

Easement Data in California:

Assessment and Guidelines for the California Conservation Easement Database (CCED)

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NOTE: This report was originally prepared by GreenInfo Network in 2014 as part of a two year program to improve data on California's protected open lands, supported with funds from the state's Strategic Growth Council. Updated December 2018.



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SUMMARY

This memo describes the context for the California Conservation Easement Database (CCED), the pros and cons of publishing easement data, and directions for future development of this data set.

Over 50 million acres of protected open space lands exist in California. While 49 million are in fee ownership, just over two million more are protected through conservation easements – legal protections that limit development while leaving a property in private ownership. Conservation and open space easements can be held by public agencies as well as nonprofits (land trusts and other organizations), and typically run in perpetuity, although some are time-limited.

Easement-protected open lands are spread throughout the state and their locations are often unknown to anyone other than the easement holders and landowners. Consequently, land use planning efforts by public agencies, conservation plans by nongovernmental organizations, or research by academic institutions can be at risk of incomplete views of the areas being considered and possibly poor decisions because of this – in addition to the inefficiencies of having to gather data from individual easement holders.

GreenInfo Network's CCED is based on these guidelines:

- The purpose of the database is to serve a wide range of users needing a compiled inventory primarily for a regional or statewide planning or analysis
- GIS data in CCED is drawn from authoritative sources: agencies owning easements, reports/data from agencies that fund easements, and other credible compilations by agencies or organizations – this data is used as is, with no boundary adjustments and using holding titles from sources.
- CCED data is released with guidance to show most easements as privately owned lands inaccessible to the public (unless affirmative knowledge to the contrary), and without showing any owner names, except when they may be indicated in source data's holding titles. CCED should not be used for legal or regulatory property determinations.

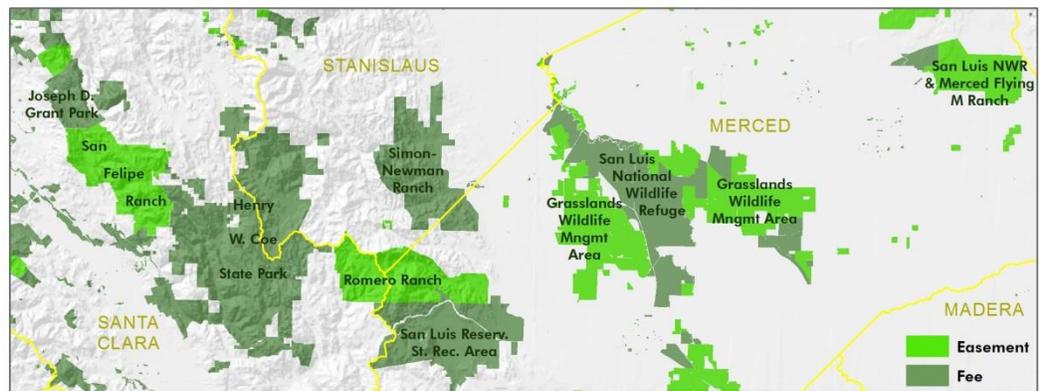
CCED now contains data from over 220 agencies/organizations, up from 100 when the data set was first published in 2014. During those past four years, there have been no issues raised in having easement data available for public use. State funding received by GreenInfo in 2018 has enabled ongoing updating of CCED, as least until 2020.

I. INTRODUCTION

There are over 50 million acres of protected open space lands in California. While 49 million are in fee ownership, just over two million more are protected through **conservation easements** – legal protections that limit development while leaving a property in (usually) private ownership. Conservation and open space easements can be held by public agencies as well as nonprofits (land trusts and other organizations), and typically run in perpetuity, although some are time-limited.

Although easements account for less than five percent of California lands in a protected status, they are critical to conserving a robust and evolving landscape. Easements provide not only conservation but also flexibility and cost-efficiency, and the process of securing easements can help build and strengthen rural communities.

