



**SOUTHERN  
OREGON  
LAND  
CONSERVANCY**

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## **Cost Share Program Helps Landowners**

Landowners who need financial help developing and/or implementing a Management Plan can apply to the State Department of Forestry's Cost Share Program. The program pays for 50-75% of the cost of a plan and the application process is short and simple. Contact the Land Conservancy for an application or call Matt Krunglevitch at the Oregon Department of Forestry at 664-3328.

# *Terra Firma Times*

Fall 2006

## **Rocky Creek Farm Protected**

The Applegate valley southeast of Grants Pass is one of the most beautiful regions in southwestern Oregon. The Applegate River flows through the valley, which is home to numerous wineries, farms and homesteads, as well as many species of anadromous fish and wildlife.

Thanks to the generosity of two conservation oriented families, 52 acres of land are now protected in the Applegate forever.

In September conservation easements on two properties on Rocky Creek were donated to the Southern Oregon Land Conservancy. The larger, 40-acre parcel is owned by Narcissa Kelley, and the other parcel, a 12-acre farm a quarter mile away, is owned by her daughter and son-in-law, Suzan and Jack Shipley.

Narcissa Kelley is no newcomer to land conservation – she was one of the founding members of the Marin Agricultural Land Trust in California. Narcissa wanted to ensure that her land in the Applegate remain intact forever. Her easement stipulates that “all

future owners should strive to manage the land in ways that are ecologically appropriate and make



necessary adjustments as needed to be responsive to climatic change.”

Jack and Suzan Shipley have been leaders for the past fifteen years in community collaboration of natural resources through the Applegate Partnership and the Applegate Watershed Council. Jack believes conservation easements are the best option left for protecting private land.

A primary goal of the Shipley easement is “to protect and promote a healthy, diverse, and functioning ecosystem and maintain the land's productivity.”

Two thirds of Jack and Suzan's property is currently used as a farm with a garden and numerous fruit trees including heritage apples. They

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## Coonan Family Receives Award

Over 130 people were present at this year's Conservation Celebration when the Land Conservancy presented Lurline Coonan and her son Jim Coonan Jr. this year's Conservation Award for their vision and commitment to protecting our natural areas.

Earlier this year the Coonan family placed a conservation easement on the forested portions of their 9,000+ acre ranch, known as the C2 Cattle Ranch, located on Highway 140 northeast of Medford. This project took nearly 7 years of work and commitment on the part of many individuals and is the Land Conservancy's largest easement.

## Ask Alex

Questions and answers from  
our staff attorney,  
Alex Dykema



### Why would someone want to restrict their own land?

I have found that while there are obvious motives such as the tax benefits or ecological protection, for many people the lands they own are more than just a place to live; they are a legacy to leave to their children and future generations. The meaning of their land is more than just what lies on the ground today, it is also part of their vision for the future and a place to return to both in memory and in reality. This more personal legacy is often at the heart of a conservation easement. In talking with landowners, the one thing they all have in common is a kinship with their land and a desire to insure that its legacy is left behind, whether for their children or for all of us.

## Welcome New Members

Cinzia Romoli	Barbara and Carl Hopfinger	Karena Toal
May Hipshman	Or-Cal Adventures	Mike and Lee Katz
Carol Ingelson	Paul Torrence	Harry and Mary Piper
John and Laura O'Connor	Tony and Marilyn Mozingo	Penny Mikesell
John and Barbara Bruckman	Paul Weller	Karen Sublette
Bob Semes and Harvey Ray	Mary Schilling	Murilla Page
Matt Messner and Neil Sechan	Jobie Summer	Nancy Tait

We also welcome our new Business Members,  
**Amy's Kitchen and Harry and David**

Lurline Coonan grew up in an atmosphere of conservation. Her childhood home in Woodside, California covered over 600 acres of beautiful gardens and woods. Her family donated the property, known as Filoli, to the National

Trust for Historic Preservation, and today it is the most visited of the Trust's properties.

It was our pleasure to honor the Coonan Family with this year's award for their outstanding gifts to society.

### Does a Conservation Easement give the State, or other organizations rights over the private lands?

Generally speaking the answer is no, but as with any legal agreement the full answer depends on each easement. Conservation Easements (CE) are primarily restrictions on the use of the land with a grant of enforcement authority to the land trust. There is nothing inherently within a CE which gives the State or any third party affirmative rights over the land.

### Are Conservation Easements really permanent?

Yes, if they are property written, recorded and monitored, they last forever.

### How do you change an Easement once it is recorded?

The basic answer is that the land owner and the Conservancy can jointly amend an easement, but only if the change increases protection and furthers the original purpose. You cannot lessen the protections in the original document.

### What about future owners? Isn't this unfair to them?

Any future owner buys the land with these restrictions. Just like buying land with an access easement across it, what you buy is what you own, so it certainly cannot be considered unfair. In fact, often people are interested in the land because of the values that the Conservation Easement protects.

