



EASEMENTS

FREQUENTLY ASKED QUESTIONS (FAQ) ABOUT CONSERVATION EASEMENTS

Scenic landscapes, rare natural resources, productive agricultural soils, abundant wildlife habitat, and clean waterways benefit communities. To preserve this legacy for future generations, landowners may sell or donate land to public entities. Another approach is to use a conservation easement. Property owners continue to own their land, while the public benefits can be preserved and improved – a winning combination for everyone.

What is a conservation easement?

A conservation easement is a legal document in which a landowner agrees to certain restrictions that ensure the property's conservation values (water quality and wildlife habitat) are protected. The document, which includes the rights retained by the landowner and the restrictions, is recorded by the County. The easement becomes part of the property deed.

PROGRAMS

Dakota County has received State funding to work with and pay willing landowners to protect, restore, and enhance private lands and shorelands for improved water quality and wildlife habitat. Benefits include:

- Cash payment for easement
- Funds for restoration
- Protect land less suitable for crop production
- Reduce erosion
- Lessen flood impacts
- Improve water quality
- Provide wildlife habitat
- Protect infrastructure



Dakota County Environmental Resources
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What types of land does Dakota County want to protect by easement?

Dakota County land conservation efforts include acquiring easements to help protect: natural areas; riparian areas along rivers, streams, and lakes; wetlands; floodplain; rare species habitats; and unique features.

What restrictions are included in a conservation easement?

Property ownership includes having a number of rights, such as mineral, water, and air rights, as well as the ability to use, develop, and enjoy the land. A landowner who enters into a conservation easement agrees to restrict some (but not all) of these rights. Each conservation easement will be specific to the property and circumstances, but in general it:

- Prohibits the landowner from developing or subdividing the easement area for residential, commercial, or industrial use.
- Allows the landowner to use the property in the easement area in ways consistent with the purposes of the easement.
- Prohibits activities that may negatively affect the conservation values of the easement area, including: mining; building roads or utilities; or disturbing the vegetation, water flow, or topography.
- Requires some natural resource management to protect the conservation values of the easement area.
- Allows the landowner to sell, transfer, or bequeath the property that includes the easement area.
- Is permanent and applies to the current and future landowners.

What ongoing landowner obligations are required by a conservation easement?

The landowner continues to be responsible for the land's maintenance and upkeep, payment of taxes, and other typical land-ownership obligations. The conservation easement adds a few requirements, including:

- Allowing the County or its representative to physically monitor the easement annually;
- Working with the County and others to improve natural resource features in accordance with a jointly developed Natural Resource Management Plan;
- Notifying the County of any proposed changes to the property; and
- Notifying the County when selling the property or transferring ownership.

Does the public have access to properties with conservation easements?

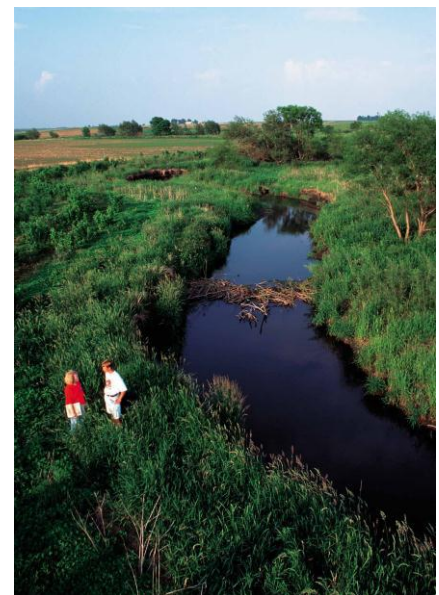
No, the public is not allowed on property protected by a conservation easement, unless the landowner is willing to allow it. Dakota County provides an optional, one-time payment for providing permanent public access (primarily for fishing) within an easement area. The payment is \$5 per linear foot of shoreline on both sides of the stream within the easement area.



Each conservation easement will be specific to the property and circumstances. *Photo: NRCS*



The landowner will work with the County or its representative to jointly develop a Natural Resource Management Plan. *Photo: NRCS*



The public is not allowed on property protected by an easement, unless the landowner allows it. *Photo: NRCS*

