Letter to Prospective Conservation Easement Landowners

Dear Landowner,

The East Mississippi Foothills Land Trust is a local conservation land trust established to provide a way for landowners who have land with scenic, historic, or cultural value to set aside the property for prosperity. More specifically, land trusts are private non-profit conservation organizations that are qualified to accept voluntary "conservation easements" and hold land in trust at the landowner's request.

Our organization was established in November 2003 and has adopted the Chunky River as our first project. The Chunky has been named a "Scenic Stream" by the State of Mississippi and has great potential as a recreational resource. Our goal is to establish a buffer zone along both sides of the 26-mile stretch of river that is included in the scenic streams program.

Conservation Easements are entirely voluntary. The landowner retains ownership of the property and continues use of the property with certain restrictions as agreed upon in the easement. The terms of an easement are flexible and can be tailored to fit the landowner's requirements.

The benefits to the landowners are many. One benefit is the satisfaction of knowing your wishes for your land will be followed after death. In addition, there are property tax advantages that will accrue immediately, and the inheritance taxes can also be reduced. Another benefit is that adjacent property values usually go up as a result of protecting scenic areas.

Please review the information we have included concerning the requirements and details of granting easements. We hope to meet with you soon to discuss your possible participation in this effort to protect and preserve a very special part of our area for our children and their children's use and enjoyment.

Sincerely,

Kyle Ladner, President
East Mississippi Foothills Land Trust

EAST MISSISSIPPI FOOTHILLS LAND TRUST (EMFLT)
FAQ'S

The following is a list of questions often asked by landowners who are considering a conservation easement on their property. The answers provide brief explanations of the easement process. For more in depth information, please contact the EMFLT officer.

What is a Conservation Easement?
A conservation easement is a legal agreement a property owner makes to restrict the type and amount of development that may take place on his particular property. Each **easement's restrictions are tailored** to the particular property and to the interests of the individual owner.

Why Should I Grant a Conservation Easement?
People grant conservation easements to protect their land or historic buildings from inappropriate development while retaining private ownership. By granting in perpetuity the resource values of the owner's land will be protected indefinitely no matter who the future owners are. A conservation easement may also result in tax benefits.

What Kind of Property can be Protected by an Easement?
Any property with significant conservation or historic preservation values can be protected including forests, wetlands, farms, sensitive habitat, scenic and historic sites, and other areas.

How Restrictive is an Easement?
An easement restricts development to the degree that is necessary to protect the significant values of that particular property. Sometimes this totally prohibits construction or other types of development. Even the most restrictive easements usually permit landowners to continue traditional uses of their land and can be tailored to fit the owner's particular circumstances.

How Long Does and Easement Last?
An easement can be written so that it lasts forever. This is known as a perpetual easement. Some easements may be written for a specified number of years and are called term easements. Only gifts of perpetual easements can qualify a donor for income and estate tax benefits. These easements are recorded in county records offices so that all future owners and lenders know about the restrictions when they obtain title reports.

Must an Easement Allow Public Access?
Landowners are allowed to make their own decision about whether to open their property to the public. However, if an income tax deduction is to be claimed, some types such as recreational or educational easements require access.

Can Granting an Easement Reduce an Owner's Property Tax?
Property tax assessment usually is based on the property's market value which reflects the property's development potential. If a conservation easement reduces the development potential of the property, it may reduce the level of assessment and the amount of the owner's property taxes.

What are the Responsibilities of the EMFLT Towards the Easement?
The grantee organization is responsible for enforcing the restrictions that the easement document specifies. A representative of the organization periodically visits the property with the owner to assure that the property is being maintained in the condition prescribed by the easement. Written records are kept of the monitoring visits.

The above FAQ's are excerpts from the Conservation Easement Handbook by Diehl and Barrett.

EAST MISSISSIPPI FOOTHILLS LAND TRUST (EMFLT)
CRITERIA FOR EVALUATING PROPOSALS FOR LAND PROTECTION

The East Mississippi Foothills Land Trust (EMFLT) is a non-profit membership corporation created to conserve, promote and protect the open spaces and green places of ecological, cultural or scenic significance in the counties of East Mississippi. The Land Trust is dedicated to accomplishing this by acquiring conservation easements or legal title to real property in the East Mississippi area.

Basic concepts of a conservation easement are as follows:

- It is a legal agreement a property owner makes with the Land Trust to restrict the type and amount of development that may take place on their property with restrictions tailored to the particular property and interests of the owner.
- The easement is given by the land owner in perpetuity to the Land Trust.
- It is an agreement in which the land owner may be eligible for certain tax deductions because of the Federal Tax status granted to the non-profit Land Trust.
- The easement property must have qualities that provide a significant conservation value to the public.

The EMFLT may consider property for an easement if it fulfills one or more of the following criteria:

- Provides Open Space for Scenic Enjoyment – The land is scenic and easily viewed from roads, water bodies, trails, parks, or other land areas open to or used by the public; or development of the property would impair the character of a scenic panorama enjoyed from an adjacent public area.
- Provides Significant Natural Habitat – This is evidenced by its relatively natural state and presence of rare, endangered or threatened species. Or, it represents a high quality native terrestrial or aquatic ecosystem.
- Property has Historical Significance – Property has physical or environmental features that are historically important or has a certifiable historic structure (through the National Registry of Historic Places).
- Has Value as a Public Recreation or Education Area – Land must be attractive and contain resources that provide a significant public recreational or educational use and enjoyment. The public must have regular opportunity for access and use of the property.

Many other factors must also be considered when determining a parcel's eligibility for easement or acquisition including such things as:

- Current Use – The current use must not conflict with the purpose for which the site will be selected
- Parcel Size – The site must be large enough to be meaningful for the purpose for which it was selected
- Access – Sites selected for public recreation or education purposes must be available for access and use by the general public
- Uniqueness of the property to the area
- Proximity of existing development or public property
- Owners ability to contribute financially to the easement acquisition process and monitoring fund
- The property's importance in preserving a local or regional landscape or resource that may attract tourism or commerce to an area
- Can the property be acquired with a reasonable effort compared to its potential value?
- Can the property be easily monitored for easement compliance?
- Do the owner's provisions complement or seriously diminish the property's primary conservation values?

EAST MISSISSIPPI FOOTHILLS LAND TRUST (EMFLT)
APPLICATION FOR EASEMENT

The following request for information is needed to begin the easement acquisition process. If you are not sure how to respond to certain questions, a Land Trust representative will be happy to assist you.

Applicants Name:_____

Address: _____

Home Phone/Work Phone/Cell Phone: _____

Property Location: (Include County, Township, Range, Section, etc.)
_____
_____
_____

Property Description: (Ex: acreage, percentage in forestland, pasture, wetlands, lakes, etc.)
_____
_____
_____

Describe any buildings, structures, or roads on the property and their location:
_____
_____
_____

Current Land Use: (Ex: agriculture, timber, hunting, etc.)
_____
_____
_____

Proximity of Land to Public Lands such as Rivers, State Parks, or Forests, etc.
_____
_____
_____

Type of Easement (Check those that apply and give a brief description of its qualification for each category)
_____Open Space for Scenic Enjoyment
_____
_____
_____Contains Significant Natural Habitat
_____
_____
_____Has Historical Significance
_____
_____
_____Public Recreation or Education Area
_____
_____

** Please attach copies of Topographic maps, aerial photographs, or other map types that would aid in property location and orientation to other properties or resources.