When it comes to knowing where easements are, there is increasingly better available spatial data on easements. This is a change from 2014 when we first assessed this and good news for planners, land managers, researchers and others. In the image below, the protected landscape shows a mix of fee and easement lands – to the extent we don't know where easements are, or have access to that GIS data, land protection efforts risk being poorly targeted. The good news is, with CCED, we can see landscapes like this more completely than ever before:



Fee-owned protected lands throughout California have been comprehensively inventoried in the California Protected Areas Database (CPAD) since 2010. CPAD details parks and open space lands owned by over 1,000 public agencies and land trusts. The proven success of CPAD's tracking of fee lands is evident by its heavy use by government, businesses, universities, and non-governmental agencies in California.

But how does this picture look for easements? What spatial data is available? What obstacles are in the way of maintaining a complete inventory? What guidelines are needed to address any privacy concerns? This report reviews the issues, needs and nature of **the California Conservation Easement Database (CCED)**. CCED was first developed by GreenInfo Network in 2014 and is now maintained along with CPAD for broad public use.

II. EASEMENTS AND EASEMENT DATA IN CALIFORNIA

The following general strategies are being used in California to establish protected area easements:

- The right to restrict a property's uses to open space (such as natural habitat, farming, or forestry) is acquired through purchase or voluntary dedication of an easement. These easements are typically owned by state or federal agencies, or nonprofit land trust.
- Easements can be secured through habitat conservation planning processes (HCPs, including the NCCPs, or Natural Communities Conservation Plans), where easements are acquired in defined conservation areas from those seeking to build in defined development areas. These easements are normally transferred to public agencies or land trusts, and often come through dedications rather than purchase.
- Many local governments require the dedication of open space easements as a condition of residential or other development, with many of these easements held by home owner associations, or even developers. The lands under such easements are often the "open space areas" of condominium developments, or open space areas threading through and around developments of any type.

The History of Efforts to Collect Easement Data

There have been two major efforts to collect easement data in California, not including the recent National Conservation Easement Database, is described in the next section. The first of those was the Public Conservation Trust Lands Easement (PCTLE) data effort in the 2005, which was created along with the PCTL fee lands data set, a forerunner to CPAD. PCTLE was an internal Resources Agency data product and never distributed publically.

In the early 2000s, GreenInfo Network began to maintain easement data for the Bay Area, in collaboration with the Bay Area Open Space Council. This GIS data was frequently displayed on maps at public events and in 2010 was broadly distributed by the Council as part of the Bay Area Protected Area Database (BPAD), with updates nearly every year.

In the late 1990s, GreenInfo began assembling a statewide easement database for internal use in. This data work was initially supported through a program of the Resources Legacy Fund (RLF) to support open space preservation in the state, but the easement data was never fully developed into a robust statewide product. It was used to assist those trying to identify appropriate sites for fee and easement purchases.

During 2012-2014, funding from the California Strategic Growth Council enabled GreenInfo Network to develop the initial easement inventory for California, the California Conservation Easement Database (CCED). As of 2018, renewed state funding has been made available for more sustained work on CCED.

III. NATIONAL INVENTORY OF EASEMENTS - NCED

Since 2010, a consortium of non-governmental organizations have maintained the national inventory of conservation easements. Formed as the [National Conservation Easement Database](#) (NCED), Ducks Unlimited and the Trust for Public Land (with Defenders of Wildlife, Conservation Biology Institute, and NatureServe) have developed this GIS inventory of available information on easements. Public agency easements as well as land trusts and related groups' holdings are included. NCED is mainly funded by foundations, with additional support from federal agencies.

Parallel to NCED is the [USGS Protected Areas Database of the U.S.](#) (PAD-US), which aggregates fee owned lands, similar to CPAD (NCED is therefore analogous to the California Conservation Easement Database), and then integrates NCED directly into the final PAD-US product.

NCED estimates that in 2018 it has inventoried approximately 50% of the total of 50 million+ acres under easement in the U.S. More information on NCED is at: www.conservationaleasement.us.

