



# CONSERVING OUR FARMS & FORESTS

a working lands trust introduction  
to conservation easements

JANUARY 18-26, 2022



# land trusts

a land trust is a nonprofit organization that, as all or a part of its mission, actively works to conserve land by:

- acquiring land or conservation easements (or assisting with their acquisition), and/or
- stewarding/managing land or conservation easements.





The Working Lands Trust is a 501(c)(3) non-profit organization dedicated to the preservation of North Carolina's farms and forests through partnerships with landowners who are committed to conservation.

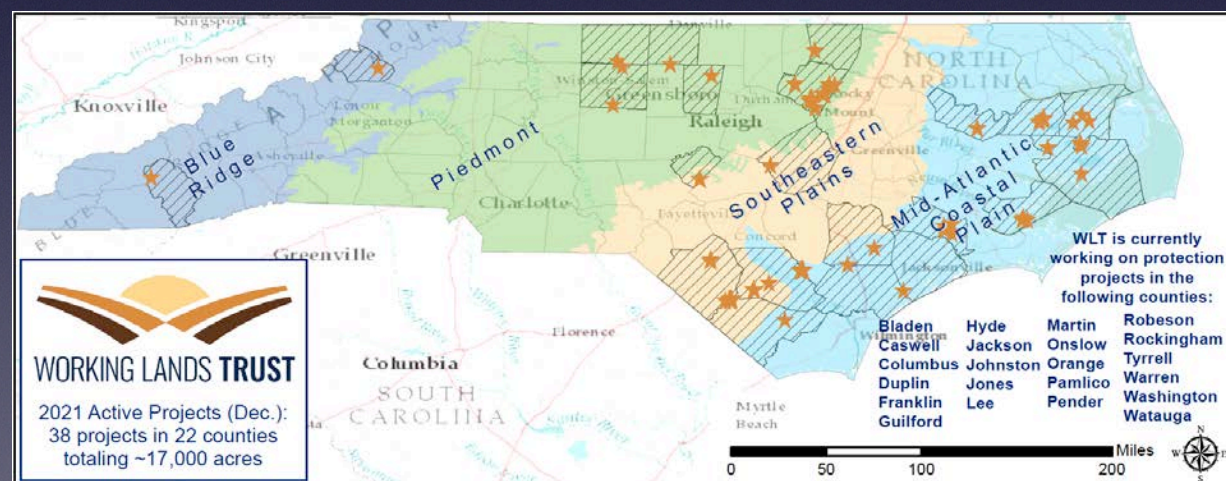
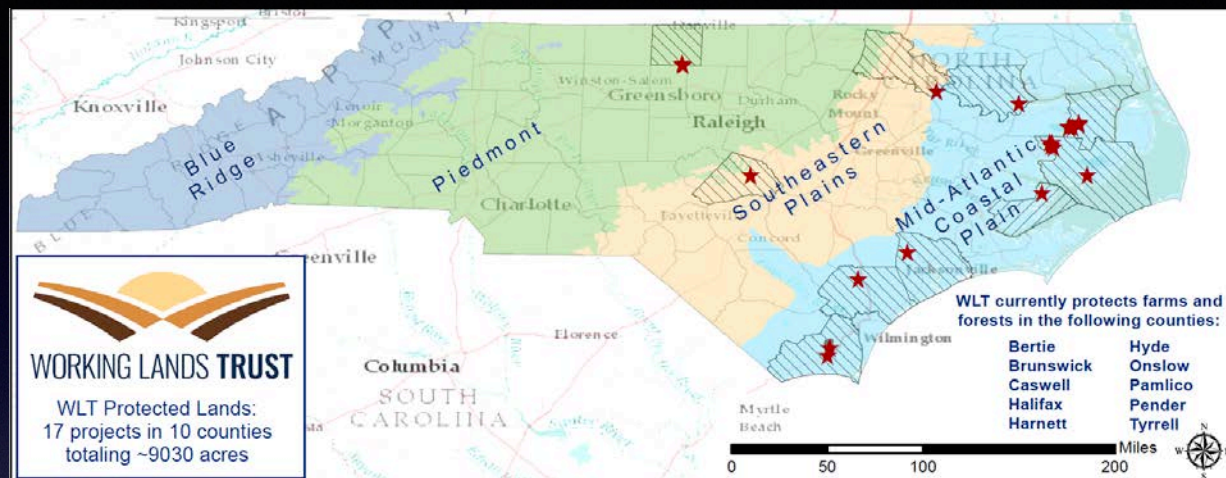
[www.workinglandstrust.org](http://www.workinglandstrust.org)



