

2025 Trends Briefing with Conservation Defense and the Accreditation Commission

Overview

Land trusts across the country are saving land and harnessing the power of conservation to help make their communities stronger and more vibrant. As a sector of about 950 Alliance members operating in 93% of counties across the country, land trusts collectively have a broad and deep reach. And, with more than 475 land trusts achieving accreditation and more than 560 joining TerraFirma conservation defense liability insurance, it is a community that is — and must continue to be — built to last.

The good news is that land trusts have collectively become stronger, more effective and more resilient thanks to their commitment to *Land Trust Standards and Practices*, the growth of TerraFirma and the land trust accreditation program. At the same time the world around land trusts continues to evolve, and there are new and expanded threats to conserved lands. To deliver on its promise of perpetuity, the land trust community must stay vigilant to those risks and redouble its commitment to excellence.

The [Land Trust Alliance](#) and the [Land Trust Accreditation Commission](#) are in a unique position to see and share the collective impact of land conservation while also tracking and telling the story of the big-picture trends that influence and shape that work. This memo outlines some of those trends, coupled with steps land trusts can take now to assess and mitigate risks and transform downsides into opportunities that will advance lasting conservation. While the information may feel overwhelming, it will help land trusts advance their missions by illuminating important areas of focus. This solid foundation takes time, money and continuous support and commitment to continue to build and maintain the collective impact of the land trust community.

The Alliance's Conservation Defense Initiative and the Accreditation Commission both monitor persistent and emerging trends, possess insights into land trust practices and act as sounding boards for land trust staff, volunteers and advisors. This 2025 Trends Briefing builds from key elements of the [2024 Trends Briefing](#) and offers strategic positioning ideas for the future.

Key Takeaway

Land conservation's promise of perpetuity rests on sound stewardship. Stewardship is how land trusts keep this promise to the public and the future. Sound stewardship mitigates the risk of violations, encroachment and legal defense, which can pose exorbitant costs and sink an organization if it is unprepared. If organizations have sufficient resources, well-trained and properly compensated staff and volunteers, comprehensive records and unwavering support from leadership, then the challenges and trends discussed below present opportunities to demonstrate the effectiveness of land conservation and our community's resolve and commitment to perpetuity. Accreditation has helped land trusts meet these goals.

Trend #1: Changing Landscape

The land trust community is navigating the changing landscape, including dramatically increasing stewardship cost, abusive syndications, changing cultural norms, political shifts, increased external pressures on conservation, and changes to funding sources and priorities. These evolving challenges apply equally to land owned by land trusts and conservation and trail easements. Approaches and assumptions in land conservation must shift — alongside funding models and cost calculations — to thrive in this changing world.

Expanding Litigation

When it comes to enforcement, ownership challenges and stewardship in general, the Standards and the accreditation indicator elements are generally framed in a way that assumes good intentions and good faith. While most landowners and neighbors honor conservation agreements and respect conserved lands, some concerning trends are growing at a disturbing pace.

- Land trusts are seeing counter attacks when defending conservation, such as landowner or neighbor cross claims in litigation demanding multimillion-dollar payments from land trusts for alleged infliction of emotional distress, misrepresentation and damages resulting from land trust enforcement actions.
- More challengers are using endless court delay tactics to inflate costs and delay and discourage enforcement.
- More landowners and neighbors are not acting in good faith.
- More challengers are bringing a cavalier, “so what” attitude to trespass, violations and the property rights of others, and more are exhibiting a “grab what they can get away with” approach.
- Land trusts are increasingly being named in other litigation, such as in bodily injury cases simply if they hold a conservation easement on the land where the injury occurred. Courts are not dismissing the land trust from the litigation, often citing easements’ monitoring and enforcement requirements as possible factual situations where the land trust could have liability, even if it is later proved that there is no land trust liability.
 - Liability for negligence while on land trust business has occurred especially when driving to and from sites. Board focus on accountability, safety training and attention to risk prevention can reduce instances of bodily injury and fatality claims against a land trust.
 - Liability for hazardous materials with a conservation easement, however, has not yet been applied to land trusts, provided that the land trust does not exercise management control over the land.

