

How Conservation Easements Save Habitat and Lives

How can people ensure that their beloved wild property will never be destroyed? This question often arises as landowners watch creeping sprawl consume other wildlife habitat. In recent decades, a popular way to protect natural lands during the owner's lifetime, and beyond, is via a conservation easement.

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Over 5 million acres in the United States are protected by conservation easements, held by land trusts. These nonprofits preserve the natural areas that sustain life on earth, including wilderness, ranches and parks. Land trusts have conserved about 37 million acres in the U. S., Besides easements, they use methods such as purchases, donations, and holding lands temporarily before transfer to another organization or government agency.

A green bundle of sticks

One way to understand a conservation easement is to think about a landowner holding a bundle of sticks. Each stick represents that person's right to do something with his property, such as build houses, log, or mine. A landowner voluntarily gives up certain sticks (development rights) through an agreement with a land trust called a conservation easement.

The owner can still care for, donate, lease, or sell the property, but all future owners must abide by the conditions of the easement and the land trust must enforce them in perpetuity. What the owner gains is a lower property tax, and possibly other tax benefits—and most importantly, peace of mind.

Landowners with conservation easements are normally entitled to property tax discounts based upon the value of the surrendered rights. Giving

up the right to subdivide or to harvest timber, has a monetary value, and may also have public benefits such as water-quality protection. Some trusts offer cash payments to owners for giving up development rights. Landowners may also donate, or sell parcels, to a land trust at a bargain price.



This "tree of life" is the logo of the Wildlife Land Trust of the HSUS.

Best and worst of times

This is both the best and the worst of times for land trusts, according to a recent National Public Radio story, "Down market benefits land conservancy groups" (12/17/09). It's ironic that donations to nonprofits, such as land trusts, are shrinking just as the collapse of the housing market makes wild real estate available at a discount. North of Sacramento, a 2,500-acre ranch, which was zoned for 900 houses and had a price of \$30 million, is being purchased by two land trusts for \$13 million. The Trust for Public Land and the Placer Land Trust hope to connect the new parcel with 6,500 already protected acres in the foothills of the Los Sierra range to create a major public park. But the trusts must still raise more money to complete the deal.

About hunting and trapping

Many sanctuary owners want to ensure that no wildlife will be killed on their land in the future. When asked whether a landowner could ban

hunting and trapping on conservation easement land, Stephanie Judge from the Wisconsin Field Office of The Nature Conservancy (TNC) said, "Every easement is different. It depends upon whether public funds that require public access, such as the Stewardship Grant Fund are being used."

She added that if land was

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donated, the possibility of "future invasive species, such as wild boar, would need to be considered." The Nature Conservancy (TNC) holds over three million acres under conservation easements.

Jon Binhammer from TNC's Vermont Chapter, said, "The Nature Conservancy sometimes holds conservation easements that prohibit such activities [hunting and trapping], but being a conservation organization whose mission is to protect biological diversity, we prefer to maintain flexibility to allow for activities that assist in our mission.."

The Wildlife Trust Fund of the HSUS is probably the largest land trust that routinely prohibits both hunting and trapping on donated or conservation easement lands. This nonprofit has created over a 100 permanent wildlife sanctuaries in the U.S.

The Orenda Wildlife Land Trust in the Cape Cod area "does honor landowner's wishes for no hunting or trapping of wildlife," according to Orenda Administrator Elizabeth Lewis. Land trusts do not, however, normally provide patrolling for poachers on easement properties.

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“Our conservation easements typically prohibit hunting and trapping unless necessary for conservation purposes,” said Virginia Bowers of the Three Rivers Land Conservancy, located in the Portland, Oregon area. “The issue is enforcing that provision if the hunting/trapping is done surreptitiously.”

Environmental groups often hesitate to assume the expenses of land ownership —unless it comes with a hefty endowment.

The Land Trust Alliance is a national organization that features a U.S. map on its website, where you can click on a state, and then a county, to locate land trusts. But trusts that aren't affiliated with this group may not be included. Likewise, some statewide organizations, such as Wisconsin's Gathering Waters Conservancy,

have websites with a map to identify regional land trusts—just click on the appropriate county. But, the West Wisconsin Land Trust does not belong to Gathering Waters, and is not listed.

The Wetlands Conservancy in Oregon focuses on watery habitats and associated ecosystems. The Trust for Public Lands is a national transitional trust that holds key property, which is threatened by development, until an agency or organization can assume ownership. Being aware that other methods than easements can be used to transfer rights, and having an attorney review any agreement is highly recommended.

More options

Landowners need to do their own research, starting at a large library, or via their computer, and thoroughly consider all the options. An aging landowner can sometimes arrange for an environmental organization, an heir, or a wealthy individual's private trust to assume the responsibility of caring for their cherished wild lands.

But the last option requires highly specific wording in the benefactor's will (the trust document), because, as Dorothy Richards and many others have learned, trustees may come and go, and interpretations of a donor's written wishes may vary greatly. Even judges have been known to overthrow an individual's recorded wishes, especially when these are challenged and may appear unreasonable. Environmental groups often hesitate to assume the expenses of land ownership —unless it comes with a hefty endowment.

About property taxes

Some say the loss of property taxes on easement lands hurts communities, but this notion ignores the additional expense to communities and taxpayers that development usually brings. For example, a new subdivision may well require more school, water and/or police services. Several nationwide studies on “cost of community services” show that undeveloped lands (such as those protected by conservation easements) demand less public services than do developed lands.

Environmental benefits, such as enhanced water quality and quantity, are priceless. Conservation easements allow landowners to leave a lasting legacy for the community, wildlife and the earth.

Resources:

The Land Trust Alliance has a “Find a land trust” map on its website (www.landtrustalliance.org/conserv) under “Quick Links.”

The Wildlife Trust Fund of the HSUS: (800/729-SAVE, www.wlt.org)

The Nature Conservancy (877/812-3698, <http://www.nature.org/>) suggests that landowners interested in easements contact their local TNC office.

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in an urban area,” Miyazaki explained. “When we are exposed to nature, our bodies go back to how they should be.”

Forests gratify the five senses by providing the sounds of birds, cool air, green leaves, the touch of trees, wild plants and grasses.

“The atmosphere of forests makes people calm,” he explained. Known as “Shinrin-yoku” in Japan, many countries, including Korea, Germany, Switzerland and Denmark are now studying the effects of forests and promoting the concept of forest therapy.

Studies have shown that there are other positive affects of forest therapy beyond relaxation. In their experiments, Japanese scientists uncovered hard evidence that walking in the forest decreases the blood glucose levels of diabetic patients, and

that people who view forest scenery for 20 minutes have a 13 percent lower blood concentration of the stress hormone cortisol than people viewing urban settings. They have revealed that people living in areas with a higher percentage of forest cover had lower mortality rate for cancers of the lung, breast, uterus, prostate, kidney, and colon, compared with people living in areas with lighter forest cover, even after factoring in socioeconomic status.

While further research certainly is necessary, the scientific community is finally verifying what outdoor travelers have long understood: A walk in the woods is always good for you.

This article appeared in the April 11, 2009 issue of Adirondack Journal. The author is a guide who resides in the heart of the Adirondack Mountains.