. The end result could be that you or your organization will have no further contact with the landowner. This is a situation that you want to avoid if at all possible, but there are times when an initial letter without some additional first contact is necessary. See **APPENDIX C, Ladder of Effective Communication**, for one expert's view on the most effective modes of communication.

### Peer Contact

One way in which to begin a dialogue with an owner is to be introduced through a mutual friend or acquaintance, especially one who has already completed a protection project with the land trust. This can be particularly successful with farmers. Possible contact can be made through a member of the land trust, through a state agency that has an existing relationship with the landowner or through others in the community who know and deal with the landowner. For example of a peer contact letter, see **APPENDIX D**. For an example of a contact letter from a land trust by request of a peer, see **APPENDIX E**.

Often these people can provide initial information to the trust regarding the decision makers in a larger family, insights on family issues that may pose problems, and information about the success of others in dealing with the family.

An introduction by a trustee of the land trust can lend a degree of credibility to you and your organization from the start. You cannot assume that the public image of the land trust will be positive or that everyone in the community shares the land trust's concerns about growth issues. Connections through trustees of the organization may help to address this type of problem.

### Introductory materials

Getting introductory materials to a landowner often occurs as the first direct contact that a land trust has with a potential partner in land protection. First contact is always critical. Introductory materials must be able to give the landowner the ability to see what options exist and why those options might make sense. These may include a land trust brochure to let the landowner know who you are and what you do, a history of the land trust's protection accomplishments, a publication or white paper on land protection options (Land Trust Alliance publication(s) or The Trustees of Reservations "Land Conservation Options"), a white paper on conservation restrictions/easements, your land trust policy on technical assistance to landowners, technical bulletins on issues such as tax benefits and land valuation, one or two recent newsletters and, possibly, a list of those landowners in the area who have already completed some type of project with your trust (best provided if it is an existing list in a recent publication put out by the organization).

Overburdening a landowner with too much material may be counterproductive. Yours is not the only material in the mailbox. Make it clear, concise and eye-catching. A planned series of mailings over time may be better received. Landowners and their families should also have the opportunity to ask questions. Allow people to take and read the materials as each sees fit.

If you have the opportunity to distribute materials by hand, do so. This might be at some type of fair or a table at a workshop or at the local dump/transfer/recycling center on Saturday morning. This may increase the likelihood of having your material read and your organization's name being remembered. It is also good to have the materials available at a number of accessible sites. This could run the gamut from local markets

and shops to other non-profits' offices to nature preserves to town halls and libraries. This potentially enlarges your audience and your coverage. There is no pressure upon the individuals to take the material, so those that do may be more prone to contact your organization for follow-up conversations. For an example of a letter enclosing introductory materials, see **APPENDIX F**.

Another method of distribution is to mail materials. It is advisable to carefully develop a list for mailings, in order to not waste money and energy sending to the wrong people. Be careful not to exclude certain groups or organizations. Local assessor offices are the best source for current owner contact information as they regularly mail property tax bills. Often, however, these records are only updated on a yearly basis, so the address of new owners may not be in the assessor's records immediately.

An additional method of getting your word out is to create a poster or desk blotter cover that is eye catching. The Sterling (MA) Land Trust created a desk blotter with a wonderful picture of a farm that is protected by an agricultural restriction. The landowner can be seen in the foreground looking over his land. The piece is impressive. Sometimes these types of things can be displayed in stores or town buildings just because of their inherent visual appeal.

Finally, when working on particular projects, it can be helpful to use local newspapers and other publications, local cable access and local radio.

*Note:* Many land trusts have their first contact with landowners through materials designed to get the owner to join as a member. Although trusts often send out membership information with information about land protection, these involve two different goals. Membership in the organization may help bring a landowner to the table on a protection project, but it does not automatically follow. In some cases, it may be counterproductive. Providing informative materials on land protection, without any mention of membership in the organization, enables the landowner to choose whether he wants to read the material and do so without feeling the extra push to join the organization as a member. Every land trust has to make its own decisions about this issue when doing mailings, but it is important to be true to your educational role.