In this climate of increased litigation, a landowner-friendly, “assume good faith” approach does not work with those who disregard conservation obligations or ignore property rights. For example, repeatedly reminding a landowner to remove a pile of tires for three years, without action by the landowner and without escalating the approach by the land trust, sets a tone and expectation for lack of seriousness with the landowner or even other landowners for how future violations will be handled. Land trusts need to shift gears sooner rather than later. A general guideline is to step up the response if the first few (no more than three) friendly requests are met with inaction or delay. It is worth noting that the land trust must notify TerraFirma at that very first instance of a possible problem or risk claim denial for untimely filing, even if the land trust is taking the “slow persuasion”

approach. Failure to take any action can result in later assertions that the land trust waived enforcement.

From an accreditation perspective, documentation needs to show that 1) the land trust is taking timely action, 2) the actions are consistent with the conservation values or restrictions, and 3) the action does not result in private inurement or impermissible private benefit. Actions can be balanced and scaled to the issue, e.g., failure to provide notice vs. actual violation of the conservation easement, but issues cannot be ignored.

Increasing Challenges and Claims

Various measures show dramatic growth in the need to defend lasting conservation in multiple venues.

From 2014 through most of 2025 nationally, the Alliance has tracked an approximately:

- 110% increase cases reported in Conservation Case Law Summaries.
- 1,357% increase in cases covered by Terraforma.
- 3,269% increase in claims made to Terraforma.

Since inception, the rate of Terraforma claims has increased 875%, from 1.9 claims per thousand parcels in 2013, to 16.7 claims per thousand insured parcels in 2024. Serious claims costing more than \$5,000 to resolve increased from 0.5 claims per thousand parcels in 2013 to 1.4 claims per thousand parcels in 2022 – or almost three times as many serious claims over nine years. This trend is steadily increasing. For example, the rate of increase has been faster in the last few years (as indicated by a 56% increase from August 2022 to August 2025 in serious claims).

From March 2013 through October 2025, Terraforma paid over \$9.2 million to support over 350 lasting conservation defense challenges. Over the past year since August 2024, the number of challenges increased by 21% and money paid to defend conservation increased by 24%. Terraforma is winning cases with about one percent loss rate. Challenges are increasing and are more difficult; land trusts are still prevailing, but prevailing is taking more time, effort, skill and money.

Evolving Types of Challengers

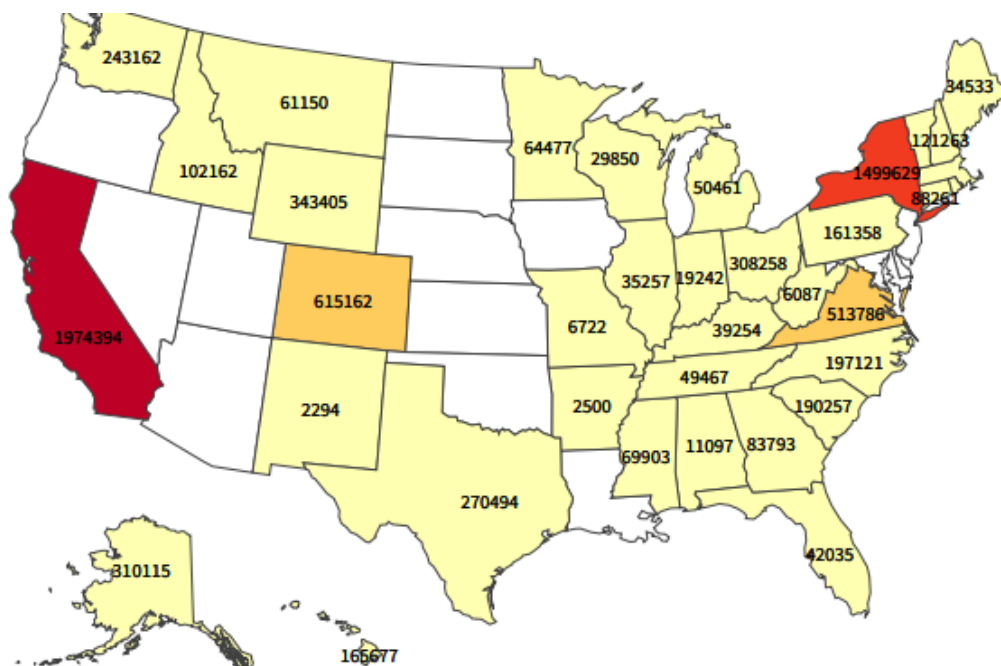
Successor owners have historically been the largest category of challengers. When Terraforma started, trespass problems were usually minor, and original owner violations costing an average of \$33,000 to resolve were unheard of. But trespasser and original grantor challenges have increased dramatically, and original grantor disputes now cost 20% more to resolve than successor owner disputes.

