



Minnesota Land Trust

Protecting the places you treasure...forever.

Mission

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.

Organizational Overview

A 501(c)(3) public charity (not a state agency), the Minnesota Land Trust has been working with landowners and local communities since 1991 to protect and enhance Minnesota's increasingly threatened lands and waters. Our strategies include:

- **PROTECT:** Directly protecting land through conservation easements, land acquisition and effective land management.
- **RESTORE:** Assisting private and public land owners with restoration activities, such as native prairie planting, where funding allows.
- **ENGAGE:** Helping to foster a culture of conservation, to support enhanced conservation legislation and funding, and to ensure the state has highly-skilled professionals.

As a statewide land trust, the Minnesota Land Trust has created a regional structure to deliver its programs effectively at a local level. The Land Trust has offices in Duluth and St. Paul, Minnesota.

Current Activities and Accomplishments

As of January 2023, the Land Trust had completed over 670 land protection projects, permanently protecting more over 75,000 acres and over 460 miles of shoreline. With more than 76% of Minnesota in private ownership, the Land Trust has become the private-land conservation expert and holds more than 95% of all conservation easements held by non-profits in Minnesota.

With a *conservation agenda* to protect Minnesota's natural and scenic lands—particularly its renowned lakes, rivers and streams—the Minnesota Land Trust has identified a suite of eleven *priority conservation program areas* throughout the state that embody the natural and cultural features that make Minnesota unique. One of these is *Lake Superior*, including the 12,000-acre St. Louis River estuary, where our leadership and involvement is critical to the recovery and restoration of this nationally recognized aquatic resource.

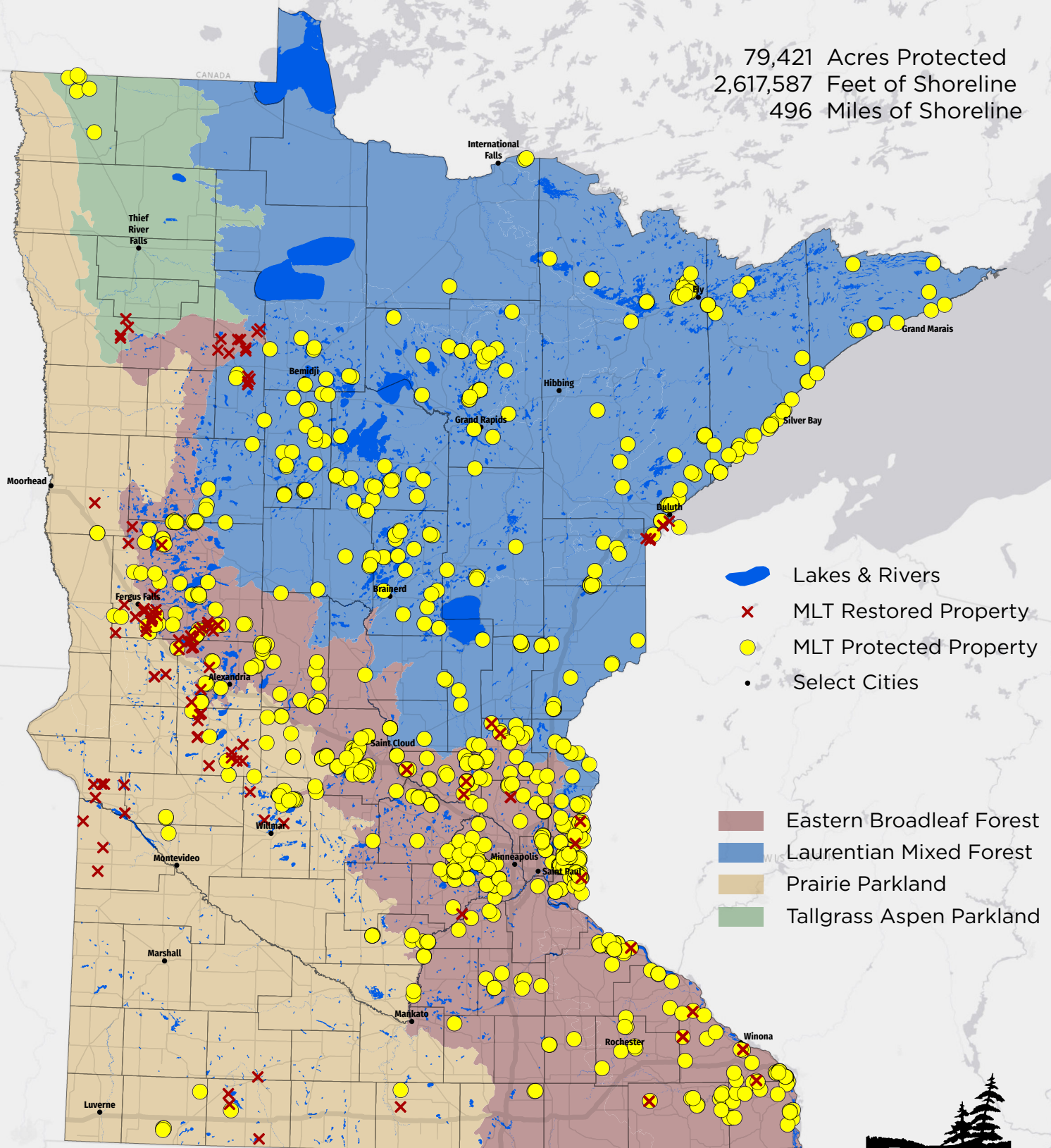
The Minnesota Land Trust collaborates regularly with other conservation entities such as The Minnesota Department of Natural Resources, The Trust for Public Land, The Nature Conservancy, Ducks Unlimited, Pheasants Forever, and numerous other local conservation organizations.

