



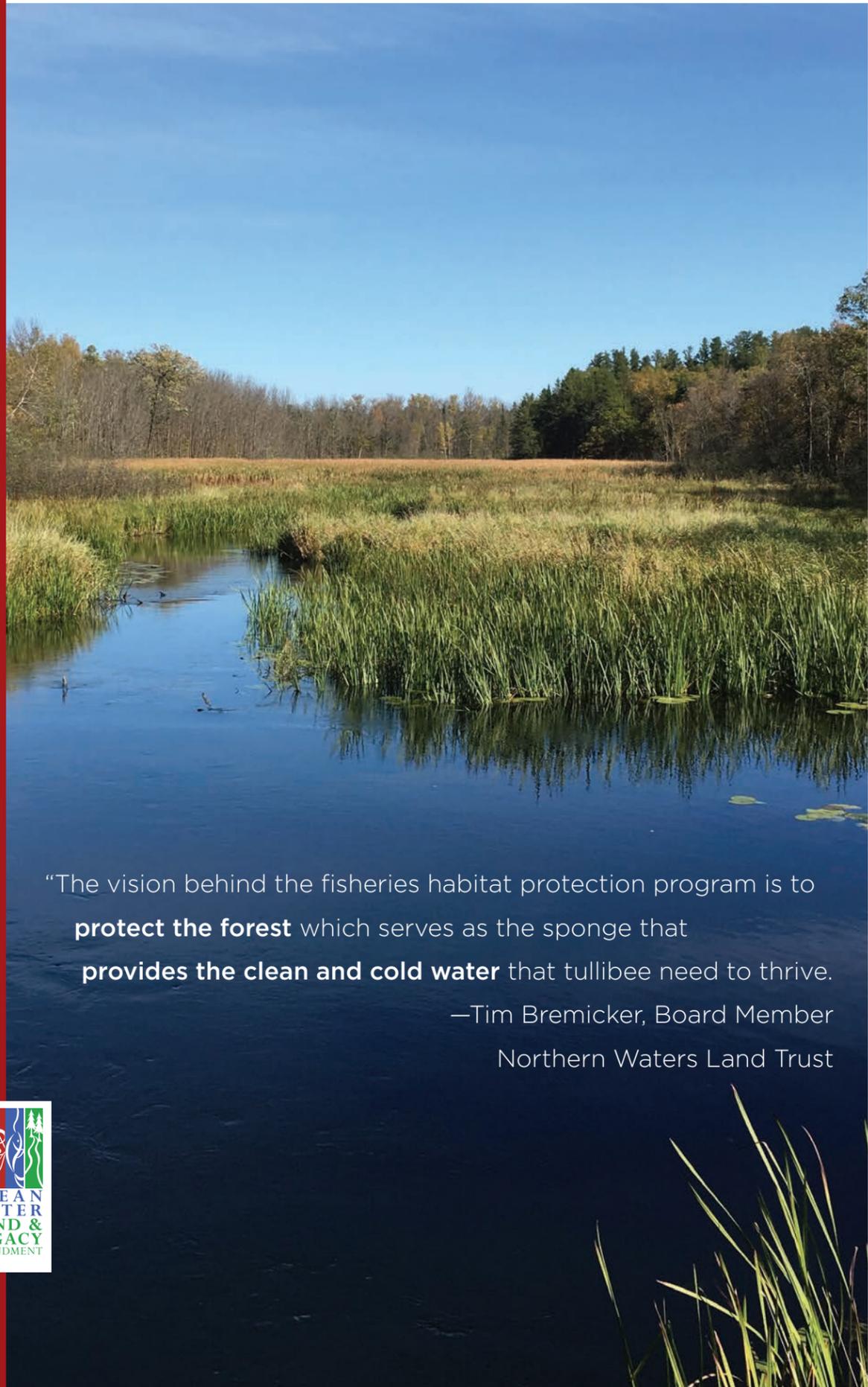
# LANDOWNER OPTIONS



A guide to  
preserving your  
land with the  
Northern Waters  
and Minnesota  
Land Trusts

