

EFI: Baseline Documentation Reports

- Related to practice elements [11B1](#) and [11B2](#) (to access these links, please login to your Land Trust Alliance The Learning Center account)

Your land trust may have received an expectation for improvement (EFI) related to older baseline reports that do not meet the requirements, including those that are missing required contents or do not have an acknowledgement of conditions signed by the landowner and land trust.

Two common EFIs relate to the following:

- Upgrade the older baseline documentation reports that your land trust identified as needing updates so that they include all the [required elements](#)
- Document your land trust's attempt to obtain the landowner's signature on each unsigned baseline documentation report or upgraded baseline documentation report associated with conservation easements acquired since 2004

How can a land trust document that it addressed one of the above EFIs?

The renewal application requests both a statement and documentation for how the land trust met each EFI.

Statement: Provide a written description of how the land trust addressed the EFI; describe your efforts as well as your results.

Documentation: This can vary based on the number of baselines that needed to be addressed.

- If only a few needed to be updated, provide them.
- If only a few needed landowner signatures, provide the acknowledgement pages with the signatures or copies of the letters or emails sent to the original (or subsequent) owner requesting that the document be signed.
- If several needed to be updated or signatures to be obtained, provide a summary table (see example below), along with a sample upgraded baseline or signed acknowledgment page.

Easement name	Date of Acquisition	Date of Upgrade	Date of LT signature	Date of LO signature or attempt

Why is a baseline

documentation report important?

A baseline document report is an essential tool because it establishes the condition of the property at the time the landowner granted the easement and provides a point of comparison from which to evaluate change. Baselines must be accurate and complete in order to fulfill their purposes, including to serve as evidence that a landowner has violated the easement. The Commission requires baselines to contain minimum contents as listed in the *Requirements Manual*.

Baselines need to be created and maintained in such a way that they meet the business records exception to the hearsay rule of inadmissibility. Otherwise, there is a risk that the baseline could be not admitted as evidence in a court case.

A business record needs to be:

- Made at or near the time of the event;
- Completed by, or from information transmitted by, a person with knowledge; and
- Kept in the course of a regularly conducted business activity

Signatures of the parties acknowledging the accuracy of the baseline can strengthen the document's admissibility and allow the baseline to be introduced as evidence in court, even though the preparer(s) of the baseline may no longer be available to testify to its accuracy.

More information on EFIs

- [Main Page: Understanding EFIs](#)
 - [EFI: Title Investigation](#)
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