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EXHIBIT 12
DATE 2.10.05
HB 554

Rapid City Journal, August 26, 2003 (Reprinted by permission of the *Rapid City Journal*)

Farm Bureau seeks limits for conservation easements

By Steve Miller, West River Editor

HURON - South Dakota Farm Bureau last week began a petition drive to limit perpetual conservation easements.

The petition has two goals, according to a Farm Bureau news release: to amend existing and new perpetual conservation-easement definitions to include a mandatory sunset clause of a maximum of 50 years; and to amend easement contracts to apply only to the individual who has the current deed to the property and who signs the easement. The proposed change would mean that a new owner of land with an easement would have the option to buy out the remaining term of the easement.

"The current use of easement property can be identified," South Dakota Farm Bureau President Dick Kjerstad of Wall said. "However, unseen changes in the future can place unintended hardships on future property owners."

Kjerstad said today's landowners should not be able to dictate what can happen on the land throughout perpetuity, only for the time they own the property.

Farm Bureau petitions seek changes in federal law that authorize perpetual easements, according to South Dakota Farm Bureau information specialist Michael Held in Huron. Held said the petitions would be circulated for the next couple of months and then presented to South Dakota's congressional delegation.

He said Farm Bureau has no particular goal for numbers of signatures.

South Dakota Farm Bureau officials say the proposed changes would increase farmers' and ranchers' interest in conservation programs.

However, Bob Paulson, director of the Black Hills Program of The Nature Conservancy, said perpetual easements are an important property right valued by many ranchers and other landowners.

The Nature Conservancy is among groups that use conservation easements to preserve or conserve characteristics of private land.

The Nature Conservancy works with landowners to place conservation easements on property. Under the easement, the landowner gives up the right to subdivide and develop the property, and so do his heirs or any other subsequent owner of the property. But the landowner may continue to farm, ranch and otherwise control the property as he wishes.

"Many landowners appreciate having that private-property right," Paulson said. "They're proud of the ranches they've put together and the property they've acquired, and they want to make sure they stay a certain way. So it's a valuable private-property right to maintain."

Paulson said limiting perpetual easements could impact The Nature Conservancy's future projects but he

doubted whether a change would affect existing easements.

Paulson said The Nature Conservancy receives many calls from landowners interested in placing perpetual conservation easements on their land.

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