## OVERVIEW

Northern Waters and the Minnesota Land Trusts have partnered to protect and restore critical habitats in Aitkin, Cass, Crow Wing, and Hubbard Counties in order to provide wildlife habitat, clean water, outdoor experiences and scenic beauty for generations to come. The partnership's primary focus is protection of "cold water refuge lakes". These highly oxygenated, deep water lakes are among our highest quality recreational and sport fishing lakes. These cold water lakes support unique species like tullibee which are important components of the food chain in these lakes. DNR research has shown that if we protect 75% of these lake's watersheds, the water quality and fishery will be protected for generations to come. With support from the Lessard-Sams Outdoor Heritage Council our program has already protected thousands of acres of high-quality habitat and many miles of shoreline on these cold water refuge lakes.



"The vision behind the fisheries habitat protection program is to **protect the forest** which serves as the sponge that **provides the clean and cold water** that tullibee need to thrive.

—Tim Bremicker, Board Member  
Northern Waters Land Trust

## WHY PROTECT YOUR LAND?



ust as every piece of land is unique, everyone has a unique reason for wanting to protect it.

**I WANT TO PROTECT MY LAND TO...**

**GIVE SOMETHING BACK TO MY COMMUNITY.**

**CREATE A LEGACY.**

**PROTECT A SPECIAL NATURAL PLACE.**

**OBTAIN POTENTIAL FINANCIAL OR TAX BENEFITS.**

**CREATE FOND MEMORIES.**

**PROVIDE OUTDOOR EXPERIENCES FOR MY GRAND-CHILDREN.**

**PRESERVE WILDLIFE HABITAT.**

## LAND PROTECTION OPTIONS:

The Minnesota Land Trust or the Northern Waters Land Trust can work with you to protect your land in a number of ways including:

### **A CONSERVATION EASEMENTS**

Conservation easements are voluntary agreements through which landowners limit the use and development of property in order to permanently preserve its natural or cultural features for public benefit. A conservation easement is a legally binding and recorded document.

### **B LAND DONATION**

Either Land Trust may accept gifts of real estate subject to their respective Gift Acceptance Policies. When appropriate, a conservation easement may be placed on the land. Typically, the land trusts do not retain property for the long term but will sell the land and use those funds to further the missions of the organizations.

### **C LIFE ESTATE**

If you donate your land but keep a life estate, you retain ownership and use of the land for the remainder of your life. Upon your death, ownership of the land will be transferred to the named land trust.

State agencies and other nonprofit organizations offer a wide array of other options. A land trust representative can help guide you to find the best fit for your goals and land.

## WHAT TYPES OF LAND ARE SUITABLE FOR A CONSERVATION EASEMENT?

Conservation easements can be used to protect a variety of lands that benefit the public through their conservation values. Our program concentrates its efforts on protecting:

- Habitat for wildlife, fish and other species, and native plant communities such as prairies, forests, blufflands, and wetlands
- Lakes, rivers, and streams
- Scenic landscapes, particularly those with local community significance

Most conservation easements are placed on privately owned lands. However, there are occasions when public lands may be protected with a conservation easement.

## CONSERVATION EASEMENTS — A CLOSER LOOK



“My mom was very excited about the prospect of protecting the land in perpetuity,” said Katie. **“Creating the legacy was very important to them.** They want this work to be bigger than this generation.”

—Gouze Family, Washburn Lake

Conservation easements are individually tailored agreements through which landowners voluntarily limit the use and development of their property to permanently preserve its natural or cultural features. These real estate transactions involve a number of steps which include negotiation of terms and restrictions, mapping, title work, and more, and which end with a document that will protect the conservation values of the land.

The conservation easement is conveyed to the Minnesota Land Trust at a closing. Once signed by the landowner and the Land Trust, the document is then recorded in the local county land records.

The conservation easement is perpetual; it runs with the land and affects the current landowner and all future landowners.



## HOW TO PROTECT YOUR LAND WITH A CONSERVATION EASEMENT

A conservation easement is a legal document that is created after an in-depth review process. Depending upon a number of factors, the process and timeline varies and may take anywhere from approximately six months to over a year to complete and will include site visits.

