Sometimes nothing much happening is the biggest news of all.

East of Tomales Bay in Marin County is a world of humpbacked ridges and hidden valleys, Irish green in the spring, in the summer yellowed by sun and cooled by fog. Unless it is that the grass is a little thicker and the fences a little better maintained, the scene has hardly altered in 50 years. Driving along some wandering road, you wouldn’t dream how close this region came to being just another slice of suburbia, nor recognize what forces are operating to keep it intact. A small sign hanging at the gate of a ranch road gives a clue. “This farmland is preserved in perpetuity by the owners and the Marin Agricultural Land Trust,” it reads. “Private Property. No Trespassing.”

“Preserved . . . No trespassing.” This combination of concepts, a little unfamiliar perhaps, is a sign of the land use times.

The hottest tool in landscape protection these days is the conservation easement. It is a contract by which a landowner gives up the right to develop property, and usually agrees to other restrictions, in return for money (or a tax deduction). Once made, the contract runs with the land and is valid forever. Easements are acquired and held by government agencies or by private nonprofit organizations called land trusts. Easement holders visit to make sure promises are kept, but the public comes onto the land by arrangement only.
Land under conservation easement has many of the qualities we expect of public open space. It is scenic, enjoyed by drivers, bicyclists, or walkers on public roads and trails nearby. It is habitat, providing living space for plants and animals and corridors for wildlife movement. It is watershed and helping to clean the air. It may be farmland and wildlife habitat. Most states and the federal government passed laws endorsing and codifying this practice; California’s Conservation Easement Enabling Act dates to 1975. Since then the easement movement has only continued to grow, lately attracting attention outside traditional conservation circles, some of it very critical. It is plain that all citizens have an interest here. Even when government money is not directly spent on easements, the public purse is inevitably affected: through lower property tax receipts, for example, or by federal income tax write-offs taken by easement donors or contributors to land trust treasuries. It is therefore not out of order to ask: Are we getting our money’s worth?

THE CHARMS OF EASEMENTS

The first selling point of easements is simply their price. In the Bay Area, easements generally cost about half as much as fee simple acquisition. With land prices ratcheting upward and park budgets on the decline, the appeal is clear. Further savings come in long-term management. A park is a public expense for generations to come; on an easement property, the owner bears the bulk of the maintenance costs. Especially in areas where traditional parks are plentiful (and their upkeep a large budget item), easement programs become an attractive supplement. The strategy also leaves land on the tax rolls, with considerable though reduced appraised value, a big plus for local governments. That’s the money side. But experience shows that the advantages of easements go well beyond cost. Unlike traditional acquisition, which displaces residents, easement purchase leaves them in place. And the stewardship that happens when private owners and easement holders collaborate may not only be cheaper than what public managers could provide, but also better. There are obviously also purposes that easements do not serve. If letting
the public onto the property is a priority, the land should be bought outright. Fee simple ownership is also often the best way to ensure protection of key habitats for rare, threatened, or endangered species.

Where conservation easements really shine is in the protection of agricultural landscapes and livelihoods. When farmers receive cash for easements—the usual case in the Bay Area—agriculture is supported in two ways: by the restriction itself, which removes the temptation to subdivide or sell for development; and by the infusion of cash, which usually goes to improve the operation. More subtly, the knowledge that some farmers have made the easement commitment encourages others to think in terms of remaining on the land for the long haul. Rural communities and economies are thus strengthened, not weakened, by this form of preservation.

**SOME CHALLENGES**

For all their selling points, easement programs have their detractors. One fundamental challenge comes from those in the environmental movement who long for stronger land use regulation in the United States and see easements as an expensive substitute that overvalues private property rights. Thus, John Echeverria, director of the Georgetown Environmental Law and Policy Institute in Washington D.C., complains, “The message to landowners is that they’re only required to do what they want to do and are paid to do.”

Indeed, among conservatives, the easement approach has generally passed muster and are paid to do. “Thus, John Echeverria, director of the Georgetown Environmental Law and Policy Institute in Washington D.C., complains, “The message to landowners is that they’re only required to do what they want to do and are paid to do.”

