

Introduction to Land Protection





► **About**

► **People**

► **History**

► **Network**

► **Our Work**

► **Programs & Events**

► **Conservation Job Board**

► **Resources**

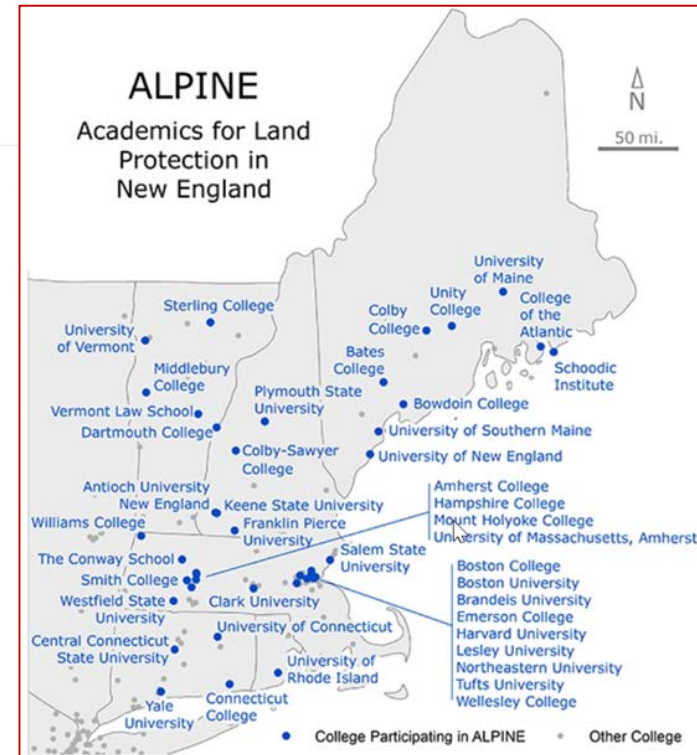


ALPINE

Academics for Land Protection in New England (ALPINE) is a network of academic institutions committed to increasing the pace of land protection in New England to address the region's environmental challenges and to support nature and people. ALPINE seeks to expand the role that academic institutions play in conserving the New England landscape by sharing experiences and resources among faculty and staff, students, administrations, and alumni.

The network's shared belief is that academic communities can be a powerful force for positive environmental change locally and globally.

[Sign up for ALPINE e-news! ►](#)



<https://www.wildlandsandwoodlands.org/alpine-about>



Why protect land?

Region	Acres of Forest Loss Each Day	Acres of Forest Loss Each Year
Southern New England		
Connecticut	11	4,049
Massachusetts	20	7,414
Rhode Island	2	838
Northern New England		
Maine	23	8,398
New Hampshire	15	5,485
Vermont	6	2,123
New England		
Region-wide average	77	28,307

New England Landscape Futures Explorer (newenglandlandscapes.org)

Data source: P. Olofsson et al. (2016).



What's at stake?

Some of the benefits include...



Drinking Water



Wildlife Habitat



Local Wood



Recreation



Climate Change Mitigation



Endangered Species



Local Food



Historic Preservation



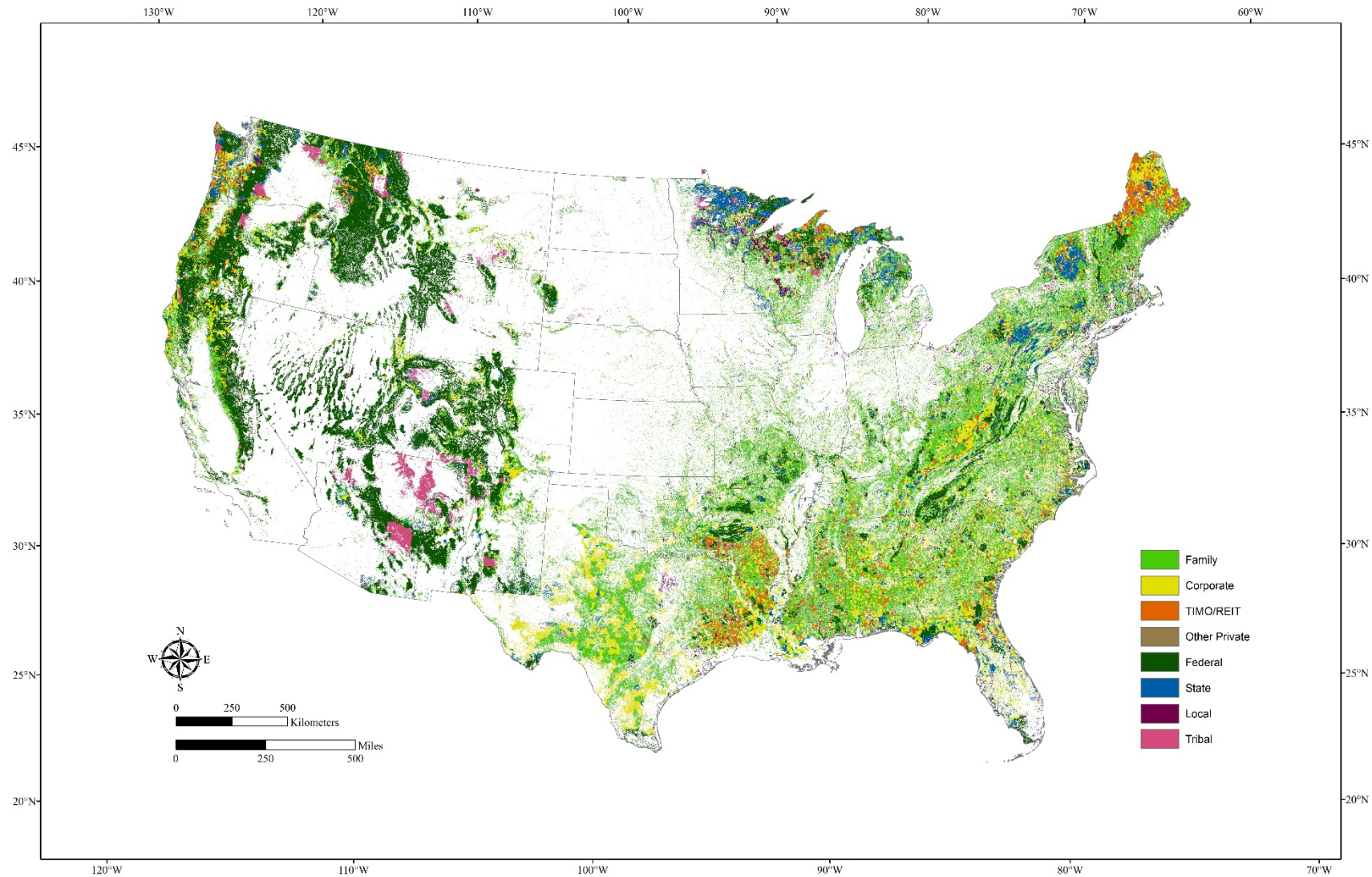
Who are the players?

