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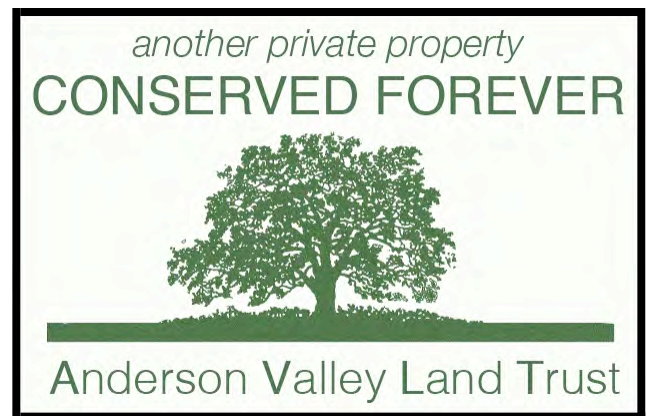
DEDICATED TO THE PRESERVATION AND  
RESTORATION OF OUR UNIQUE RURAL  
LANDSCAPE WITH ITS ABUNDANT NATURAL  
RESOURCES FOR THE BENEFIT OF FUTURE  
GENERATIONS.

## CONSERVED FOREVER

By Glynnis Jones

Anderson Valley Land Trust (AVLT) is currently testing roadside signs that will identify selected properties with conservation easements in a few high-visibility areas. The purpose of the signs is to help the public better understand the AVLT mission to conserve the rural landscape and natural resources in the Navarro River Watershed.

We currently have a sign at the entrance to Alan Porter's property at 28000 Elkhorn Road, and more are on the way. In the meantime, we'd like to get your feedback and ideas. Feel free to contact the AVLT office by phone or email to let us know what you think. We'll continue fine-tuning the design and hope to have one or two permanent metal signs installed, with property owners' permission, before the end of the year.



## FAQs: CONSERVATION EASEMENTS IN BITE-SIZED BITS

### THE BASICS

#### WHAT IS A CONSERVATION EASEMENT?

Conservation easements allow landowners to protect all or a portion of their land as a habitat for plant and wildlife and/or as a sustainable agricultural resource. An easement is a legally binding contract that allows the landowner to limit the use and/or development of a parcel of land in perpetuity.

#### WHAT MAKES A PARCEL APPROPRIATE FOR A CONSERVATION EASEMENT?

The most important consideration is the degree to which the property incorporates significant conservation values. A very small, heavily developed parcel, for example, may not pass this test. Because the process of drafting and finalizing conservation easements is often quite time-consuming, AVLT seeks to focus its efforts on parcels with significant conservation value. An AVLT representative can visit a prospective easement site to help a property owner identify the conservation values on his/her land and determine whether the land is appropriate for an easement.

Continued on page 3

**PRESIDENT'S MESSAGE:**

In the last issue of Good Dirt we promised you a set of FAQs on conservation easements before year-end. We've included them in this issue of Good Dirt. They're also up on the AVLT website. If you think of topics that should be added to the FAQs, please send an email to [avlt@mcn.org](mailto:avlt@mcn.org).

The sign project we mentioned in the last issue has moved ahead. We currently have a temporary sign posted at Alan Porter's property. Everything about the sign project is experimental at this point. If you have comments, send us a message by e-mail with your thoughts.

Thinking globally but acting locally, we fielded a team to clean up Flynn Creek as part of California Coastal Cleanup Day on September 20. CCCD prevents tons of Mendocino County trash from winding up in the great Pacific Trash Vortex, which Greenpeace and other groups have documented.

Conserving the Pacific Ocean may be a bit outside our core mission of preserving land in the Navarro River watershed, but keeping trash from entering our streams is an effort that everyone can take part in, even folks who are not in a position to create a conservation easement. If you have ideas on how to expand local consciousness of the Pacific Trash Vortex and the regrettable contribution to that garbage dump made by litter from Mendocino County, please let us know. Maybe there is more that could be done locally, if somebody local demonstrates leadership on the issue. Could that be AVLT?

As always, thanks for your support. We didn't have a big fundraising event in 2014. Therefore, if you can make your year-end contribution especially generous this year, we would really appreciate it. And let us hear from you with your ideas!

All the best for the Holiday season and the New Year.