Unlike these broad attacks, other critics point to growing pains in this area of law and practice get up to speed. The Internal Revenue Service could, for instance, require the use of state-licensed appraisers, or (astonishingly) it now does not. Umbrella groups like the National Trust for Historic Preservation and the State Law Foundation of California have made noises about limiting deductions, but does not describe the properties in a way or, in any case, in a well-studied region like the Bay Area, it is still laborious, so the thought arises: why not put this information online? Here caution flags go up. Land trusts are nervous about having too much data too accessible. Easement documents often give details about vulnerable features like rare plants or archaeological sites, already difficult enough to protect from poachers and artifact hunters. Landowners have their privacy concerns as well.

Most easements are recorded, of course, and reside as public records in county assessors’ offices. In 2002, a state law required counties to keep indexes making it easier to locate easement documents. Research is still laborious, so the thought arises: why not put this information online? Here caution flags go up. Land trusts are nervous about having too much data too accessible. Easement documents often give details about vulnerable features like rare plants or archaeological sites, already difficult enough to protect from poachers and artifact hunters. Landowners have their privacy concerns as well.

The Bay Area Open Space Council faced this issue as it assembled its database of conservation easements, like the one that protects the Arata Ranch near the San Mateo coast, allow for the protection of entire watersheds at a fraction of the cost of outright public purchase. That reliance on tax incentives to get legitimate donors in the door.

Experts see the solution in a tightening up of appraisal practices. The Internal Revenue Service could, for instance, require the use of state-licensed appraisers, or (astonishingly) it now does not. Umbrella groups like the national Trust for Historic Preservation and the State Law Foundation of California have made noises about limiting deductions, but does not describe the properties in a way or, in any case, in a well-studied region like the Bay Area, it is still laborious, so the thought arises: why not put this information online? Here caution flags go up. Land trusts are nervous about having too much data too accessible. Easement documents often give details about vulnerable features like rare plants or archaeological sites, already difficult enough to protect from poachers and artifact hunters. Landowners have their privacy concerns as well.

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Driving out to the coast among the seemingly endless ranks of Marin County hills, studded with rock outcrops and spotted with grazing cows, you can feel the calmness that flows from a stable landscape. It has always been this way, you feel; it will always be this way. The first thought is partially an illusion; the second is still essentially a hope.

In the 1960s it was taken for granted that the process that had already transformed East Marin—the rolling conversion of dairy ranches to suburbs—would repeat itself in the west. A general plan adopted in 1969 foresaw 125,000 people living along Tomales Bay and in the Olema Valley next to Point Reyes National Seashore. Speculators were busy buying up land to cash in on the inevitable. But the political winds shifted in 1970, and soon the county reversed course. The western region, the Board of Supervisors now proclaimed, was to remain rural, a mixture of parkland and farms. Throughout the decade, the county struggled to make this decision stick with zoning, coupled with measures directly supportive of farmers. By 1980 it was pretty clear that no “blockbuster” development was going to occur in West Marin. It still seemed likely, though, that under relentless market pressures commercial agriculture would give way to a landscape of “ranchettes,” small hobby farms or rural estates around enormous houses.

The county considered, but further stiffening its zoning, but that step would have driven the farmers into renewed opposition. And zoning is always subject to change. Two remarkable women—rancher and community leader Ellen Straus and her friend Phyllis Faber, biologist and sometime coastal commissioner—set out to come up with something more permanent. The women turned for advice to the Trust for Public Land, which was working to seed land trusts around the country. Out of these new programs came a new kind of trust: one devoted solely to agricultural land, working exclusively through the purchase of easements, and—most unusual of all—run largely by ranchers, not environmentalists and lawyers. Ralph Grossi, an open-minded young dairyman, provided a vital bridge to the skeptical farm community. The Marin Agricultural Land Trust (MALT) was incorporated in 1980. MALT got off the ground slowly. No one wanted to be the first in the door; there was some feeling that selling one’s development rights was an admission of economic difficulties that many shared but no one wished to advertise. The first easement was secured in 1983. A second followed the next year. Two more in 1985; three in 1986. Three per year was the average pace thereafter. Added by money from foundations and state bond issues, MALT was soon becoming a quiet power in west county. At this writing, 57 farms and ranches covering 38,000 acres are under easement, nearly one third of the privately owned agricultural land in Marin. Executive Director Bob Berner notes with pleasure how scattered parcels are coal- ecing here and there into large coherent blocks. And two areas once thought natural for early development—the Chileno Valley southwest of Petaluma and the Nicasio Basin northwest of San Rafael—are steadily filling in with MALT’s reassuring green.

