

An aerial photograph of a coastal landscape. The top half shows a patchwork of agricultural fields in various shades of green and brown, with a small pond. A road with some vehicles runs horizontally across the middle. Below the road is a dense green forest. The bottom half of the image shows a steep, eroded cliff face with exposed soil and some vegetation, leading down to a sandy beach. Waves are breaking on the shore in the foreground.

Ensuring “Forever”

Saving Land with Conservation Easements

The Conservationist's Toolbox

One of the most fundamental requirements for effective land protection is a well-stocked toolbox. I don't mean a metal case filled with hammers, screwdrivers and fancy wrenches (though those come in handy for some of POST's land-restoration projects). I'm talking about a toolbox filled with proven and established techniques for conserving open space.

These techniques include buying land as well as accepting donations or bargain sales of land. They also include the acquisition of conservation easements, which allow landowners to retain ownership of their land subject to limits on types of usage, such as the location and size of buildings on their property.

Over the past 20 years, easements have surged in use across the country as an effective tool for permanent land protection. They can be more affordable than buying land outright and often result in strong partnerships with private landowners as well as public agencies that can help fund the purchase of easements.

Entered into as voluntary agreements, easements are flexible, readily customizable, and may even result in tax savings or immediate payouts for the landowner. More and more, land trusts are relying on easements to achieve their land-saving goals, and POST is no exception.

As we envision the future of land conservation along the San Francisco Peninsula, San Mateo Coast and Santa Cruz Mountain range, we see easements playing an important role in keeping our hillsides open and green, our beaches pristine and windswept, and our forests tall and proud. We will need your ongoing support to continue this important work.

This issue of *Landscapes* demystifies how easements work, explains the challenges that lie ahead in their use, and shows them for the indispensable conservation tool they are. For the sake of our natural landscapes and the future generations who will care for them, we must ensure that conservation easements remain the ultimate power tool, vigorously defended and always revving to go.

Audrey C. Rust
President, POST



An aerial photograph of a vast landscape. In the foreground and middle ground, there are rolling green hills with patches of dense evergreen forest. A winding dirt road or path is visible on the left side of the lower half of the image. In the far distance, a city or town is visible, followed by more hills and a hazy horizon under a clear sky.

Protecting Open Space for the Long Haul

Why Conservation Easements Matter

What does it mean to say land is protected forever? What obligations and responsibilities arise when we commit to keeping our natural lands open and undeveloped for good?

Conservation easements are one critical tool POST uses to save land for the future. Easements protect land in perpetuity, meaning that even if ownership of the land changes, the protective requirements of the easement remain in place.

At POST, we are fervently committed to the ongoing protection of our open space lands. We work diligently to identify and acquire lands at risk for inappropriate development that could destroy scenic vistas, ruin rural landscapes, inhibit low-impact recreational uses and spoil the rich natural resources found on these lands.

Whenever possible, we want to keep these lands as we found them, so that generations to come can know them, love them and care for them as we do today.

What are Conservation Easements?

Conservation easements are voluntary legal agreements between landowners and land-saving organizations that permanently limit the use of land to protect its conservation values. People grant easements because they want to protect their property from inappropriate development while retaining ownership of their land. Easements allow landowners to continue to own and use the land and to sell it and pass it on to their heirs, often with significant tax savings.

At POST, we have three ways to acquire easements: by donation, outright purchase, or by purchasing land for immediate resale to another conservation buyer subject to a POST-held easement. In all cases, the landowner agrees to give up some of the rights associated with the land. For example, the landowner might give up development rights but retain the option to build a house on a site that will not impair views from surrounding lands or adversely impact important conservation resources.

Easements “run with the land,” meaning they bind the original owner and all subsequent owners to the easement’s restrictions. The land trust is responsible for making sure the easement’s terms are followed. The trust monitors the property on a regular basis to implement the conditions of the easement and to ensure that the property remains in the state described in the agreement. ■

Advantages of Easements

There are many advantages to protecting land using a conservation easement:

- It leaves the property in the ownership of the landowner, who may continue to live on it, sell it or pass it on to heirs.
- It can significantly lower estate taxes—sometimes making the difference between heirs being able to keep the land in the family and their needing to sell it. In addition, an easement can provide the landowner with income tax and, in many cases, property tax benefits.
- It is flexible and can be written to meet the particular needs of the landowner while protecting the property’s resources.
- It is permanent, remaining in force when the land changes hands. A land trust like POST or, in some cases, a government agency ensures the restrictions in the agreement are followed.*

* “Conservation Options: A Landowner’s Guide,”
Land Trust Alliance, 2003.