The Land Trust was one of first land trusts in the United States to be accredited by the national Land Trust Accreditation Commission and has also been recognized by the Charities Review Council as meeting all of its standards. The Minnesota Land Trust employs 37 staff, relies on the skills of nearly 100 dedicated volunteers, and is governed by a member Board of Directors.

MINNESOTA LAND TRUST

Completed Conservation Projects through December 31, 2023

79,421 Acres Protected
2,617,587 Feet of Shoreline
496 Miles of Shoreline



0 25 50 75 100 Miles
0 20 40 60 80 100 120 140 160 Kilometers





Minnesota Land Trust

Conservation Easement Monitoring

Monitoring is the regular inspection of property protected with a conservation easement. It is a core component of the Minnesota Land Trust's conservation easement stewardship program. It helps the Land Trust build and sustain relationships with landowners, allows the Land Trust to discover any problems on the land, provides an opportunity to document changes to the property or its ownership, and is critical for the Land Trust to meet its legal obligations as the holder of the conservation easement.

Monitoring Visits

The Minnesota Land Trust monitors each property protected by a conservation easement once a year—and more frequently if necessary. In addition to building relationships with our landowners, it is also our goal to prevent easement violations. Frequent contact with the land and the landowner helps us achieve those goals.



The monitoring season typically starts in April and runs to the end of the calendar year. We encourage landowners to let us know if there are specific times of year that are more challenging to schedule the visit, whether due to regular out-of-state travel, hunting seasons or otherwise. The Land Trust strives to work with landowners to find mutually agreeable times to schedule the monitoring visit, however our foremost obligation is to complete a visit once every calendar year.

Monitoring is most frequently done in person with a Land Trust staff, contractor, or certified volunteer monitor walking the protected property. In some cases, monitors may also view the property by car, boat, or with the aid of a drone flown on-site by a certified drone pilot. "Remote monitoring," which involves staff review of current-year satellite or aerial imagery, is another method the Land Trust uses to fulfill its annual monitoring obligation. Every conservation easement and parcel of land is unique and requires its own monitoring approach.

In-person Monitoring Visits

Each year, the Land Trust assigns a monitor and a monitoring method (in-person or remote) for every property protected by a Minnesota Land Trust conservation easement. For all in-person visits, the assigned monitor will contact the landowner to arrange a time to visit the property.