Challenger type	Number of covered claims	Percentage of all claims	Percentage of covered claims	Total cost of covered claims	Average per covered claim
Original owner	43	22%	14%	\$1,584,158	\$36,841
Third party	124	48%	39%	\$2,633,362	\$21,236
Successor owner	147	29%	47%	\$3,837,422	\$26,105

*The remaining 1% is a government challenger.

Conservation Defense Costs by State

California and New York are the two highest cost states to defend conservation with Colorado and Virginia following. The top five states by paid losses are CA, NY, WY, VA and CO which are the same as 2023 and 2024. Nationally, the Alliance is aware of approximately 17 cases where the cost to uphold lasting conservation exceeded the \$500,000 claim limit. Not all were TerraFirma claims. Some of these cases cost in excess of a million dollars to defend. At least one cost in excess of \$3 million to defend. Of those, more than half are in California. Two are in New York and one in Virginia. This means that both the number of million dollar plus cases and the costs of such cases are increasing. Successor landowners are driving cases to state supreme courts more often. Land trusts in these states therefore should increase their conservation defense funding because you cannot know when that next million-dollar – or more – case will be yours.



Losses by state
 < 394,878 394,878 - 789,757 789,757 - 1,184,636 1,184,636 - 1,579,515 > 1,579,515

*taken from the TerraFirma Claims Log
 *OR, AZ, NE, MD, NJ, IA: covered claims that closed without any loss to TerraFirma

Owned land vs. Conservation Easement Claims

Owned land and conservation easement percentage of claims are about the same at 6.8% and 7.6%, respectively.

Conservation easement claims require a greater level of proof and conservation easements are open to interpretation making them more expensive. Conservation easement challenges are 60% more expensive than fee challenges. Of all claims submitted to TerraFirma 14% were for owned

land. Owned land accounts for about 16% of all parcels that Terrafirma insures. The claims to parcels ratio is approximately the same.

Resources

- Practical Pointer: [When to Shift Gears on Problem Resolution](#)

Staff Expertise, Compensation, Support and Sustainability

Mission fulfillment—the promise of perpetuity—rests on sound stewardship. Sound stewardship mitigates the risk of violations, encroachment and legal defense, which can cost exorbitant amounts of money and sink an organization if they are unprepared.

Steps to Take Now

- Land trusts need to have knowledgeable staff or volunteers with adequate resources and sustainable systems to do their jobs well. Identification of potential problems early will allow time to mitigate them, at a lower cost than litigation will demand. Thoughtful and comprehensive records go a long way to deterring litigation.

For example, a very experienced stewardship director did not have remote monitoring technology to identify an encroachment when it occurred in a remote difficult to access spot. While most of the property was monitored regularly, staff had not been monitoring the remote, difficult-to-access spot on the ground due to capacity constraints. Unfortunately, an extensive encroachment occurred by a neighbor behind the difficult-access spot. Staff did not file a timely Terrafirma claim because they did not identify the encroachment until two years later due to the lack of sufficient technology and capacity.

