

Land Trusts:

How they work and what they have to offer landowners

A presentation to ODF Committee for Family Forestlands

By Wendy Gerlach

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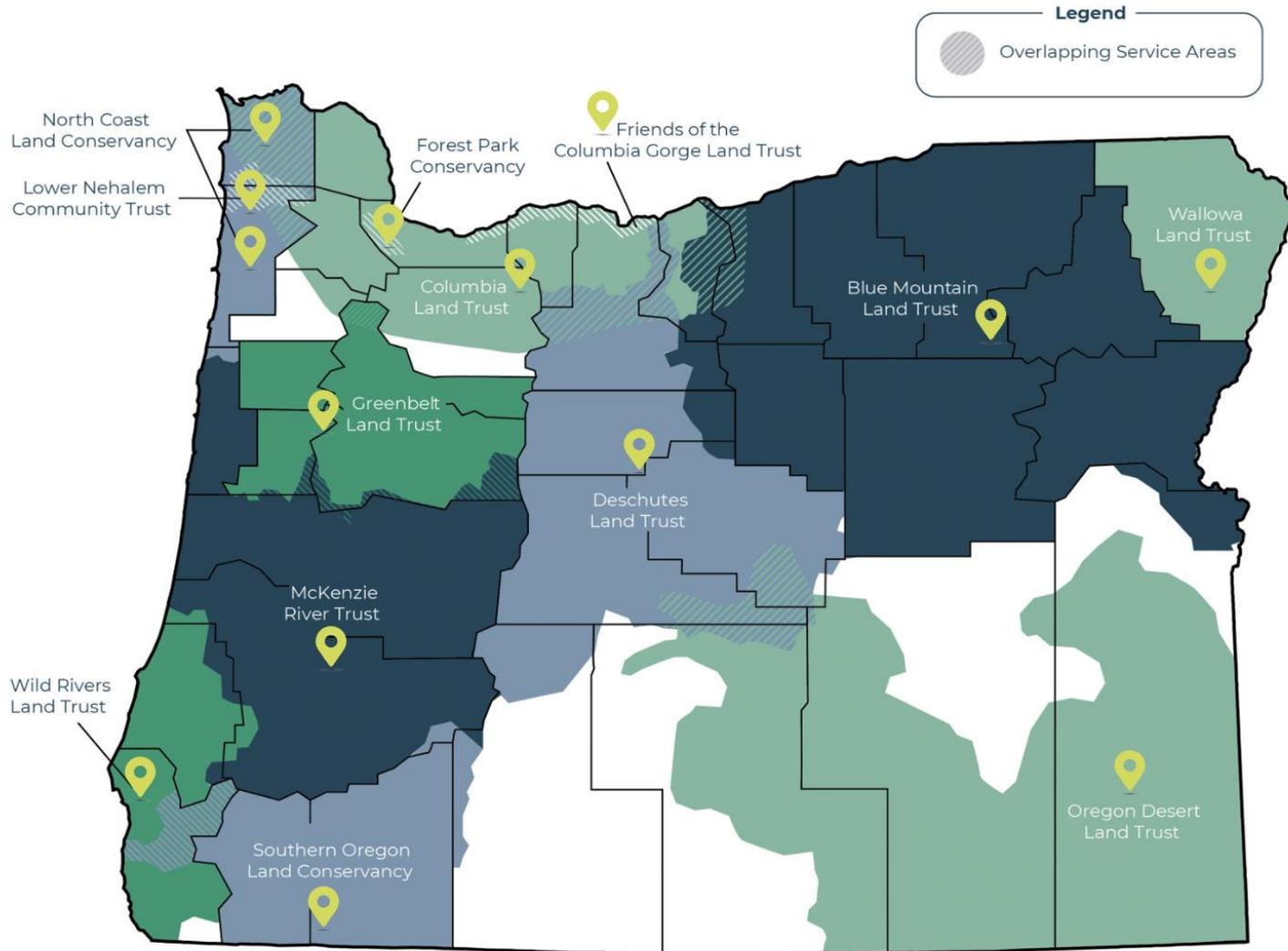
Land trusts are nonprofits that collaborate with landowners and communities on voluntary land conservation projects.