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- need
  - landowner education on working lands easements
  - develop capacity to develop, manage & complete working lands easement projects
- founded 2013
- mission
  - ensure long term protection of our food & fiber supply through the conservation of working farms and forests
- first project 2017
- focus
  - statewide/working landscape
- acres protected
  - 21 projects
  - 10 counties
  - ~15,000 acres
- active projects
  - 38 projects
  - 22 counties
  - ~17,000 acres
- optioned
  - 50+
  - 20,000 acres







a land trust works to balance the needs of private landowners with protection of their property's conservation values while delivering a public benefit.

















## conservation easements

- the primary tool utilized by land trust to conserve land
- an agreement between a landowner and a land trust limiting a property's uses; these agreements are voluntary, legally binding and perpetual.
- the landowner retains all rights except those that are voluntarily relinquished or limited.
- an eligible property must contain one or more conservation values: active or arable farmland; river or creek frontage; public road frontage; landscape connectivity; significant forest types; wildlife habitat and/or diversity.
- easements must contain provisions that protect the conservation values in perpetuity.
- land uses compatible with conservation easements include: farming; timber management; recreational uses (fishing, hiking, birding, hunting, etc.); habitat management (species of interest, e.g. duck habitat); education and research; other limited commercial activities (e.g. eco-tourism, etc.).



# conservation easements function

“bundle of sticks”

- the rights of use separate and apart from ownership
- distinguish one's use of the land from the land itself
- right to use, enjoy, encumber, develop, divest, etc.





# conservation easements

## structure



### purpose

- goals of the agreement and furthering of applicable policies

### values

- conservation values to be conserved via the agreement

### enabling legislations

- state & federal

### right and restrictions

- rights retained
- rights limited or restricted

### function and enforcement

- notice & approval
- communication
- violations & remedies
- enforceability



A photograph of a lush green forest. In the foreground, a small stream flows, reflecting the surrounding trees and foliage. The water is dark and still, creating clear reflections of the tall, slender trees that line the banks. The trees have thick, textured bark and are covered in moss. The canopy above is dense with vibrant green leaves, allowing some sunlight to filter through. The overall scene is peaceful and natural.

## conservation easements landowners benefits

- conservation funding
  - landowners may be eligible for financial compensation for their easement (i.e. purchased easement)
- tax benefits
  - conservation easements may provide landowners with certain tax advantages - property, income, estate, etc. (i.e. donated or bargain-sale)
- stewardship
  - initial and ongoing assistance available to easement landowners.



## conservation easements

### beginning the conversation



## project assessment & selection

- information & data gathering
- site visits
- kitchen table conversations
- funding options
- application development & submission



# conservation easements funding opportunities

- NCDA - Agricultural Development & Farmland Preservation Trust Fund
- USDA - Natural Resources Conservation Service
- US Department of Defense

independently and through joint projects, these and other agencies partner with the land trusts to fund the acquisition of conservation easements to conserve high priority lands across the state.