The NCED data set is a voluntary contribution of data from hundreds of sources (mostly land trusts but also public agencies), with contributors able to limit certain aspects of what data is available. From the NCED website:

The National Conservation Easement Database (NCED) does not contain any identifying information about landowners. Only publicly available information from land records and basic statistics is included, such as the easement boundary, purpose and holder. In addition, for special instances in which a land trust requests concealing the exact location of an easement, we will not display the location on the map and will withhold the location from downloads. For these easements, all other descriptive information is available for data reports, along with information on all the other easements, through the primary web site – the National Conservation Easement Portal on the Conservation Registry. To illustrate, if there are five easements in a county and two of these easements have requested privacy, only the three non-sensitive easements is shown on the map, while the data reports will summarize all five easements.

Use of the data is shaped by this overall policy:

Users of several public web sites are able to view, analyze, and download data. The main access point for the easement data – the National Conservation Easement Portal – allows public users to view non-sensitive easements on a map and access accompanying information, while also providing the interactive ability to search and create reports. Additional websites, including LandScope America, Conservation Registry, Protected Areas Database of the U.S. (PAD-US CBI Edition), Data Basin, and the Conservation and Recreation Lands system, will include the non-sensitive easement data, letting users view information about

easements in context with information about biodiversity and other natural resources. Partners have direct access to the easement database for internal analyses that support decisions in the course of their respective conservation missions. Any published reports or other documents that rely on internal analyses will not include information on any sensitive easement locations.

It should be noted that, as a nonprofit-run organization, NCED is not subject to public record requests.

NCED DATA STRUCTURE

The NCED data model is related to the PAD-US data model but has a number of different fields to meet the requirements for easements (including beginning/end date of easement, type of easement, etc.). More details are in the NCED metadata.

NCED data is accepted “as-is”, with no geometry adjustments, unless they are done in coordination with the easement holding organization.

NCED IN CALIFORNIA

GreenInfo Network has cooperated closely with NCED and assisted in developing data for its releases, using their protocols and data structure. The California Conservation Easement Database is the California element of NCED.

IV. CONCERNS AND CONTEXT FOR EASEMENT DATA

The California Conservation Easement Database has two overall characteristics:

- Its database **structure** is compatible with the structure of NCED and PAD-US; and,
- It assembles **GIS polygon data** that covers most conservation easements in the state, although spatial accuracy of this GIS data varies and there is one major gap in data due to one nonprofit's approach.

CONCERNS ABOUT EASEMENT DATA VISIBILITY AND SHARING

Unlike with CPAD (fee-owned lands), there are a range of views about making easement data available. The main concerns to making available easement data are:

- Trespass – if easement data is mapped, there will be land owner concerns about people using it to go onto their property and cause damage or incur injury adjudicable through litigation. No published evidence exists of this being an actual problem in states that already make this data available, mostly via web portals, or in California.
- Perception – some land owners who sell or donate conservation easements wish this information to not be public, out of concern for perceptions by neighbors or others about their political views, their personal benefits, or how such a decision might affect nearby property choices.
- Broader Perceptions – in some rural areas, political volatility around public-private relationships can be fostered with the idea of easement data being public, particularly when it concerns ranching or farm property. These pressures may not be easily susceptible to facts about the public nature of easements or the lack of data showing any problems with the availability of this information. For some land trusts, these concerns can pose significant challenges to overall land trust programs and outreach.
- Privacy - many rural landowners wish to limit their exposure to the public eye and may feel that an easement database would simply be another avenue for reducing personal privacy. It should be noted that, particularly in cities, property ownership records are extremely public, both through assessors' data portals (which allow searching for parcels anywhere, rural or urban) and more significantly through web sites like Zillow.com, which have extensive information on virtually all urban and many rural parcels). Finally, it should be noted that there are at least three national companies who compile and resell for high prices parcel data for every county in the U.S. for which it is available –

this data includes owner name and almost all collected information on any property, including its tax and improvement records, resales, etc. These companies acquire this ownership data through purchase – which means the only difference in whether owner names are available is if you can pay to get that information.