Over the next five years, MALT hopes to secure another 12,500 acres, at a predicted cost of $30 million. If farmers continue to walk in the door at the current rate, the next quarter century could see something truly remarkable: the protection of an entire working landscape by conservation easement.

In keeping with the central purpose of the organization, MALT’s easement contracts name agriculture first, open space, scenic, and natural values follow. Language prohibits uses that degrade soil or water quality, a general standard that precludes, for instance, overgrazing. Recent contracts have included more specific provisions. One in the Chileno Valley, for instance, designates a special Creek Conservation Area along an important stream. To make sure that lands under easement do not all become rural “estates,” some recent easements include language restricting the size of future houses. Such added provisions increase the price paid for the easement. Most of MALT’s territory is in the water shed of Tomales Bay, one of California’s cleanest and healthiest large estuaries. Agriculture in the region has faced special scrutiny as a result. Each decade brings higher standards for keeping animal waste away from streams. MALT has recently started a Stewardship Assistance Program of small grants, up to $25,000, designed in part to help owners improve water quality. More than any other force, MALT turned around the “story” of agriculture in West Marin. Fatalism has given way to hope and hope to something approaching confidence. As MALT’s easements have spread across the landscape, the feeling has settled in that farming is here to stay.

To stay, but hardly to stay the same. To keep their heads above water financially, more and more local farmers are turning away from traditional dairying and livestock raising and toward the production of specialties for the choosy metropolitan consumer: organic milk, grass-fed beef, lovingly made “farmstead” cheeses. The old scenery of pastures and barns is gaining other textures from vineyards, olive groves, and heirloom vegetable farms. What we sense here is a new relationship between city and country. Farmers who once felt preyed upon by speculators are now being courted by MALT’s reassuring green.

(continued on page 30)
EASEMENTS ON THE GROUND: SAN MATEO COAST

PUMPKINS AND POST PRESERVING THE COAST

South of San Francisco, the Peninsula displays a kind of natural zoning-by-topography. On the east side, along the Bay, is where most people live. To the west is a chain of loamy, forested hills, the Santa Cruz Mountains; farther west is the coast, still largely unspoiled and agricultural, despite some of the highest rural land prices in the United States.

In 1972, South Bay voters established the Midpeninsula Regional Open Space District, supported by property taxes, to buy land on the mountain heights. Besides being a hiker’s paradise, these open space preserves also set some limit to urban expansion. Five years later, the private, nonprofit Peninsula Open Space Trust (POST) was incorporated to work in the same area and beyond.

Such pairings of a tax-supported public agency and a nonprofit with similar goals have often proved effective. The private organization can move quickly and work quietly with landowners in a way that a government body cannot; the public agency, for its part, has police powers and a tax base and often takes title to land secured by the private trust. Thus POST’s first acquisition, the prominent peak above Portola Valley called Windy Hill, is now a popular district preserve. Between them, the two organizations now have 75,000 acres in their care.

While the district remains the specialist in mountain parks, POST has evolved a distinct mission: to protect the vulnerable coastal belt, including some of its farms. With this focus has come an increased use of easements. POST now has easements on properties totaling 5,000 acres, approximately one fifth of its holdings. Vice President Walter Moore predicts that more than half of acquisitions from here on out will take the easement form.

Most of the existing easements cover farmland and honor the agriculture that exists. Unlike MALT’s easements, which actually mandate that farming continue, POST’s merely permit it to continue, giving it equal but not superior billing with open space, wildlife habitat, and low-impact recreation.

POST’s first easement, in 1983, was the Michelsen property above Pescadero, part wild forest. Its most recent, completed in 2004, lies not far away: the 1,300-acre Arata Ranch on Pomponio Creek near San Gregorio, owned by brothers John and Clarence Arata.

The Arata family may have been the founders of the San Mateo pumpkin industry. Before the Depression, the round, colorful squash were grown here strictly as hog feed. One day in 1933, young Clarence Arata was hauling a cartful of pumpkins along the road when a driver pulled over and offered him ten cents a piece. Soon the Aratas were growing 50,000 pumpkins. “We were the only ones for 25 years,” says John. “Pumpkins are a funny thing. They didn’t cost us anything but our work.”

