



# Perpetual conservation easements and landowners: Evaluating easement knowledge, satisfaction and partner organization relationships



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## ABSTRACT

Conservation easements are being more widely used to facilitate permanent land conservation. While landowners who initially place a conservation easement on their land are generally highly motivated to protect the conservation values of their land, changes in landownership may hinder long-term active landowner support for these easements. Maintaining such support is critical for ensuring their effectiveness as a conservation tool. Our research reports on results from a mail survey sent to landowners in Texas who own property encumbered with perpetual conservation easements. They were asked about their level of satisfaction concerning their conservation easement and the relationship with their easement holder. Additionally, landowners were asked how well they remembered and understood the terms of their conservation easement. We also examined institutional aspects of easement holding organizations and variables associated with landownership that affected these attitudes. Among institutional factors, frequency of contact between landowners and easement holders and the category of agency (federal, state and local or non-governmental agency) were significant in determining level of satisfaction with the easement and perceived relationship with the easement holder. Landowner factors affecting these same issues included easement grantor or successive generation landowner, gender and motivations driving landownership. We did not find any significant variables related to landowners' knowledge about their easement. Management implications from this study suggest that easement holders should increase staff capacity capable of providing targeted landowner technical assistance and outreach beyond compliance monitoring. Additionally, landownership motivations should be considered by easement holders when deciding whether to accept an easement. Finally, expressed dissatisfaction with federal governmental easement holding institutions should be explored further.

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## 1. Introduction

Effective conservation of natural resources on private lands is critical throughout the United States (U.S.) because private property is the dominant form of landownership and many ecosystem services needed for the well-being of current and future generations are derived from them. Even in states that have large swaths of public land, private lands provide many important ecosystem services, including high value targets, such as endangered species habitats (Wilcove et al., 1996). Conservation easements have evolved to become a leading tool for implementing long-term

conservation on privately owned rural lands in the U.S., especially for protecting biodiversity (Merenlender et al., 2004; Rissman et al., 2007). By 2010, approximately 8.8 million acres in the U.S. were protected under easements held by non-governmental organizations (NGO's), up from just 2.3 million acres in 2000 (Chang, 2011). This does not include an estimated 12 million acres of easements held by federal, state and local governmental agencies (Pidot, 2005). Furthermore easements, as a land protection mechanism are increasingly used internationally throughout North America, New Zealand, Australia, Europe and Latin America (Saunders, 1996; Kabii and Horwitz, 2006; Rissman et al., 2007; Adams and Moon, 2013).

Previous research on conservation easements has examined the spatial distribution patterns of conserved lands and the types of development allowed on easement properties (Merenlender et al.,

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2004; Kiesecker et al., 2007; Rissman et al., 2007). In addition, numerous publications offer prescriptive guidance for establishing and negotiating conservation easements (Gustanski and Squires, 2000; Byers and Ponte, 2005; Lindstrom, 2008). However, only within the last decade have there been any substantial attempts to empirically evaluate the ecological efficacy of perpetual conservation easements and minimal research has been conducted to determine the social implications of establishing them (Kabii and Horwitz, 2006; Wallace et al., 2008; Pocewicz et al., 2011; Alexander and Hess, 2012; Rissman and Sayre, 2012).

While some studies have included landowners whose property was encumbered with perpetual conservation easements, limited research has specifically targeted such landowners to obtain a clear understanding of factors affecting landowner perspectives about their easements. In 1997, Feinberg and Luzadis (1997) conducted a survey of landowners in the Northeast U.S. whose conservation easements were held by four non-profit organizations and one state agency. They found that, in general, landowners who conveyed the easement (i.e. grantor landowners) were highly satisfied with their easement and were not motivated to grant it primarily for financial reasons. They also concluded that successive generation landowners were satisfied with their knowledge of easement restrictions but expressed a desire for more ongoing contact with their easement holding organization. Furthermore, they reported that 37% of successive generation easement landowners would, given the option, amend their easement, compared with just 19% of grantor landowners (Feinberg and Luzadis, 1997). Rilla (2002), who interviewed 47 conservation easement landowners in California, found that their primary motivations for selling an easement were land preservation and economic considerations. Farmer et al. (2011), reporting on the results of a mail survey of 187 Midwestern easement landowners, specifically examined landowner motivations driving easement conveyance. They found that place attachment and “contributing to the public good” both appeared to be strong drivers for landowners granting an easement, while financial incentives were the lowest ranked motivational factor.