The Land Trust welcomes and encourages landowners to accompany the monitor during the monitoring visit. Walking the land together is beneficial for a number of reasons, including:

- Landowners have a more intimate connection to their property than does the Land Trust and their knowledge can make the visit more effective and efficient.
- There is an opportunity for landowners to raise any questions about the easement or to discuss any future plans or goals for the property, which can help prevent unintended violations.

A landowner may also ask someone else—a family member or trusted neighbor—to accompany the monitor, but participation in the visit is not a requirement. If the landowner is unable or chooses not to participate in the visit, it is still important for the landowner to convey information about changes to the property, upcoming plans, and any questions or concerns to the monitor who is completing the visit.

Remote Monitoring Visits

Remote monitoring of conservation easements, in which an individual inspects imagery of the protected property collected via a satellite or flight, is used by land trusts throughout the country and meets the Land Trust Alliance's *Land Trust Standards and Practices* monitoring guidelines.

If a landowner's property is scheduled for a remote monitoring visit, a staff member will still contact the landowner and ask the same questions that an in-person monitor would.

A few other important facts regarding remote monitoring:

- The Land Trust pays a third-party vendor for access to commercial aerial and satellite imagery that is primarily being collected *irrespective of the Land Trust's use for it in remote monitoring*. In other words, the imagery is not collected at our direction.
- Land Trust stewardship staff are the only individuals who will complete remote monitoring visits and the imagery is not shared with anyone outside of the organization.
- Landowners are welcome to share with the Land Trust their *preference* when it comes to in-person vs. remote monitoring. However, our ability to use remote monitoring method depends on having good imagery available every year. Our ability to use remote monitoring also depends on having a reliable and cost-effective platform from which to obtain the images.
- Regardless of imagery availability, **an in-person visit will be scheduled at least once every 5 years**. This satisfies the requirement outlined in the Land Trust Alliance's *Standards and Practices* that the Land Trust adheres to as an accredited member.

Documenting the Condition of the Protected Property

Conservation easements are perpetual and property conditions change over time. Staff and certified volunteer monitors utilize property-specific documentation, including the conservation easement, baseline documentation report (and updated baseline(s), if applicable), maps, management plans, available satellite and/or aerial imagery, and notes from prior years' visits to prepare for the annual visit. With that preparation in place, monitors can make more readily

observe any changes to the property. All landowners are provided with a summary of the monitoring visit by the Land Trust office in the form of a follow-up letter.

Preventing Problems vs. Discovering Violations

The essence of any conservation easement monitoring program is to make sure that landowners are complying with the terms of their easement. Through annual monitoring, the Land Trust strives to detect potential problems early—before they become serious violations.

We encourage all landowners to contact the Land Trust whenever they have a concern or question about their easement rather than waiting for the annual monitoring visit. Though thoughtfully drafted, conservation easements can be confusing. Asking the Land Trust to interpret the easement early on can help avoid problems later.

In the end, the Land Trust must be prepared to seek that any violations of its easements are corrected. This is the commitment we make to all landowners who entrust us with the responsibility to protect their land. The capacity to effectively enforce conservation easements is also a federal, state, and internal requirement for an easement holder. If a violation is discovered, we will work with the landowner whenever possible to have the situation corrected voluntarily. Legal enforcement is a remedy of last resort.

Volunteers

Volunteers play a critical role in the Land Trust's monitoring program. They extend the Land Trust's presence into local communities throughout the state and personally work with landowners when staff might not otherwise be able to do so. All volunteer monitors complete a training and certification program so that they can be skilled and informed representatives for the Land Trust. The Land Trust holds training sessions for new and returning volunteers annually in multiple locations across the state.

Although our volunteers are well-trained, they do not interpret the conservation easement. Volunteers gather information about the land and relay landowner questions or concerns to Land Trust staff, who will answer questions and provide the necessary interpretation. The Land Trust also assigns a staff member to monitor each property at least once every five years so that staff remain familiar with all the properties we protect.



