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Treasured land is protected*How owners can save precious acres for all time*

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By ANNE PAINÉ
Staff Writer
 Metro's 1,500-acre Beaman Park — now 10 years old — is one of several large blocks of stream-faced, forested Midstate land that individuals and corporations have put into public hands over the years.

The donations have come as other ecologically significant or scenic lands have been sold to the highest bidder.

In a gathering movement, many individuals are taking the high road and setting aside their own property in land trusts.

That can include giving or buying the land for the public — as the late Sally Beaman did in her husband's honor — or the increasingly popular route of donating an easement to the state or to a land trust that limits development.

Land encumbered with a conservation easement can have lower taxes and still be

sold or passed down to children.

While some agreements don't allow public access, the protection can act as part of a remedy to sprawl, helping a community keep its "identity" in terms of ecological, historical, and cultural character.

Such moves also fit in with efforts statewide to hold onto scenic countrysides, maintain cleaner water and air and provide recreation along with habitat that migratory songbirds and sensitive species need to survive.

An enhanced tax incentive Congress approved last summer has increased public interest in donating conservation easements as of late.

The law, which allows donors of the easements a larger tax deduction than other capital gifts in 2006 and 2007, is set to expire at the end of this year — but advocates want it extended.

The tax incentive is only a slice of the appeal.

"Part of my motivation was nostalgic," said John Porter of Columbia, who donated a conservation easement on his family's 110-acre farm.

"Also, I sensed that if we don't do something to conserve open space in Maury County, we're not going to have much of it one day."

A family affair

The farm, which has been in the family for about 70 years, touches the Duck River.

Half is in river bottom, with ducks and the occasional bald eagle passing through. A rich variety of mussels that still flourish in the Duck — unlike many of the state's rivers — can be seen from gravel bars just off the farmland.

Corn or soybeans are planted on the other half each year.

No drugstore, condo or fast food restaurant will ever sprout here under the legally binding document Porter signed in 2006 with the Land Trust for Tennessee.

It stipulates that no more than two houses can ever stand on the property. A cabin there now could be removed and another built as one of those two.

Porter's two sons agreed with the decision, which was a "family affair," said the retired owner of an industrial distribution business.

"We seem to have trouble in our part of the country with planning to conserve open space," the Columbia resident said.

"These conservation agreements are a way an individual can do it without asking permission: I didn't have to get any government approval to do this."

"This is a way that an individual can make a difference."

Protecting forever

Mary Ann Sugg spent years being bombarded by callers wanting to buy and develop 200-acre farm at the corner of Hillsboro Road and Murray Lane that she and her brother own.

Putting a conservation easement on the land in 2001 took care of that, she said.

Though she's sorry the enhanced tax incentive wasn't in place at the time, she's never regretted the decision.

"Since the part on the Hillsboro Road side is — I started to say 'ruined anyway,'" she said, changing it to "impinged upon anyway" — it can have a limited amount of residences."

Only six houses can be built on 30 acres near Hillsboro Road, under the easement stipulations.

The other 170 acres that run along a tree-covered ridge can have no development, with the exception of a nature center for Owl's Hill Nature Sanctuary.

Sugg's plan is someday to leave the larger section to the adjoining sanctuary, a 160-acre green space where nature walks and workshops are held.

Last Thursday, deep green cedars stood over the land and quiet reigned, except for the light rustle of last fall's oak leaves still clinging to dormant branches.

Generations later will be able to see and hear the same, with the land trust owning the easement.

"We feel like we've put it in good hands," said Sugg, a retired social worker who worked for 20 years in New York City before returning to her roots here.

"I suppose something could happen 150 to 200 years from now that could change things, but that's not anticipated."

"As far as we can do so, it protects the land forever."

'A knock on the door'

Cutsbacks in funding for conservation as federal programs dry up have resulted in more public-private partnerships.

Tennessee is among states that have issued bonds for matching funds for land and the less costly easement buys.

It has also set up a trust fund under Gov. Phil Bredesen, who started the private, nonprofit Land Trust for Tennessee before taking office.

The point is to tread easy on the environment, even while the population grows, officials say.

"We need to plan for open space — plan for conservation in the same way we plan for development," said Jeanie Nelson, land trust executive director.

The Nature Conservancy in Tennessee is among the private nonprofits that work with the state and others acquiring easements as well as land.

The Nature Conservancy focuses on large, biologically important pieces, leveraging money from foundations and the government when a purchase is the only way to save them.

"We wait for those folks to drop down from the skies who will give us 10,000 acres," said The Nature Conservancy's Gabby Call in Nashville.

The 21,453-acre Walls of Jericho, spreading from Franklin County into Alabama, was sought for its extensive native hardwood forests and streams that harbor rare species, including the pale lipillip mussel, which is found nowhere else in the world.

The sale price in 2004 to the conservancy was \$13.9 million.

It's open to the public today for hiking, horseback riding and birding, among many activities.

Another group, the Tennessee Parks and Greenways Foundation, recently accepted a gift of a 200-acre easement on land next to Hawkins Cover Natural Area near Sewanee.