- Land trusts need to have board support for stewardship.

For example, a land trust without sufficient monitoring staff and whose staff did not have the appropriate training, missed several easement violations that were severe (extra houses) in addition to misidentifying another severe violation on the incorrect and unverified assumption that the vegetation clearing was permitted agriculture. Terrafirma denied the claims as untimely when filed two years late. Major litigation ensued, funded by the land trust without any insurance coverage.

The board could have properly staffed and provided training for its program proportionate to the difficulty and complexity of its conservation portfolio. The board could have used money it had to spend on litigation to instead proactively invest in stewardship compensation and training to prevent violations – or at least to avoid the need for litigation or, if litigation is necessary, to have timely filed insurance claims. If the board had adequately paid, staffed and supported stewardship, it would have been more likely to identify potential problems in time to mitigate them, at a lower cost than paying for litigation. Terrafirma is seeing capacity constraints adversely affecting problem resolution in staffed land trusts, including accredited land trusts of all sizes, as well as in all volunteer land trusts.

- Land trusts need to have much deeper pockets to fund the still rare (but increasingly frequent), severe case exceeding claim limits by a challenger who is willing to spend any amount to pursue frivolous counter claims.

The Alliance is researching updated guidelines on needed stewardship and defense funds. In the meantime, land trusts in high-cost states (page 4) might consider adding at least \$100,000 to defense reserves in the event of a court case that exceeds the TerraFirma claim limit. In California, more cases require a million dollars to take a dispute through a trial. If a land trust is not in TerraFirma, then it may want to consider defense reserves totaling at least \$750,000, especially in high-cost states, with a plan to replenish them on drawdown.

Costs are escalating, forcing a land trust to make difficult choices about where to draw the line in how far it is willing to pursue a case versus settling. The TerraFirma claims limit of \$500,000 has been insufficient in five cases out of over 350 – less than 2% – and in one case influenced a decision to settle for less than damages. While that may seem rare, those choices can have a lasting impact on the reputation of land trusts and on conservation. And this trend is increasing.

Risk Management and Systems

Land trusts need to better understand and leverage [insurance coverage](#) with a robust fund to protect from increased litigiousness. While insurance is daunting, land trusts must nonetheless have at least one person who reads insurance policies and understands coverage. Each board must annually conduct an insurance coverage review and budget adequate funds to purchase insurance as appropriate to the land trust's risk exposure or as required by law. As this Trends Briefing indicates, the land trust community risk exposure is high and is increasing. Therefore, consideration of a full insurance package is an essential step every board would be prudent to take.

Land trusts need robust governance and financial systems that ensure integrity, maintain options and support doing the right thing in increasingly difficult circumstances. Boards must be willing and able to make difficult decisions in a timely manner and face challenges head-on. Governance and strong financial systems help ensure that organizations have decision making options and the flexibility they need to make the best decisions to avoid being forced into a decision – or left with only one – due to financial exigency.

An important part of board financial oversight is ensuring the board receives good financial information, which can be challenging. Roughly 40% of accreditation applicants receive an expectation for improvement related to the contents of the board financial reports. The accreditation requirements are based in fundamentals of finance so the board can see 1) net assets and amount of net assets restricted or designated for specific purposes (such as on the balance sheet or statement of financial position) to give a true picture of amount available for operations and 2) how much money coming in is for operations vs. is restricted for specific purposes and may not yet be available to cover operating expenses (such as on the budget-to-actual report or statement of activities).

For example, one group showed the value of a restricted donation of land – which is not cash available for operations – lumped with operating support and revenue. The budget-to-actual report

made it appear the land trust had an operating surplus for the quarter, while it really had a deficit. Other groups focus on their cash balance to say they have sufficient operating reserves. For example, a land trust may assume that it is enough to have \$500,000 in the bank even if, in its net asset position, all \$500,000 is donor restricted for specific programs. In that case, the land trust has no money available as an operating reserve.

