



*Our mission is to work with landowners through collaborative partnerships and with mutual support to conserve Louisiana's ecologically significant lands.*

## CONSERVATION SERVITUDES A PATH TO PROTECTION

### THE PURPOSE OF A CONSERVATION SERVITUDE

Our conservation servitudes are designed to protect in perpetuity the ecological values of private land as a public benefit while allowing for the personal enjoyment of that property by its owners.

### HOW CONSERVATION SERVITUDES WORK

Conservation servitudes are prepared in a detailed legal agreement that identifies the conservation values on a property, prescribes targeted restrictions on use and development that would threaten those conservation values and defines allowed uses that are consistent with their protection. The landowner and prospective servitude holder tailor servitude terms to protect the land's conservation values and meet the needs of the landowner. Each property has different conservation values just as each land owner has different needs; thus each conservation servitude is unique.

Once the terms and conditions have been agreed upon, the conservation servitude is deeded to the servitude holder, in this case *LA Dept. of Wildlife & Fisheries (LDWF)* and its *Natural Areas Program (LNAP)*, through a donation or purchase transaction. The landowner assumes the responsibility of management while continuing to enjoy the use and control of their property. The servitude holder assumes permanent legal responsibility of ensuring the protection of the identified conservation values by periodically monitoring the property and upholding the terms of the conservation servitude. The servitude terms and conditions become permanently bound to the property upon which they have been placed and persist, in perpetuity, even as ownership changes.

### OUR CONSERVATION OBJECTIVES

The Louisiana Natural Areas Program's ecological goals focus on protection and enhancement of habitat for wildlife species of conservation concern and existing populations of those species where they occur.

Areas being considered for natural area servitudes or preserves should be thoroughly evaluated using a number of criteria that consider quality and factors affecting long-term viability of natural heritage resources on the site including:

- The presence, population size and viability of rare species on the site
- The presence, number and quality of exemplary natural communities on the site
- The condition and size of the site, and whether these are adequate to meet the protection and viability needs of the species and natural communities present on the site
- The proximity of the site to other managed or protected areas
- The level of threats to the species and natural communities on the site
- The degree to which these species and communities are protected on other sites
- The financial costs of managing the site for species and community protection and long-term viability



### IDENTIFICATION OF CONSERVATION VALUES & BASELINE DOCUMENTATION

The above objectives guide the identification of specific conservation values to be delineated in the conservation servitude for the property. Each conservation value must be identified in the conservation servitude and further described in a *Baseline Documentation Report (BDR)* which is referred to by and accompanies the conservation servitude. LDWF produces the BDR based on site visits, interviews with those familiar with the property, and research. In addition to describing the conservation values, the BDR documents the present or baseline conditions on

the property at the time the conservation servitude is deeded. This includes landscape condition and all natural and human-made features as they relate to the terms of the conservation servitude.

### **DECLARATION OF LANDOWNER'S NEEDS AND RIGHTS**



The landowner's current uses and future plans for the property are important considerations when embarking on a conservation servitude deal. Once identified these needs can then be discussed and incorporated into the terms of the conservation servitude. LDWF recognizes that success of conservation relies also upon the landowner's ability to secure reasonable and sustainable use of their property. This use may include the continued working of the land (ie. – timber management), as well as, the right to enjoy the recreational and aesthetic opportunities that open space affords.

### **USE RESTRICTIONS**

The prospective grantee must recognize, however, that the deeding of a conservation servitude means relinquishing some rights in order to establish perpetual conservation security. Limits on future subdivision, development, and use of the property are therefore negotiated and drafted into the servitude document. These use restrictions will be in perpetuity.

### **SERVITUDE HOLDER RIGHTS**

When LDWF accepts the responsibility of a conservation servitude, it must have the ability to assess and protect the conservation values in which it has been entrusted. Certain rights of entrance, observation, enforcement and compensation are therefore reserved by LDWF in order to fulfill our obligations with regard to the conservation agreement.

### **STEWARDSHIP**

With each conservation servitude, both LDWF and the landowner take on the responsibility and obligation to protect the conservation values of the property. This protection is ensured by the ongoing stewardship of the land upon which those conservation values have been identified. While stewardship is ultimately the responsibility of the landowner, LDWF believes that the highest level of protection is achieved by cultivating a cooperative relationship with the landowner.



Working with LDWF has a distinct advantage not provided by many land trust organizations. Our agency has experts on hand to provide information and guidance in dealing with rare, threatened or endangered species and unique natural communities, wildlife habitat management, forest management, and management of aquatic resources. Natural Areas staff develop a management plan for each conservation servitude property and work with the landowner to define any restoration and/or enhancement needs for particular conservation values. LDWF annually monitors each property to ensure compliance with the terms of the conservation servitude. All of this is documented and compiled as part of the record for each servitude and provided to the landowner.

### **STEWARDSHIP ENDOWMENTS**

Fulfilling the legal obligations of a servitude holder and providing stewardship guidance requires significant staff time and other resources. For this reason, LDWF requests endowments to cover the costs associated with our monitoring and reporting responsibilities. The establishment of a stewardship endowment is an essential component in the conservation servitude development process thereby ensuring that resources necessary to protect the conservation values persist just as the responsibilities persist.

### **CONTACT US FOR MORE INFORMATION**

If you share our interest in protecting the unique and beautiful natural qualities of our region, please contact us at [naturalareas@wlf.louisiana.gov](mailto:naturalareas@wlf.louisiana.gov) for more information. We will be happy to arrange a time to discuss in more detail how conservation servitudes work and to determine how they may apply to your conservation goals.