- In order to have a successful land protection project, there are a minimum of two players needed:
 1. Willing landowners
 2. Conservation organization





Who are the landowners?



Emma Sass – Family Forest Research Center

Understanding Landowners

- Mostly private land is held in single ownerships or married couples
- The average age of landowners is **~63 years old**.
We are in the midst of the largest intergenerational transfer of land our country has ever seen.
- Landownership goals are largely focused on amenity values: privacy, beauty, protecting the environment
- **49%** of northeastern landowners report that they do not want residential or commercial development on most or all of their land.
- **66%** of northeastern landowners report that they want all or most of their land to remain intact and not parcelized.





Conservation Organizations

- Conservation organizations come in a variety of types and sizes.
- Conservation organizations use land protection as a way of **achieving their organizational missions**
- While on the surface all conservation organizations may look alike, **they each have a different mission**

Conservation Organizations

Public Examples

Federal

- USDA Forest Service
- Bureau of Land Management
- National Park Service
- US Fish and Wildlife
- Army Corps of Engineers

State

- Natural resource agencies
(e.g. wildlife, forests & parks)
- Agricultural agencies

Local

- Municipal
(e.g., water supply,
conservation commission)
- County

Conservation Organizations

Private

- Land trusts: A **nonprofit organization** that actively works with landowners to reach their estate planning goals and to conserve land for the public benefit.



Conservation Organizations

Private Examples

International

- The Nature Conservancy

National

- Trust for Public Land

Statewide

- Vermont Land Trust
- Society for the protection of New Hampshire forests

Regional

- [insert a couple of regional land trusts]

Local

- [insert a couple of local land trusts]

