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LAND TRUSTS AND TRUE WEALTH: AN INTRO-  
DUCTION

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How can one buy or sell the air, The warmth of the land? That is difficult for us to imagine. If we don't own the sweet air, and the bubbling water, how can you buy it from us? Chief Seattle, 1855

As the white people moved west in North America, they brought with them the concept of OWNING the land. With this basic notion came two attitudes, both unknown to Native Americans: first, seeing land as a commodity to be bought and sold; and second, seeing humans as having the right to dominate development of the land without regard for the future health of it or of the other life forms inhabiting it.

More and more our decisions about land use and development became solely economic decisions. Land became something to build on, extract from, subdivide, pave, cut up and clear off. It was our resource, here to serve our purposes, to be exploited for our immediate gain. Little attention was given to how the impact of our presence affected the land (or us, for that matter), in the long term.

Fortunately, we are starting to wake up. We are beginning to see that the true economics of land relates more to the wealth which it provides to our grandchildren rather than ourselves. We are beginning to see that having the dollar as the bottom line for decisions about land use does not make as much sense, ultimately, as having the health of the land as the bottom line. We now recognize the devastating effects our domination approach has had on the land.

How can we translate these insights into effective land reform? It is no easy task. The lessons learned must overcome our long standing habits of dominating land which are deeply ingrained and thus slow to pass away. We also face barriers every step of the way because so much of our economic structure is based on the speculative value of land.

The land trust movement in North America has begun to provide alternatives by putting land into legal forms other than traditional ownership. People use land trusts for many different purposes. For some, the interest is to preserve land in wilderness — protected from the impact of people. For others, there are unique qualities of land which should be protected. For some, the economic

considerations of land is an important issue to deal with. Still others want to explore how to recreate a sustainable relationship between people and the land through new forms of stewardship.

A land trust is a non-governmental, usually non-profit, sometimes charitable, organization which is concerned in some way with the protection of land. Land trusts fall into three basic types: conservation trusts, economic trusts, and stewardship trusts.

The main focus of a Conservancy land trust is to preserve land which has some unique aspect — marsh land, endangered plant or animal species, scenic or agricultural value, wildlife habitat, historic value, etc. Generally the land is protected by conservation easements which give guidelines for the future care of the land. Conservation easements are legal restrictions placed on the land title to prevent the current owners or any future owners from developing the land without the agreement of the trust. The conservancy trust holds these rights to guard against the loss of the unique aspect of the land which it is charged with protecting.

A land trust can be set up with the intent to remove land from the speculative market and make it available at a lower cost than the usual mortgage payment. Generally, these trusts are called Community Land Trusts (CLT). It has an ECONOMIC relationship to the land as its main focus. The CLT usually owns the land and grants long term renewable leases, for 99 years, to those who will usually live on the land. Because of the long lease, the tenants have the security and use rights normally associated with ownership. CLTs can accomplish the lower "lease" fee by either acquiring the land by purchase or donation (in some cases CLTs are charitable organizations), carrying a long term mortgage with lower monthly payments, or raising capital by issuing shares of "non-voting preferred stock" backed by the land. More details of the last two ideas are in Terry Mollner's article "Grow Power for Land Trusts" in *In Context*, Winter, 1984.

STEWARDSHIP land trusts work to support a mutually nurturing, long term RELATIONSHIP between people and land — a blending of the needs of the people with the needs of the ecosystems. People become STEWARDS of the land. What does it mean to be a steward? Long term "living with the land" with sensitivity, with a goal of making the land more fertile and healthy than its original state are the hallmarks of a good steward. The concept of stewardship sees people as more than caretakers — an idea which can keep the human in a controlling, dominating role. A steward's attitude is one of cooperation and interdependence, to enhance the quality of life for the people and the land. A stewardship trust works to develop land use plans which take into account as much information about the land as possible — the soil, water, sun exposure, slope, drainage, wildlife habitat, vegetation, etc., as well as human information — historical use, existing use, potential use, views, sacred spots, etc. Stewardship principles are developed and placed on the title as easements, giving

guidance to the management of the land. The land trust gives a long term context for management even if the stewards change.

These three classifications are not mutually exclusive of one another. For example, the CLT may have a strong desire to see the lease holders as stewards of the land, working with the land in a way which will preserve or enhance its potential for the generations to come. This philosophy can be reflected in the conditions of the lease agreements which establish parameters for the leases' work with the land. Likewise, the stewardship trust might be working toward economic arrangements with the stewards of the land to make the cost of occupancy more available to a wider range of people.

How can you go about setting up a land trust, as an individual, or as a group of concerned people within your community? The concept of a land trust presupposes an outside organization which will hold a guardianship over the intentions for which the trust is created. This means that there must be an entity created which draws people who will maintain its purposes and intents.

**AS AN INDIVIDUAL:** If you have a piece of land which has some unique quality which you feel needs to be preserved, then you might be interested in donating, or possibly selling, a conservation easement (which means giving up some development potential for the land in the future) to a land trust already established in your area. If no such organization exists (most often the case), then you might look to see if others in your community, who have similar attitudes about land preservation, might be willing to join with you to start a land trust.

**AS A GROUP OF CONCERNED PEOPLE WITHIN YOUR COMMUNITY:** If there is a group of people who see some particular area or piece of land in your community which, if sold or developed would significantly destroy the quality of life for the residents of the community, it is very possible to create your own land trust. This group could then actively pursue raising money to acquire the land or raising public sentiment so the land (or more likely an easement on the land) might possibly be donated to the land trust. Establishing a new group takes a lot of energy and commitment, but it can be very rewarding.

To really get at some of the issues of major land reform, we will have to shake the very foundations of our economic system. The land trust movement is creating some alternatives which can develop and move along beside our current speculative system. The legal structures we have developed to protect land will not make any difference if we don't make fundamental changes in the philosophies and beliefs which guide us in the ways we relate to the land. But changing attitudes towards land are beginning to emerge. We have made a start.

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