### *Community Relations*

An indirect, but efficient and practical, way in which to reach landowners is through community relations that assist the landowners in understanding and addressing important functions and uses of their land. This can be done through workshops and classes that are directed to issues that are related to the uses to which the landowners put their land. For example, sponsoring a workshop on forest management methods or landowner liability or beaver control can be helpful to the landowner while establishing the trust's role as a source of helpful information. This is one good method in which to create the opportunity for initial contact with a landowner. Again, "cold contact" should be avoided if at all possible.

Connecting landowners to useful resources that will enhance their use and enjoyment of their property can be extremely helpful in establishing a relationship. Similarly, the publication and dissemination of materials about specific property tax issues that may be helpful to a landowner can have the same positive result. In

Massachusetts and Connecticut, for example, there are numerous laws that can have an affect on a landowner's property taxes, many of which are generally unknown to most of the population. Answering questions and seeking solutions to problems that landowners pose can also be a great source of landowner good will. Another method is the publishing of a newsletter about land stewardship issues, such as forestry, farming and landscaping, which is relevant to owners of large property.

On another slant, educating those in the community who have relationships with landowners can have a very positive result. This can include providing educational workshops for foresters, attorneys, realtors, accountants, bankers, surveyors, appraisers, planners, conservation commissioners and other professionals who regularly work with the same landowners that you hope to work with. This may also include cooperating with the local planning agencies or seeking the input and advice of landowners in general about local issues related to conserving land.

Some land trusts have created registries as a method of building a relationship with particular landowners. This involves a voluntary, non-binding recognition honoring the landowner's property for its important environmental and ecological resources. By using this method, the land trust is able to educate and familiarize the landowner with the valuable resources of his land, with an eye towards some type of protection becoming feasible sometime in the future.

#### *Picking your spots and tailoring your comments*

There are several different situations under which you might come in contact with a landowner or a group of landowners. This could run the gamut from a Planning Board, Zoning Board of Appeals or Conservation Commission meeting to presenting a workshop or conference to meeting with the landowner in his or her home to running into the landowner at the local diner. Each situation offers its own possibilities and its own limitations.

Considerations of tailoring your comments and discussions with a landowner based upon the environment in which you come in contact can be very helpful in establishing a relationship over time. For example, consider the situation where you run into a landowner at a local diner and you have had previous contact with that individual about protecting his land. He may prefer to have this information kept confidential, so an offhand remark to him regarding your proposed meeting that coming Tuesday to walk his land, while he is sitting with five other local property owners having breakfast, is probably not going to assist you in your efforts to establish a good working relationship. Or consider the situation where the neighbor of this individual has already placed a conservation restriction/easement on his property. You may be able to explain to this landowner what his neighbor thought and felt when taking this step, but you may get more mileage if he hears the neighbor talk about it in a small workshop where others are present.

#### *Workshops and Conferences*

When doing a presentation to a group of landowners, it may be best to assume that they are unsure of your intent and objectives before you start. There are steps that

are important to consider before doing your final run. Start out by reviewing your objectives. Make sure that your presentation will be descriptive and that your objectives are clear to your audience. Just as important is to be realistic about your goals. Don't expect to have miracles occur based upon your talk. Remember that you are attempting to impact and possibly change perspectives that have often been ingrained for years, if not for a person's entire life.

It is imperative that you know your audience before hand. Asking for a show of hands in response to a few key questions will provide insight and set an interactive tone. It is key to know your audience's knowledge level and what they know about you. Some people can get up in front of a group and speak for an hour without notes or an outline. That may work well for the speaker, but it often comes with a down side for the audience. Especially in the area of land protection, audiences like to take notes and a logical outline helps the audience to get their thoughts around what it is you are presenting. This may be accomplished in the way of a handout, a flip chart or a Power Point presentation, but it is important to allow your audience to be able to focus all their energy on what you are explaining. It can be difficult for an attendee to organize the information while listening. You may be sabotaging your own goals by not providing written materials from which (or upon which) to take notes.

Examples are very important for assisting someone to understand material that may be very foreign. Make them easy enough to understand at first glance. Use more difficult examples as a follow-up or in a follow up presentation at a later date. For example, a simplified description of conservation restrictions/easements at a workshop on conservation options should be no longer than a few minutes long. A longer detailed presentation can be presented in a separately scheduled workshop entirely dedicated to restrictions/easements.