Redgate Ranch

Redgate Ranch is a 624-acre property along Highway 84 in San Gregorio. In November 2004, landowners Greg and Amanda Jones offered a bargain sale to POST of a conservation easement over the ranch, along with a pledge to donate a public trail corridor. POST paid \$1 million for the easement, an amount well below market value.

The easement protects the scenic and natural values of Redgate Ranch, which the Jones family uses primarily as a working farm and weekend retreat. Without the easement, at least four estate houses could have been built on the land. If future development were to occur on or near the property’s ridge tops, the land’s scenic values would be significantly impaired. Fortunately, protection of Redgate Ranch by easement preserves a vital open space link for future public recreation and wildlife habitat in the stunning San Gregorio Valley.

Easements are an ideal tool to preserve the integrity of our open space lands permanently. At POST, they protect everything from rolling hillsides, forestland and fertile fields for agriculture to future trail connections and even an artists' retreat high up in the mountains overlooking the Pacific Ocean.

Easements require landowners to maintain their land as indicated in the easement agreement, which restricts certain uses of the land for the sake of protecting the conservation values found there. For instance, an easement on one property might prohibit development to protect wildlife habitat, while on another it might allow continued agriculture and the construction of a barn. Even the most restrictive easements typically permit landowners to continue traditional uses of the land, such as farming and ranching. In that sense, easements are highly adaptable to the unique circumstances of any given property.

Taking Stock with Volunteers

Easements require that POST conduct regular monitoring of these properties to ensure that appropriate uses of the land continue and to protect the long-term health and vitality of natural resources.

POST established its first conservation easement in 1983 over the 640-acre Michelson property, in the hills east of Pescadero. The easement, which POST received as a donation and continues to hold and monitor, protects a farm and old-growth redwood forest on the land.

At present, POST protects more than 10,000 acres of open space land under easement and other deed restrictions. We take these obligations seriously, using a team of more than 80 volunteers to monitor easement lands on an annual basis. Equipped with notebooks and global positioning satellite monitors, these trained teams record the condition of the land to ensure the terms of easement agreements are being upheld.



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© 2004 Amanda Jones



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© 2005 Dan Quinn



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A Growing Need

As the cost of real estate in our region continues to escalate, we anticipate increasing POST's use of easements to protect open space, as is the trend nationwide. According to a recent issue of *Bay Nature* magazine, at least 9 million acres of land in the United States are protected by easements (the figure may actually be double when taking government-owned easements into account). In the nine-county San Francisco Bay Area alone, the use of easements has grown from protecting at least 85,000 acres in 1999 to more than 150,000 in 2005.

According to *Bay Nature*, POST is the fourth-largest easement holder in the Bay Area. As easements continue to become a more popular tool for land conservation, POST is preparing itself for future work in this area. To cover the costs of our growing easement program, POST's Board of Directors has established an endowment fund that will provide funding for ongoing enforcement of easements. We have already begun to receive major gifts in support of this vitally important new initiative (see sidebar, right).

Arata Ranch

In 2004, POST purchased a conservation easement from the Arata family in San Gregorio for a total value of \$5 million. The easement protects the Aratas' stunning 1,161-acre ranch near the junction of highways 1 and 84. The land's high ridgelines offer panoramic views of the Pacific Ocean to the west and the San Gregorio and Pomponio valleys to the north and south.

In recent years, estate homes have been built around the ranch near Stage Road, and mounting development was pressuring the landowners to subdivide, develop or sell their property. Instead, the family chose to sell an easement to POST, which allows the Aratas to continue farming and running cattle on the land, just as they've done for nearly 70 years. In the future, public trails may be created on the ranch, with potential connections to other protected lands, including Pomponio State Beach.

Facing Challenges, Saving Land

While easements are powerful and effective, they occasionally face challenges by parties who would abuse their flexibility and use protected land for purposes in conflict with its conservation values. Easements have also undergone increased scrutiny by Congress for potential tax abuse by dishonest landowners and disreputable organizations that manipulate appraised values of donated easements.

As easements become more widely used, they must be properly applied and strongly defended so that land stays protected for good. POST is working closely with the Land Trust Alliance, based in Washington, D.C., to ensure that easements remain a strong and viable land protection tool for land trusts.