Sincerely,  
David Hopmann, President

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**SAVE THE DATES!**

**FARM TO TABLE DINING IN THE ANDERSON VALLEY – JULY 25, 2015**

By Patricia Jeffery

We are excited to announce a special event in the summer of 2015 to benefit AVLT. Join us at the new home of Lula Cellars', located in the "Deep End" of Anderson Valley, for a delectable farm-fresh dinner prepared by Chef Shannon Hughes, complimented by the stellar wines of winemaker Jeff Hansen. The menu will feature vegetables and fruit from Philo Hill Farm, located on Lula Cellars vineyard property, as well as other local producers. Join us for a reception and educational tour of Philo Hill Farm prior to dinner.



Please check our website for updates:

[www.andersonvalleylandtrust.org](http://www.andersonvalleylandtrust.org)

Visit these websites to learn more about  
Lula Cellars, Philo Hill Farm  
& Shannon Hughes:

[www.lulacellars.com](http://www.lulacellars.com)

[www.philohillfarm.wordpress.com](http://www.philohillfarm.wordpress.com)

[www.shannonfood.blogspot.com](http://www.shannonfood.blogspot.com)



**ANDERSON VALLEY OAK WOODLANDS INTERPRETIVE WALK**

Saturday, March 21, 2015 at 10 AM

Join us for an educational walk guided by Kate Marianchild,  
author of "Acorn Woodpeckers, So Happy Together", featured in this issue of GOOD DIRT.

For more information visit our website at [www.andersonvalleylandtrust.org](http://www.andersonvalleylandtrust.org).

To be added to our outings email list contact us at [avlt@mcn.org](mailto:avlt@mcn.org) or 707-895-3150.

## FAQs ABOUT CONSERVATION EASEMENTS

### THE BASICS - continued

#### **WHO ARE THE PARTIES TO A CONSERVATION EASEMENT?**

There are two parties: the property owner (grantor) and the grantee. The grantee can be a non-profit entity such as AVLT, the State of California, or a local government agency.

#### **WHAT ROLE DOES EACH PARTY PLAY?**

The grantor creates or grants the conservation easement. The grantee receives and then and holds the easement, normally monitoring it once a year to confirm that the limitations of the easement are being observed.

#### **CAN THERE BE DIFFERENT ZONES SPECIFIED IN THE EASEMENT, WITH DIFFERENT LIMITATIONS?**

Most easements held by AVLT include two or more zones, each with specific limitations. Typically, there will be at least one residential zone. There may also be a conservation zone, or there may be multiple special-purpose zones, such as a forest zone, a riparian zone, and/or an agricultural zone.

#### **WHAT HAPPENS IF THE GRANTOR SELLS THE PROPERTY?**

The new owner is bound by the restrictions of the easement, and must comply with them. The easement is a formal, recorded document that binds all subsequent owners.

#### **CAN EASEMENTS BE REVERSED OR REMOVED?**

No. They are permanent. They can be expanded to increase the protections and limitations, but cannot be amended to diminish protections of the land.



Temporary signage at Porter property

photo by T. Petrey

### BENEFITS OF AN EASEMENT

#### **WHAT ARE THE NON-MONETARY REWARDS OF PLACING A CONSERVATION EASEMENT ON YOUR LAND?**

A conservation easement allows you to influence the fate of your land in a changing world. The land you love can be protected for the benefit of generations to come.

#### **ARE THERE ECONOMIC BENEFITS FOR A GRANTOR WHO PLACES A CONSERVATION EASEMENT ON HIS/HER LAND?**

An income tax deduction is available for the value of the easement. If you place a conservation easement on your land, you do not give up ownership or management of the land but you have forever given up the right to do take certain actions those current laws and regulations allow. Therefore, in the eyes of the IRS, you have made a donation of property to benefit future generations, and that donation qualifies for a tax deduction. The amount of your donation is the value of the rights you have given up.

Continued on page 4

**FAQs: BENEFITS OF AN EASEMENT - continued**

**HOW IS THE DONATION OF A CONSERVATION EASEMENT VALUED?**

A donation of a conservation easement is similar, though not identical, to a gift of artwork to a museum. One difference is that the artwork donor gives up all rights to a piece of art, whereas the conservation easement donor continues to own the land. Despite this difference, the IRS views both of these donations as gifts of non-cash property that can be appraised to ascertain their donated value. Artwork must be appraised by a third party to support a tax deduction. Similarly, a qualified appraiser to support the donor's claim for a tax deduction must appraise the conservation easement.