- Disclosure Agreements – some agencies and land trusts may have contracts or other agreements governing easements that limit disclosure of information about the easement, potentially including its exact location/boundaries and other information. As noted below, these conflict directly with public records procedures – it is unclear how this would be resolved in an actual test of whether such agreements can override public records data laws.

THE CASE FOR EASEMENT DATA VISIBILITY

Conservation easements are almost always forever – while some are time restricted (e.g., some NRCS easements), most are in perpetuity. This means that the public value that enabled the easement must be sustained, literally forever. This core fact about easements drives a need to know where they are and who holds them – and underscores the value of having GIS data available on their location. The general issues of perpetuity, monitoring and long term stewardship are part of ongoing and complicated consideration and debate in the easement community, particularly among land trusts – related to but much broader than the narrower question of GIS data on easements.

Broadly, no data on boundaries or other attributes of easements is private – easements must be recorded on deed instruments and filed in public records offices, subject to title search and other review. Anyone can, with effort, locate this data and use it to whatever legal purpose they desire.

In practice, however, gathering easement GIS data this way is challenging – it first requires finding which properties have easements, and then translating paper documents into digital map boundaries, where that data does not already exist

In California, easements are recorded in County Recorder offices. Since 2002, Recorders have been required by state law to make lists of easements available:

[Government Code 27255](#): (a) The county recorder in each county shall develop and maintain, within the existing indexing system, a comprehensive index of conservation easements and Notice of Conservation Easement on land within that county. The conservation easement index developed and maintained pursuant to this subdivision shall include all conservation easements recorded on and after January 1, 2002.

However, in practice, it appears that not many county recorders do this and there appears to be little enforcement of the requirement. Further complicating this is that many easements are recorded with names other than “conservation easement” – e.g., “easement agreement”, or “agricultural easement”, etc. These alternative names

apparently prevent proper tracking of easements, although if easement holders transmitted the parcels that were under conservation easement to the Record, bulk changes could be made to their records to indicate them as “Conservation Easements” (communication from Napa County Recorder, 10/15/13).

However, non-compliance with a legal requirement does not mean that it disappears from discussion about easement data availability. If county recorders’ offices maintained these indexes (which must include assessor parcel numbers), creating GIS data from parcel layers would be straightforward and certainly was understood as a desired use when the state law was passed.

See the Appendix of this document for more information about this requirement.

A second requirement to track easements in California came in 2006, with the establishment of the California Conservation Easement Registry (<http://easements.resources.ca.gov/>). This registry tracks those easements acquired with State funds after 2000, but its establishing law was amended to specifically bar tracking specific location of these easements. Since then, however, as noted below – most of these easements’ locations have been made publicly visible in their funding processes. As of 2018, it is unclear whether the registry is being updated.

Most of the organizations and agencies involved in developing and using protected areas data share a strong agreement that such data should generally not recite the names and other personal information of property owners, even if such data is readily available, as noted above. Similarly, there is universal agreement that lands under easement should be presumed to have no public access and that fact should be noted prominently in any use of this data.

Given all this, there are a number of key arguments for making easement GIS data accessible:

- Data on easements are a matter of public record, as easement documents are filed with County clerks/recorders and easements are a function of public support (tax status of land trusts, deductibility of donations, sometime use of public funds, etc.).
- Conservation easements secured both for the value of the individual property protected and for the mosaic of protected lands that individual easements usually contribute to – a land mosaic that almost always needs to be visible to be planned and implemented. The permanent nature of most all easements greatly magnifies this importance of visibility to public processes.
- Given budget and related challenges for both public agencies and land trusts, ensuring that the public value (tax credits/offsets, funds directly expended) of any easement is secured for the term (often forever) of an easement challenging. Transparency of easement data – in this case core information about location and easement holder - helps safeguard against the possibility of institutional instability or inattention leading to an erosion of public trust and purpose. As mentioned above, easement data can easily remain hidden from view if left solely to individual easement owning organizations.