Lead Gifts to POST Establish *New Conservation Easement Fund*

With two very generous gifts, POST has established a new fund in support of our growing conservation easement program.

To kickstart the effort, POST Board member Charlene Kabcenell and her husband, Derry, of Portola Valley, have contributed to the fund, as has longtime POST donor Ann Bowers, of Palo Alto. This support will be used for monitoring and enforcement on lands protected by POST-held easements. As the new fund grows, POST will be able to build up our network of volunteers who go into the field annually to monitor POST lands protected by easement.

“These gifts lay the groundwork for expansion of POST’s use of easements, an indispensable and effective means by which to save our local natural lands,” said POST President Audrey Rust. “As we move forward with our conservation work, we anticipate increased interest by landowners in easements, and POST must be prepared to meet the demand. This fund helps make that possible.”

Gifts made in support of POST’s conservation easement program will be used to shore up our capacity to research, negotiate, implement and defend easements on POST-protected properties. In the event challenges to established easements occur, this fund will ensure that POST has the resources necessary to meet our ongoing obligations to uphold our land protection agreements and keep our magnificent open lands saved for the future.

If you are interested in making a gift to POST’s conservation easement fund, please contact Daphne Muehle, POST Director of Development, at (650) 854-7696. ■



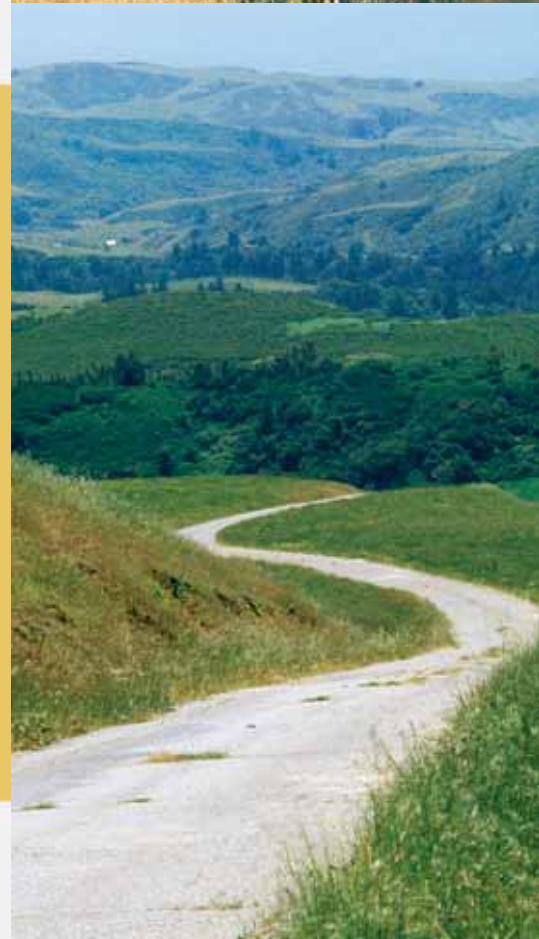
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A Rich Inheritance for the Future

Easements represent POST's long-term investment in our ability to stay true to our land-saving promise. We can't just give lip service to the notion of permanent protection. We must commit significant resources to uphold our land protection agreements. By keeping our end of the bargain, the results will be lasting and breathtaking—awe-inspiring vistas, sparkling creeks and streams, dramatic and accessible coastlines, sweeping mountain ridges, majestic groves of redwood trees, miles of winding hiking trails, and carefully tended fields of row crops sheltered under coastal fog.

These are the images that shape the quality of life in the Bay Area, and they are the inheritance we are obliged to pass down to those who follow us. To allow these landscapes and the rich diversity of life they support to succumb to human pressures and development would be tragic and irreversible. We must act now and use all the tools at our disposal to protect these lands for the next generation. Easements are an essential part of this work.

POST donors can help us ensure future protection of land by supporting our conservation easement fund. For more information about making a gift to the fund, please contact POST's Director of Development, Daphne Muehle, at (650) 854-7696. To protect a property by POST easement, please contact our Executive Vice President, Walter T. Moore. ■



Djerassi Resident Artists Program (DRAP)

In 1998, POST reached an agreement with the Djerrassi Resident Artists Program (DRAP) to purchase a conservation easement to protect the program's 580 acres of majestic forest and rolling hills in Woodside. POST purchased the easement for \$2.2 million so that the land's natural and scenic resources would forever be protected from development.

