

Conservation easement establishment: steps and timeline



The entire process of establishing a conservation easement typically takes 1 to 2 years starting from initial conversation and site visit. The general progression and steps involved with establishing a conservation easement through the Hennepin County Habitat Conservation Program (HCP) are described below. These steps may occur in a slightly different order or timeline depending on the specific circumstances of each project.

Entities involved in establishing a conservation easement

The main entities involved in establishing a conservation easement are:

You, the landowner ●

Landowners are seeking to protect and restore habitat, preserve what they value about their land, and leave a conservation legacy. You will meet with Hennepin County and the Minnesota Land Trust about your property, gather information about your property, and review and provide feedback on draft documents.

Hennepin County ●

Hennepin County is seeking to protect the last, best remaining natural areas in the county and conduct habitat restoration projects on protected properties. County staff will meet with you to gather initial information and offer support and guidance during the project. County staff will also work with you long-term to offer technical and financial assistance to meet stewardship and conservation goals. Hennepin County will be a co-holder of the easement.

The Minnesota Land Trust ●

The Minnesota Land Trust is a nonprofit organization that works with landowners and local communities to protect and restore Minnesota's increasingly threatened lands and waters. The Minnesota Land Trust staff will work with Hennepin County and you to develop the technical and agreement documents. The Minnesota Land Trust will co-hold the conservation easement and can offer ongoing technical support to landowners.

Phase 1: Eligibility, interest, and project selection

This phase typically takes 2 to 3 months

1. **Initial conversation and meeting** ● ●
You talk to and/or visit with county staff. When and where you meet depends on your availability. You can talk on the phone, meet over coffee, or meet on the property. These initial conversations establish mutual interest among you as the landowner and the county.
2. **Application** ●
You complete the application to confirm your interest in moving forward with establishing a conservation easement. On the form, you will identify your ability to donate some or all of the conservation easement value. The form should take less than an hour to complete, and county staff is available to answer any questions you may have.
3. **Property visit** ● ● ●
If a site visit didn't happen in Step 1, county staff and the Minnesota Land Trust will work with you to arrange a visit to see your property.
4. **Project scoring and selection** ● ●
This step determines which projects will move forward. Hennepin County assigns scores to projects based on a variety of categories related to program funding and goals. Multiple partners from state, regional, and local agencies review, score, and discuss additional insights to develop a ranking and selection of potential projects. This project review happens three times per year in March, August, and November.

Phase 2: Defining terms and boundaries

This phase typically takes 1 to 3 months

5. **Site visit and/or initial discoveries with Minnesota Land Trust staff** ● ●
If you haven't already been introduced, you will meet with staff from the Minnesota Land Trust. This meeting may occur on your property if the Minnesota Land Trust has not yet visited the potential easement, or it may occur over the phone or in a convenient location. During this visit or conversation, the Minnesota Land Trust staff will go through some initial discovery questions to learn more about the property and your goals.
- 6a. **Drafting of easement boundaries, maps, and terms** ● ● ●
Minnesota Land Trust staff will start to draft initial documents that outline the easement boundaries and easement terms. This will involve some back and forth among you, Minnesota Land Trust staff, the county, and possibly the city if zoning is impacted. These documents are finalized when you approve the terms and the map.
- 6b. **Find an attorney and financial planner and start gathering property documents** ●
This is a good time for you to start finding an attorney and financial planner, if you want to work with one and to start gathering property documents. The Minnesota Land Trust can recommend attorneys that are familiar with the easement establishment process or you can find an attorney on your own to work with.

7. Share property documents with the Minnesota Land Trust ●●

At this time, the Minnesota Land Trust will request your property documents. For property documents, you would ideally have an abstract but at least a deed. Hennepin County staff is available to help with finding and gathering property documents if needed.

You should also look into your city's septic system requirements to make sure you are in compliance and will continue to be in compliance if changes or additions are needed in the future. If you are considering future subdivision or adding structures, this is a good time to review your city zoning and building restrictions. Hennepin County can be a resource to help you learn more about septic system requirements and zoning restrictions.

Phase 3: Due diligence and easement offer

This phase typically takes 5 to 9 months.

8. Environmental site assessment and title review ●●

The Minnesota Land Trust will hire a contractor to assess your property for potential environmental hazards and risks. The Minnesota Land Trust will inform you of any findings.

The Minnesota Land Trust will get a report from the title company. There may be issues with the title that you or a surveyor will need to clarify. This could include liens on the property, existing easements that might impact the value that can be paid, or fences or other boundary issues. Such issues are not always insurmountable but can delay project timelines.

9. Appraisal ●●

The Minnesota Land Trust will order an appraisal, and the appraiser will offer to have you attend a field visit.

10. Easement offer and landowner engagement letter ●●

The landowner engagement letter confirms details related to the potential easement transaction. You will sign and date the letter to certify receipt.

Phase 4: Preparing final documents, board action, and closing

This phase typically take 5 to 9 months.

11. Development of documents ●●●

The Minnesota Land Trust and Hennepin County will develop important documents. This includes a survey, the easement document, the baseline documentation report, which documents the current state of the property, and the habitat management plan, which defines the goals and conservation actions for the property. The development of these documents may require multiple site visits and will involve some combination of Minnesota Land Trust staff, county staff, and consultants. Site visits will be coordinated with you. Resulting documents will be sent to you for review once they are drafted. These documents are signed at closing.

12. Board approvals ●●

Projects need to be approved by the Hennepin County Board of Commissioners and the Minnesota Land Trust board. If a city or organization is establishing an easement, city or board approvals will be required as well.

13. Option for purchase of conservation easement ● ●

You agree to have the Minnesota Land Trust purchase the conservation easement for the offer amount and sign off on the final draft conservation easement terms. Once the documents are finalized and the title is clean, the Minnesota Land Trust sends you a letter to inform you of their intent to exercise the option.

14. Prepare for closing ● ●

The closing date will be set, and the Minnesota Land Trust will get the final information from the title company and submit information to the state.

15. Closing ● ● ●

You and staff from the Minnesota Land Trust and Hennepin County will attend closing or complete a closing by mail. At or after closing, you will get copies of official documents.

Permanent protection

16. Ongoing management and restoration ● ● ●

Once closing is over, the conservation easement is officially established forever and the long-term commitment on behalf of the landowner, the Minnesota Land Trust, and Hennepin County is solidified. Signage will be installed on the easement boundaries, and there will be some promotion of the accomplishment from the Minnesota Land Trust and Hennepin County. The Minnesota Land Trust and Hennepin County will start to plan for restoration projects with you. The Minnesota Land Trust and Hennepin County staff will also conduct annual site visits to ensure the easement terms are being followed. County staff will be an ongoing technical and financial resource for conservation activities within the easement.

