

Installment 8 of 12: **After the conservation easement has been closed**

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If you've been following this series for the past seven months, you have read about conservation easements, how the Berkeley County Farmland Protection Board selects and funds their acquisition, and last month, what steps are required to close on a conservation easement. This month the topic is what happens once the easement is in place? I answered this question in an early overview article and the answer is still the same: not much! Once the easement is in place the property owner continues to use and enjoy their land, and is free to sell the land or convey it by will to beneficiaries upon death. There are restrictions on future subdivision, and the size and location of future buildings (limited to residential and/or agricultural uses) and other impervious surfaces, but in general the land continues to be used as it was before the easement became effective.

Our role changes somewhat in that we shift into a stewardship role when we acquire an easement. This means that we annually visit the property for the purpose of ensuring that the terms and conditions of the easement are being honored. These visits are a great time to catch up with the property owners while we walk the land. It is during these regular visits that we can answer questions which the property owner might have, and check to ensure that neighboring property owners are not encroaching on the easement property. With properties which are no longer under the original owner, our annual visit is the continuation of our promise to protect the land forever. A monitoring visit usually involves a hike around the property line while we document important points through photographs. These pictures, along with our field notes, are included in an annual monitoring report. These reports are reviewed by the Farmland Protection Board, and once approved, a copy is delivered to the property owner. The original report is filed along with the easement documentation report (also called a baseline report). I mentioned that document last month. It serves to document the state of the property about the time that the easement went into effect. The annual monitoring reports serve to extend that documentation. For example, if a new loafing barn or ground silo is constructed, those structures and their sizes are recorded in the annual monitoring. Likewise, if a barn is destroyed and not replaced, that fact is also recorded (not replacing the barn basically credits some of the impervious surface area and needs to be accounted for).

One purpose of these annual visits is to ensure that any potential violations of the easement are corrected quickly. We've been blessed with great property owners and pretty good neighboring owners so violations are few and far between. Speaking academically though, most conservation organizations such as ours recognize three levels of violations. Minor violations don't seriously affect the conservation value of the property. For example, a misunderstanding of where a temporary building can be placed. These usually are quickly remedied. A moderate violation may begin to affect the conservation value but is also usually quick to fix. Allowing a neighbor to harvest trees for firewood is an example (only the property owner may utilize their dead trees this way). Major violations are the serious ones as they do affect the conservation value of the property. Building a structure within the easement area (and not in one of the permitted building envelopes) or harvesting trees for commercial sale are examples of this type of violation. A major violation can end up with both parties in court to seek a resolution. Again, in Berkeley County we've been very lucky in that we have not had any serious violations, although some conservation organizations have real tales of woe regarding major violations. I'd like to think that our annual property visits help in this regard as we have the opportunity to meet with the property owners, review the terms of the easement, and talk about their plans for the land. As the Executive Director for the Berkeley County Farmland Protection Board, I really enjoy these visits with our property owners. Since the majority of our annual visits are also scheduled in early spring, it is a great time to get out of the office after a long and cold winter!