Adjacent to La Honda Creek Open Space Preserve, this property is now part of a vast open space corridor comprised of public and private lands. As part of the easement, free guided walking tours of the land are available to the public each year (see p. 14 for more information). The tours give people a chance to enjoy the property and its striking outdoor art installations firsthand.



EASEMENT WATCH:

When Challenges Arise

Conservation easements are a powerful tool for permanent land protection, but they sometimes face serious threats, as is the case in Sonoma County on a historic hay farm and pasture near the mouth of the Petaluma River.

Last September, our colleagues at Sonoma Land Trust filed a lawsuit in Sonoma County Superior Court to stop the privately-owned Port Sonoma marina from dumping dredge material on scenic 528-acre Lower Ranch along Highway 37. The suit was filed against Berg Holdings and the marina to enforce the terms of a conservation easement over the land. The easement, held by Sonoma Land Trust and paid for with public funds, requires that the land be used exclusively and permanently for agriculture.

Sonoma Land Trust purchased the ranch in 1986 to prevent it from being developed for any purpose other than agriculture. In 1989, the land trust sold the ranch, retaining the restrictive easement. Subsequently, the owners of the marina, located on the south side of Highway 37, acquired the ranch subject to the easement.

With controversial plans to develop a ferry terminal and a transportation hub nearby, the marina began to dump hundreds of thousands of cubic yards of dredge material on the ranch and disclosed plans to raise the level of the ranch by up to five feet, ostensibly to grow higher-value crops. But the evidence, according to Sonoma Land Trust, suggests the saline mud will degrade the soil, and a commercial disposal site is not a protected use under the easement.

The California Coastal Conservancy, which initially funded the easement in the 1980s, has joined in the suit on the side of Sonoma Land Trust. The Conservancy is represented by the California Attorney General's office. Also supporting Sonoma Land Trust is the California Council of Land Trusts, underscoring the statewide significance of the matter.

"The challenge comes when, as here, a well-funded entity buys land subject to a conservation easement and chooses to ignore the easement in order to pursue a more remunerative but prohibited use of the property," said Sonoma Land Trust in a statement. "Letting them get away with it would undermine the viability of conservation easements everywhere."

"This is an important case for conservation easements," said POST Executive Vice President Walter T. Moore. "When even a single easement is challenged it sets a troubling precedent. Land trusts across the country must remain vigilant on behalf of lands protected by easement." ■



POST & Sempervirens Fund Acquire Little Basin Property from HP for Permanent Protection

POST has partnered with Sempervirens Fund to acquire the historic Little Basin property at the heart of the Santa Cruz Mountains near Boulder Creek. In a joint arrangement, the two land trusts purchased the redwood-studded, 535-acre property for \$4 million from the Hewlett-Packard Company (HP), which had previously used the land for private employee recreation and company picnics.

Rising 2,000 feet above sea level, Little Basin is bordered to the north, east and west by Big Basin Redwoods State Park. The property features scenic woodlands, an old-growth redwood forest, diverse wildlife, hiking trails that connect to Big Basin, a reservoir, and two creeks—Scott Creek and Blooms Creek—of the Santa Cruz County watershed. Thanks to HP, a portion of the property is also equipped

with an impressive array of recreational facilities, including 14 rustic cabins, 36 tent sites, a picnic area, playgrounds, a recreation hall, restrooms and an amphitheater.

POST and Sempervirens Fund hope eventually to transfer Little Basin for inclusion in adjacent Big Basin Redwoods State Park. With its picturesque setting, established infrastructure and wealth of natural resources, Little Basin is destined to become a remarkable addition to the California State Parks system, at which time it could be explored and enjoyed by the public.

“Little Basin presents a once-in-a-lifetime opportunity to save a gloriously scenic and historic property that would otherwise be built up with luxury mansions and closed off from the public for good,”

said POST President Audrey Rust. “The land features hundreds of acres of lush forested mountain terrain as well as exceptionally well-maintained recreational facilities that are sure to make Little Basin a popular destination for campers, hikers, families and outdoor enthusiasts visiting the Big Basin area just 30 miles south of San Jose.”

Developed in 1885 as a logging operation, Little Basin served as a cattle ranch in the 1930s and as a World War II military surplus depot before HP purchased it in 1963 under the direction of company founders

David Packard and William Hewlett.

