

Protecting land for future generations

What does the Eagle Valley Land Trust do? The short answer is we protect land, forever, with a legal tool called a conservation easement.

A conservation easement is a deed attached to a specific property in perpetuity. It encumbers, or "strips," the development rights from a designated parcel of land forever.

The process starts when a landowner approaches your local Land Trust with an area of land they are interested in putting into a conservation easement. Your local Land Trust will conduct a basic assessment to determine if there are conservation values worth protecting on the land. If we do find values, then we move forward with a baseline biological assessment and an appraisal of the land value.

The baseline, performed by a biologist, establishes the condition of the land and will be used in monitoring and inspecting the easement in the years to come. The appraisal determines the value of the land with and without a conservation easement, and the difference between these two numbers is the monetary value of the conservation easement.

This is where all the action is. This value can be recognized through an outright purchase of the land, tax credits/tax deductions for the private landowner or a combination of both. After all these documents are ready (and a lot of lawyers talk-

ing), the conservation deed is signed and recorded with the county recorder.

But why is a conservation easement necessary, especially in a community that already has a lot of public land?

Conservation easements hold a number of advantages that cannot be replicated by either public or other private actions.

Conservation easements are the only tool available to our community to permanently protect land. Not for five years, not 10 years, not 100 years, but for eternity. This alone sets it apart from other mechanisms of land protection.

Planned unit developments can be amended and renegotiated, town councils change like the color of the leaves, people take a new job never to return, Democrats or Republicans take

over, Forest Service and BLM lands can be sold or leased, but because conservation easements are grounded in U.S. Federal Tax Code, they are regulated by the state and are entered into freely with private landowners. They are irrevocable.

A future Congress could decide there shall be no more conservation easements in the future, but they can do nothing to reverse the 37 million acres already protected.

Conservation easements are flexible and can accommodate a wide variety of public entities and private individuals. Each easement is drafted in concert with

the landowner and legal experts.

One easement may protect a scenic waterfall and provide for public access while another allows a historic ranch to continue its operations and ensures it will never be sold to become a strip mall.

The flexibility of conservation easements allows the goals of the private landowner, the goals of conservation and the unique biological characteristics of the land to coalesce — a win for the landowner, a win for the community and a win for the land.

Conservation easements recognize the market value of private ownership and are a free market solution to the issue of conserving land. Ninety-three percent of Coloradans agree that "wildlife areas are an essential part of Colorado's economy." Where we often start to disagree is just how do we go about protecting our wild places and open spaces.

Establishing regulations on density and thorough planning processes for development is a start, but landowners are rightfully upset if these actions decrease the value of their land. The tool of a conservation easement ends this conflict between public interest and private value.

Landowners are compensated for the loss in value of their land, and the community is assured that our natural places will be around for our children to enjoy. Furthermore, land remains in private ownership and is therefore managed and maintained with private funding after the initial investment of public and/or private funds.

The budget woes of our federal and state agencies charged with managing public land are known to all. A conservation easement removes the need for public money to maintain the land after it is placed in conservation.

Conservation easements ensure open space and scenic views are intimately intertwined with the communities in which we live. Having wilderness, national parks, national monuments and a national forest is great, but we shouldn't need to hop in a car to experience grass between our toes or the quiet solitude found next to a babbling brook.

Conservation easements bridge the gap between suburbia and wilderness, allowing veins of green to penetrate our most developed areas bringing with them the wholesome nourishment of experiencing untouched places.

Ultimately, Eagle Valley Land Trust uses conservation easements to save and protect land in Eagle County for the enjoyment of current and future generations. Along with designated wilderness, our national forest, sensible development and thoughtful public planning, your local Land Trust will help make sure the Rocky Mountain character of our community is preserved forever.

Scott Conklin is the projects manager for the Eagle Valley Land Trust. For more information about the land conservation efforts of your local Land Trust, call 970-749-7654 or email sconklin@evlt.org.

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LAND



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