The most important thing of all is to be patient, considerate and respectful. There should never be anything that is considered a stupid question. Even if others in the room ridicule a questioner for the absurdity of a question, try to find a positive side to the question – a reason why the question is a good question at that point in the discussion.

Some times questions come from people who have come in with a very strong disposition in opposition to what you are presenting. These people can ask questions in a manner that appears almost statement-like in nature – a challenge of sorts to your knowledge or your goals. How you handle these questions and the personality of the questioner may very well have a bearing on how the other landowners will relate to you in the future. If you are even handed and non-judgmental, your answers can often deflate the personal biases without being disrespectful. Those who agree with the bias of the questioner will not change their minds because you have given a snappy retort that attempts to put the questioner in his place.

If you have already researched one or more particular landowners to whom you are presenting, it is best not to let them know in an open session that you have been doing such research. This could serve to alienate someone before you have had the opportunity to meet with that person one on one. Even in small discussions following your presentation, letting a landowner know that you have been researching him may be put-offish and you may find that you have built a wall that you personally will never be able to tear down. For an example of an introductory letter inviting a landowner to a workshop or similar event, see **APPENDIX G**.

### Small group sessions

Another approach to getting to know landowners is to have a meeting of a small group of landowners in a comfortable setting. This gives the landowner the opportunity to listen and ask questions as he sees fit and does not create any pressure to have more formal discussions with the trust's representatives. If the landowner indicates a desire for a follow-up meeting with a land trust representative, the ice has been broken. You might also follow a small group session with a personalized letter to the landowner in which you offer to schedule a personal visit. The letter should be personal and tailored to the landowner's interest and particular situation. The presence of other land protection enthusiasts in the audience can be a double edged sword. Although these individuals may be helpful in answering questions and raising issues, they may also curb the willingness of the more resistant or reclusive landowners to ask questions or seek information for fear of being inundated by contact by others in the room who do land protection. Considerations of whom you want to have present at a meeting should be one of the first discussions when planning on meeting with landowners in a group. For examples of letters inviting landowners to a small gathering, see **APPENDICES H, I and J**.

### **Landowner Visits or Initial Meeting**

An initial visit to a landowner or an initial meeting with a landowner on neutral ground should be designed to take the landowner a few more steps along the path towards understanding what your organization does and what land protection can mean to him. It is essential that your organization have someone approach the landowner who will be best received. It is equally important to determine the manner of approach that will be most effective in beginning a relationship. Have your goals in mind in advance, but be realistic about how quickly you can proceed. Moving into substantive discussions too quickly can be extremely counter-productive. It is probably best to keep your discussions more general, rather than specific to the landowners own property. Certain catch words may best be avoided. For example, discussions about "targeting" a particular area can leave a negative impression in the mind of someone uninformed about the nature of land trust work.

When you walk away from the first visit, the landowner should be fairly familiar with what your organization does and what your role is in the organization. He, hopefully, will also have some general idea about what some of the more basic types of conservation techniques consist of. You should be aware of what the landowner's interest is in your work, what the landowner's goals or desires for his property consists of, and what the landowner's interest is in pursuing further discussion with your organization. You should also have an idea at this point of whether your group can continue to work with this landowner based upon your organization's financial and other capabilities. At this point, you may be able to better assess whether you will require partners to accomplish your goals.

This is a good time to be able to explain something about the organization's record of successful projects, its board members and employees, with whom the

organization has done previous projects, partners with whom the organization has worked in the past, and references whom this landowner can check with regarding your organization's track record.

Providing examples of projects that your organization has completed can be helpful, but should only be offered if you feel that the landowner desires to hear success stories. Be careful when providing these stories not to make any comments that can be interpreted as negative or derogatory about previous clients. This is not to imply that you should avoid discussing problems that your organization has experienced in a past project. Truthfulness of this sort can bring about more credibility and respect than one might expect. It is important, however, to couch the more difficult problems in terms of the challenges that they posed and the successful manner in which your organization was able to address those challenges.