Over the years, HP utilized the site—less than an hour’s drive from Silicon Valley—both for individual recreational use by

HP employees as well as for corporate gatherings, where management staff served hamburgers and hot dogs to employees and their families at company picnics. Bill Hewlett himself designed the tables in the picnic area, and a corps of dedicated HP employees and retirees have previously volunteered time to maintain the land.

Honoring this rich legacy of outdoor recreation by its own employees, HP has now chosen to enable Little Basin to be opened to the public by selling it to POST and Sempervirens Fund for permanent protection.

“When deciding the future of the Little Basin property, our foremost goal was to ensure the continued preservation of this beautiful site,” said Steve Brashear, Vice President, Real Estate and Workplace Services at HP. “We’re pleased to



(above) A typical picnic site under the redwoods at Little Basin.
(left) Gateway to a recreational and natural treasure only 30 miles south of San Jose.

partner with these organizations to ensure the vibrant future of this property and look forward to the time when the site is open to the public for everyone’s enjoyment.”

As POST and Sempervirens Fund coordinate and negotiate the acquisition and transfer of Little Basin, a consultant management team will oversee maintenance of the land temporarily until such time as it is ready to pass on to public agency ownership.

“POST is delighted to work on behalf of the protection of Little Basin,” said POST Executive Vice President Walter T. Moore. “This land is a recreational and natural treasure, and now generations to come will be able to experience one of the most extraordinary spots in the Santa Cruz Mountain range.” ■

Going Green

Open House Event Celebrates POST's New HQ

POST's "Open Doors to Open Space" event on April 20, 2007, was a celebration of all things "green"—from the environmentally friendly surroundings of our new office space in Palo Alto to the delectable food provided by organic chef and local restaurateur Jesse Cool.

More than 350 people attended the Earth Day-themed open house, which showcased various design elements of POST's renovated, solar panel-equipped headquarters. Guests touring the building learned about our reusable carpet tiles, refurbished cubicle partitions made of recycled soda bottles, and kitchen cabinets constructed of sustainably grown bamboo, among other features. An informative Google Earth presentation by members of our land department highlighted POST's ongoing work to protect 4,262-acre Rancho Corral de Tierra near Montara.

Thanks to everyone who attended the unveiling of POST's exciting new workspace. As we settle into our new home at 222 High Street in Palo Alto, we hope you'll stop by to learn more about our latest land-saving projects, or just to say hello! ■



(above) Celebrating our new space with friends and neighbors of POST. (left) Martinka Dorian leaves her mark on a welcome banner.



(above) left to right: POST donor Donna Dubinsky, POST President Audrey Rust and donor Terry Clark. (left) left to right: POST supporters Bob Fenwick, Gerry and Goody Steinberg, and Ed Seipp.



(above) left to right: Skyline Society Committee member Cindy Miller, donor Perry Irvine and POST Board member Sandi Thompson. (left) POST's new "green" home.



All photos this page © 2007 Elizabeth Fall

VOLUNTEERS OF THE YEAR:

Jim Lipman and Cindy Miller

POST couldn't succeed in its land-saving work without the wonderful contributions of its many volunteers. In the past year, two individuals stood out for their distinct and invaluable contributions to POST: Jim Lipman and Cindy Miller.

Engineering POST's Success

Retired electrical engineer Jim Lipman has brought a rigorous mindset to everything he does for POST: an eagle eye for detail, machine-like precision, meticulous record-keeping and mastery of technology. From monitoring new properties and collecting global positioning satellite data to spraying pampas grass and laying down bales of hay for erosion control, he is always among the first to answer the call from POST.

Jim is longtime team leader for the Purisima Farms volunteer team, serving both as Open Space Guardian and Conservation Easement Monitor for that property. He also serves as leader of the Wicklow team, spearheading a project to map the complicated network of roads and trails that crisscross the steep, eucalyptus-covered property. In addition, he is a core member of the Cloverdale Coastal Ranches team and has helped

with land restoration efforts on our Rancho Corral de Tierra property. Residents of Portola Valley, he and his wife, Judy, have been POST donors since 1980.



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Reaching Out and Making a Difference

Cindy Miller has worked on behalf of POST since 1984, when she joined the staff as Director of Development to help raise money to save Cowell Ranch near Half Moon Bay. She was an employee of POST until 1988 and has worked for a number of nonprofit groups, most recently as Senior Donor Engagement Officer at the Silicon Valley Community Foundation, in San Jose.