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### INITIAL CONTACT

Interested landowners complete a questionnaire to help the Land Trusts learn more about the property and better understand a landowner's goals and conservation objectives. Landowners may contact the Northern Waters or Minnesota Land Trusts directly or respond to a request for proposal. ➔

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### SITE EVALUATION

A program representative will evaluate the site to determine the property's natural and scenic values and determines funding eligibility to cover costs associated with the project. ➔

3

### GATHER INFORMATION

The Minnesota Land Trust obtains maps, title work and other information about the property and the surrounding area. The landowner contacts an attorney to represent them in the conservation easement transaction. If interested in potential federal income tax benefits, the landowner arranges for an appraisal to determine the value of the conservation easement. ➔

4

### DRAFT DOCUMENTS

The Minnesota Land Trust staff prepares a draft conservation easement and a baseline documentation report, including photographs, maps, the property's history, and the condition of natural features, vegetation, structures and improvements, for review and discussion by the landowner and the landowner's attorney. The Land Trust prepares a purchase agreement or an option if the conservation easement is being purchased. ➔

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### SECURE APPROVALS

Land Trust staff obtains approval of the project by the Land Trust's Board of Directors. If the project is receiving grant funding, it must be approved by the funding source as well. ➔

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### HABITAT MANAGEMENT PLANS

For projects funded through grants, the Land Trust staff obtains a site-specific habitat management plan for the property. This plan provides recommendations and guidance for restoring and managing the ecological communities on the property. ➔

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### FINALIZE AND RECORD DOCUMENTS

At closing, a final conservation easement and baseline documentation report, as well as other closing documents are signed by the landowner and the Minnesota Land Trust. The conservation easement is then recorded. ➔

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### CONSERVATION EASEMENT FOREVER

The Minnesota Land Trust begins its long-term commitment to preserve the conservation values of the land into the future. ●

# WHAT IS IT LIKE TO HAVE A CONSERVATION EASEMENT ON YOUR LAND?

## 1 A CONSERVATION EASEMENT RESTRICTS CERTAIN USES OF THE LAND.

The restrictions are established to protect the identified conservation values and if applicable, to fulfill the funding source requirements. Easements typically address:

- Commercial, industrial, residential, and agricultural uses
- Location and size of buildings and other structures
- Mining and other surface alterations
- Roads, trails, and utilities
- Disturbance of vegetation or water features
- Division of the property into multiple parcels
- Management of vegetation

## 2 YOU RETAIN MOST RIGHTS TO THE LAND.

The landowner owns the land and has the right to use it for any purpose that is consistent with the conservation easement. Landowners retain the right to sell, transfer, mortgage, and lease the land. Additionally, landowners typically retain the right to:

- Maintain an existing residence or structures
- Ecologically manage the habitat
- Maintain and use trails
- Observe nature, hike, hunt, fish, and otherwise enjoy the land

## 3 LANDOWNERS HAVE CERTAIN RESPONSIBILITIES.

With a conservation easement, the landowner remains responsible for the land: for its maintenance and upkeep, for paying taxes, and for otherwise meeting the typical obligations of land ownership. Conservation easements add a few further requirements; landowners must:

- Notify the Land Trust of proposed changes to the property (including when selling or transferring)
- Allow annual visits by certified monitors
- Obtain Land Trust approvals for certain activities, depending on the easement terms

## 4 THE LAND TRUST ALSO HAS RESPONSIBILITIES.

The Minnesota Land Trust is obligated to annually monitor and enforce the terms of each conservation easement that it holds. The Land Trust does not otherwise have the right to use the property without the landowner's permission.

## FREQUENTLY ASKED QUESTIONS:

### DOES THE LAND TRUST ACCEPT ALL PROPERTIES?

**No.** The Minnesota Land Trust focuses its efforts on existing or restorable natural habitats that fit within program guidelines. Land located in grant funding areas are often prioritized.

