



## Minnesota Land Trust

### *The Minnesota Land Trust Conservation Easement Program*

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#### **OVERVIEW**

The Minnesota Land Trust's mission is to protect and restore Minnesota's most vital natural lands in order to provide wildlife habitat, clean water, outdoor experiences and scenic beauty for generations to come. The Land Trust completes this work through three primary program areas: land protection, habitat restoration and community engagement. The Land Trust's primary strategy for land protection is private land protection through conservation easements. We have accepted 508 conservation easements to date, protecting nearly 50,000 acres and a million feet of sensitive shoreline.

Each conservation easement completed by the Minnesota Land Trust (MLT) is unique. Each is crafted to protect the conservation values of each special parcel of land as well as meet the goals of each individual landowner, project funders and the Minnesota Land Trust.

#### **PROJECT SELECTION**

The Minnesota Land Trust accepts only permanent conservation easements. We select projects in multiple ways, but the primary mechanism today is through a competitive Request for Proposal (RFP) process in which proposals are submitted by landowners by a certain date and the MLT staff ranks and evaluates each project proposal to ensure that we are getting the maximum conservation impact at the most efficient cost possible. We currently have seven active easement program areas throughout the state, all focused on the unique wildlife habitat features of that particular region.

#### **EASEMENT STEWARDSHIP**

As a nationally-accredited land trust, The Minnesota Land Trust must monitor all of its conservation easements every year and maintain thorough records of all easement management activities. In addition, MLT participates in a national easement defense insurance program called Terra Firma which provides resources and expertise in the case of any significant violation. We have three full-time staff dedicated to the monitoring and enforcement of easements and more than 100 trained and certified volunteer monitors.

#### **EASEMENT PROGRAM GUIDELINES**

Each easement must meet several different guidelines or rules in order to satisfy state and federal law or the guidelines of each funding sources as outlined below:

FUNDING GUIDELINES: Each easement must meet the guidelines of individual funding sources, in particular the rules and guidelines established by the LCCMR and the LSOHC.

MINNESOTA LAW: Each easement must also meet State easement enabling statute 84C, which follows the Uniform Conservation Easement Act adopted by many states.

FEDERAL INCOME TAX LAW: Because most MLT easements have a donation component, all easements must meet Federal income tax law 170h.

LAND TRUST STANDARDS AND PRACTICES/ACCREDITATION: The Minnesota Land Trust easements also must follow national accreditation standards, including drafting, documentation and monitoring.

## LAND USE RESTRICTIONS

At the heart of every conservation easement are the detailed limitations on the landowner's use of the protected property. In each specific case, the restrictions are carefully selected to protect the specific conservation values of that land.

- Industrial or commercial use. These uses of the property are typically prohibited.
- Agricultural use. Agricultural use (cultivation) is typically prohibited unless: such a small area to be incidental to the overall habitat goals, includes conservation grazing as a habitat management goal, or is in a temporary status awaiting restoration.
- Residential use and development. Today, it is MLT's preference to exclude existing residential use. Occasionally, when exclusion is not possible, building "envelopes" are used to confine placement of structures and improvements. .
- Division of the property. Typically MLT easements will prohibit further division of the property except in unique circumstances.
- Roads and trails. Locations of existing roads, driveways or trails are documented and typically not allowed to expand. Unpaved paths or foot trails are often allowed.
- Vegetation and habitat management. Management of natural vegetation to improve its habitat values is always allowed, though subject to an approved management plan. These management plans are often developed and reviewed prior to closing the conservation easement.

## VALUATION

Historically, most of MLT's conservation easements have been donated. Today, most are either still donated or have a partial donation. For purchased or partially purchased easements, MLT must secure a qualified appraisal through a RFP process. These appraisals must follow the state funding guidelines.

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