Strong systems are more essential now than ever. Ultimately, it goes back to the question of whether land trusts have the financial depth and sophistication to stand up to these new challenges. Without that, land trusts will need to make difficult choices that have a lasting impact to the organization, conservation and the reputation of all land trusts. Land trusts may want to explore new partnerships, mergers and new tools for sound finances. Boards will need to focus on board financial report contents and board training on basic sustainability for governance, finance, transactions and stewardship.

Resources

- Practical Pointer: [Risk Balancing Methodology and Risk Matrix Template](#)
- Practical Pointer: [Why do I need more than one type of insurance?](#)
- Practical Pointer: [Commonly Purchased Insurance](#)
- Requirements Manual [Summary of Changes](#) (explanation of the financial report requirements and sample reports)

Increasing Complexity

Land trust work is becoming increasingly more complex, in both the types of issues and the volume of issues, which may be overwhelming for land trust staff and volunteers without sufficient board support and financial resources to retain experts.

For example, acquisition transaction structure is becoming more complex, such as layered pass-through entities. Increased IRS regulatory oversight is making donations more difficult and documentation more rigorous. Additionally, the federal government is signaling repeatedly that there will be increased scrutiny of tax-exempt organizations, so governance and rigorous documentation are a land trust's best defense to many of these challenges. This suggests that stewardship must be an integral consideration for acquisitions and that issues making stewardship more difficult and expensive must be mitigated before acquisition – or at least fully funded – not deferred.

Stewardship requests have become more elaborate and involve more modifications. Approval of requests requires much more documentation and detail to avoid later disagreements and disputes. Approval of exercise of building rights can come with multiple layers of written approvals and even, in some circumstances, additional legal documents such as utility or access easements. These must be carefully crafted to limit the future extension or expansion of the use including all utilities and access; without such limits, later there is little or no recourse against economic exploitation of overly broad approvals and easements. Exercise of permitted land division rights is escalating, which is difficult to track without excellent records, precise approvals and recordation of exercise.

Examples of the increased complexity of perpetual stewardship administration include the issues detailed below. These issues point to needing extensive knowledge of specialty areas, having experts or staff with expertise, and solid drafting practices that factor in stewardship issues, regarding the definition of uses and monitoring methodologies.

- New technologies for carbon capture and storage have the potential to adversely affect land trust fee and conservation easement holdings.

Practical Pointer: [Implications to Conserved Lands from Carbon Capture, Injection, Transport and Storage](#)

- Land trusts are engaging in carbon projects in different ways, such as selling credits for existing properties in their portfolio, acquiring a new property for the purpose of selling carbon credits, holding conservation easements over fee lands that are registered as a carbon project, acquiring the carbon rights from landowners for the purpose of selling the associated carbon credits, and serving as project proponent to aggregate multiple parcels of land across ownerships as part of one carbon project.

Practical Pointer: [Legal Considerations for Carbon Offset Projects – Parts I through VI](#)

- Land trusts are facing pressures from solar and wind development and other energy and data center development pressures on land protected by existing conservation easements. The priorities of the current federal administration may result in an increase in proposals for conventional energy/fossil fuel development as well, under the auspices of an “energy emergency.”

Practical Pointer: [Siting Renewables and Transmission Infrastructure on Fee Lands: What Land Trusts Need to Know](#)

Practical Pointer: [Siting Renewables on Conservation Easements: What Land Trusts Need to Know](#)

- Land trusts are facing challenges from landowners related to water extraction and water rights. For example, one case, still on appeal to the state supreme court, with the original grantor severing water rights resulted in lower courts ruling that severance of water rights violates the no division clause. This ruling indicates the resilience and adaptability of conservation rights if land trusts have the resources and resolution to pursue court decisions. TerraFirma has spent over \$300,000 on this claim. The land trust has spent \$150,000.
- Land trusts are facing challenges from landowners on what are appurtenant businesses to agriculture expanding in scope and scale. For example, one landowner tried (unsuccessfully) to claim a 2,500-seat amphitheater was justified as agricultural because agriculture would be mentioned at each performance for 30 seconds. Another landowner claimed a bed and breakfast and glamping were part of the reserved housing rights.

