



# CHILE CALIFORNIA CONSERVATION CONFERENCE REPORT



SEPTEMBER 25-28 SONOMA COUNTY, CALIFORNIA



This report supplements the previously distributed conference program that contains the agenda and biographies of the participants. PowerPoint presentations given during the conference will be posted on the website of the California Council of Land Trusts. For more information on many of the issues covered at the conference readers are referred to the excellent magazine *Patagon Journal* ([Patagonjournal.com](http://Patagonjournal.com)) back issues of which were distributed at the conference.

The notes in this report were assembled from a number of sources and have not been reviewed by the presenters. We thank Clare Beer of UCLA who took excellent notes at most of the sessions. Other's partial notes have been incorporated and there may be some inaccuracies and missing points. As with most conferences the networking and many of the useful discussions were informal between and after the scheduled sessions.

THE PHOTOGRAPHS IN THIS REPORT WERE TAKEN BY CORBY HINES.

# CONFERENCE OVERVIEW

The Chile Californian Conservation Exchange project sponsored by the California Council of Land Trusts presented a conference that brought 24 Chilean conservation leaders (a legislator and legislative staff, land owners, NGO and foundation staff) to Sonoma County, California to meet with 44 conservation and other professionals from California and throughout the United States September 25-28, 2017.

The conservation conference was dedicated to the memory of Elisa Corcuera Vliegenthart, a warm, generous and imaginative leader of land conservation in Chile and a dear friend to many of the participants. Elisa died at the young age of 45 this past July.

The conference was based at the Sheraton Hotel in Petaluma. Over the course of the conference the participants took field trips to four sites - the Sears Point Restoration Project on San Francisco Bay, Glen Oaks Ranch in Glen Ellen, the Pepperwood Preserve north of Santa Rosa and the Jenner Headlands on the coast.



**Aldo Rojas and Francisco "Pancho" Solis**

The sites were venues for learning about natural land management in California. Sadly two weeks after the conference three of the sites were burning in the massive wildfires that struck Napa and Sonoma Counties. Some buildings on each of the sites were saved, but the stone barn at Glen Oaks Ranch is a ruin and Michael Gilogly, who led our hike at Pepperwood, lost his home.

A key goal of the Conference was to facilitate a robust, useful dialogue on issues of concern among Chilean and California land conservation leaders. As the notes in this Report illustrate this goal was achieved!

## The conference was made possible by generous support from the following foundations, organizations and individuals:

- **David and Lucile Packard Foundation**  
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- **Sonoma Land Trust**  
(special thanks to Dave Koehler)
- **The Wildlands Conservancy**  
(special thanks to David Myers and Dan York)
- **Jenny Miller** in memory of Elisa Corcuera
- **Ann Getches** in memory of David Getches



# NOTES BY DAY

## MONDAY, SEPTEMBER 2

### 4:00-4:20 PM - WELCOME

- **LINUS EUKEL** (*Chair, California Council of Land Trusts*)
- **RALPH BENSON** (*Conference co-organizer*)
- **DAVID TECKLIN** (*Senior Advisor, Pew Charitable Trusts in Chile*)

**Linus Eukel** led off the conference with a welcome and description of CCLT which is an association of the more than 150 land trusts in California.

**Ralph Benson** welcomed the Chilean guests and reviewed the schedule and a number of “house keeping” matters.

**David Tecklin** reviewed some of the questions the conference will address: What is the current state of land conservation in California and Chile; what tools are available in both places and what can we learn from each other? Given the recent legislative creation of the derecho real de conservación in Chile, what lessons does California’s experience with conservation easements and public/private partnerships offer? how can Chilean practitioners use the tools that are available to maximize the benefit to the public and nature? and how might Chilean conservation projects be financed?

### 4:20-4:30 PM - REMEMBERING ELISA COCUERA VLIAGENTHART

- **FRANCISCO “PANCHO” SOLIS** (*Director, Pew Chilean Patagonia Program*)

**Pancho Solis** gave a brief, warm presentation on the many accomplishments of Elisa Corcuera Vliegenthart, a leading and gracious Chilean conservation leader, and friend to many at the conference who died last July.

The Conference was dedicated to the memory of Elisa.

