

Legal Context for Forest Land Conservation

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Introduction

- Legal Theory
- Arrangements for small groups
- Arrangement for large groups
- Conclusion

Theory

- “Property” is what the law defines as property
- Property law developed by courts and legislatures
- Real Property conceived of as a bundle of rights as against others
- Legal system enforces these rights

Small Scale Arrangements

- Informal Agreement
 - fee simple ownership
 - oral agreement to limit development
 - separate forest management contracts
 - recreational license
 - liability insurance

Small Scale Arrangements

- Joint Agreement, Land Use Restrictions and Easements
 - joint contract with forester
 - real covenant or servitude
 - easement
 - liability insurance

Small Scale Arrangements

- Limited Liability Company
 - “pass through” entity for tax purposes
 - limited personal liability
 - operating agreement
 - articles of organization
 - lease lots to members
 - member manage forest land

Small Scale Arrangements

- Conservation Easement
 - perpetual and permanent restriction
 - can retain rights
 - tax benefits
 - identical easements

Large Scale Arrangement

- Conservancy District
 - taxing authority
 - “developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management”
 - formation
 - board of directors
 - district plan

Conclusion

- Define and enforce rights
- Variety of collaborative management arrangements
- Questions