

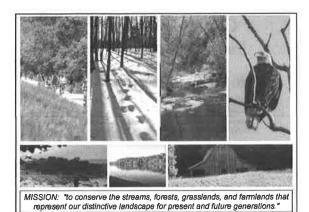
Conservation Easements 101

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Who am I?

- Executive Director for Greenbelt Land Trust of Mid-Missouri
- From Independence, MO BA in Political Science from Truman State University
- MPA from Truman School of Public Affairs at Mizzou
- JD from the University of Missouri Law School





What is land conservation?

- Protecting land as a natural resource
 - · Habitat for flora and fauna
 - · Farmland for food production
 - Buffering for waterways
 - Important natural or cultural features
- Protected by a variety of entities
 - Federal, state, and local government
 - Private organizations
- For the public good but not always public access

Fee Title

- Protection by outright ownership
 - · Requires active management and protection
 - i.e., Hinkson Creek Nature Preserve
 - Part of a complex of preserved natural areas City of Columbia and university also own land nearby



Non-Fee Conservation

- Government Agency Programs
 - CRP, WRP, etc.
 - Generally, provide support and incentive for private landowners to restore and maintain habitat
- Conservation Easements





Conservation Easements

• Missouri Revised Statutes, §442.014.2.(1)

"A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property."

Conservation Easements

- Short version an agreement which grants a protective interest in private land that provides a public good
- Extremely versatile
 - Nationally, most are blocks of agricultural or natural areas, often used for hunting
 - GLT works within city limits to preserve residentialuse natural areas



Conservation Easements

- · Restrictions can be either negative or affirmative
- Negative
 - Forestry Restrictions
 - No multi-family housing
- Affirmative
 - Best management practices
 - · Must maintain buffers around streams and ditches

General Process for Easement Acquisition

- Identify Property and Landowner
- Negotiate terms
 - · Restrictions in easement
 - Finances donation vs. partial donation vs. sale, stewardship fees, etc.
- Due Diligence
- Title issues, environmental concerns, etc.
- Closing
- Regular Monitoring

Conservation Easement Finances

- Landowners who donate (or partially donate) conservation easements can receive tax benefits
 - · Charitable deduction with conservation incentive
 - Estate tax credit
- Easement stewardship is expensive
 - · Cost of permanent obligation
 - Maintenance of staff, contractors, or volunteers with expertise
 - · Travel to and from monitoring visits
 - · Potential legal action if violations occur