Practical Pointer: [Drafting Approval Standards in Conservation Easements](#)

Sample Procedure: [Reserved Right Approval Procedures](#)

- Land trusts are increasingly facing encampments of unhoused people implicating various laws and humane treatment.

Practical Pointer: [A Dignified and Lawful Approach to Encampments on Conserved Lands](#)

- Land trusts need to be prepared as both the frequency and severity of disasters escalate. Adequate insurance and a policy allowing deferral or delay in enforcement actions of damages caused by disasters is critical.

Practical Pointer: [After Disaster Strikes: A Catastrophic Event Insurance To-Do List](#)

Publication: [Working in a Changing Climate: Preparing for and Responding to Natural Disasters](#)

Practical Pointer: [Adapting Stewardship Administration to Changing Conditions](#)

Saving Land: [“Planning for the Unthinkable”](#)

Tool: [Risk Management Worksheet](#)

Resources

- Webinar: [Dealing with Requests for Approval and Amendments](#)

Reputational Risk

As the success of land conservation increases, expectations by landowners, neighbors and the community have skyrocketed. Land trusts are seen as the caretakers and safe guardians of the public interest. Having strong policies on interactions with landowners and the community supported by repeated communications and safety training for staff and volunteers is essential to support the necessary sophistication in engagement. Such community engagement by stewardship can enhance the land trust’s reputation and increase sustainable land conservation. However, it requires great expertise and a substantial time investment. If the area is new to the land trust, then it necessitates an extensive commitment to understanding the legal, technical and relational nuances unique to that opportunity in a way that makes a perpetual commitment to conservation realistic for the organization’s stewards. All this builds on traditional stewardship work as an excellent and highly functioning foundation without which you cannot succeed.

From an accreditation perspective, the Commission is seeing an increased number of public comments about accredited land trusts that are then addressed through the compliance confirmation process. Most substantive public comments are about enforcement, or perceived lack thereof. The number of land trusts with comments underscores the significant public integrity and public perception component of the work.

Trend #2 (continued from 2024): Turnover

Continuation of Core Competencies

Turnover of staff continues to be a trend in the community. Between 2021-2024, about 30% of land trusts applying for accreditation renewal experienced turnover of one or more executive directors in a five-year period. That level of turnover remained steady in 2025. About a third of the people attending the 2025 Stewardship Tea & Talk identified themselves as new to conservation within the last year.

Turnover can result in gaps in organizational knowledge, which can be challenging for new staff if there is no good documentation of actions and decisions. Turnover underscores that implementing the Standards and accreditation are not a “one and done” thing but need to be integrated into all levels of an organization’s culture and operations. As staff change, having policies and procedures is essential. It would be useful if land trusts built a risk framework into their policies and procedures to avoid a scramble of “what do we do now?” the first time they run into an enforcement issue. Then, the land trust can frame the conversation with landowners or neighbors around the policy. Accredited land trusts have used their accredited status and the Requirements Manual with landowners and neighbors to explain the need for full correction of issues.

A new executive can have a very steep and difficult learning curve or a smoother transition, depending on experience and expertise, which can lead to a range of responses and implications. This points to the need by all boards with executive level turnover to conduct thorough and extensive orientation.

New board members and stewardship staff continue to require basic resources, help in navigating these resources and an understanding of the basics of their positions. They are looking for assistance with basics, such as records and amendments. Many new board members are unfamiliar with important concepts such as impermissible private benefit, governance standards, financial oversight, insurance and operations to benefit the public – not board members.