- Public planning and decision processes that need conservation easement GIS data cannot practically research this through parcel by parcel title search. Similarly, because there are so many and varied public planning and land use decision processes needing this data in any area, preparing this information de novo each time is hugely inefficient and creates the potential for costly mistakes if key easement holdings are missed or unknown.
- Similarly, any individual public agency or organization that holds back easement data creates a highly inefficient framework for those seeking to use that data. There are over 200 easement-holding organizations in California and collecting relevant data from even a fraction of them every time it is needed by any agency or organization is simply unrealistic, and costly to public processes in any case. Related to this are rationales about a composite statewide easement data set not being completely up to date – while this is always true of most data aggregations, it does not moot the value of such data for planning purposes (very local data for project siting approval are a different matter, but those are not foreseen as a major use of CCED) – taken to its logical extent, this argument would preclude any aggregate data of any sort.
- Any easement purchased entirely or in part with public funding in California (and elsewhere) is subject to public records laws, and documents with explicit data on easement location(s) are always part of public records provided in such public funding approval processes. For example, California Wildlife Conservation board staff reports show detailed maps of proposed easement acquisitions and often have detailed data about those acquisitions, all posted on the agency’s web site in full public view.
- Many land trusts and public agencies print and display maps of showing the boundaries parcels they have protected via easements – these are often displayed on web sites, at conferences and in brochures and other publicly-distributed materials (one particular public agency example is the California Farmland Conservancy Program which publishes online reports showing exactly mapped boundaries of its funded easements as well as a spreadsheet of each, often showing partial owner names).
- Prominent site markers or signs are often posted on land trust-held easement properties and appear to have not created trespass or other inappropriate use issues. Two of the major funding sources for easements (and fee lands) in California have been Propositions 12 (2000) and 84 (2006), both of which have requirements that all acquisitions of fee and or easement lands (and other projects) have posted signs on-site - e.g., Prop. 12: *5096.309. Pursuant to guidelines issued by the secretary, all recipients of funding pursuant to this chapter shall post signs acknowledging the source of the funds.*

- Many large land trusts and related nonprofits already make available GIS data on easement property boundaries, with no known problems. In the Bay Area, the Bay Area Protected Areas Database has been published to hundreds of users over the past ten years and contains GIS data on all easement lands in the region, with no reported problems of use.
- For land trusts, public trust and confidence is vital. Aggregations of land trust easement data such as CCED help protect against erosion of this trust, by:
 - a) enabling public agency audits and oversight
 - b) providing crucial information to public planning and decision processes that could make expensive errors without the data
 - c) protecting against the consequences of land trust dissolutions or serious losses of operational effectiveness.
- While there are definitely real concerns about **perceptions** of easement data availability by landowners, neighbors, and others in an area, most of these circle back to public access, which has been dealt with in many parts of both California and the U.S. as noted above (i.e., clear use of data showing “no access”), and to a sense of privacy (concerns about neighbors knowing, concerns about feeling subject to public scrutiny). For public agency easements, these issues are transcended by the fact that specific location data about easements are already widely available without evidence of any significant trespass issues, and by the needs and benefits of such data being available for public processes, with proper data use protections (access, owner names, etc.). While some may claim privacy rights when it comes to making available easement information, this is simply not the case legally or in practice, particularly for those funded with public resources.

Finally, and perhaps most significantly:

- GIS data on many public agency and even nonprofit-held easements over private property in California **are already widely available** to GIS users as data downloads and in publicly available, online map applications that have been online for years – all without any reported issues or concerns, other occasional corrections for factual accuracy.
- GIS data on easements over private lands in **other states** held by public agencies are widely available – again, with no evidence of issues for this data being public.

Both of these points are described in more detail in the following section.