Over the decades the Aratas kept on farming: more pumpkins, dairy for a while, then beef cattle, some supplementary vegetables. Each brother married a girl from a neighboring farm and raised a family on Pomponio Creek. As the years passed, developers knocked on the door. Would they sell at least the flat land near the creek for a few houses? The Aratas weren’t interested.

In July, 2004, John Arata saw a young woman standing on a roadside near the ranch, looking at a map. She was trying to find the best way into a property that POST had just bought in the area, Seaside School Ridge. John stopped the car to offer help. One conversation led to another, and soon the brothers found

A significant portion of the lower Pomponio Creek watershed is protected by a conservation easement on the Arata Ranch, shown below.

The view south of Half Moon Bay includes portions of two POST properties that reflect the land trust’s strategy for preserving the rural character of the San Mateo coast: Purisima Farms (foreground) and Cowell South (center).

In January, 2006, POST and the Aratas agreed on one of POST’s fee simple properties. Others, like the Peninsula Open Space Trust, train volunteers to be their eyes and ears. But when controversies arise, they wind up in the hands of a professional—perhaps those of Kellyx Nelson, whose title, conservation project manager, covers this and several other delicate and fascinating tasks.

Working with easements on the San Mateo coastline, Nelson is an enforcer of sorts. She is also—with every move she makes—a roving ambassador to a largely skeptical community. “I spend a lot of my time building relationships with farmers, landowners, equipment dealers, business owners, hunters. People feeling under pressure,” she says. “They don’t know where to place their frustration with the world that’s changing around them.” It is part of her job to demonstrate that POST is sometimes in a position to help.

Nelson has now watched several easements take shape—most recently on the Arata Ranch—and observed that the process is best undertaken slowly. “You have to really know the owner; you have to really know the land.” If any issues arise later on, it is important to be reasonable and flexible. It is also important to be explicit with landowners and to make sure that the values for which an easement was created stay intact. “You are not their best friend. There’s a fine line, and I walk it all the time.”

But the conversation, she hastens to add, goes both ways. Nelson emphasizes how much she has learned from people on the land. She was impressed, for instance, to see how the manager of San Gregorio Farms, an easement property next door to the Aratas, made grazing cattle a tool against erosion on a slope with incipient gullies. The heavy animals recontoured the ground and crushed gopher holes that were serving as water conduits (“pipes”). Nelson is now incorporating this idea into a carefully managed grazing program on one of POST’s fee simple properties.

Nelson’s background equips her for these complex roles at the trust. She has driven a truck, run youth programs at summer camps, and during seven years at the California Academy of Sciences, launched a program to bring inner-city youths into hands-on science. When she signed on with the trust in 2004, she thought she would now be working “with the land itself”—it wouldn’t be all about people. “I couldn’t have been more wrong.”

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Along Tesla Avenue at the south end of Livermore, rows of grapevines angle from the roadside, showing a trace of fall color on their taut wires. Almost within earshot of the hustle of town, it’s the kind of place you’d expect to see For Sale signs. Instead at many gates you read this notice: “This land preserved in perpetuity by the owner and Tri-Valley Conservancy.”

Livermore was once California’s premier wine region. At the end of World War I, there were 59 wineries in the southern arc of this valley, with about 5,000 acres in grapes. Then came Prohibition, the Depression, another war. The wine district shrank to 13 vineyards in 1940. And didn’t rebound. What boomed in the 1980s was housing. Year after year the suburban front moved southward.

The concannons, third-generation vintners, thought they named it after our family when they bought the Madden Ranch vineyard in Livermore in 1961. “We thought they named it after our family because they wanted to put it right through our vineyard,” he says. Pressures mounted; the possibility of selling out and relocating to another county beckoned. But somehow the concannons stayed put, and so did their neighbors the Wentes, whose operation was, and is still, the valley’s largest.

All around the concannons, development skirmishes swirled. Sentiment in the City of Livermore turned toward preservation, Alameda County, the key planning authority, wasn’t so sure. Matters came to a head in a courtroom in 1991. Directed by a judge to work out their differences, the two governments spent a year devising a new joint program for South Livermore. Its essence was to declare a firm, final limit to urban growth, and to construct, along that line, a rampart of flourishing agriculture, locked in place through conservation easements.

