

Frequently Asked Questions: Forests For the Future/Forest Legacy Conservation Easements

1. What is the Forest Legacy Program/Minnesota Forests for the Future Program?

The Forest Legacy and the Minnesota Forests for the Future Programs are conservation easement programs administered by the DNR Division of Forestry. Their purpose is to protect and conserve private forest lands throughout Minnesota. Protected lands provide wildlife habitat, watershed protection, rare species protection, timber and other forest resources, and outdoor recreation. Protected lands remain in private ownership.

2. What is a conservation easement?

A conservation easement is a legal agreement between a landowner and a government agency or land trust for the purpose of protecting and conserving the land. The primary purpose of the conservation easement is to protect the land from certain kinds of development or use. The landowner sells and gives up those rights but continues to own the land, manage and use the land according to the easement terms and the forest management plan, and pays taxes on the land.

3. How does the appraisal and acquisition process work?

The DNR will hire a qualified appraiser to determine the fair market value of your property. You will be invited to accompany the state's appraiser during his or her inspection of the property, if you so desire.

You may elect to hire an appraiser to provide an independent opinion of value for your property. If you choose to hire your own appraiser, this should be done at the same time as the DNR appraisal so your appraisal can be considered along with the state's appraisal when the DNR is determining the appraised value of the land. If an easement is purchased by the DNR, you may be reimbursed up to \$1,500 toward the cost of your appraisal if your appraisal is submitted prior to the DNR determining the market value of the property through a certification of appraisal.

After the appraisals are reviewed by the DNR, you will be given a resume of the DNR's certified appraisal. This resume will include the appraiser's conclusion of value. The Department of Natural Resources will acquire your property by means of an option, which is an offer from the landowner to sell. Unless you request in writing, the option period shall be no more than two months if no survey is required. If a survey is required, the option period shall be no more than nine months.

After you receive the resume, the DNR will contact you to make an offer for the property. You may accept or reject the DNR's offer for your property. The program operates on a "willing seller-willing buyer" concept. There is never condemnation of land.

DNR pays the abstracting and recording fees related to the sale. If the title has issues that need to be corrected, it is the landowner's responsibility to correct defects in title. The costs of clearing title defects, payment of taxes and related attorney's fees are not reimbursable.

If a survey is required, DNR will provide the survey for the property.

4. How much will DNR pay for the conservation easement?

The rights to be purchased on each easement will be appraised to determine the fair market value of the rights restricted. The landowner can also choose to donate some or all of the purchase price which may provide tax benefits to the owner. The fair market value of an easement is the difference between the property's value "before" an easement (the unrestricted property) and the property's value "after" an easement (the restricted property).

You may choose to be paid in either a lump sum or up to four separate annual payments. The DNR does not pay interest on monies held during an installment agreement.

5. What lands are eligible for the program?

The lands to be included should be primarily forested. Non-forest areas will be considered for inclusion on a case-by-case basis, but typically no more than 25% of the property can be non-forested. Non-forested areas may include open wetlands, meadows, prairie or other approved non-forest areas. Houses, other buildings and developed portions of the property are not included in the easement portion.

While there is no minimum size limit for parcels, parcels are typically 20 acres or larger. Larger parcels may receive a higher priority than small parcels.

6. Can I build a house or other buildings within the easement area?

No. Any part of the property you may want to use for improvements in the future should be excluded from the proposed easement area.

7. Can I change my mind and take a parcel or part of a parcel out of the program after I've sold the easement?

No. The conservation easement is a perpetual easement. The eased property can be sold or transferred, but the conservation easement will permanently restrict the property and is binding on all future owners.

8. Do I have to let the public use my property for hunting or other recreation?

No. On some properties public access is preferred, but public access is not required by the program. The only required access is for monitoring purposes by DNR staff which usually occurs once each year.

9. What can I do and not do within the easement area?

The easements will provide a list of permitted and prohibited uses: Permitted uses typically include forest management including timber harvesting, firewood cutting, hunting and fishing, outdoor recreation, maple syrup production, nature observation, and other traditional forest uses.

Restricted or prohibited uses and activities include: Industrial, commercial or residential uses or developments including temporary or permanent residences, cabins and mobile homes, cell towers, infrastructure or utilities, signs (except for general information or regulatory signs), garages, sheds, mining or other surface alterations, grazing, haying and other agricultural uses, and trash or refuse disposal.

All forest conservation easement properties require a current DNR approved Forest Stewardship Plan that will outline the forest and vegetation management activities allowed on the property and that will identify and protect the important environmental values on the property.

10. Are roads and trails allowed?

Yes. Roads and trails may be built and maintained to allow access through the property for allowed uses.

11. Can I subdivide the area covered by the conservation easement?

In most cases, no. The property covered by the conservation easement must remain as a single ownership thereby preserving the larger forested parcel.

12. What happens after the easement is in place?

All properties will have a monitoring plan that specifies that the property will be visited annually by DNR staff to ensure that the easement property is being used in accordance with the conservation easement restrictions and in accordance to the Forest Stewardship Plan. DNR staff will contact the landowner prior to the visit and walk or travel through the property during the visit.

13. How do I apply or get more information.

Applications are available online at <http://www.dnr.state.mn.us/forestlegacy/programinformation.html> for additional information contact Christine Ostern - Program Coordinator:

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