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