



ACQUISITION TOOLS: FEE TITLE ACQUISITION OR CONSERVATION EASEMENT

Land conservation through the RCLPP is typically achieved via two methods: fee title acquisition and conservation easement. Understanding how these methods differ is important to understanding how the Rural and Critical Lands Program works to preserve Beaufort County's most sensitive resources. Both techniques have a role to play in a successful land protection program.

Key to understanding land conservation is gaining an understanding of land ownership. A parcel of land has a "bundle of rights" that allows a landowner to do things with or to their land. One right in the bundle is the ability to build on your property. Another is the right to farm or timber the land. A key part of the bundle is the right to privacy, or in other words, to keep people off the land. Anything you can do to or on the land is a right that can be separated away from the bundle.

When someone acquires property, or the full bundle, that person acquires fee title ownership. That is they have complete control over the property, subject to mortgages or other limitations that have been placed on the title. For example, if you buy a farm you generally acquire the farm in fee title and can do what you wish with it subject to your mortgage, zoning laws or limitations.

A conservation easement, also known as a purchase of development rights (PDR), is a technique where the owner of the fee title sells or gives certain of the rights to a non-profit organization or government. While retaining outright ownership, the owner limits his right to develop, timber, or do other things to the property not in keeping with its conservation values. These rights are transferred to a new owner who can't perform these activities but can prevent them from occurring.

An appraisal establishes a value for the rights transferred via conservation easement. The value is the difference in property value before the easement and after the easement. For example, if a farm unencumbered by an easement is worth \$5,000 per acre, and the easement reduces its value to \$2,000 per acre, the per acre easement value is \$3,000.

Beaufort County's Rural and Critical program uses both techniques to protect key properties deemed important. If the County wants access for its citizens to the property, then a fee title acquisition is necessary. Also, sometimes owners want to rid themselves of the burden of owning property and are only willing to consider a fee title purchase.

Often the Program promotes conservation easements as an effective way to stretch limited dollars for conservation. An easement can protect the conservation values of a parcel for much less than if the County was to acquire the fee title outright. Because the landowner still retains the property if an easement is purchased, the County's land protection goals can be achieved without accepting the role of maintaining the property.

Property under conservation easement also remains on the tax rolls. A benefit to an owner who donates an easement or sells it for less than its full appraised value is that he may realize significant savings on his federal and state income tax. A conservation easement may also have a benefit for landowners through a reduction in property taxes because of a decrease in property value. This can not only be beneficial during the ownership of the property, but also for estate planning purposes.

Maintenance of Rural and Critical Lands

After a conservation easement purchase, a landowner still retains any and all responsibility for the maintenance of the property. The conservation easement is held by Beaufort County or frequently the Beaufort County Open Land Trust, who each have the responsibility to monitor their easements annually to be sure the conservation agreements are being upheld.

Fee properties are operated and maintained by the County. Frequently, the County engages local groups like the Friends of Fort Fremont or the Friends of Crystal Lake to assist by maintaining eyes on the ground and taking on various volunteer activities as needed. The County also has an Environmental Crimes Unit, a subsection of the County Sherriff's office, that routinely visits and inspects fee properties. This unit frequently assists with issues like trespassing or vandalism. The County also owns property jointly with the Beaufort County Open Land Trust including Widgeon Point and Factory Creek Park. A management agreement between the Beaufort County Open Land Trust and Beaufort County defines the management and maintenance responsibilities of each party.