



Conservation Easements 101

Mike Powell, Greenbelt Land Trust of Mid-Missouri

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



MISSION: "to conserve the streams, forests, grasslands, and farmlands that represent our distinctive landscape for present and future generations."

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
 - Protects a portion of an important riparian corridor



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 residential-use 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

