



Kate Brown, Governor



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Agenda Item M supports OWEB's Strategic Plan priority # 7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Eric Williams, Grant Program Manager
SUBJECT: Agenda Item M – Conservation Easement Management
January 22-23, 2020 Board Meeting

I. Introduction

This staff report provides the board information about land trust responsibility to steward conservation easements funded by OWEB grants. Southern Oregon Land Conservancy, a major easement holder in Southern Oregon, will share their experience with holding conservation easements.

II. Background

OWEB awards land acquisition grants to protect priority fish and wildlife habitat in perpetuity. Land acquisition grants are used to purchase fee simple property interests and conservation easements that include deed restrictions designed to permanently protect habitat. In the case of fee simple transactions, a land trust holds title to the property while OWEB holds a conservation easement. In the case of conservation easement transactions, the property owner retains ownership of the land, the easement holder (often, but not necessarily, a land trust) owns the conservation easement, and OWEB retains a 3rd party right of enforcement on the conservation easement.

III. Conservation Easement Stewardship

Land trusts take on significant responsibility when they hold a conservation easement on a property. The easement holder needs to maintain consistent relationships with the property owner, knowing that both easement-holder staff and the landowner will change over time. The easement holder must monitor the property on a regular basis to ensure that the conservation values are sustained and that the landowner is complying with the provisions of the easement. While easement holders typically visit each property at least annually, OWEB also monitors its acquisition portfolio every five years.

Easement holders incur costs to steward easements, including human resource costs for property visits and reporting, maintenance costs, such as for fencing and vegetation, legal costs in cases of potential easement violations, and consulting costs for natural resource professionals as needed. Because these costs are perpetual, easement holders typically

establish stewardship funds such that annual earnings can be applied to the costs of easement stewardship.

IV. Southern Oregon Land Conservancy

Southern Oregon Land Conservancy, located in Ashland, holds 66 conservation easements on about 10,600 acres of land in southern Oregon. The land trust also owns three properties in fee simple, including the Rogue River Preserve, which was awarded funds by OWEB in 2018 and is the subject of the board tour at the January meeting. Kristi Mergenthaler, Stewardship Director for Southern Oregon Land Conservancy, will provide the board with an overview of land trust conservation easement stewardship responsibilities.

V. Recommendation

This is an information item only.