

# UNDERSTANDING THE ROLES OF GOVERNMENT IN CONSERVATION EASEMENT TRANSACTIONS

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## ABSTRACT

Government is involved in all conservation easement transactions—whether as authorizer, funder, or holder. These governmental roles often work in concert, but not always; there is potential for conflict between various entities involved in securing lands for long-term conservation outcomes. This Article explores these tensions and considers how understanding the various roles that government may play can help inform conservation practice and assist in the design of conservation easements that best leverage governmental involvement.

To this end, Part I provides a general overview of conservation easements with a focus on working lands conservation easements. Part II examines the six specific roles that government can play with regard to conservation easements. Part III explores the Agricultural Conservation Easement Program (ACEP) and the Regional Conservation Partnership Program (RCPP). Part III also explores the various stakeholders involved in working lands protection, how their priorities help to shape the legislative design of the ACEP and RCPP, and how these programs operate on the ground with an eye to the upcoming 2023/24 Farm Bill. Last, Part IV provides recommendations on how segmenting the government’s various roles can help to mitigate conflict and evaluate how and what functions (and at what level) government should undertake versus private land trusts. As conservation easements continue to play an increasingly important role in land conservation efforts nationally, understanding the varied roles that government plays in these transactions can determine how this involvement should be structured to maximize the conservation benefits.

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