Note: I'm giving this talk entirely in my private capacity, not on behalf of or speaking for any land trust organization.



Land Trusts Across Oregon

(also statewide land trusts such as The Nature Conservancy, Wetlands Conservancy, etc.)



Land Trust Basics

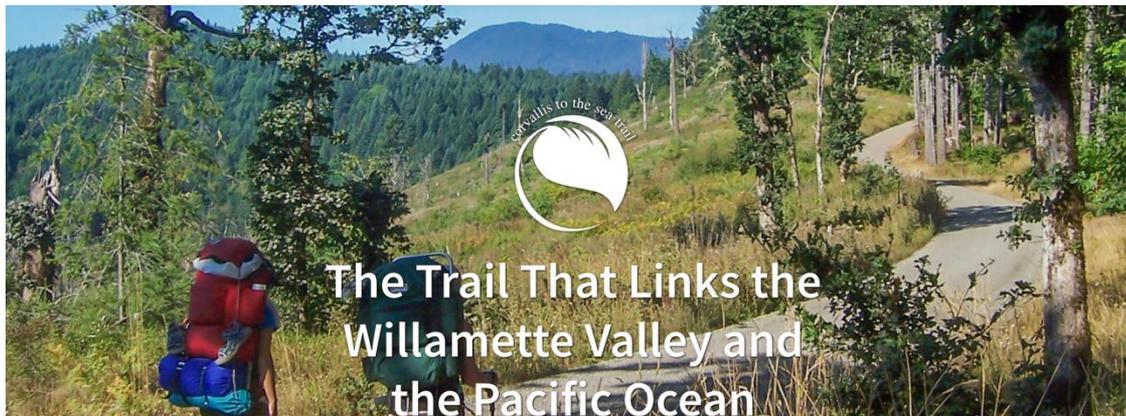
- Nonprofit organizations
- Hold interests in land
 - Conservation easements
 - Fee title ownership of high-value conservation value tracts
- Help put projects together with counties, natural resource agencies, etc. (in some cases, land trusts just assist with projects, and don't own land themselves)
- ~800,000 acres protected statewide by land trusts, with ~100,000 acres open to the public.
- Mission of voluntary land conservation with landowners wishing to conserve their land.
- Community partners (active across state in rural areas).
- Expertise in working with landowners, funders, agencies, local governments, forestry professionals, appraisers, surveyors, title companies, tribes.
- Staff/leadership includes biologists, mappers, forest management professionals, prescribed fire expertise, restoration ecologists, project managers.

Examples of Projects

- Coastal forest: 450 ac. donated to land trust.
 - Management plan
 - Thinning Douglas fir plantations
 - Invasives control
- Coast range: ~1000 ac. working forest easement donated to land trust:
 - Landowner donation of CE on post-clearcut forest
 - Thinning and release harvesting
 - Invasives control
 - Management plan; land trust monitoring and stewardship
- Mt. Hood area forest: mix of donated and purchased easements.
 - Small forestland owner working with land trust to protect riparian/high ecosystem forest; watershed council funding.
- Columbia River SDS forestland:
 - Purchase of 70K ac working forest by The Conservation Fund & Green Diamond Resource Company.
 - Columbia Land Trust, Green Diamond, the Conservation Fund, ODF, Forest Legacy Program and other partners.
 - Working forest to be subject to CEs held by ODF (Forest Legacy) and land trust.
 - The Dalles watershed protection.
 - Land Trust to acquire 2000 acres of high biodiversity land in fee title (via private fundraising).

Other Kinds of Projects

- Facilitating Forest Legacy Projects: land trust working with landowners and agencies to protect lands owned by public entities.
 - Example: land trust member of coalition creating Forest Legacy 1700 ac. community forest on Wallowa Lake East Moraine; land trust holds CE on county land. Many years of working with local landowners led to project completion.
 - Land trusts don't hold Forest Legacy lands themselves.
- Trails projects: helping communities preserve and create public trails
 - Hood River trail. Includes multiple donations of 30-300 acres to land trust for linear trail.
 - Oregon Desert Trail. Organized by land trust on public/private land without land trust ownership.
 - Corvallis to Sea Trail: many partners include land trusts (and trails assoc., Starker, Weyco, OSU, etc.).