You should also be able to walk away from this first visit with a better idea of the nature of the property and whether it fits the criteria that your organization has established for its projects. If you have the chance to walk or drive the property with the landowner, by all means do so, but make sure that this is something that is comfortable for the landowner. Taking notes of "baseline" information is advisable, but you may want to ask the landowner whether he minds you taking notes before doing so while walking and talking. Try to verify the information that has been missing or is sketchy from your previous knowledge. What is the acreage? Are there any lot line disagreements with abutters? Are there any easements or rights of way? Are there any management plans for forestry or farming or wildlife? Are there structures on the property other than the homestead? Does the landowner know of any unusual plant or animal communities on the property? Has the property ever been used in any other manner than its present usage? Are there any issues such as mining rights or water rights? Have other neighbors protected their land in any manner? Is the landowner aware of other neighbors who are interested in protecting their land?

Do not be surprised if you cannot achieve all of this on the first trip. The landowner may tire of the questions and the amount of time needed. There may be a number of things the landowner is unable to answer. There may be things the landowner does not wish to reveal at this point in time, not wishing to completely reveal his entire situation. Whatever the reason, it is safe to assume that you will be getting additional information in the future. This is a process, not a one time shot. Be content with the level of information provided and know that the landowner will provide further information as the relationship grows. Patience is, as always, the key factor. Working with landowners is not unlike working with crops or a flower bed. Some things grow and produce immediately. Others take years of careful work and dedication to ripen.

An initial visit does not necessarily translate into a full conversation about protection techniques. Once the above questions and issues have been covered, the landowner may not wish to discuss further issues. Remember that this is a nurturing process. It is rare that a first visit results in a conservation easement/restriction being agreed upon. One must develop an intuition as to how much a landowner wishes to discuss at any particular meeting. If the landowner is open to learning about protection techniques, then a brief discussion is warranted. Do not over explain. Giving too much information, especially at the first meeting or the landowner's first opportunity to learn about techniques, may cause a landowner's eyes to glass over. What is second nature to

those of us in the land protection world can be very complex and incomprehensible to a landowner who has never really understood land protection.

It is best to start out with the basics about techniques – outright purchase, conservation easements/restrictions and other techniques that are the bread and butter of land protection. Explain the basic differences, the funding issues and the potential costs to the landowners. Also explain the potential financial incentives that may be available, being careful again not to confuse or overload the landowners. Take time to explain the steps that are involved, potential time frames, and, most important of all, the responsibilities of the landowner and, where relevant, those of the land trust. And, most important, advise the landowner early in the discussion to consult his own legal and financial (tax) advisors to fully understand his responsibilities.

The three key accomplishments that the trust should attempt to cover at the first meeting are the goals of the landowner, including his needs and the needs he feels obligated to address, preliminary research on the property’s resources, conditions, values, problems, and preliminary baseline documentation. Take pictures if the landowner has given his permission to do so in advance. Take note of forest and/or wildlife management, as well as soil conservation and understand what parts of the property, if any, are subject to special tax status under state law (Chapters 61, 61A and 61B in Massachusetts).

Keep in mind that there is no set time in which to accomplish these steps. Each landowner will present his own challenges and personality as well as interesting facts and problems. Resist pushing or being less than candid. Remember that listening is more of an ally than teaching and talking at this stage of the process. Be respectful and be appreciative of the landowner’s time when the meeting has ended.

At the end of the meeting, it may be advisable to summarize the meeting and discuss next steps, whether they are formal steps in completing a protection project or merely another meeting to further discussion. A follow up thank-you letter summarizing the key points and handouts (if any were given) is advisable and may help to solidify concepts and steps that the landowner did not fully comprehend during the visit. See **APPENDIX K**, for a short form thank-you note. Be careful, if sending a lengthier thank-you with a meeting summary, not to be too lengthy and not to include any statements that suggest an interpretation of the landowner’s comments or thoughts.

It is advisable to keep a formal record of your organization’s contacts with the landowner and his family. A Landowner Checklist can be helpful in keeping such a record. This is particularly helpful when the project lead person is away or unable to provide immediate information on the progress of a particular project. See **APPENDIX L** for an example of such a form.

If you have committed to performing any type of follow up, deliver on this commitment without delay. It is important for the landowner to see that you are a person who takes your responsibility seriously.

In summation, working with landowners involves following the six “Ps” –

Preparedness  
Planning  
Personal Contact

Persistence  
Patience  
Privacy

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