V. EASEMENT DATA POLICY AND PRACTICES

PUBLIC AGENCIES IN CALIFORNIA: Federal agencies make easement GIS data available without restriction, mainly the Natural Resources Conservation Service and the U.S. Fish & Wildlife Service, which hold the vast majority of federally easements in the state.

Among **state** agencies, by far the largest easement holder is the California Department of Fish & Wildlife (CDFW). CDFW as of 2017 has made all of this easement data available to CCED.

The California Wildlife Conservation Board (WCB), the land purchasing body for many state acquisition programs) has since at least 2005 maintained an online GIS database of all funded easement (and fee) acquisitions, WCB acquisitions are well-documented in publicly available staff reports and presentations prior to each WCB board meeting, including precise maps of property locations and names and other pertinent information on property owners.

The Department of Water Resources also holds easements on floodways in California. GreenInfo Network has not been able to secure their data for the CCED inventory, and their lands are also not in the WCB database.

While other state agencies (Parks, Forests) hold nominal amounts of land under easement, the dozen or so state land conservancies do hold considerable acreage under easement. These agencies generally make this data available, although the completeness and accuracy of the data may vary by agency.

CALIFORNIA NONPROFIT ORGANIZATIONS: In the San Francisco Bay Area, many land trusts and related non-governmental groups have contributed GIS data to the Bay Area Open Space Council which then publishes it as part of the Bay Area Protected Areas Database (BPAD). This data has been made available for download and has been used extensively in mapping (both print/display and some online use). While there was initially some resistance by several land trusts when the data program began in the early mid-2000s, this has long-since ceased to be an issue and members support having this data available. There have been no reported issues of data misuse to the Council during the eight years it has been in use.

The Nature Conservancy, the third largest easement holder in the state, has had an open data policy on its easement GIS data for at least ten years, with no reported issues or concerns.

The largest easement holder in the state is the California Rangeland Trust (CRT), with over 300,000 acres under easement as of 2018. CRT has chosen to not to submit its data to the CCED statewide inventory, citing concerns held by those it works with – primarily owners of rangeland – about possible trespass incitement, a feeling of easement information being private, and some broader views about property rights, public agencies and political perspectives. The complications of such issues for an organization like CRT are understandable but must also be balanced by the broader issues of public data described earlier – particularly the lack of any documented misuse of such data

when it has been available in California or elsewhere in the U.S. Not having all CRT data in CCED is a major shortcoming for the database, given the size of CRT's holdings. CCED inventories approximately two-thirds of CRT's holdings inventoried – mostly from incorporating the Wildlife Conservation Board's report data for state-funded CRT acquisitions. The other CRT holdings are funded by sources not subject to public records requests.

EASEMENT DATA PRACTICES IN OTHER STATES

The following is a summary of selected GIS easement data practices in other states, as well as by NCED generally. Information on practices in states is limited to summaries and some case studies in other publications, as well as a contemporary review of featured agency web sites.

The dominant conclusion from this general review of other states is that there are extensive official GIS databases of parcel specific, private land easements that are available for download and use throughout the United States. For public agencies, there appear to be few that do **not** make easement data available. For nonprofit land trusts, the situation appears more mixed, though many of those states reviewed do indeed aggregate parcel level information on private land easements and publish it in their data sets.

NCED (see easement mapping at: <http://www.conservationaleasement.us>) can be used to ascertain that very large amounts of the estimated national total of 50 million acres of private land under easement have detailed, parcel level GIS data available with only minor restrictions on use (e.g., no owner name, no public access unless explicitly indicated).