As a POST volunteer, Cindy serves as a member of our Skyline Society Committee, where she puts her boundless energy and enthusiasm to work by reaching out to donors and cultivating major support for POST. She has been instrumental in pulling together key events and getting the message out to prospective donors about POST's land conservation work. She and her husband, Buff, who serves on POST's Advisory Council, are longtime donors and have also named POST as a beneficiary in their estate plans. They live in Cupertino.

Become a POST Volunteer!

Volunteering is an excellent way for POST donors to play a vital role in the day-to-day tasks of saving land. If you are interesting in volunteering, please contact Kathleen Ward, POST Development Associate, at (650) 854-7696. ■



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Tributes

JANUARY 1 – MARCH 31, 2007

Your honorary and memorial gifts to POST create a lasting tribute to friends and loved ones by helping to protect the beauty, character and diversity of the San Francisco Peninsula landscape for people here now and for future generations.

If you would like to make a tribute gift, please contact POST's Development Associate, Kathleen Ward, at (650) 854-7696.

GIFTS IN HONOR OF

Mark and Jayne Battey's 25th anniversary
Barbara Bekins and Nick Moll
Ruby Lee Black's birthday
Frank Fan's birthday
Steven Gaffney
Diane and Steven Hwu
Jeff, Joan, Josh, Julie, Joe and
Jessica Ira
The LaWer family
The birth of Milo Lukatch
Tom and Rebecca McDonough
Norman McKee's birthday
Glenn and K. D. Phinney
Audrey Rust's 20th anniversary
with POST
Unitarian Universalist Fellowship
of Redwood City
Marilyn Walter

GIFTS IN MEMORY OF

Mary Elizabeth Allari
Richard Bishop
Harry A. Cahalan, Jr.
Mr. Leonard Charles Chan
Fred Adam Choy
Paul Cohen
Holmes Crouch
Ronald Allen Dunkin
Maureen Dworak
Lawrence M. Gelb
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Tex Marshall
Marilyn Masnaghatt

Mr. Paul McClure
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Linda Miessler's father
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Kay Reimer
Rachel Holeton Remsburg
Paul V. Roberts
Lynn Rogers
Charles Siegel
Bernice Silber
Ray Spangler
Dr. Charles O. Walton
Charles Wyatt
Dr. David Zlotnick

A Walk in the Wild

Djerassi Program Grounds and Sculpture Tours 2007

The Djerassi Resident Artists Program is offering two types of tours during the 2007 season. Director's Tours are available at \$40 per person and Two-Mile Tours are free.

The free public tours are a result of a conservation easement purchased by POST in 1999 that protects the 580-acre ranch and artists' retreat. Funding from POST's purchase of the easement also created an endowment fund for DRAP. Most of the sculptures on the property were made by artists-in-residence during their month-long stays at the DRAP ranch. For more information, visit <http://www.openspacetrust.org/tours-djerassi.htm> or call DRAP at (650) 747-1250. ■



Old Barn and "Untitled" landscape (1995) by Alison Moritsugu. Photo by Chris Schmanch (chris@goodiephotography.com); courtesy The WAVE Magazine

The mission of the Peninsula Open Space Trust (POST) is to give permanent protection to the beauty, character and diversity of the San Francisco Peninsula landscape for people here now and for future generations. POST encourages the use of these lands for natural resource protection, wildlife habitat, low-intensity public recreation and agriculture.



Landscapes

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Why Your Annual Gifts Matter to POST

Your annual gifts to POST make a world of difference in our ability to save open space. Your generosity translates directly into permanently protected landscapes that people today and tomorrow can explore, experience and enjoy.

Because of your support, POST is able to enter confidently into negotiations to acquire landmark views that shape our vision of the land, historic farms and ranches that define communities and link us to our past, and strategically important properties that serve as key connections for recreational trail networks, watershed lands and wildlife corridors.

Negotiations to protect such properties often extend over a lengthy period of months and years. Your continued support of POST is vital to our ability to protect the places we love for the long term.

POST owes its success to your generosity. Thanks to you, we have established a reputation for achieving visionary land protection goals. Working with our agency partners, we take every opportunity to leverage your gifts to attract public funding, so your dollars can go as far as possible on behalf of the land. With your ongoing help, the rich fabric of our local landscape can continue to exist intact for future generations to know and love.

