

Environmental Liability Management Policy

The Trust for Land Restoration Policy Statement

The mission of the Trust for Land Restoration is to promote the restoration and enhancement of habitat of environmentally significant lands degraded by mining. Throughout the west, some mined lands harbor, or have the potential to harbor, important habitat conservation values. These values can only be restored and protected if land trusts and other conservation organizations can adequately evaluate and manage associated liability risks.

Mined lands prioritized for protection often include environmental hazards. These same mined lands often fall under the purview of a variety of environmental laws and regulations administered by federal, state and sometimes local governments. The Trust for Land Restoration understands that environmental liability issues are complex, and often include significant legal and scientific concerns and questions, and that qualified legal and environmental science expertise must be utilized to evaluate, acquire and manage mined lands.

This Environmental Liability Management Policy, and the Environmental Liability Management Practices, is intended to be an outline of minimum steps necessary for the Trust for Land Restoration to evaluate and manage risk associated with the acquisition, restoration and conservation of contaminated sites.

The Trust for Land Restoration must always recognize that environmental liability management remains a legally complex task, aspects of which are unique to each situation, and always require

aspects of which are unique to each situation, and always require careful evaluation and analysis, with full participation of legal counsel. We must also remember that these techniques in no way assure absolute liability protection or eliminate risk, and that there will be properties which, despite our best efforts, cannot be acquired or otherwise protected because of circumstances particular to the property.

We must always be concerned about liability exposure. It is imperative that each and every Environmental Liability Management Practice described below is considered and analyzed for every project TLR considers.

Environmental Liability Management Practices

PRACTICE 1: Project Selection Criteria

The Trust for Land Restoration will apply a defined process, including written criteria, for selecting land and conservation easement acquisitions. All transactions will be consistent with TLR's goals and purposes, and all transactions will result in some environmental and public benefit.

PRACTICE 2: Extreme Due Diligence

The Trust for Land Restoration will obtain a professional, competent and thorough Environmental Assessment for each transaction, taking appropriate steps to identify the existence of hazardous or toxic materials affecting the property and maintain permanent records documenting those steps. The Environmental Assessment will include an inspection of each property prior to acquisition, a chain of title review and research regarding current and past uses on subject property and on neighboring property. TLR will consult with local, state, and federal governments to evaluate applicable laws, regulations and policies particular to each proposed acquisition.

PRACTICE 3: Federal and State Regulatory Review and Approval

The Trust for Land Restoration will obtain professional legal

representation and engage appropriate Federal and State regulatory review of each proposed transaction. When appropriate, TLR will complete agreements between the Trust and government regulatory agencies prior to an acquisition.

PRACTICE 4: Full Disclosure

The Trust for Land Restoration will fully disclose to all pertinent parties, including donors, sellers and government regulators, any and all information related to a particular transaction.

PRACTICE 5: Risk to Benefit Analysis

The Trust for Land Restoration will analyze existing or potential problems, prior to completing an acquisition, and will either take corrective action or make a determination that the conservation values can nevertheless be restored and protected and that the benefits outweigh the risks.

PRACTICE 6: Full Board Consensus

The Trust for Land Restoration will only complete a transaction after review and with full consensus of its Board of Trustees.