Summaries of Selected States' Easement Data Practices

Virginia - GIS data on over 3,500 conservation easements (over 675,000 acres) for the state-run Virginia Outdoors Foundation is posted online in a web map application (vanhde.org/content/map) that allows site level views of private property lines (over street and air photo base maps), along with general attributes. More generally: "Virginia's conservation easement enabling statute mandates that any holder conveying a conservation easement recorded after July 1, 1988, must send certified copies of the easement by certified mail to the local jurisdiction, the Attorney General of the Commonwealth, the Virginia Outdoors Foundation, and to any public body named in the conservation easement itself. The same procedure must be followed for instruments creating a conservation easement" (page 72, Olmsted, "The Invisible Forest")

Colorado: Data on protected lands (fee and easement) are managed by the Colorado State University COMaP (Colorado Ownership, Management and Protection) project - comap.cnhp.colostate.edu/. COMaP makes its data available to dues-paying partners and by special request.

Florida – Conserved lands data including easements held by land trusts as well as public agencies are managed by the Florida Natural Areas Inventory program (program site: fnai.org/conservationlands.cfm). Parcel specific GIS data is available for download and a web map with detailed property views is here: www.fnai.org/webmaps/ConLandsMap/

Maryland – Parcel-accurate conservation easement data, including private landowner easements, are available from the Maryland Department of Natural Resources (data.maryland.gov/Energy-and-Environment/Statewide-DNR-Lands-and-Conservation-Easements/a2re-52as). In addition, a state web mapping system allowing detailed views of easement properties is here (turn on Protected Areas layer): gisapps.dnr.state.md.us/MERLIN/index.html

Massachusetts – The statewide GIS program, MassGIS, maintains a detailed, parcel scale, downloadable database here: Data described and available at: www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/osp.html

(From *Morris and Rissman*, see appendix: “In fact, in Massachusetts, where the Division of Conservation Services maintains a publicly accessible map with statewide conservation easements, GIS staff have not received any complaints from landowners about public intrusions resulting from their properties’ inclusion on maps of protected land.” pages 1267-68)

Minnesota – State funded easements (the Reinvest in Minnesota, or RIM, managed by the state’s Board of Water and Soils resources) are described here: bwsr.state.mn.us/easements/ and mapped online with detailed property polygons at: www.arcgis.com/apps/Viewer/index.html?appid=604bb518cf07479f952a2c64afb0cb09

Montana – Montana requires that all land trusts and public agencies provide to the State Library (which maintains the state’s GIS data) information on the location of all acquired conservation easements. This data is provided to the state’s Natural Heritage Program and it is made available for public viewing and data download without restriction, with option to show overlaying parcel data (including owner names) (mslservices.mt.gov/Geographic_Information/Applications/DigitalAtlas/)

VI. GUIDELINES FOR EASEMENT DATA DEVELOPMENT & RELEASE

Based on the range of needs and concerns noted above, the following are the guidelines that are followed by GreenInfo Network in meeting California's need for a statewide GIS inventory of conservation easements.

CCED OBJECTIVES

The California Conservation Easement Database (CCED) together with the California Protected Areas Database (CPAD – fee-owned lands), provides a GIS data resource supporting a wide range of statewide and regional planning and analyses, and a collaborative framework to encourage data sharing among hundreds of agencies and organizations.

The intent of CCED is to provide a single source for aggregation of California's easement data, replacing the frequent ad hoc inventories done for particular regions or studies. Information on CCED's availability will be distributed to appropriate agencies, organizations and others to encourage use and stewardship of this data set. CCED is also the California contribution to the National Conservation Easement Database, which in turn is contributed as-is to be the easement element of the nationwide USGS Protected Areas Database of the U.S.

CCED is not a replacement for source agency data – it is a general guide to the presence and approximate boundary location of conservation easements. The currency of CCED depends on the funding resources available to support it – users requiring the most current information must always contact source agencies.

DATA INCLUDED IN CCED

1. Easement GIS data is included in CCED when it is available from an authoritative source. Authoritative sources are those public agencies or other organizations that hold legal title to a conservation or other relevant easement, or those agencies that make public such data as a result of their role in funding the purchase of easements. In addition, data from other compilations is used, where those sources have published it for a significant period of time.
2. CCED uses the source agency's title for the easement holding as is, without modification. Aside from what might be noted in holding titles from the data source, CCED does not include any data about the name or street address of any private property owner.
3. All easement holdings inventoried are presumed to be closed to public access unless affirmatively indicated as open or restricted (permit required or limited operating hours) by the source agency.