# conservation easements applying for funding

## application

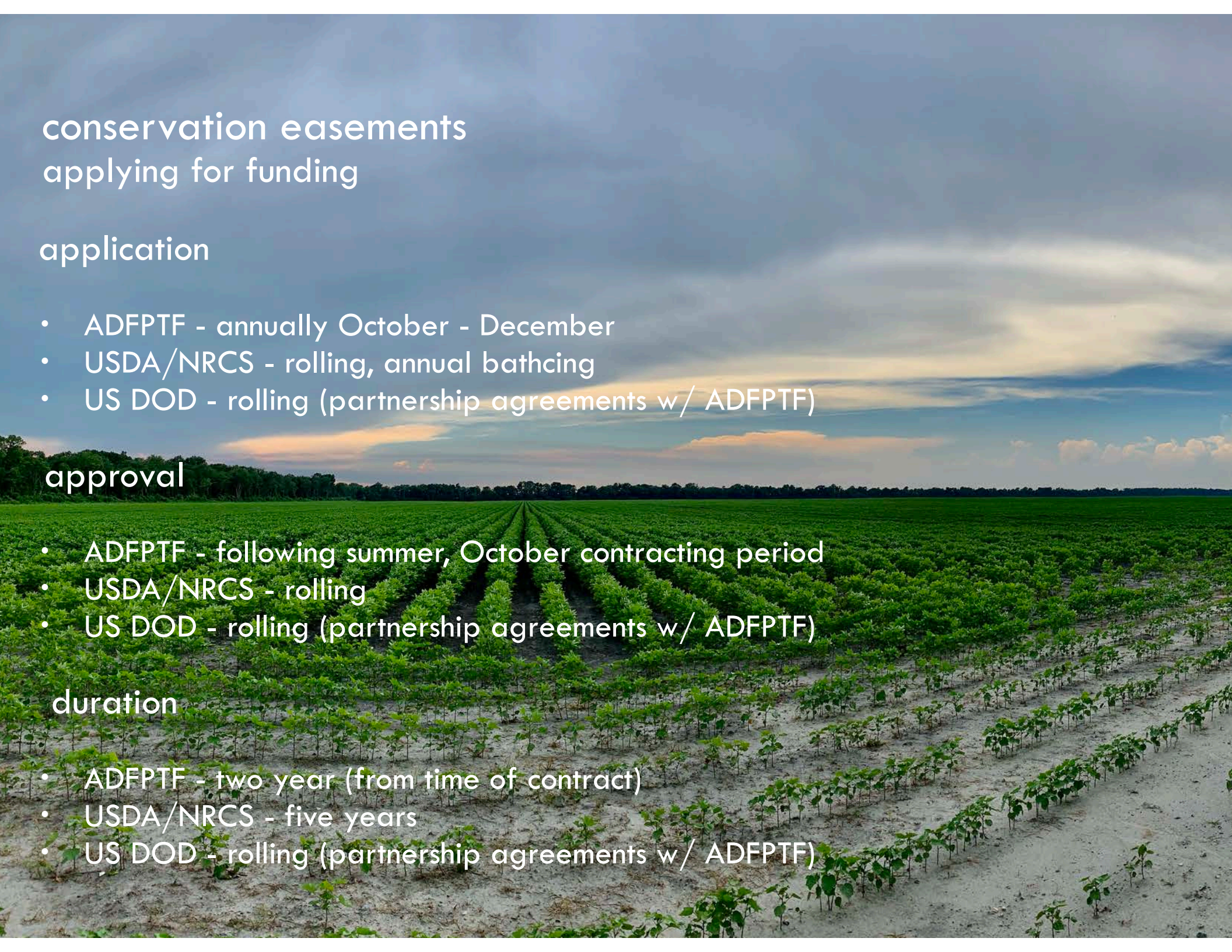
- ADFPTF - annually October - December
- USDA/NRCS - rolling, annual batching
- US DOD - rolling (partnership agreements w/ ADFPTF)

## approval

- ADFPTF - following summer, October contracting period
- USDA/NRCS - rolling
- US DOD - rolling (partnership agreements w/ ADFPTF)

## duration

- ADFPTF - two year (from time of contract)
- USDA/NRCS - five years
- US DOD - rolling (partnership agreements w/ ADFPTF)







## conservation easements application process

- application forms - agency specific
- option to purchase
- deeds
- preliminary appraisal or valuation
- site photos
- landowner acknowledgements
  - pledge
  - authorization to proceed
  - match requirement
- program certifications - VAD, Century Farm, etc.
- FSA documentation
- project mapping:
  - locator map
  - proposed project/easement boundary
  - land cover
  - soils
  - proximity to municipal boundaries
  - proximity to protected lands
  - homestead/farmstead areas