Minnesota Land Trust

Requesting Approvals from the Minnesota Land Trust

Once a conservation easement is completed between the landowner and the Minnesota Land Trust, property ownership continues as usual. The landowner still owns and uses the land. However, some activities are restricted by the easement and others may require approval by the Land Trust prior to implementation of that activity so that the conservation values of the land are not lost or compromised. All Land Trust easements require that a landowner give notice to the Land Trust before undertaking any activity that might adversely impact the conservation values of the property.

Please read your easement before initiating any changes to your property. If you are unsure about whether you can proceed with your plans or whether you need Land Trust approval for a certain activity, please call and talk with us. We can discuss your plans with you and help you determine if they are in accordance with the terms of your easement. While *every conservation easement is different*, the following summarizes some of the provisions frequently found in Land Trust easements.

Activities requiring Land Trust approval

Many conservation easements specify activities that can be undertaken by a landowner with the prior approval of the Land Trust. Activities that, if allowed, may require prior approval include:

- Building new structures and improvements or expanding existing ones.
- Locating a building envelope.
- Habitat restoration or improvement under an approved plan.
- Woodland or forest management under an approved plan.
- Activities to accommodate expanding utilities or roads.
- Division of the property into separate parcels with separate owners.
- Changing or expanding trails.

This list is not all inclusive. Be sure to check your easement or contact the Land Trust stewardship department with your questions.



Content of request

A *request should be in writing* or by email and include sufficient information to allow the Land Trust to make an informed decision on whether the proposed activity is consistent with the terms and purposes of the Easement. At a minimum, this should include:

- Location, nature, time frame and scope of the proposed activity.
- Proposed use, design and location of any building, structure or improvement.
- Potential impact to the Conservation Values on the Protected Property.
- Plans for any needed restoration of the Protected Property following construction.

Timing of request

If you do need an approval, please contact the Land Trust as soon as possible so that your plans are not unnecessarily delayed. The terms of most easements require that requests be made at least 30 days prior to the date proposed for initiating the activity in question. The Land Trust will then review the proposal and evaluate whether the activity is consistent with the terms and purposes of the easement and respond in writing to the landowner.



Baseline Documentation Reports

The baseline documentation report (“baseline report”) is a critical component of the conservation easement process. Documenting the condition of land subject to a conservation easement at the time the easement is granted, it is the background information against which the property is monitored and evaluated over time to determine if there has been a violation of the terms of the easement.

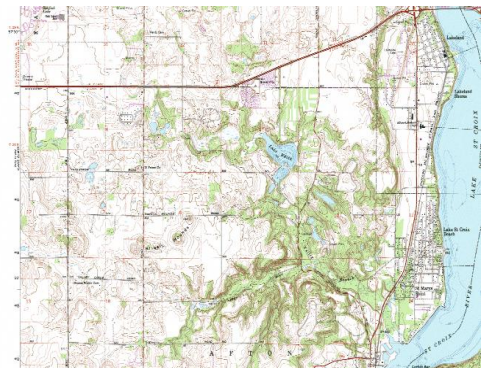
In the event of a controversy between the landowner and the Minnesota Land Trust (“Land Trust”), the baseline report can be used as a basis for resolving the dispute. The report can also be used to help the landowner become more familiar with the property's natural features and conservation values.

In addition, the IRS requires all conservation easement donors to have a completed, signed baseline report when claiming an income tax deduction. See Treasury Regulations §1.170A-14(g)(5) for additional information on IRS requirements.

It is the practice of the Land Trust to prepare a baseline report for all lands on which it holds a conservation easement to comply with national accreditation standards, grant funder requirements, and its own internal policies.

Baseline reports contain text, maps, and photographs with information such as:

- Location of the protected property.
- Description of the surrounding area and the context in which the property is located.
- An overview of the natural features, vegetation or land cover, water features, and flora and fauna associated with the property.
- Natural history and land use history, including current uses of the property.
- Locations of existing and future roads, trails, buildings, fences, and other improvements.



Site Visit

The baseline report preparation involves a site visit from Land Trust staff. During the site visit, Land Trust staff will record and photograph natural and artificial attributes of the property. The locations of existing roads, trails, buildings, fences, and/or other improvements to the property

will be mapped during the visit. It is helpful, but not necessary, for the landowner to be present during the site visit.