### DO I HAVE TO ALLOW PUBLIC ACCESS?

**No.** Although conservation easements are instruments intended to benefit the public by protecting wildlife habitat, clean water, or other identified important features to our quality of life, a landowner is not required to grant physical access to the general public.

### ARE THERE FINANCIAL BENEFITS?

**Possibly.** Conservation easements may reduce a landowner's tax obligation, particularly if part or all of the easement is donated. A gift of an easement may offer landowners favorable advantages when it comes to income or estate taxes. There may also be direct financial benefit if the conservation easement is purchased by the Minnesota Land Trust.

“It was a **pleasure to work with the team** from the Minnesota and Northern Waters Land Trusts. They were very thoughtful and professional as we went through the process. They took time to **understand our needs** for future use of the land for camp activities and our goal to **preserve our land** for future generations of campers to enjoy.”

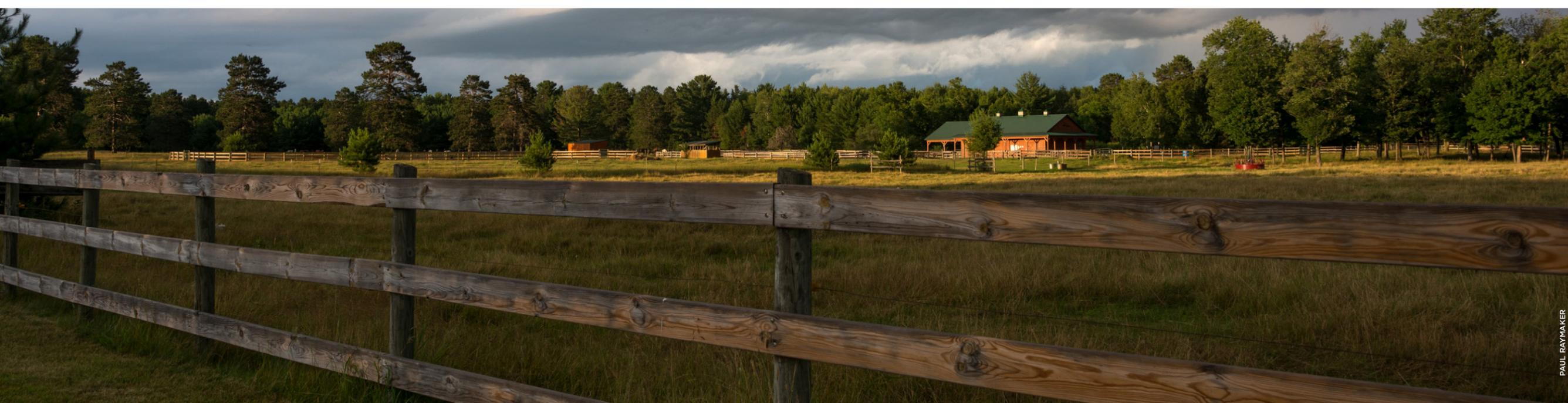
—Russ Link, Camp Olson YMCA Executive Director



## MANAGEMENT AND RESTORATION OF EASEMENT PROPERTIES

Land protected with a conservation easement remains in private hands, and landowners are responsible for the ongoing maintenance and upkeep. For easements funded through state grants, the Land Trust will work with landowners to craft habitat management plans for their property. There may be specific restoration and management requirements depending on the source of funding used for the conservation easement.

In addition, having a perpetual conservation easement on your land may make you eligible for assistance in restoring the land. The Minnesota Land Trust sometimes has access to funds to assist landowners with habitat enhancement or ecological restoration work after the property is protected. This can take the form of technical support, connecting a landowner to resources, and in certain instances, direct financial support.



PAUL RAYMAKER

*This document provides general information only and is not intended as a substitute for legal, tax, or financial advice. The Northern Waters and Minnesota Land Trusts urge you to consult with professionals in these areas.*

READY TO  
**BEGIN?**



Learn more about the Northern Waters Land Trust at [northernwaterslandtrust.org](http://northernwaterslandtrust.org)

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Learn more about the Minnesota Land Trust at [mnland.org](http://mnland.org)

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