## conservation easements completing the project



### due diligence

- environmental site assessment
- survey
- appraisal
- conservation plans
- forest management plans
- baseline documentation report
- legal due diligence
  - preliminary title work/title opinion
  - easement drafting
  - subordinations/perfecting title
  - settlement statements
  - final title policies
  - closing/recording/distribution

### post-closing

- tax filing (donations/bargain sales transactions)
- stewarding the easement

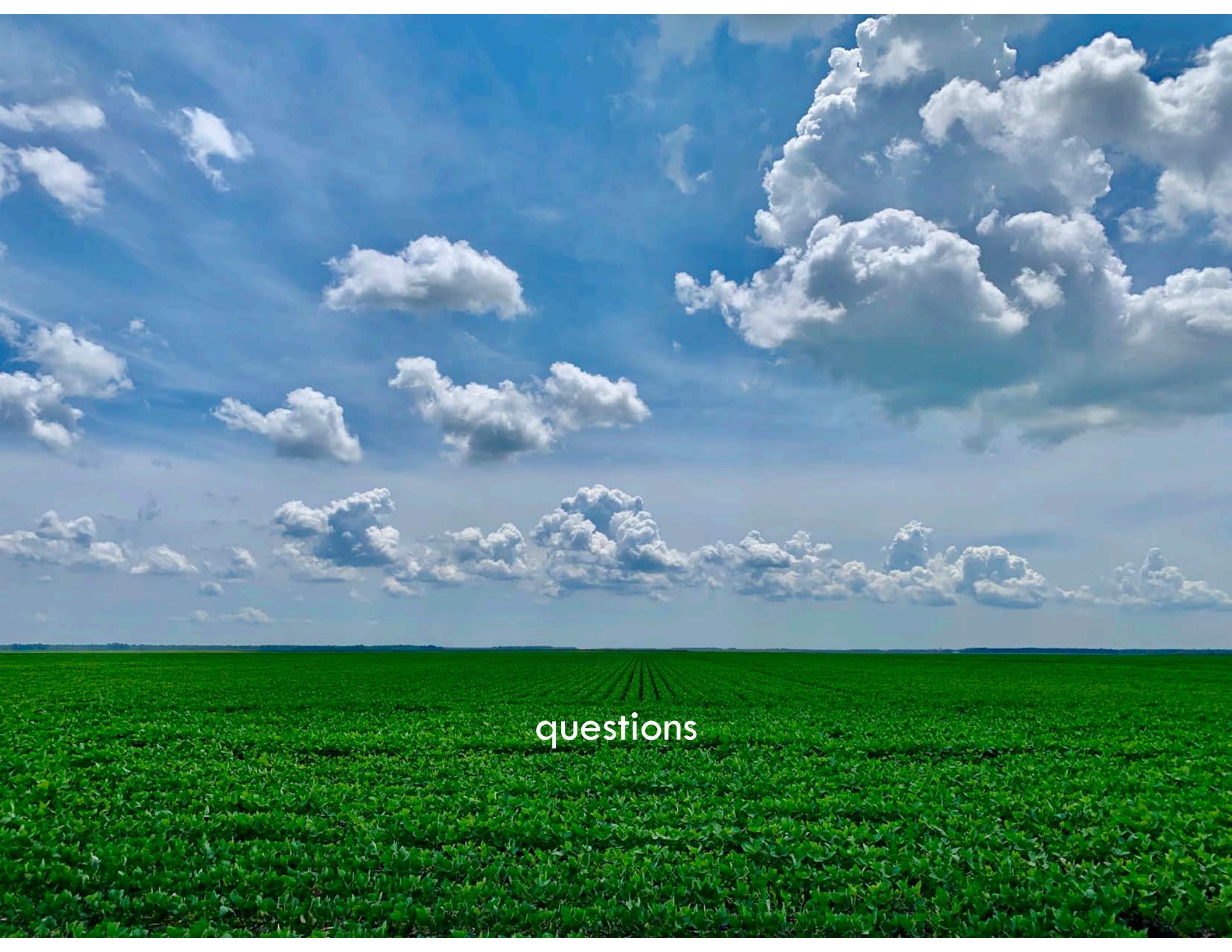


conservation easements  
stewardship

to be continued...







questions