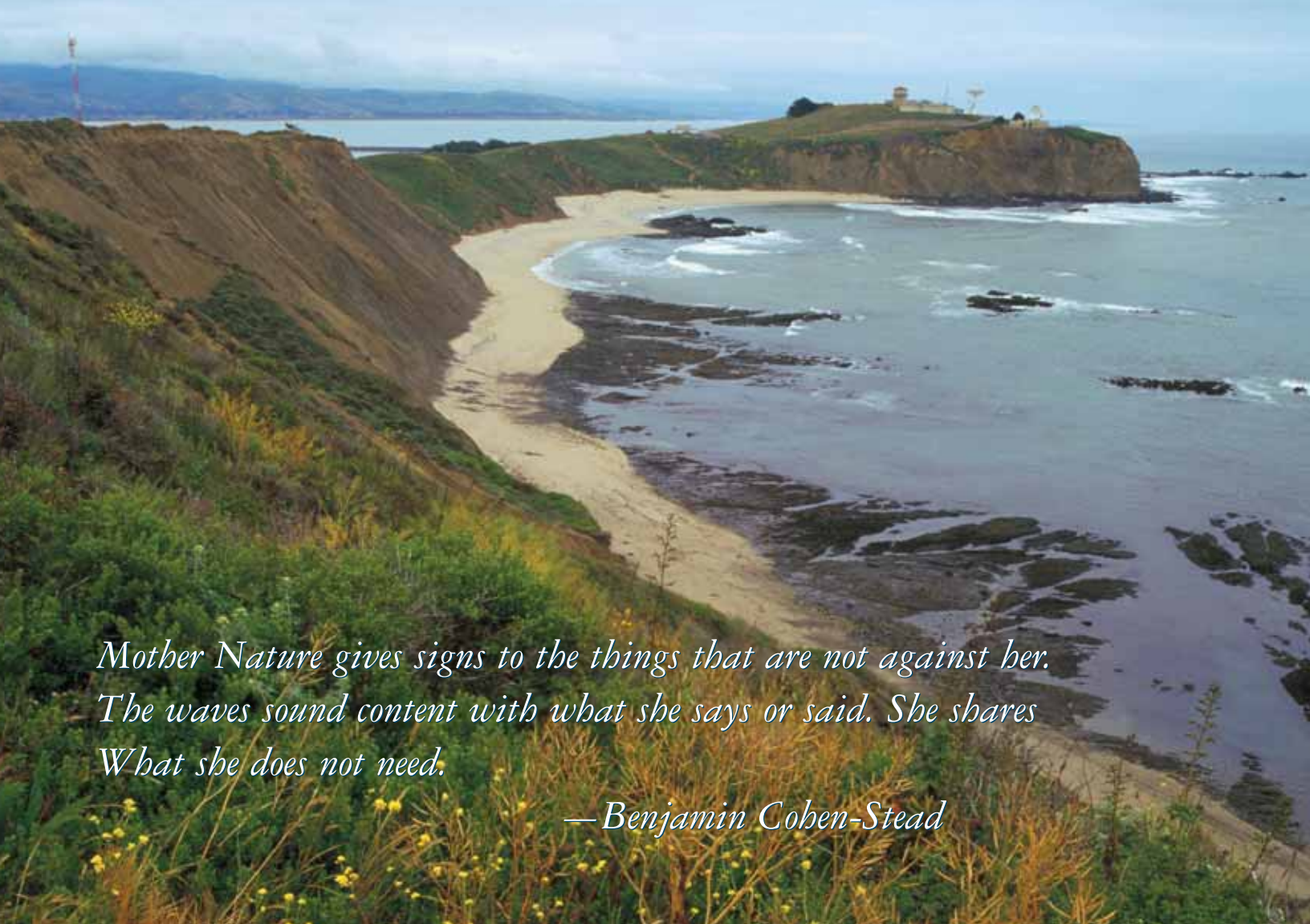
Tax-deductible gifts of cash or stock are some of the ways to make your annual gift to POST. For more information, please contact POST's Director of Development, Daphne Muehle, at dmuehle@openspacetrust.org or (650) 854-7696. ■

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*Mother Nature gives signs to the things that are not against her.
The waves sound content with what she says or said. She shares
What she does not need.*

—Benjamin Cohen-Stead

Above photo, Pillar Point Bluff ©2004 David Hibbard; front cover, Purisima Farms ©2005 William Matthias



LANDSCAPES
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