4. While the long term objective of CCED is to be aligned to county ownership boundaries, the data set uses the geometry provided by the source agency or organization without modification. This may result in some overlaps and other alignment issues, which may be addressed in the future, as resources and access to county parcel data allow.
5. Holdings with multiple easement holders will be shown to the extent feasible – over time, technical approaches may be developed as to how best to address easements held by more than one agency or organization over the same property.

DATA USE GUIDELINES

1. CCED is made available for download as a GIS file and its use is clearly noted as subject to user compliance with conditions attached in the CCED Database Manual.
2. CCED data is provided to users “as is” with a full disclaimer to this effect.
3. CCED data is not suitable for any decisions regarding legal determinations of property location or status – users will always be directed to the easement holding agency or organization for such information, or to the appropriate county recorder’s office.
4. Any mapped display of CCED data shall clearly and prominently indicate that these lands are private property and are not open to any public access. The only exception to this condition is when an easement-protected property is affirmatively noted to be open for public use – this status is shown in the CCED “access” field.

FUTURE STEPS FOR CCED

- Maintain funding for ongoing maintenance and improvement of CCED, including once or twice yearly updates and outreach to expand use of data
- Continue development of data sharing options and protocols with key agencies and organizations, especially those with over 10,000 acres in easement holdings
- Expand CCED inventory to include smaller land trusts and agencies not currently accounted for
- Expand CCED inventory to include city and county easement lands
- Address issues of boundary alignment to parcels – work with selected agencies and organizations to define best practices
- Consider development of an online tool for reporting easement data additions and corrections for CCED

APPENDICES

REFERENCES

In the memo above, reference is made to three particular documents which are the primary reviews available of policies and practices on easements and easement geographic data – there do not appear to be new studies since 2015:

- Morris, A. W. (2009). *The Changing Landscape of Conservation Easements: Public Accountability & Evolving Oversight*. (Doctoral dissertation). University of California, Santa Cruz.
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INFORMATION ON CALIFORNIA EASEMENT DATA TRACKING REQUIREMENT

Further information California requirement for tracking easements at the county level:

Excerpts from *Amy Wilson Morris & Adena R. Rissman, Public Access to Information on Private Land Conservation: Tracking Conservation Easements, 2009 WIS.L. REV. 1237 (2009)*:

The requirement that county recorders maintain indexes of conservation easements was signed into law in October 2001. The law is intended to help identify conservation easements at the county level by standardizing the ways that conservation easements are tracked by recorders. (Page 1260)

The language in the final county-indexing law notes that to require indexing by recorders, a conservation easement must be “properly labeled” or a separate “Notice of Conservation Easement” must also be recorded. Fees for the indexing are supposed to be included with the recording fee for the document. The law does not require indexing of conservation easements recorded before 2002. However, it states that conservation easements created through California’s open-space and agricultural-easement laws should be indexed along with those created under the state’s conservation easement enabling statute. (Page 1261)

Page 1260 on:

From fall 2007 through summer 2008, we conducted interviews with supervisors from the recorders offices in all fifty-eight California counties. We found that 29 percent of counties (seventeen) had no separate indexing code for conservation easements, and thus no way to generate a list of the county's (post-2001) recorded easements... We also found that there was no way to search land records online for 43 percent of counties (twenty-five counties).

Currently, even searching land records county by county would not provide a full listing of conservation easements. We found that almost one-half of counties do not have records online. Nearly one-third are not indexing conservation easements at all, despite the legal requirement to index since 2001. Most counties are mis-coding some conservation easements, and most conservation easement indexes only include properly labeled conservation easements recorded after 2001. Additionally, land records provide no information about the public's financial investment.