**EASEMENT DURATION**

**"IN PERPETUITY" IS A LONG TIME. HOW CAN A CONSERVATION EASEMENT BE LEGALLY ENFORCED IN PERPETUITY?**

This is specified in California law. No matter how many times the property changes hands; the terms of the easement are enforceable against all later owners. California Civil Code Sections 815-816 confirms this. It is AVLT's (or other grantee's) responsibility to monitor the conservation easement over time.

**WHO MAY ACCESS YOUR LAND?**

**DOES A CONSERVATION EASEMENT GRANT ANY SPECIAL RIGHTS TO OWNERS OF NEARBY PROPERTIES—SUCH AS THE RIGHT TO CROSS THE LAND THAT IS SUBJECT TO THE EASEMENT?**

No. A conservation easement is wholly different from the typical road or access easement with which many people are familiar. A conservation easement is created for the benefit of the public at large, to protect conservation values on the land for public benefit. There is no specific benefit for any neighbors. Neither the neighbors nor any member of the public in general obtain any rights to enter the land because of the conservation easement.

**DO ANY OF THE CONSERVATION EASEMENTS NOW HELD BY AVLT ALLOW FOR PUBLIC ACCESS TO THE LAND?**

No.

**IS IT POSSIBLE TO HAVE A CONSERVATION EASEMENT THAT SPECIFIES THERE MUST BE PUBLIC ACCESS?**



Bowman Property

Photo by T. Petrey

Yes. The Internal Revenue Code recognizes this type of easement. But very few of the conservation easements that are held by thousands of local land trusts in the U.S. incorporate a public access feature.

**IF AVLT HOLDS A CONSERVATION EASEMENT ON MY LAND, MUST I AGREE TO ALLOW REPRESENTATIVES OF AVLT TO ENTER MY LAND?**

Yes. There is language to this effect in the conservation easement documents that AVLT uses. AVLT will always notify the property owner of proposed monitoring visits, which typically occur annually. AVLT prefers that the owner participate in the visit. After each annual monitoring visit, AVLT writes up a monitoring report. A copy of that report goes into AVLT's files and a copy is sent to the property owner.

Continued on page 6





## ACORN WOODPECKERS, SO HAPPY TOGETHER

By Kate Marianchild

Fall is a good time to be on the watch for acorn woodpeckers, the raucous, clown-faced denizens of California's oak woodlands. If you don't know them by sight, listen for their loud "waka" or "urrrk" calls or the jackhammering of their bills as they store acorns for the winter. An autumn increase in hammering might tell you the acorn crop is ripe or even that a storm is on the way.

"These acorns are stowed away before the rainy season," wrote ethnographer Stephen Powers in 1877, drawing on Pomo Indian knowledge. "When a rainstorm is brewing the woodpeckers fall to work with great industry a day or two in advance....During the winter, therefore, whenever the woods are heard rattling with the pecking of these busy little commissary clerks...., the Indian knows a rainstorm is certain to follow."

You probably don't want to abandon your favorite weather forecaster, but you will be richly rewarded any time you tune in to these colorful, quirky birds. Walt Koenig, an indefatigable zoologist who has been studying them for 35 years, says acorn woodpeckers may have the most complex social structure of any vertebrate in the world, humans included. That's because they do almost all the important stuff—food, marriage, sex, and child rearing—communally.



Photo by Bruce Lyon

Flying ants and other flying insects are the woodpeckers' preferred food, but such insects disappear in late fall, so the birds begin storing acorns as soon as the nuts mature. After tugging acorns off twigs, they pound them pointy end first into finger-size holes in oak snags, dead limbs, or thick conifer bark. All clan members share the work of drilling holes, caching acorns, and moving the nuts to smaller holes as they dry and shrink, and all have equal rights to the provender. A single tree in a granary can contain up to 50,000 acorns.

Clans include up to three breeding females, up to seven breeding males, and usually a few non-breeding adult offspring who stick around and help their parents for up to five years (in spite of reaching sexual maturity at one year of age). In a rare reproductive arrangement known as "polygynandry," each breeding bird attempts to mate with all opposite-gender breeders in the clan. Their "marriages" last for life and no new bird may join the marital community until the last breeder of its gender has died.