In our study we look beyond motivational factors associated with easement conveyance. While conveyance of easements may be a necessary first step for protecting land from fragmentation and development, this is inadequate to ensure long-term maintenance of the ecosystem processes needed to meet the conservation goals of perpetual easements. To address the limitations of previous work and to contribute to theory regarding effective long-term conservation of private land encumbered by conservation easements, our research addresses the following question: *What factors are likely to enhance the future effectiveness of easements?* To answer this question we report findings about landowner responses regarding their *knowledge* about and *satisfaction* with their conservation easement as well as the *relationship* that they have with the easement holding organization.

We do this by postulating the following hypotheses: *Easement Knowledge* – [H1] Level of landowners' *knowledge* about the terms of their easement decreases with time since conveyance of the easement; and [H2] Landowners who originally granted the conservation easement (grantor landowners) are more *knowledgeable* about their easement than landowners who did not grant the easement (successive landowners). *Satisfaction* – [H3] Level of *satisfaction* of landowners with their easement is negatively correlated with the time since the easement was conveyed; [H4] Easement grantor landowners are more *satisfied* with their easement than successive generation landowners; [H5] Landowners who use their land to generate income through farming, ranching or mineral extraction or who own it as a financial investment are less *satisfied* with their easement and their relationship with their easement holder than landowners who use their land mainly for

recreational purposes; and [H6] Landowners who live on their land are less tolerant of conservation easement-related land use restrictions and, therefore, are less likely to be *satisfied* with their easement than absentee landowners. *Relationship with easement holding entity* – [H7] Landowners' perceived *relationship* with their easement holding institutions is positively associated with the frequency of contact (social exchange) between them (Cropanzano and Mitchell, 2005; Cross et al., 2011); and [H8] Landowners easement satisfaction and *relationship* with their easement-holder is better when the easement holding institutions are private non-profit organizations (e.g., land trusts), than if they are public entities (i.e., local state or federal agencies). Because most public easement programs are purchased, rather than donated easements, we expect that the financial consideration provided will not provide long-term satisfaction. Conversely, most private easement holding organizations rely on donated easements, where the potential goal conflict between landowners and easement holders may be lower (Rissman and Sayre, 2012).

## 2. Methods

### 2.1. Study area and survey sample

The study consisted of all landowners in Texas whose property was encumbered with a permanent conservation easement in 2010. Texas, a very large (696,241 km<sup>2</sup>), centrally-located state shares cultural and ecological commonalities with eastern, central and western portions of the United States and northern Mexico (Fig. 1). Furthermore, it has diverse land use patterns.

To develop the easement landowner database, we contacted all private and public easement-holding institutions in Texas. Ultimately we included 518 easement landowners associated with 33 easement-holding organizations. Sixteen entities provided contact information for 429 landowners. Sixteen other easement holders declined to provide the landowner contact lists but, using public county records, we were able to obtain contact information for 69 landowners with conservation easements who were associated with these organizations. Finally, one NGO, representing 20 landowners, did not wish to provide member contact information but instead participated in the study by concurrently mailing survey items directly to its members. Some organizations indicated that specific landowners did not wish to be included in our study and, accordingly, they were excluded from the study sample.

### 2.2. Mail survey

A mail survey questionnaire was developed based on a literature review and in consultation with key informants from easement-holding organizations and some landowners. The questionnaire was tested and refined through informal focus group meetings consisting of land conservation professionals and conservation easement landowners. The mail survey questionnaire included 78 questions addressing four areas of inquiry: private property rights and responsibilities, land management activities on easement properties, easement-specific issues, and landowner demographics. The survey was initiated in September 2011. It was administered using a five-phase mailing protocol (Dillman, 2000). This protocol consisted of: day 1 – pre-survey notification letter informing the participants about the study and indicating the value to them of participating in it; day 7 – survey questionnaire with cover letter and a postage-paid return envelope; day 14 – reminder/thank you postcard; day 28 – replacement questionnaire with cover letter and another return envelope to non-respondents; and day 42 – final reminder/thank you postcard. Survey responses were accepted for up to four months from the date of the first mailing of the survey. An

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