

EXHIBIT O

TRUST FOR LAND RESTORATION CONSERVATION EASEMENT VIOLATION POLICY

Preamble: The Trust for Land Restoration enforces the conservation easements it holds, thus meeting the requirements of U.S. Treasury Regulations §1.170A-14(c) for qualified conservation easement holders. TLR enforces its conservation easements as part of its contractual responsibility, as a public service to the community that supports its charitable status, and as a service to the landowners with whom TLR works. TLR collects contributions to its legal defense fund and uses this fund as the primary source of enforcement funds.

TLR's philosophy of easement enforcement begins with good landowner relations. By maintaining good relations with the fee owners of land on which TLR holds easements, TLR believes that some violations will be avoided and others will be resolved without resorting to legal action. In addition, TLR believes that prompt response to any violations will avoid the violation becoming more severe and will help avoid great cost to a landowner who must restore any land disturbed by a violation. Finally, TLR believes that there are gradations of violations, each of which must be addressed in an appropriate manner. For example, failure to notify of exercise of a reserved right may trigger one type of response from TLR, while building a structure not allowed by the terms of the conservation easement may well trigger a much stronger response.

Discovering, Investigating and Resolving a Violation:

1. Easement Monitoring - Because most conservation easement violations are discovered through regular monitoring visits, TLR shall (a) monitor its conservation easements at least annually, and (b) shall assure that those who monitor its conservation easements are trained to recognize, investigate and document easement violations.

2. Documenting a Violation – When a violation is discovered or suspected, TLR shall make every attempt to document such violation upon discovery. Such documentation shall include: photographs, measurements, and mapping of the violation's location. The party discovering the violation shall create a written report describing the suspected violation and include the documentation assembled on the issue.

3. Determining Whether a Violation has Occurred – Immediately after receiving information about a suspected violation, TLR shall analyze the information about the suspected violation and secure expert advice, if necessary, to determine if in fact a violation of the conservation easement has occurred.

4. Landowner Contact – once TLR has determined that a violation of a conservation easement has occurred, TLR's Executive Director shall contact the owner of the fee simple interest in the land in writing and shall request that the landowner provide written feedback on the occurrence so that TLR may understand its impacts more fully. TLR shall not, at this time, tell the landowner it believes a violation has occurred.

5. Evaluating the Violation – TLR’s Conservation Committee shall meet as soon as possible to evaluate the information collected about the violation, the analysis of the easement language regarding the violation and the landowner’s feedback (or refusal to provide feedback) on the suspected violation. The Committee shall determine whether the violation is “major” or “minor” in nature:

a. A “major violation” is one that is expressly prohibited by the easement’s terms and one that, if allowed to continue, will substantially impair or diminish the conservation values protected by the easement.

b. A “minor violation” is one that is expressly prohibited by the easement’s terms, but will not cause substantial harm or diminishment of the conservation values.

The Committee will make a recommendation to the Board of Directors relative to a response, or series of responses, necessary to address the violation. Such responses may include, without limitation: hiring an attorney to enforce the easement, seeking an injunction to prevent further damage to the conservation values by the activity that violates the easement, delegating a member or members of the Board to address the violation, and allowing TLR staff to attempt to resolve minor violations without hiring counsel.

6. Records of Violation – TLR staff shall keep in fire-safe storage on-premises all correspondence and other material relevant to the violation. Only TLR’s Executive Director and the Board member assigned to assist with addressing the violation shall have access to such documents until and unless TLR hires an attorney to represent the organization with respect to the violation. At such time and upon request, copies of all materials will be turned over to the attorney representing TLR.

7. TLR Representative – Unless otherwise specified by the Board, TLR’s Executive Director shall act as spokesperson with respect to the violation, conferring with the Board member or members delegated by the Board to deal with the violation prior to speaking with TLR counsel, the press or the landowner in question.

8. Determining Outcome of Violation – the Board shall be responsible for deciding whether to pursue the violation in court or to resolve the violation through mediation, arbitration or a settlement, after hearing recommendations from its staff, the Conservation Committee, and counsel hired by TLR. Such decision shall be based upon an analysis of TLR’s legal responsibilities under the easement, the impacts of the violation on the conservation purposes of the easement, the impact of public perception about the violation and its enforcement, and the likelihood of prevailing in court. In no event shall a violation be ignored, however, minor violations may be cured by written correspondence with the landowner.