With no major funding in sight, the plan set up a kind of bootstrap operation in which the development of land just north of the future boundary would pay for the preservation of farmland just south of it. Builders of housing near the edge of town had to purchase easements in the farm zone at the rate of one acre per unit developed (and an additional acre per acre developed). Fees collected from developers also paid for the founding of a South Livermore Land Trust (now the Tri-Valley Conservancy) to receive and administer these easements.

A second route to protection was also set up. Rural landowners in the planning area are permitted to split properties down to 20-acre parcels—smaller than the pre-
Like San Mateo County, Sonoma County has both a private nonprofit land trust and a government body working to protect the landscape, though here the trust came first. The Sonoma Land Trust set up shop in 1976 and acquired some key properties. The pace of preservation picked up in 1990 when county voters established a Sonoma County Agricultural Preservation and Open Space District and funded it with a quarter cent county sales tax. It was a bold step in a county that still had less protected open space, in overall acreage and in acres per citizen, than any other in the region except San Francisco itself.

In order to get moving quickly, the district traveled light for its first 15 years. Following the terms of its initial charter, it has focused its energy on setting aside land; the district is actually restricted from managing property for public use. Similarly, the district has invested most of its money in conservation easements, which make up 80 percent of the acreage protected. Following the terms of its initial charter, it has focused its energy on setting aside land; the district is actually restricted from managing property for public use. Similarly, the district has invested most of its money in conservation easements, which make up 80 percent of the acreage protected.

The strategy has yielded rich returns. The map of the Bay Area’s largest county is now speckled with protected areas totaling over 67,000 acres. They include dairy farms and tree farms, crucial greenbelt properties between cities, and grand stretches of near-wild hills. But public access remains at a premium. Into this void has stepped a highly unusual organization called Land Partners Through Stewardship, known by its approximate acronym as LandPaths.

LandPaths arose in 1996 to meet a temporary need. The district had bought McCormick Ranch adjacent to Sugarloaf Ridge State Park near Kenwood for resale to the California Department of Parks and Recreation. But DPR did not have the funds to manage the park addition at the time. Two citizen friends of the district, Caryl Hart and Dee Swanhuyser, joined the landowner, Sandra Lerner Perry, in setting up an independent caretaker, LandPaths. LandPaths took a look at the property—an old cattle ranch at the rugged headwaters of Santa Rosa Creek—and started doing some chores that could not be deferred, like cleaning culverts to prevent washouts into steelhead spawning streams. It also began bringing small groups of citizens to see the future park. Soon it became apparent that these visitors—enchanted by the land—were more than willing to lend a hand in weed control or trail building. Then and there, LandPaths discovered its threefold mission: to get people onto land protected by the district; to teach them about it, and to tap their energy in taking care of it.

In 1999, LandPaths signed a contract with the district to introduce the Sonoma County public to easement properties, subject to agreement with the owners. The first such outing went to the Dean Marty Ranch along Highway 101 between Petaluma and Cotati. An important greenbelt piece, this flowery hillside had been the district’s first acquisition; now Marty was the pioneer in allowing the public to see what its tax dollars were saving.

With the help of grants from the district and other sources, LandPaths today runs some 50 free trips a year to properties under easement, for young and old, for people in boots and people in wheelchairs, for English speakers and Spanish speakers. Director Craig Anderson is especially proud of the district-funded program called In Our Own Backyard, which brings students and teachers from 18 classrooms onto the land. The approach is not so much nature education as nature immersion. Each youngster, for instance, adopts a particular “sit spot, “ gives it a name, and returns there several times during the school year to “observe and conserve”—for example pulling exotic plants and nurturing native ones.