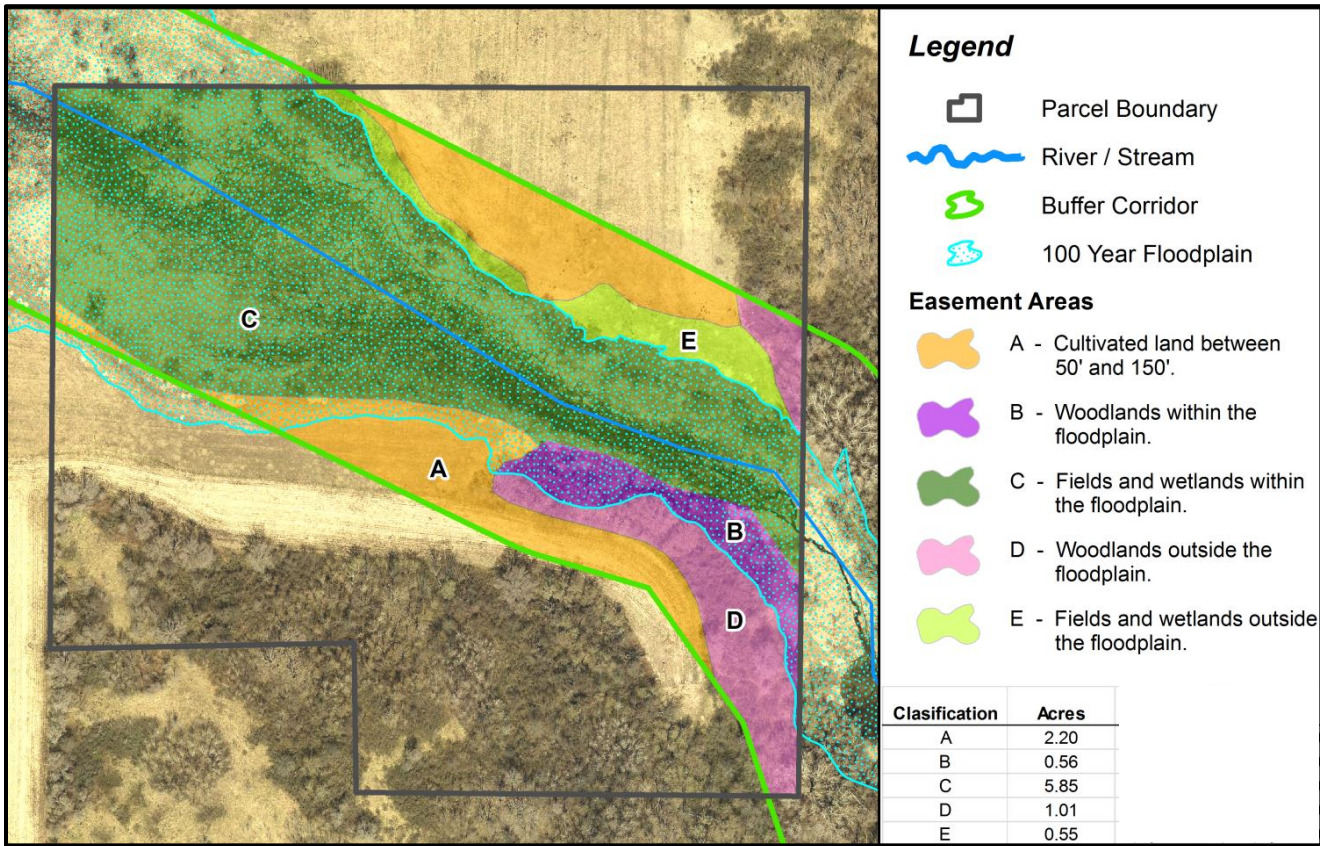
How much compensation could I receive if I sold a conservation easement?

For easements within city limits or with an estimated value greater than \$20,000, an independent appraisal will be contracted by the County to determine fair market value. For projects located in townships and with estimated values less than \$20,000, a valuation formula was developed to determine fair market value. The formula is based on the established tax-assessed market value of 2a and 2b agricultural land, and existing land use/vegetation type; proximity to waterways; and relation to the 100-year designated floodplain. Different percentages are then applied to the tax-assessed value for each category. Landowners are not paid for submerged river, stream or lake acreage on the property; however, wetland areas are included and valued.

The map below shows a shoreland property that is potentially eligible for the valuation formula, because its estimated value is below \$20,000. The map legend describes five land use/habitat types. The respective values for each easement area classification are not included, because they are updated each year.



Conservation easements can improve water quality, providing the habitat necessary to support species unique within the Twin Cities Metropolitan Area, like naturally reproducing trout in the Vermillion River.



Why would a landowner consider selling a conservation easement?

Landowner circumstances, values, and needs vary. Landowners may consider selling an easement to leave a natural legacy for future generations; to protect natural resources and unique features; to obtain additional income; assist in estate-planning or for tax purposes, since a partial donation of value is considered a charitable contribution; or to become eligible for public funds to restore or improve the easement.

Who will monitor and enforce conservation easements?

Dakota County will monitor and enforce easements. The County may contract with other agencies/organizations to conduct annual site visits.

What if the easement area needs restoration, such as erosion control?

These types of restoration needs would be identified in the Natural Resource Management Plan. The landowner and the County would determine priorities and make recommendations. State and local matching funds are available for land restoration and enhancement, as long as the property is permanently protected with an County easement.

How can I find out more?

Landowners are encouraged to contact Dakota County Environmental Resources staff (see below). Let staff know the most convenient method and time to contact you. Staff is willing to attend meetings of neighbors, lake associations, or other groups to discuss conservation easements.



The **Outdoor Heritage Fund**, one of four funds created by the 2008 Clean Water, Land and Legacy constitutional amendment, receives one-third of the money raised by the small sales tax increase. The Lessard-Sams Outdoor Heritage Council was established by the Minnesota Legislature to provide annual funding recommendations for use of the Outdoor Heritage Fund. The council ensures recommendations directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Dakota County Land Conservation Contacts

For more information about County conservation easement programs, please contact:

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Conservation easements provide shelter and food for wildlife. *Photo: NRCS*



The **Environment and Natural Resources Trust Fund** was established following voter approval of a constitutional amendment in 1988. The money in the Trust Fund is generated by the Minnesota State Lottery. The Legislative-Citizen Commission on Minnesota Resources recommends how the Trust Fund can be appropriated, "for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources."