

Daylight Ducks Conservation Easement Creation and Monitoring

Conservation and monitoring of prime or unique landscapes continues to be atop priority for this organization. Daylight Ducks Consulting is happy to discuss with landowners the steps necessary to conserve land under the legal obligations required to place a conservation easement upon a property.

“The primary purpose of a conservation easement is to protect land from certain forms of development or use. Lands for which conservation easements may be desirable include agricultural land, timber resources, and/or other valuable natural resources such as wildlife habitat, clean water, clean air, or scenic open space. Protection is achieved primarily by separating the right to subdivide and build on the land from the other rights of ownership. The landowner who gives up these "development rights" continues to privately own and manage the land and may receive significant state and federal tax advantages for having donated and/or sold the conservation easement. Perhaps more importantly, the landowner has contributed to the public good by preserving the conservation values associated with their land for future generations. In accepting the conservation easement, the easement holder has a responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.” (http://en.wikipedia.org/wiki/Conservation_easement accessed on 2/26/2010)

The Steps Toward Creation of a CE:

The Easement Process:

1. Inventory and assess biological features and document current conditions of property; (maps, review historical evidence, technical description); visit site with landowner to tour property and discuss conservation values; write Baseline Documentation Report and send draft to landowner
2. Prepare easement specific to the property – attorneys, landowner, and Daylight Ducks
3. Negotiate legal easement constraints – attorneys, landowner, and Daylight Ducks
4. Submit easement to Daylight Ducks for review, comment, and recommendations.
5. Conduct appraisal of property – landowner’s appraiser
6. Conduct survey of proposed easement if needed – landowner’s surveyor
7. Final easement review by all parties
8. Final easement approved by all parties
9. Signature of easement by all parties
10. Record easement in County Records Office – landowner’s attorney
11. Monitor condition of easement property annually in perpetuity — Daylight Ducks

Daylight Ducks Consulting does yearly monitoring of a number of existing conservation easements in Mendocino County.

Please contact us if you are interested in any aspect of this exciting conservation opportunity.