A showcase for the joint work of the Open Space District and of LandPaths is the Cooley Ranch west of Cloverdale, where 15,000 acres went under easement in 2000. The ranch occupies a large part of the watershed of Dry Creek, a Russian River tributary that is dammed just downstream in Lake Sonoma for flood control and water supply. The property is a microcosm of the Coast Ranges: mixed hardwood and conifer forests, some fine old redwoods and valley oaks, serpentine barrens and chaparral, and native animals including river otter, bald eagles in winter, and the occasional wanderer of Mendocino County bear. There is at least one rare plant species, the beaked tryst of oak savanna grassland. To tour the ranch with Crawford Cooley in his memorably battered jeep, up precipitous hill and down shady dale, is to watch an owner beaming with stewardship. Cooley points with pleasure and knowledge to every sign of land health: the burgeoning strips of alder and willow along the creeks, the greening-up of one-denuded hillside. He also notes problems he wants to correct: a road to be relocated out of a stream, a planting of ponderosa pine, unsuited to the area, that will be removed in time. He grins at his success in fighting the weeds that wash in from outside ranch boundaries, where a highway crosses the higher reaches of Dry Creek. “I don’t think we have a yellow star thistle anywhere,” he says.

Under the conservation agreement, most of the Cooley Ranch is to be “forever wild,” but intensive agriculture is permitted on a few thousand acres. This will allow the Cooleys to plant grapes on one lofty hilltop but nothing of the sort will be here, and only the Cooleys, their workers, and their guests will get the benefit of these views. That category “guest,” however, is pretty broad. One provision in the Cooley easement authorizes “a nonprofit organization qualified to conduct such activities” to enter the property “no less than six times a year” with guided parties. And enter they do: birders and botanists and trail riders and groups from the schools, including Cloverdale High. Once or twice a year, public campsouts are on offer. One LandPaths group disassembled a collapsing shed and neatly stacked the irreplaceable old-growth redwood lumber for re-use in building trails. Here is a new kind of relationship between citizens and (continued on page 30).
Conservation easements are created by complex contracts in widely varying formats. The essential point, found in every such document, is the renunciation of whatever level of building would be allowed under local zoning, present or future, perhaps with the exception of one or a few dwellings. Contracts that go no farther than extinguishing development rights are sometimes called open space easements. Agricultural easements actually foster, and may even require, farming of the land. Natural resources easements put the emphasis squarely on plants, animals, and streams. The boundaries between the types are not clear, however, and most contracts include at least some language about environmental management. Owners usually pledge to control soil erosion and water pollution, for example. Tree cutting is typically limited. Land grading, road construction, and new building require the easement holder’s approval. General though they sound, such provisions are powerful, for they make reasonably sensitive management a matter of duty, no longer only of good will.

In recent years, contracts have become more detailed and specific. For instance, they may require the protection of stream banks so that riparian vegetation and animal species may be identified and measures for their protection required. About one third of Bay Area easement contracts make some provisions for public access by specifying corridors for future trails or by providing for guided public visits. It’s all a matter of negotiation—and of willingness to pay, because added stipulations add to the easement price.

To determine the value of the easement, an appraiser estimates the sale price of the property with and without the restriction. The owner may receive a check for the difference, or choose to donate part or all of this value, taking a charitable deduction on the federal tax return.

Other tax benefits accrue to the owner. Assessed valuation and property tax will either fall or, if already low, due to lowered value as well as a higher base exemption for properties under easement.

To administer the contract, a two-step process has evolved. At the outset, an inventory called the baseline is made of the property and the resources the easement is designed to protect. Details are noted: the layout and condition of buildings and roads, the state of woods and grasslands, the health of streams, plant and animal species of concern, the presence of invasive plants, and so on. Good baselines are vital, both to avoid misunderstandings and because the data of character is going to change over the years, on both sides, general impressions and informal understandings will change.

Then, a monitoring visit is made once a year to identify any changes. An eroded gully may be healing, for instance; but unwanted vegetation (like the hated pampas grass or broom) may be getting a grip. When problems arise a land trust may put the owner in touch with other organizations that can help, such as resource conservation districts or restoration volunteers. Though rare, overt violations, like bulldozing a new road or adding a building without approval, do happen occasionally.

Even when there is little to discuss, the annual visit serves to keep the lines of friendly communication open with owners or their representatives.

A brisk young man in the life of an easement comes when land owners’ changes for the first time. Many successes are in the know, but some will be puzzled and dissatisfied; at others they must abide by. At a minimum, the working relationship between land owner and easement holder must be built anew—not just once, but many times over.

