



BIG SUR
LAND TRUST

Our mission is to conserve the significant lands and waters of the Central Coast for all generations.

We see a future for our communities in which rich natural resources, working landscapes, prospering human communities and the unique character of place are conserved and cared for through collaborative partnerships and mutual support.

CONSERVATION EASEMENTS OUR PATH TO PROTECTION

THE PURPOSE OF A CONSERVATION EASEMENT

A conservation easement is designed to protect the ecological and cultural conservation values of private land as a public benefit while allowing for the personal enjoyment of that property by its owners.

HOW CONSERVATION EASEMENTS WORK

Conservation easements are prepared in a detailed legal agreement that identifies the conservation values on a property, prescribes targeted restrictions on use and development that threaten those conservation values and affirms allowed uses that are consistent with their protection. The landowner and prospective easement holder tailor easement terms to protect the land's conservation values and meet the needs of the landowner. Each property has different conservation values just as each land owner has different needs; thus each conservation easement is unique.

Once the terms and conditions have been agreed upon, the conservation easement is deeded to the easement holder through a purchase or donation transaction. The landowner assumes the responsibility of stewardship while continuing to enjoy the use and control of their property. The easement holder assumes permanent legal responsibility of ensuring the protection of the identified conservation values by periodically monitoring the property and upholding the terms of the conservation easement. The easement terms and conditions become permanently bound to the property upon which they have been placed and persist, in perpetuity, even as ownership changes.

OUR CONSERVATION OBJECTIVES

The Big Sur Land Trust's conservation easement objectives are both ecological and cultural. As reflected in our mission statement, ecological goals focus on watershed, habitat and wildlife corridor protection and enhancement. Likewise, guided by our vision and a strong belief that all benefit from a healthy and sustainable relationship with the land, BSLT's cultural objectives focus on protecting the working lands, open-space and scenic beauty for which our region is known while cultivating a connection with place. Additionally, as our collective understanding of the interplay between natural processes (like climate change) and human communities deepens, we regard conservation easements as retaining space for community and ecological adaptation –protecting lands that may serve as opportunities to maintain natural biodiversity while minimizing the negative impacts of natural events such as floods and wildfire.

Listed below are the conservation objectives that BSLT considers when evaluating the *fit* of a particular property with the responsibility of administering a conservation easement:

Natural	Cultural
<ul style="list-style-type: none"> <input type="checkbox"/> Watershed protection <input type="checkbox"/> Habitat protection and connectivity <input type="checkbox"/> Species protection <input type="checkbox"/> Adaptation opportunity <input type="checkbox"/> Natural Biodiversity 	<ul style="list-style-type: none"> <input type="checkbox"/> Aesthetics (scenic and open space) <input type="checkbox"/> Working landscape (way of life) <input type="checkbox"/> Historic/memorial significance <input type="checkbox"/> Ceremonial significance/opportunity <input type="checkbox"/> Research/Educational opportunity <input type="checkbox"/> Adaptation/buffers (flood/wildfire) <input type="checkbox"/> Public Access

IDENTIFICATION OF CONSERVATION VALUES & THE EASEMENT DOCUMENTATION REPORT

The above objectives guide the Land Trust’s identification of specific conservation values to be delineated in the conservation easement for the property. Each conservation value must be identified in the conservation easement and further described in an *Easement Documentation Report (EDR)* which is referred to by and accompanies the conservation easement. The EDR is produced based on site visits, interviews with those familiar with the property, and research. In addition to describing the conservation values, the EDR documents the present or baseline conditions on the property at the time the conservation easement is decided. This includes landscape condition and all natural and human-made features as they relate to the terms of the conservation easement.

DECLARATION OF LANDOWNER’S NEEDS

The landowner’s current uses and future plans for the property are important considerations when embarking on a conservation easement deal. Once identified these needs can then be discussed and incorporated into the terms of the conservation easement.

EASEMENT TERMS

It is the intersection of the property’s conservation values, the landowner’s needs and The Big Sur Land Trust’s objectives and obligations from which the specific easement terms are delineated.

LANDOWNER RIGHTS

The Big Sur Land Trust recognizes that the viability of conservation relies heavily upon the landowner’s ability to secure reasonable and sustainable use of their real-estate investments. This use may include the continued working of the land, the right to develop home-sites as well as the right to enjoy the recreational and aesthetic opportunities that openspace affords.

USE RESTRICTIONS

The prospective grantee must recognize, however, that the deeding of a conservation easement means relinquishing some rights in order to establish perpetual conservation security. Limits on future subdivision, development, and use of the property are therefore negotiated and drafted into the easement document. These use restrictions will be in perpetuity.

EASEMENT HOLDER RIGHTS

When The Big Sur Land Trust accepts the responsibility of a conservation easement, it must have the ability to assess and protect the conservation values in which it has been entrusted. Certain rights of entrance, observation, enforcement and compensation are therefore reserved by BSLT in order to fulfill our obligations with regard to the conservation agreement.

STEWARDSHIP

With each conservation easement, BSLT and the landowner take on the responsibility and obligation to protect the conservation values of the property. This protection is ensured by the ongoing stewardship of the land upon which those conservation values have been identified.

While stewardship is ultimately the responsibility of the landowner, BSLT believes that the highest level of protection is achieved by cultivating a cooperative relationship with the landowner. Thus we believe that communication, as well as stewardship education and support are essential components of a successful conservation easement program. In some instances this means collaborating with the landowner to identify, plan and realize restoration and/or enhancement of particular conservation values. On working lands (range, timber and recreational lands) it may mean input on the development of a management plan. In either case, BSLT may be able to provide and/or identify expertise and other resources for such efforts. At a minimum, BSLT annually contacts the landowner and/or property agent and monitors each property to ensure compliance with the terms of the conservation easement. All of this is documented, compiled as part of the record for each easement and provided to land owner.

STEWARDSHIP ENDOWMENTS

Fulfilling the legal obligations of an easement holder and providing stewardship guidance requires significant staff time and other resources. For this reason, BSLT establishes endowments to cover the costs associated with our monitoring and reporting responsibilities. The establishment of a stewardship endowment is an essential component in the conservation easement development process thereby ensuring that resources necessary to protect the conservation values persist just as the Land Trust's responsibilities persist.

CONTACT US FOR MORE INFORMATION

If you share our interest in protecting the unique and beautiful natural qualities of our region, please contact us at conservationeasements@bigsurlandtrust.org for more information. We will be happy to arrange a time to discuss in more detail how conservation easements work and to determine how they may apply to your conservation goals.