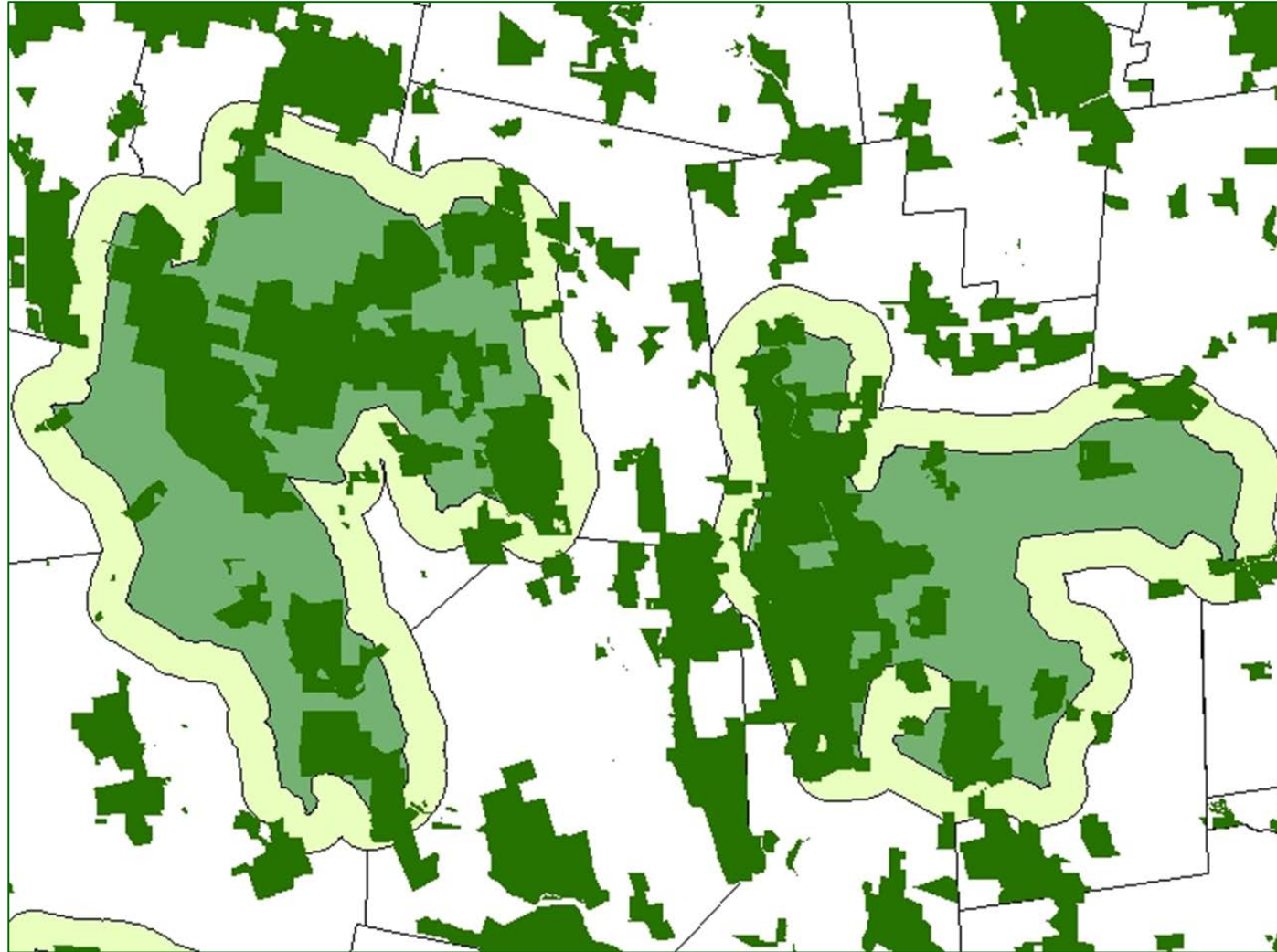


- In order to ensure perpetuity, land trusts need to be healthy organizations.
- LTA is a national organization focusing on policy, standards, education and training to support land trusts
- LTA offers a Land Trust Accreditation