Conservation easements are created by complex contracts in widely varying formats. The essential point, found in every such document, is the renunciation of whatever level of building would be allowed under local zoning, present or future, perhaps with the exception of one or a few dwellings. Contracts that go no farther than extinguishing development rights are sometimes called open space easements. Agricultural easements actually foster, and may even require, farming of the land. Natural resources easements put the emphasis squarely on plants, animals, and streams. The boundaries between the types are not clear, however, and most contracts include at least some language about environmental management. Owners usually pledge to control soil erosion and water pollution, for example. Tree cutting is typically limited. Land grading, road construction, and new building require the easement holder’s approval. General though they sound, such provisions are powerful, for they make reasonably sensitive management a matter of duty, no longer only of good will.

In recent years, contracts have become more detailed and specific. For instance, they may require the protection of stream banks so that riparian vegetation and animal species may be identified and measures for their protection required. About one third of Bay Area easement contracts make some provisions for public access by specifying corridors for future trails or by providing for guided public visits. It’s all a matter of negotiation—and of willingness to pay, because added stipulations add to the easement price.

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California leads the nation in the number of land trusts, with over 150. Similar to their Bay Area counterparts, land trusts throughout the state use conservation easements to protect a wide range of natural resources, from forests to farmland to desert. However, some distinctions can be made regarding the use of easements outside the Bay Area.

First, easements to conserve range-land typically cover much larger acreages—10,000 acres and more—than we see in the Bay Area. Land trusts active in the Sierra, the foothills, and the Central Coast regions have used conservation easements to pro-ect stunning rangeland properties with abundant wildlife. Examples include the Land Trust for Santa Barbara County, Sierra Foothill Conservancy, and the Sequoia Riverlands Trust. Second, conservation easements are not as common in Southern California. This is particularly true of the coastal counties where pressures for both development and recreational uses are enormous. Conservation easements are used more in the inland counties, notably San Bernardino and Riverside.

Third, conservation easements are being employed in creative ways in the northern forests. For example, Pacific Forest Trust is spearheading an effort to protect forests with easements and produce carbon credits as part of the California Climate Action program. In many of these, sustainable harvesting of timber is permitted. Farther north, the North Coast Regional Land Trust uses easements to protect properties with a mix of rangeland, farmland, and working forests. One of California’s oldest land trusts, Sempervirens Fund, focuses on the conservation of redwoods.

Fourth, land trusts around the state are using conservation easements as an important tool in their efforts to protect water quality and to create “river parkways”—linear, natural settings that allow public access along the river and also help protect water quality. The San Joaquin River Parkway and Conservation Trust was the first in this arena, but American River Conservancy and the Feather River Land Trust are also working to conserve their rivers and environs.

Finally, mitigation, as in the Liver- more Valley, has become a significant impetus for conservation easements statewide, usually to offset the loss of wildlife habitat or prime agricultural soils to development projects. Public agencies with regulatory responsibilities determine when mitigation is required as a condition for development; local land trusts are then called in to handle the transactions and oversight.

Conservation Easements Around the State

**CONTRIBUTORS**

- **DARLA GRIEGER** is the executive director of the California Council of Land Trusts (www.calandtrusts.org).
- She was the chief researcher and author for Ensuring the Promise of Conservation Easements (Bay Area Open Space Council, 1999).
- The Bay Area is home to 150 land trusts, with over 150,000 acres, and over 1,000 easements. It is a unique and vibrant landscape of vibrant and diverse public spaces.
- **Contributors** include the Bay Area Open Space Council, the California Council of Land Trusts, the Sierra Foothill Conservancy, the Sequoia Riverlands Trust, the San Joaquin River Parkway and Conservation Trust, the American River Conservancy, and the Feather River Land Trust.
- Special thanks to: Jonathan Glass, LandPaths; Laura Mercier, SVC; Maureen Middlebrook, SCAPOS; Anne Sharman, POST; Elisabeth Plak, MALT; and Ryan Branciforte, GreenInfo Network.

**Special Conservation Easement Hike**

Bay Nature and the San Joaquin River Parkway and Conservation Trust are pleased to offer a “hike and talk” with Dean Marty at his ranch near Petaluma on Saturday, April 8, 2006, at 2 p.m. This active ranch property, protected by the district through a conservation easement, serves as one of the original greenbelts in Sonoma County and offers beautiful vistas and abundant spring wildflowers. This private property is accessible only through guided tours. Space is limited and reservations are required. To sign up or for more details, please contact LandPaths at (707) 925-4018 or outings@landpaths.org.