



Frequently Asked Questions 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.

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, and 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 is 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 based on the linear feet of shoreline on both sides of the stream within the easement area.

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 is contracted by the County to determine fair market value. In 2022, the County received legislative approval to pilot a tax assessed-based formula to establish conservation easement values on rural land to be converted to wetlands or grasslands or to permanently protect existing habitat areas. The formula is reviewed annually and adjusted based on analysis by the County Assessor's Office to determine the difference between assessed and fair market value, based on recent land sales.

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?

For more information about the Dakota County Land Conservation Program and conservation easements, contact Lisa West, Senior Project Manager in the Parks Department at 952-891-7018 or at lisa.west@co.dakota.mn.us.

Funding Partners

Dakota County uses funding from its Environmental Legacy Fund to leverage grants primarily from two State of Minnesota sources to help pay for easement acquisitions and restoration activities.

Clean Water, Land and Legacy Amendment

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.

Environment and Natural Resources Trust Fund

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."