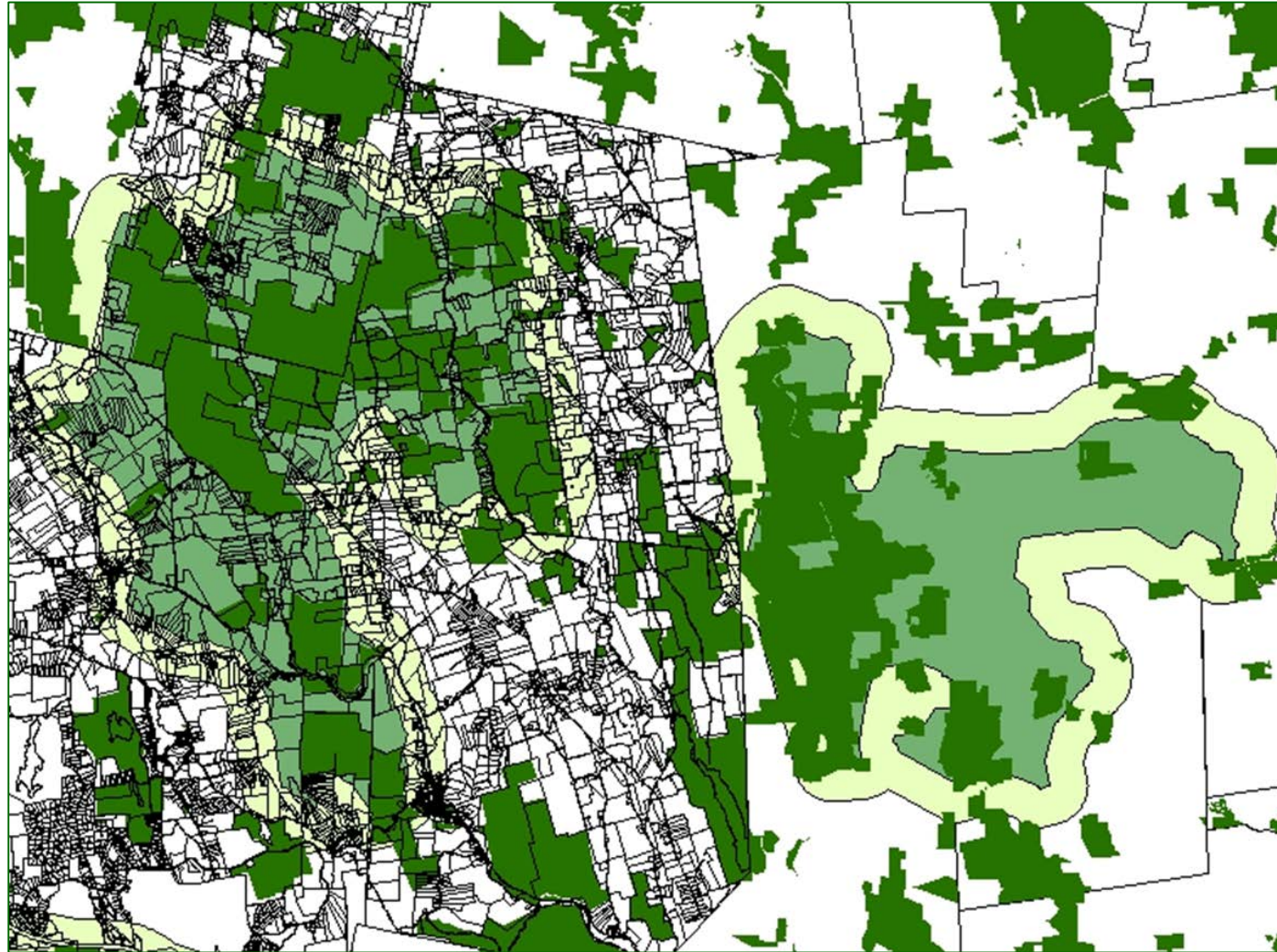


- LTA job board: <https://www.landtrustalliance.org/list/land-trust-job-board>

Which properties should be protected?

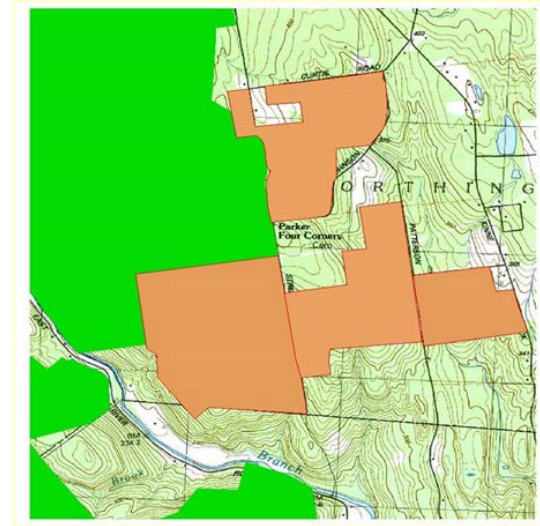


Which properties should be protected?



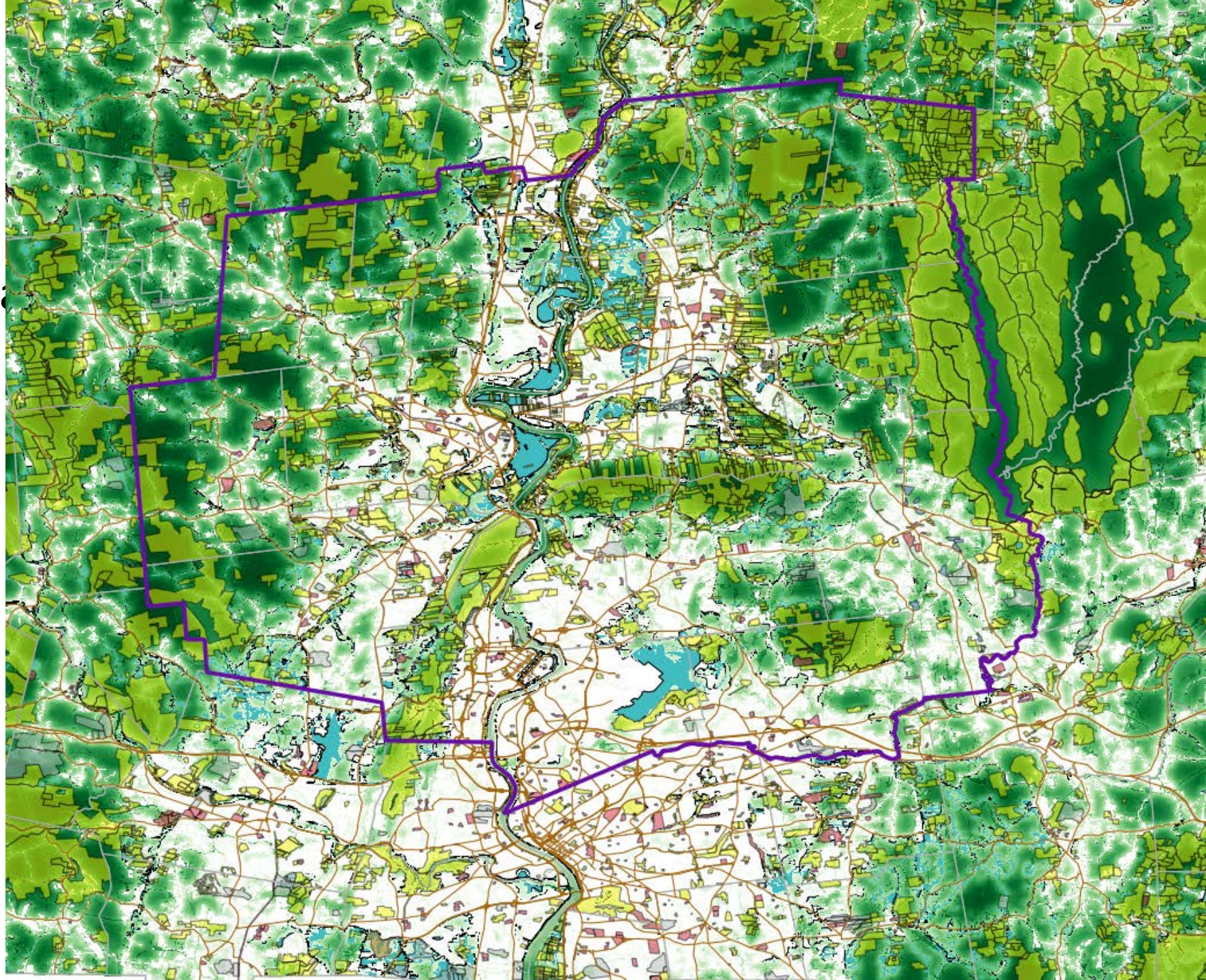
Land Prioritization

- Limited time, energy, and resources necessitate a proactive approach to land protection.
- **An organization's land priorities should fit its mission**, for example:
 - Wildlife/biodiversity
 - Recreation
 - Working farms and forests
 - Watershed protection
 - Climate change resiliency
- Provides the opportunity for a proactive approach instead of a reactive one
- GIS technology has provided very powerful tools for land prioritization





- Insert a



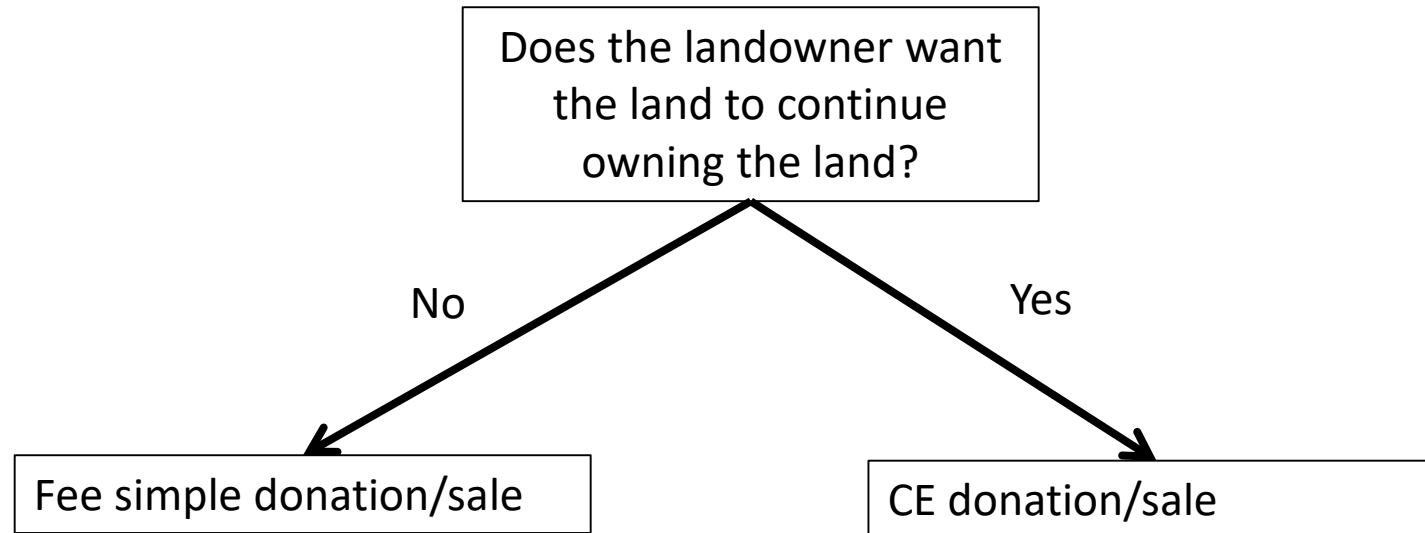
Finding the Right Fit

- A landowner must identify a conservation organization that they are comfortable with and that has a compatible perspective on land (e.g., hunting, public access, land stewardship).
- A conservation organization must pick projects that help it reach its mission and falls within a priority area of the landscape.
- Conservation organizations talk to one another and can help a landowner find the best fit.



Land Protection Tools

- There two primary tools that are used to protect land:
 - Fee simple
 - Conservation easements/restrictions



The Bundle of Rights

- Every piece of land has a number of rights associated with it. For example:
 - Residential or commercial development
 - Mining
 - Water
 - Agriculture
 - Forestry
- Rights are typically sold/donated all together
- However, rights can be sold/donated individually



Fee Simple

The Entire “Bundle of Rights”

- The land and the entire bundle of rights is sold or donated to a conservation organization
- **Land is protected through organizational mission**
- Landowners (grantors) choose the conservation organization (grantee) mission that will lead to the land use they want



Conservation Easement/Restriction

Some of the rights are extinguished

- A written, legal agreement that extinguishes some or all of the development rights of the land **forever** but allows other rights—such as farming, forestry, and recreation—to continue, all while maintaining private ownership of the land.
- Extinguished rights can be donated or sold if there is exceptional value (e.g., ecological, historic, recreational)



Important Characteristics of CEs/CRs

- Flexible coverage: doesn't need to be the whole property (e.g., retain a house lot for future financial or personal need)
- Flexible terms: negotiated with the conservation organization
- Perpetuity: The CE/CR must be honored by all future landowners

Grantor: Ms. XXXX
Grantee: Mount Grace Land Conservation Trust, Inc.
Address of the Premises: XXXX QQ Road, ATHOL, MA 01331
Title reference: Worcester/Franklin District Registry of Deeds Book#, Page#

GRANT OF CONSERVATION RESTRICTION
to
MOUNT GRACE LAND CONSERVATION TRUST, INC.

Address: _____

I/We, Landowner name(s), [a married/unmarried man/woman] with an address of Street, Town, County, State, being the sole owner {OR all of the owners}, for my/our successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grant with QUITCLAIM COVENANTS to Mount Grace Land Conservation Trust, Inc. a Massachusetts charitable corporation with a usual place of business at 1461 Old Keene Rd, Athol, Massachusetts, 01331, its permitted successors and assigns ("Grantee"), for nominal consideration {OR in consideration paid of _____ dollars and 00/100 (\$#####.##)}, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction (hereinafter "CR") on [the entirety of a X acre property OR a X acre portion of a X acre property] located in TOWN in COUNTY, Massachusetts, and more particularly described in Exhibit A (Legal Description) and substantially as shown in Exhibit B (Resource Area Diagram), and in Exhibit C, which Exhibit C is a reduced copy of a plan of land recorded in the [Franklin/Worcester North/Worcester South] Registry of Deeds as Plan Number XXXX of YEAR in Book XXXX at Page XXXX, C, attached hereto and included herein by this reference, hereinafter referred to as the Premises

I. PURPOSES:

This Conservation Restriction ("CR") is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this CR are to assure that, while permitting certain acts and uses described in Section IIB herein, the Premises will be subject to the prohibitions described in Section IIA hereof so that the Premises are retained in perpetuity in its natural, scenic, and undeveloped state for wildlife conservation,



Conservation Easement/Restriction

Purposes Section

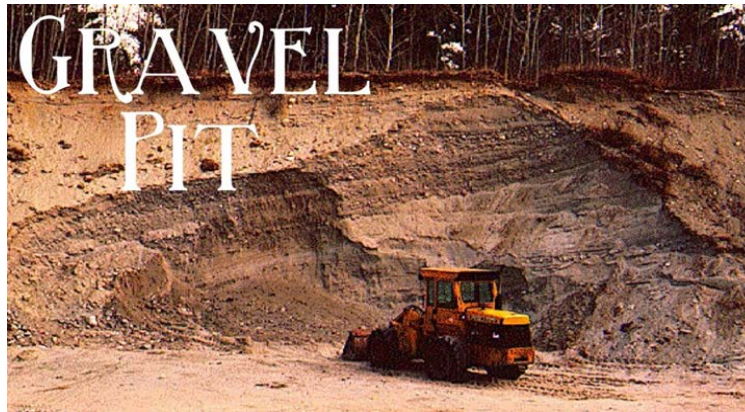
- Describes the conservation values the easement seeks to protect
- Helps to justify public value of the CE
- Provides a standard against which all future uses are measured, e.g., does the proposed use negatively impact the purposes of the CE/CR?



Conservation Easement/Restriction

Prohibited Acts Section

- Use of the property not consistent with the purpose of the CE/CR
- Common prohibited acts include: residential and commercial development, mining, parcelization.



Conservation Easement/Restriction

Reserved Rights Section

- Rights retained by the landowner (grantor) for the property.
- Potential future uses compatible with maintaining the conservation values