Hard on the tail of cooperative mating comes nest sharing, though it's not all joy and harmony at first. To ensure their own chicks will have a good crack at survival, females whose eggs are not yet viable grab the first eggs dropped by their nest sisters and set them out on a branch to be eaten any member of the clan—including the birds who laid them. Once all the females are ready to lay, the eggs stay put in the nest, and the breeders, male and female, join forces to sit on eggs and catch insects for the babies. The non-breeding helpers also feed the nestlings, significantly increasing the chicks' chances of survival.

Continued on page 6

### ACORN WOODPECKERS, SO HAPPY TOGETHER – CONTINUED

Meanwhile, the adult helpers, who can't mate with their relatives but risk starvation if they leave the security of a granary, fly multiple missions each day to nearby clans looking for breeding openings. Female helper Gabrielle might fly to another clan's headquarters and call "waka, waka, waka!" in greeting. If Carol, the remaining breeding female of that clan, fails to appear, Gabrielle will assume she has died and attempt to assume her position.

But if helper Sandra from another clan zooms in and sees Gabrielle in Carol's place, she might fight Gabrielle for the breeding position, squawking loudly and flying into her, sometimes causing both combatants to plummet to the ground. If neither wins, each will recruit her clan sisters to help. The largest coalition usually wins the brawl, which may last for a week or more. Male helpers engage in similar battles, though usually with less intensity.

In the fall of prolific acorn years, the woodpeckers sometimes produce second broods. Listen for the "squee!" or "trtrtr!" of babies audible from nest cavities through the end of October. Next April or May you might see those same chicks, now young adults, lined up under a tree cavity waiting to feed insects to three-seven new siblings.

Kate Marianchild lives in Ukiah. She has a new book, *Secrets of the Oak Woodlands*, about plants and animals among California's Oaks. This article originally appeared in Bay Nature Magazine (<http://baynature.org/magazine/>), October 2011. She will be leading an oak woodland interpretive field hike for AVLT on March 21, 2015, so be sure you're on our email list for upcoming outings.

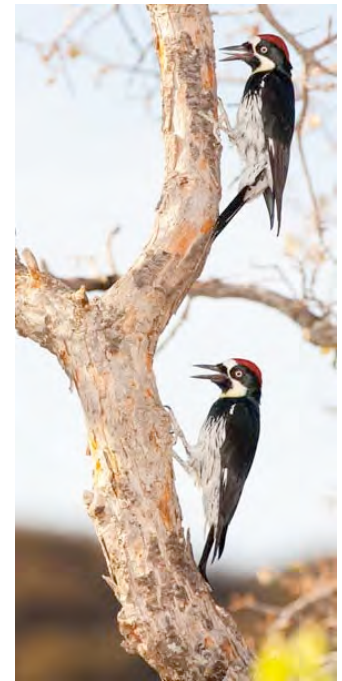


Photo by Richard Ingles

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### FAQs – continued

#### TYPICAL EASEMENT RESTRICTIONS

It can be helpful to think of a conservation easement as a series of promises *not* to do certain things, or to *refrain* from doing certain things that are allowed by current zoning. The legal term for such promises is 'negative covenants'. Here are some typical negative covenants from conservation easements:

- No future subdivision of the property
- No commercial timber harvest; or no harvest other than stipulated, sustained-yield harvesting
- No commercial viticulture
- No construction of a second residence, even if local zoning or permitting would allow it
- No damming of natural watercourses

#### **IS THERE A RECOMMENDED SET OF RESTRICTIONS FOR EASEMENTS HELD BY AVLT?**

No. Each easement is unique and is custom-drafted to meet the owner's specific goals for protecting the conservation values of the land, as agreed to by AVLT. Landowners meet with AVLT Board members to design their conservation easement. Maps are created to show property features and different zones in the easement.

#### **WHAT ABOUT AN AFFIRMATIVE COVENANT, SUCH AS A PROMISE TO KEEP A MEADOW FREE OF NEW TREE GROWTH, OR A PROMISE TO SHORE UP A CREEK BANK THAT IS UNSTABLE?**

Conservation easements held by AVLT do not contain any provision that will require a current or future owner to spend money or take any other affirmative step to preserve the conservation values of the land. Affirmative covenants can be difficult to enforce against subsequent owners, who may lack the means to perform them. However, if the owner wants to engage in a permitted activity, such as building a road, the conservation easement may specify that it have to be done in a particular way, which may be more expensive.