Timing:

The baseline report is completed and signed at the same time the conservation easement is signed. The Minnesota Land Trust asks the landowner to review the report for accuracy and to sign a certification indicating that the baseline report accurately reflects the condition of the property at the time the easement was completed. A Minnesota Land Trust staff person familiar with the property signs a certification page as well.

Landowners Receive a Copy of the Baseline Documentation Report:

All landowners receive a copy of the baseline report covering their land. While the report was created to aid the Land Trust in fulfilling its promise of protecting the land forever, it is also an attractive and informative document about the land that landowners can share with others and keep as a special illustration of the land they love.

Updates to the Baseline Documentation Report:

Over time, land and its ownership changes. For example, a landowner may build a new home or restore the land to native wildlife habitat. The conservation easement may change as well, with amendments to the easement to add land or clarify language to better protect the conservation values of the land. In addition, we may want to take advantage of advances in mapping and photograph technology or add information that was not available when the easement was signed.

The Land Trust updates baseline reports to reflect these changes. An update serves as a current conditions report and does not replace the original baseline report or the conservation easement. The stewardship staff at the Minnesota Land Trust look forward to working with landowners to map, photograph, and document their beautiful properties for the long-term protection of their land.



Minnesota Land Trust

Transferring Land Protected with a Conservation Easement

One of the many advantages of using a conservation easement to protect property is that each landowner retains the right to transfer or sell the land as the landowner wishes, within the terms set out in the conservation easement; while still continuing to protect the special habitat, flora or fauna on that property. Once a conservation easement has been conveyed to the Minnesota Land Trust and recorded in the local land records, it "runs with the land," which means that the conservation easement is binding on both the present and future landowners of the property.

When the Land Trust accepts the conservation easement, it also accepts the obligation to monitor and enforce the conservation easement in perpetuity. Therefore, it is critical for the Land Trust to have regular communication with each generation of landowner. Consequently, Land Trust conservation easements do contain provisions relating to transferring protected land.

Selling or transferring title

Any landowner considering the transfer or sale of protected property -- even as a gift to a child or other family member -- should let the Land Trust know of those plans early in the process. That way, the Land Trust can work with those involved -- realtors, attorneys, mortgage companies, prospective buyers or future owners -- to discuss the terms of the conservation easement. In some instances, it may be useful or necessary to monitor the property before the transfer is completed to make sure that there have been no easement issues or violations to date.



Early contact with the Land Trust will help make the transition of ownership go more smoothly.

Subdividing land

Minnesota Land Trust conservation easements restrict the division of protected property into multiple parcels with different owners. Typically, unless a conservation easement contains a specific provision allowing the land to be divided, the protected property must be conveyed only in its entirety as a single parcel, regardless of whether it consists of or was acquired as separate parcels or is treated as separate parcels for property tax or other purposes. Other conservation easements may allow the division of the property, but the configuration of the parcels may require the approval of the Land Trust.

Please contact the Land Trust if you are considering conveying only a part of the protected land.

Condemnation

Occasionally, land protected with a conservation easement may be targeted by a public agency for a public use inconsistent with the terms of the easement. To date, the Minnesota Land Trust has most typically encountered this situation with regard to land wanted for roads or highways or similar public works projects.

To acquire the needed land, the public agency may offer to purchase the property or a portion of it or may suggest or pursue taking the land through condemnation or eminent domain. A simple purchase would not usually extinguish the terms or restrictions of an easement. A judicial condemnation proceeding might be required.

There are provisions in the conservation easement that deal with this issue, but please contact the Land Trust immediately if you receive notice of any proposed condemnation or taking of protected property. The Land Trust will want to look into the issues regarding your specific situation with you as soon as possible.

Notice

The terms of most Minnesota Land Trust easements require the owner to notify the Land Trust of any conveyance within 15 days after closing and to provide the Trust with the name and address of the new owner and a copy of the deed transferring title. Please stay in close contact with the Land Trust during the transfer of ownership. We are happy to help people understand the conservation easement.