"It's just there for the birds and bees now," said Kathleen Williams, executive director.

"We got a knock on the door. We don't have to go out and find money to buy it and get a land manager."

Ninety acres with the 75-foot Stillhouse Hollow Falls was bought last year for \$130,000 in grants and donations and turned over to the state for \$97,500.

"For \$100,000, we basically opened a park," she said.

Saving for the future

When his mother died, Bob Neal of Murfreesboro followed her wishes and put 500 acres she owned in Bradley County near Cleveland into conservation.

He went from group to group in search of the right fit before finding the Tennessee Parks and Greenways Foundation.

He wanted it to be open to the public for hiking, which his parents loved, birdwatching and also, during season, hunting.

The foundation accepted the gift and took care of the red tape in turning it over to the Tennessee Wildlife Resources Agency.

He didn't have second thoughts about the donation.

"How many things do you do in your life that are really going to make a lot of difference 80 or more years from now?" he said.

"For most of us, there are not a lot. That's something that will still be sitting there in 100 years. It makes you feel good that you had a hand in making something like that come to pass."



Nashville Lee Beaman kneels next to Henry Creek at Beaman Park. The land for Beaman park was donated by his family. (LAVONDIA MAJORS / THE TENNESSEAN)



Mary Ann Sugg stands next to one of three horses on the land off Murray Lane in Brentwood. She donated 208 acres to the Land Trust for Tennessee so that the land will remain in its natural state. (JAE S. LEE / THE TENNESSEAN)



A 75-foot waterfall at Stillhouse Hollow Falls in Maury County. (JAE S. LEE / THE TENNESSEAN)

RELATED MEDIA

■ **Graphic:** The land: Beaman Park

DEDUCTIONS FOR LAND DONATIONS

A charitable donation of land can bring a deduction for an individual's federal income taxes of up to 30 percent of the fair market value of the land.

Congress approved an expansion last summer of the federal tax incentive for conservation easement donations. The expansion is set to expire at the end of this year.

THE LAW

Reads the deduction a landowner can take for giving a conservation easement from 30 percent of their income in any year to 50 percent.

Allows qualifying farmers, ranchers and forest landowners to deduct 100 percent of their income.

Lets the landowner take the tax deduction over 15 years rather than five.

Check with a professional tax adviser for details.

WHAT IS A CONSERVATION EASEMENT?

A conservation easement is a legal agreement between a landowner and a conservation organization that limits uses of the land permanently in order to protect its conservation values.

A person can continue to own or use the land and also sell it or pass it on to heirs.

Rights that might be given up include constructing new buildings on the land.

Future owners are also bound by the easement's terms, with the land trust responsible for seeing that the terms are followed.

An easement may apply to just a part of the property and need not require public access.

SOURCE: Land Trust Alliance

ACRES SAVED

Acres conserved by local, state and national land trusts increased significantly after the tax incentive was created, according to the Land Trust Alliance, an umbrella group.

The group's report, which is based on a 2005 census, came out a few weeks ago.

The Land Trust for Tennessee reports a significant increase from 2004 to 2005, due to a law change that increased the tax incentive for donation of easements.

From 2004 to 2005, the group added 6,400 acres — a 59 percent increase.

WHO MAKES IT HAPPEN

Several private, nonprofit conservation groups in the state accept land donations and conservation easements for preservation of land and water resources. Some of the major groups in the Midstate:

Land Trust for Tennessee: Has protected more than 21,453 acres of land since 1989. Last year, it added open land in the Little Fork area of Williamson County, 749 acres of farmland in Humphreys, Hickman and Davidson counties, and 1,000 acres of land in Sumner County along Bedsole Creek. For information: 615-443-4444 or www.landtrusttn.org.

The Tennessee Parks and Greenways Foundation: Has protected more than 6,000 acres and gives grants to others for acquisition of land. Last year, it added land to the land rights to establish the Charles R. Russell Observatory in Rutherford County, a 1,000-acre easement in a valley and a 155-acre easement at the junction of Clear Fork and Crooked Creek, next to the Big South Fork National River and Recreation Area in Morgan County. For information: 615-386-3177 or www.tngreen.org.

The Nature Conservancy in Tennessee: Has helped protect more than 1,000 acres of land, including tracts harboring rare and endangered plants and animals. Last year, it added 1,000 acres in the Great Smoky Mountains National Park, 1,000 acres in the Cherokee National Forest, which has native hardwood forests, caves and sinkholes, and 1,000 acres in the Cumberland Plateau. For information: 615-383-9999 or www.nature.org/Tennessee.

The state of Tennessee also accepts select conservation easements and land donations from the above groups. Major land donations have included a total of about 10,000 wilderness acres given by Bridgestone/Firestone on the Clinch River in Greene and Hamblen counties, and non-binding agreements to protect their land, including an individual in Rutherford County and the Cherokee Indian Reservation.

For more information: 615-259-8070 or www.state.tn.us/environment.

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