Steps to Take Now

The Alliance has ample resources to orient new staff, volunteers and board members to the many critical core competencies essential to running a successful land trust. But as this turnover trend continues, boards may need to change training requirements for new and current staff and volunteers in essential areas such as stewardship, acquisition, governance, financial literacy and programs. And training is not a one and done, but a continuous multi-year ongoing effort by land trust boards, staff and supporters as well as the Alliance.

Boards will want to evaluate their staff compensation structure, update their position descriptions, develop a transition plan to provide for continuity in the leadership and management of the land trust’s functions, ensure there is technology support and sufficient capacity, and ensure board comprehension of stewardship functions and issues to retain staff for longer terms. Boards need to evolve from low budget into sustainable organizations that compensate staff appropriately for the work to be both strategic and sustainable.

Trend #3 (continued from 2024): Professional Development Pipeline

In the years ahead, stewardship will play an ever-larger role in a land trust’s work. Land trusts can start to prepare now for that transition from acquisition to stewardship as the primary function of land trusts as acquisition funding diminishes or becomes more difficult to obtain and as conservation opportunities diminish and economic uncertainty increases. The 61 million acres (about the area of Arizona) and growing that land trusts protect nationwide speak to their commitment to forever. These protected lands will not remain static; active, skilled stewardship is what keeps conservation thriving and relevant.

Along with caring for conserved lands, many stewardship staff also work on conservation easement oversight, requiring a workshop bench of complex skillsets ranging from technical to relational. Today's land steward might need to possess the ability to work outside in all conditions; keep accurate and timely records; communicate effectively; resolve conflicts; educate the public; use GIS technology; manage and monitor habitats; oversee recreation and public access areas; interpret legal terms and applicable laws; understand insurance; create accurate, timely and relevant reports; and so much more.

Some land trusts are unprepared to meet current and future challenges with core competencies. As one example, some new stewardship staff who are not receiving basic training, do not read the conservation easement or take the conservation easement into the field when they conduct monitoring visits; rather, they use a generic list of restrictions. This leads to lack of issue spotting, insufficient monitoring and failure to file timely TerraFirma claims. For example, the claim denial rate is hovering around 30% of reviewed claims. In 2024, 82% of all TerraFirma coverage denials involved a problem that is older than a few years and unaddressed. As of August 2025, that rate increased to 83%.

Over the longer term, the lack of core competence in some land trusts may later become the responsibility of another land trust. Land trusts continue to consider merging with other land trusts, including between accredited land trusts and not accredited land trusts. In some instances, an accredited land trust has absorbed the liability of the non-accredited land trust's lack of baseline documentation, annual monitoring reports, data on current landowners, tracking of public condemnations and other zoning actions. In short, the accredited land trust becomes responsible for the prolonged lack of stewardship systems and attention to details necessary to perpetual land conservation.

Recurring Core Competency Issues

Many of the common issues with development of core competencies in land trusts follow the same trends as in 2024.

- Boundary identification, documentation and enforcement.
- Addressing encroachments before acquisition.
- Detailed documentation of violations and trespass that facilitates dispute resolution.
- Adjacent development pressure with boundary incursions and access demands.
- Land exchanges (i.e., amendments, boundary agreements and due diligence).
- Poor drafting of easements, preserve management plans, rights of way, interpretations and approvals.
- Water rights documentation.

The Terrafirma trends illustrate these common issues as well, with the most expensive challenge types for covered claims only are shown in the table below.

Type	Average Cost*	Number of Claims			Comments
		2021	2024	Total All Years 2013-2025	
Water rights	\$44,073	1	2	7	New to the top claims this year; one case cost over \$300,000
Topography alteration	\$39,824	6	6	35	Some topography changes are necessary to exercise reserved rights
Vegetation cutting	\$39,462	5	7	58	Expensive due to documentation and experts required at trial
Division or partition	\$27,857	1	2	32	Expensive due to extent that landowners will extend a fight because of the money that another lot would bring at sale
Boundary and access	\$19,000	6	13	74	Increasing frequency and contentiousness
Structure	\$18,950	10	6	95	Many counterclaims of adverse possession and extinguishment and many defenses of the structure being permitted; No unpermitted house yet