Working with Landowners

- **Land trusts are appreciative of the opportunity to work with landowners:** SFOs, industrial owners, small companies, families.
- Familiarity with family and other ownership dynamics:
 - Title and access issues.
 - Work with family timeframe in decision making.
 - Invest in relationships with neighbors.
 - Cooperation on stewardship: land trust monitoring of CEs (usually annual visit).
- Land trusts are used to working with funders: Oregon Watershed Enhancement Board, National Resource Conservation Service, etc.
- Land trusts are familiar with water issues, forest revenue streams, tax assessments, carbon sequestration (and offsets), etc.
- Land trusts also deal with title companies, with preferred funder forms of easement documents, with counties and adjoining landowners on access issues.

Note: the above lists don't represent abilities of all land trusts, but they are generally knowledgeable, with advice from their advisors, about such issues and have support from the Coalition of Oregon Land Trusts and Land Trust Alliance in managing projects and collaborations. Land trusts provide no legal, financial, tax, or similar advice; landowners must obtain and consult their own advisors.

Doing a Project with a Land Trust

- Land trust and landowner connect and agree on interest and goals for specific land.
- Decide on mechanism: conservation easement or fee title purchase/sale?
- **Conservation easement:**
 - Donation (tax deduction incentive to landowner).
 - Purchase by land trust—if so, need to find funding. Land trust may have funds to acquire, but more commonly will work with landowner to seek funding source.
 - Initial steps include looking at title, removing problem encumbrances (such as 3rd party mineral rights, etc.), checking with agencies for preferred forms of documents.
 - Prepare deed of conservation easement and baseline of property.
 - When funding and timing set, move to closing date and transfer of easement.
 - Following creation of conservation easement, land trust has obligation to enforce it, by monitoring each year and comparing to baseline and management terms of the easement.
- Note that conservation easements are an interest in property governed by state statute; priority conservation values are listed in the statute.

Doing a Project with a Land Trust (cont.)

- **Fee title purchase** is usually for land with high conservation values, where a land trust will engage in significant restoration and stewardship activities.
- Landowner and land trust identify property and determine purchase price (appraisal usually required).
- Parties work out a funding plan (grant funding?) and timing, as well as community support and partners.
- Title review and working out any title or encumbrance issues (as needed for parties, funders, and for title insurance of purchaser).
- Purchase and Sale Agreement will set out:
 - Price, type of deed, earnest money, date to close transaction.
 - Legal description of property.
 - Due diligence period and access for buyer to check out property.
 - Representations of seller about property.
 - Consequences of any breach of agreement.
- Pending closing date, land trust and landowner work to meet funder requirements, complete due diligence (and any needed fixes), and set up closing details such as fees, allocation property taxes, title insurance issue, recording, etc.
- Title passes to land trust at closing. It manages land consistent with its mission and management goals.



Examples of Land Trust Goals



As an example: Land trust vision might include identifying ecologically critical forestland and working with landowners to conserve working forest and preserve habitat, utilizing private donations, private and public grants, low-interest loans, and timber revenue.

Land trusts, like other landowners, deal with a multitude of practical issues in achieving their goals. For example:

- Investment in staff and fundraising
- Projecting revenues & project commitments
- Developing multiple revenue streams (donations, timber income, project fees).
- Utilizing bridge debt financing to meet closing date funding needs (grant funding timing can be variable).

Land trust forest conservation often focuses on:

- Landscape/watershed scale conservation of high-ecological value lands.
- Habitat connectivity and restoration.
- Community support, public access, contributions to local economies.

Land Trust/Landowner Common Goals

Land trusts and other landowners often share common goals. For instance:

- Avoiding parcelization and conversion of working lands to other uses.
- Keeping rural communities and economies working and tax bases strong.
- Keeping residential areas concentrated in order to avoid dispersal of municipal services including fire control; facilitation of fire-ready communities.
- Restoration of over-stocked, dog-hair timberlands.
- Water availability and purity for rural communities; protecting local watersheds.
- Working with other landowners to allow traditional community uses, including hunting and fishing, on forest and other lands.



Land Trusts: Your Fellow Landowners

- Management
- Restoration
- Revenues



- Partnership
- On-the-ground expertise
- Commitment to communities they serve

Thank you!