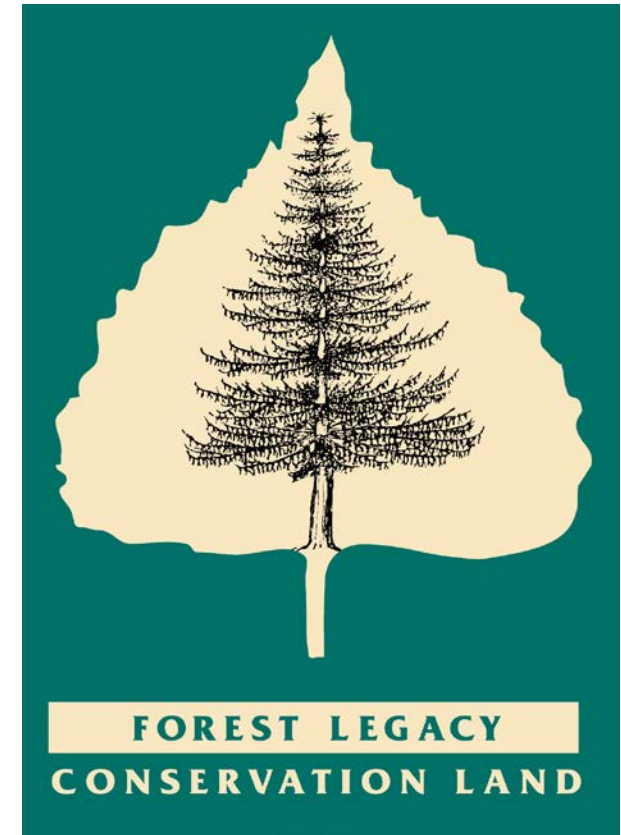
Due Diligence

- Ensuring permanent land protection necessitates healthy conservation organizations that will last over time.
- Land protection is a real estate transaction.
- Due Diligence means taking reasonable care to avoid a negative outcomes.
 - Title: Does the landowner have complete ownership of the land?
 - Survey: How much land is there? Are there any issues (e.g., encroachment)?
 - Environmental Assessment: Are there any environmental hazards on the land?
 - Appraisal: What is the land worth?



Funding Land Protection

- Federal Grants
- State Grants
- Municipal funding
- Private foundations
- Private donations
- Landowner donation of some or all of the value



Policy Incentives

- A donation of land (fee simple) or a CE/CR to a legitimate conservation organization constitutes a charitable gift and can result in federal income tax breaks.
- A CE/CR eliminates the ability for commercial and residential development and may reduce property taxes
- A CE/CR reduces the value of the land and can help avoid federal state (if applicable) and estate taxes.
- State incentives:
 - Example: MA Conservation Land Tax Credit



CE/CR Monitoring

- Once land is permanently protected through a CE/CR, it is the responsibility of the conservation organization (grantee) to ensure that the terms of the CE/CR are met.
- Volunteering to monitor is an excellent way to gain land protection experience.





Baseline Documentation Report (BDR)

- The baseline serves as the benchmark of the property on the day the CE/CR was placed on the property.
- It is used as the comparison against future property conditions and changes.
- The BDR includes: maps, narrative, and photos, that accurately portray the condition of the property as of the date the CR was recorded.

Annual Monitoring *Goals*

- Create/maintain a healthy relationship with the landowner
- Educate the landowner about the CE/CR (if it's not the original landowner)
- Connect the landowner to other resources (e.g., local forester, assistance programs)
- Builds a useful record of property conditions over time
- Builds precedence and legal record of the property condition
- Find violations (intentionally or unintentionally) sooner





Annual Monitoring *Implementation*



- Review the landowner's information, **especially the baseline and CE/CR.**
- Note any areas of concern from the last monitoring visit.
- Make a list of areas to visit (e.g., boundaries, natural features, trails, buildings)
- Plan a route that will take you to each of the important areas and is different than past monitoring walks.
- Visit as much of the boundary as possible.
- Prepare the monitoring report including photos, a map of your route, and appropriate signatures ASAP



Stewardship of Conserved Land

- Land is conserved for its conservation values. Maintaining these values can mean actively stewarding these lands
- In addition, achieving organizational goals can also mean active stewardship.
- Stewardship examples include:
 - I/E plant control
 - Maintaining trails
 - Invasive insect monitoring
 - Forest stewardship
 - Habitat management



Community Conservation

- Communities need a healthy balance of land uses. The balance is different for each community.
- Conservation needs to have tangible benefit to communities (e.g., recreation, health benefits, economic benefits, cultural benefits) to encourage community support.
- We need open, informed conversations about the future of our communities. Economic impact studies can help. Examples include:
 - Cost of community services
 - Contribution analysis