Continued on page 7



## CALIFORNIA COASTAL CLEANUP DAY: INLAND SUCCESS ON FLYNN CREEK

by Trey Petrey

On Saturday, September 20, 2014, Anderson Valley Land Trust and Navarro River Resource Center teamed up for California Coastal Cleanup Day (CCCD) to work on a half-mile stretch of Flynn Creek, in the Navarro River Watershed. Flynn Creek is an important tributary 12 miles inland from the coast that supports endangered Coho salmon and threatened Steelhead. While much of the CCCD efforts focus on the coastline, we were one of a few groups working on inland sites, which are vital to healthy coastal waterways. Our team of five removed nine tires, five bags of trash, six bags of bottle, can and plastic recycling, and a 30" television that was perched precariously on a steep slope above the creek, some 20 feet below the roadside. Overall, we recovered and disposed of close to 500 pounds of debris.



Photo by Linda MacElwee

Every year, on the third Saturday in September, people join together at sites all over California to take part in the State's largest volunteer event, California Coastal Cleanup Day. This year, Mendocino County had over 450 individuals participating in CCCD. The statewide effort brought together 54,000 Californians to clean up over half a million pounds of trash, about 343 tons, or the weight of 45 full-grown bull elephants. The event is part of the International Coastal Cleanup, organized by the Ocean Conservancy, which is the largest volunteer event on the planet!

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### **FAQs: TYPICAL EASEMENT RESTRICTIONS - continued**

#### **DOES THE GOVERNMENT—FEDERAL, STATE, OR LOCAL—PLAY ANY ROLE IN FORMING OR ENFORCING ANY CONSERVATION EASEMENT HELD BY AVL T?**

No. A conservation easement granted to AVL T is strictly between AVL T and the donor (and subsequent owners of the property). If the donor seeks an income tax deduction for the value of a donated easement, the donor must meet IRS standards for the deduction. Aside from this, there is no government involvement in a conservation easement granted to AVL T.

### **THE PROCESS**

What are the steps to be taken if the property shows promise of being appropriate for an easement?

There are multiple phases:

- Reach an agreement in principle with the easement grantor regarding land uses to be reserved to current and future landowners and uses to be specifically prohibited.
- Work with the easement grantor to craft documents reflecting these agreements.
- If a tax deduction for the value of the donated easement is desired, it's important to involve a land appraiser, at an early stage in the process, to get an estimate of the value of the donated easement.
- Refine the draft documents with care, to be sure that all provisions are clear and enforceable.
- Draft a baseline report that describes the features of the property in detail.
- If a tax deduction is desired, obtain a final, formal appraisal.
- Sign and record the final documents.

TO REVIEW A FULL LIST OF FAQs PLEASE VISIT OUR WEBSITE AT [WWW.ANDERSONVALLEYLANDTRUST.ORG](http://WWW.ANDERSONVALLEYLANDTRUST.ORG). TO HAVE A COPY SENT TO YOU PLEASE CONTACT THE AVL T OFFICE AT [AVLT@MCN.ORG](mailto:AVLT@MCN.ORG) OR BY CALLING 707-895-3150.





## **INSIDE DIRT**

### **CONSERVED FOREVER – AVLT SIGNAGE PROJECT**

By Glynnis Jones

### **PRESIDENT'S MESSAGE**

By David Hopmann

### **FAQs: CONSERVATION EASEMENTS IN BITE-SIZED BITS**

### **ACORN WOODPECKERS, SO HAPPY TOGETHER**

By Kate Marianchild

### **SAVE THE DATE! AVLT 2015 FARM FRESH FUNDRAISER**

By Patricia Jeffery

### **OAK WOODLANDS INTERPRETIVE WALK**

### **CALIFORNIA COASTAL CLEANUP DAY ON FLYNN CREEK**

If you would like to be notified about upcoming events, field hikes and educational workshops, please contact the AVLT office.

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You can reach us by phone at 707-895-3150

Visit our website at [www.andersonvalleylandtrust.org](http://www.andersonvalleylandtrust.org)

Our office is located at 14150 Highway 128 in Boonville

Office hours are Tuesday and Friday, 10-2 pm or by appointment.



Photo by T. Petrey