*Costs in addition to the \$5,000 deductible plus staff time for the land trusts involved

Steps to Take Now

Almost all land trusts continue to say first-time accreditation and renewal has made the land trust stronger and more effective and have improved the ability to protect and steward land and conservation easements. Boards might consider moving the land trust toward becoming [accredited](#), if already not working toward that now. Even if a land trust currently does not have plans to join [Terrafirma](#) or become accredited, a great first step in ensuring a land trust meets essential core competencies is to work toward achieving the Terrafirma eligibility criteria.

Issue identification, thinking ahead, flagging issues for legal attention and holding your ground on insisting on conservation protection (while still being professional and civil) are skills to continue to develop in land trust staff and their partners, consultants and vendors. It is important to recognize, for example, that protecting perpetual land conservation requires a different legal analysis and response than the usual commercial or residential response. To ensure that protection, outside counsel needs training in assessing and addressing conservation protections when working with boundary and access issues.

Capacity constraints and core competencies also make it difficult for staff, especially new staff, to:

- Engage landowners in addressing problems.
- Research novel issues.

- Take all necessary steps in a timely manner to address all issues thoroughly including undertaking sufficient investigations but avoiding escalation.
- Verify assumptions and address them with explicit agreements and realistic assessments.
- Ask and answer good questions.
- File a placeholder claim with Terrafirma on time.
- Document all assessments, assumptions and actions; well-prepared, accurate documentation is never too much:
 - Document title update.
 - Document how title encumbrances have been addressed.
 - Obtain appraisals when purchasing land or conservation easements (or document how the land trust determined the property had nominal economic value or the amount paid was significantly below market value and a letter of opinion from a qualified real estate professional was acceptable).
 - Document actions if any concerns with Form 8283 or appraisal.
 - Create or update management plans within 12 months of closing.
 - “Show your work,” particularly with analysis of impermissible private benefit (i.e., paying above appraised value, enforcement actions, amendments).
 - Create systems and protections for all phases of operations if using cloud storage for electronic originals (i.e., how to avoid accidental or malicious deletion or alteration).

Many boards now realize that they need to be fully committed to stewardship all the time and make the financial commitment to create a stewardship program that is more than nominal annual visits. Mission fulfillment depends on strong stewardship. It is where the glamor of land acquisition meets the dedication and perseverance that make positive relationships endure. If a land-rush mindset marked the early land trust years, so must a determination to make perpetual conservation a reality on the ground define its future.

For starters, it costs nothing to make stewardship more visible to the board and public. This includes giving stewardship regular time on board meeting agendas and not just when problems arise. It means boosting stewardship staff morale by elevating their work in board reports, annual reports, newsletters and emails. And it means paying stewardship commensurate with acquisitions. Ongoing relevant training, as indicated by the foregoing trends, is foundational to success.

Strong stewardship programs take time to build. The work of stewardship requires time and resources to care for relationships, provide assistance, solve problems and foster community engagement. Renew and enlarge your allocation of ample resources to all aspects of stewardship now. It is worth the investment!

Resources

- Practical Pointer: [Action Steps Land Trusts Can Take When Faced with an Encroachment](#)
- Webinar: [Caught holding the bucket – navigating a complex encroachment issue](#)

We are here to help! Call us anytime.

The Commission was incorporated in April 2006 as an independent program of the Alliance. The Commission's mission is to inspire excellence, promote public trust and ensure permanence in the conservation of open lands by recognizing land trust organizations that meet rigorous quality standards and that strive for continuous improvement.

The Alliance Conservation Defense Initiative offers support, guidance, resources, tools and other services to land trusts across America to uphold conservation permanence. This starts with daily routine prevention and continues through to skillful, timely dispute resolution when land trusts face more serious and sustained challenges. Identifying legal trends and recalibrating approaches to conservation in response are important aspects of this effort.

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