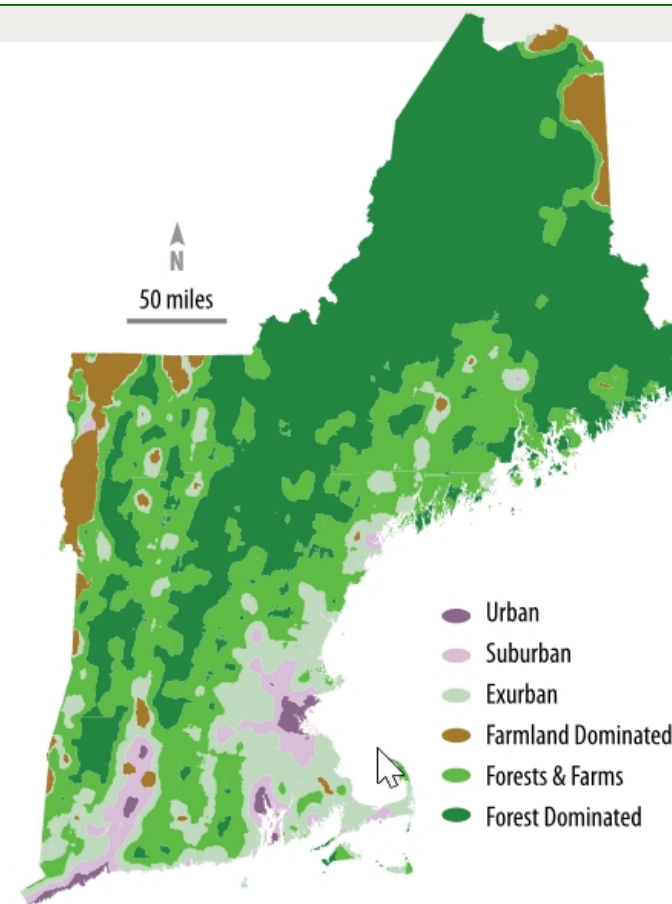
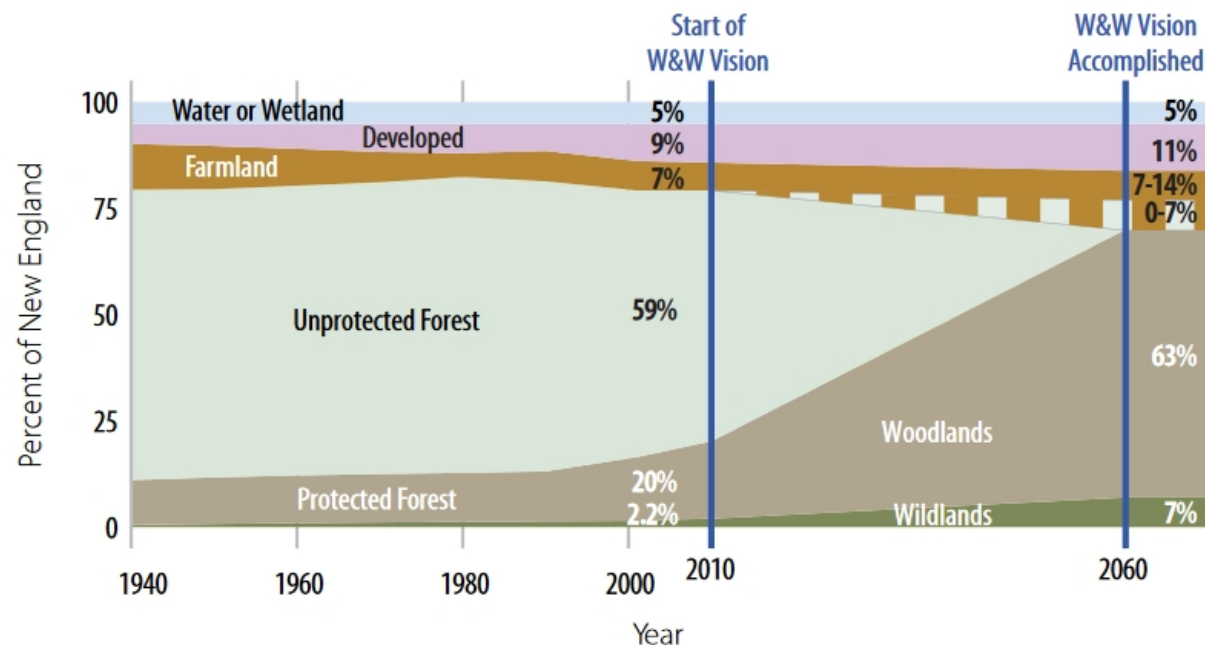
Conservation at the Landscape Level

Wildlands and Woodlands

Wildlands & Woodlands Vision for New England in 2060

30 million acres conserved forest: 90% Woodlands / 10% Wildlands

3-6 million acres conserved farmland / 5 million acres efficiently developed land



We need you! What role can you play?

- Land Protection is a diverse field. There are **MANY** ways to become involved:
 - GIS maps to help land trusts prioritize land
 - Conduct a natural resource inventory of conservation land
 - Become trained to monitor CE/CRs
 - Help to steward conserved land (e.g., i/e plant control, trail work)
 - Help a land trust prepare for land trust accreditation
 - Investigate land protection options for your family's land
 - Insert your imagination here



Find a land trust near you!

Connect with a local land trust and get some experience:



- Connecticut: findalandtrust.org
- Massachusetts: masswoods.org/professionals
- Maine: findalandtrust.org
- New Hampshire: findalandtrust.org
- Rhode Island: findalandtrust.org
- Vermont: findalandtrust.org




ALPINE Opportunities


Wildlands & Woodlands


A Vision for the New England Landscape

Find us on  



[Home](#) [Vision](#) [W&W In Action](#) [RCP Network](#) [Science Initiatives](#) [Policy & Finance](#) [ALPINE](#) [Events & Press](#)





ALPINE Summer Institute

The ALPINE Summer Institute is a program for participants interested in exploring careers in land conservation. Participants must have an internship that involves some aspect of land conservation in New England to participate. The Summer Institute takes place over two weekends in June and August and features presentations by leaders in the conservation arena, field trips to conserved sites, and guided reflections by the participants on their conservation internships. Participants will have the opportunity to meet and interact with leaders and educators in land conservation organizations.

- Conservation job board:
<https://www.wildlandsandwoodlands.org/conservation-jobs-new-england-new-york>