### What happens if there is a violation of the Easement?

Our job is to enforce the easement terms, and this is spelled out in each easement. Obviously, we would rather do that without going to court, but if we need to, we will bring a landowner to court and require restoration as well as monetary damages for the harm done. This is part of why it is important to carefully screen each project to be sure it is clearly defensible and well put together, both practically and legally.

Have a question? Send it to [info@landconserve.org](mailto:info@landconserve.org) and we'll try to answer it in our next newsletter.

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also have a small herd of cows, several horses, sheep, and a few goats which are used to keep the understory in the woods grazed down to reduce wildfire and poison oak. The other third of their property is wooded. The Shipleys have initiated careful thinning on their property and encouraged their adjacent neighbors and the BLM to thin on their



properties in order to reduce fire danger and increase the vigor of the woods.

Both properties contain a mosaic of meadows and mixed conifer woodlands and offer valuable habitat and food for numerous

species of local wildlife, including deer, coyote, black bear, gray squirrels, cougar, bobcat, and numerous birds. The creeks and pond offer riparian habitat for fish,

amphibians, and birds.

Thanks to their foresight, Narcissa Kelley and Suzan and Jack Shipley can rest assured that the Southern Oregon Land Conservancy will protect their properties and ensure that their vision is preserved for the community, for our children, for the future.



## Tax Benefits Increase for Land Conservation

Generous landowners who donate voluntary conservation agreements, also known as conservation easements, to the Southern Oregon Land Conservancy are inspired by many things: they love Southern Oregon, they feel connected to their land, and they wish to leave a legacy for future generations. This inspiration is at the heart of our work to permanently protect valuable natural resources. But for some of our donors, donating a conservation easement is a major financial decision, and the federal income tax deduction that comes with a donation helps make easements possible for landowners in our community.

Congress recently passed a new law in effect during 2006 and 2007 that *enhances* the tax benefits of protecting private land for many landowners. The legislation improves the tax incentive for conservation easements by allowing conservation easement donors

to deduct up to 50% of their adjusted gross income in any year (up from 30%); deduct up to 100% of their adjusted gross income if the majority of that income came from farming, ranching or forestry; and continue to take deductions for as long as 15 years (up from 5 years) after the initial deduction. For anyone thinking about donating a conservation easement, now is the time!

Congress also passed tighter appraisal standards for such gifts and stronger penalties for appraisers who violate the standards.

The Land Trust Alliance (LTA) led the effort to get Congress to approve this new law. LTA is a national organization that sets national standards for conservation organizations like ours, provides training and networking opportunities, and represents the land trust community in Washington, DC. The Southern Oregon Land Conservancy has been a member of LTA

for seven years.

Each day we are touched by the generous and inspired landowners who work with us. The new law will make it easier for others in our community to build on their love of the land and permanently protect the natural resources of our beautiful Southern Oregon.

### Leave a Legacy of Land

Contributions to our Endowment and Stewardship Funds leave a legacy of conservation that will stand the test of time. For information on these special funds and on how to include the Southern Oregon Land Conservancy in your estate plans, please contact us at 482-3069.



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### Message From the President: Beyond Imagination

We were stunned! I lived in Placer County, California from 1973 through 1993 and recently returned for a visit with my husband. You think you are ready for change; growth is going to happen. This, however, was beyond our imagination. Huge subdivisions consumed the land as far as you could see, both east and west. Scattered among these miles of homes are “Big Box” stores of every kind, strip malls and a paucity of anything green. Gone are the magnificent live oaks and any indication that this was once deemed “country living.” Unnerved, we finally found our way back to Interstate 80 and decided to take a look at the communities to the north.

The contrast was remarkable. Yes, there has been some growth,

more in the style of four home cul-de-sacs on limited acreage and gentrification of existing homes on 10 acre lots; there country living continues.

What made the difference? In 1993 Placer County was listed among the fastest growing counties in the United States. Roseville and Rocklin became a likely region for growth, promoting family living in the foothills of the Sierra Nevada. Open space was not a priority. In contrast, farm communities to the north, Loomis and Penryn, set up a plan to manage growth, protect natural areas and preserve an agricultural heritage established in the mid-1800s.

Like the foothills of the Sierra, Southern Oregon not only has a rich agricultural history, but is a region of great natural beauty. The quality

of life in the Sierra foothills inspired growth; what was missing was the commitment to maintain natural areas.

Growth is inevitable. We will have 2 million additional residents in Oregon by 2040. Each of us can maintain the quality of life in Southern Oregon by participating in the planning for Oregon’s future. Locally, we can do more. Take a minute to read the enclosed articles on how conservation easements work and the new tax laws that reward landowners who donate easements on their farms, ranch lands, woodlands and open space. It only took 13 years to permanently change Placer County forever.

Help us make a difference.

*Donna Rhee*