### 4:30-5:30 PM - LAND CONSERVATION IN CALIFORNIA

- **SAM SCHUCHAT** (*Executive Officer, California Coastal Conservancy*)
- **DEB CALLAHAN** (*Executive Director, Bay Area Open Space Council*)
- **CHARLES LESTER** (*Institute of Marine Sciences, UC - Santa Cruz, former Executive Director of the California Coastal Commission*)

**Sam Schuchat, Deb Callahan and Charles Lester** gave an overview of land conservation in California and for the coast in particular. Achievements in the State have benefited from the combination of public land use regulation and financing, organized and active constituencies for conservation, and private nonprofit conservation projects.

A number of “conservancies” have been established by the state to protect specific resource areas such as the coast, Lake Tahoe and the Santa Monica Mountains near Los Angeles. The State also has a history of approving bond measures to finance acquisition and management of conservation lands and waters. The conservancies often partner with NGO’s such as land trusts and distribute bond funds to both non-profit and State agency projects. The Coastal Conservancy is one example of this public-private conservancy approach and may be an interesting model for Chile.



On the other hand, the State Coastal Commission which Charles Lester directed regulates development on the coast. Local jurisdictions along the Coast are required to have a Coastal Plan that is consistent with statewide policies for coastal development. Public access to the coast is a major consideration. Major projects require a permit from the State Coastal Commission. A key focus has been maintaining urban development within existing urban envelopes, thereby avoiding coastal sprawl.

The Bay Area Open Space Council which Deb Callahan leads is an association of 65 private land trusts and public agencies from throughout the nine counties that touch on San Francisco Bay. The Council exists to provide a forum and space to collaborate. One issue the Council is grappling with is how to link individual protected areas to maximize ecological impact. Science plays a key role in moving the Council's policy agenda forward.

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#### 5:45-8:00 PM - OPENING RECEPTION

- **DAVID RABBITT** (*Sonoma County Supervisor*)
- **ENRIQUE BARRIGA** (*Consul General of Chile in San Francisco*)
- **LOVELL 'TU' JARVIS** (*Chair of the Board, Chile California Council*)
- **MARK HERTSGAARD** (*journalist and author*)

Following the panel on Land Conservation in California **David Rabbitt, Enrique Barriga, and Lovell "Tu" Jarvis** welcomed the group at a reception overlooking the Petaluma River. Each of the speakers noted the mutual interests of Chile and California as they welcomed the group to Sonoma County.

Over dinner author and journalist **Mark Hertsgaard** began his keynote address by outlining his long interest and ties to Chile dating to his work for

Chilean Foreign Minister Orlando Letelier before his assassination in Washington, D.C. "California is the center of the action for all things we're discussing this week: land conservation, climate change, and resistance to the current administration's environmental policies." In his talk, Hertsgaard addressed the question, how and why is California the cutting edge of climate change and conservation policy? First, this is because California has the 6th largest economy in the world, competing or on par with the United Kingdom and Italy. California is also a political powerhouse, with the largest population and the more electoral votes than any other U.S. state. Here, environmental issues are largely bipartisan issues. Former Governor Arnold Schwarzenegger remains the only Republican to publicly declare an unequivocal belief in climate change, and climate change science, and to make both policy imperatives. Current Governor Jerry Brown has focused, particularly, on influencing climate policy beyond California, at the national and international levels. He spearheaded the United States Climate Alliance (14 state governments & Puerto Rico), which has set more ambitious goals than those outlined in the Paris Climate Accords. California has largely exploded the myth that you can't address climate change and make economic progress at the same time. It and other West Coast states, like Washington, have proven that twenty-first century economies can and must pursue both in tandem. Making more money than the rest of the country shows that there is another alternative to business-as-usual and, over time, this alternative will prevail. Hertsgaard closed his talk by discussing social capital, which he believes will be important as we address the challenge of climate change.



## TUESDAY, SEPTEMBER 26

### 9:00-9:20 AM - LAND TRUSTS

- **LAURA JOHNSON** (*Executive Director of the International Land Conservation Network, a project of the Lincoln Institute of Land Policy, and Chair of the Board of the Land Trust Alliance*)

**Laura Johnson** opened this session by underscoring how politically diverse the US land conservation movement is, and that land trusts are not partisan organizations. They receive tax status to operate as public charities, meaning that they cannot lobby in favor of particular politicians or parties. The land conservation umbrella is purposefully wide, encompassing disparate actors and interests groups – e.g. ranchers, environmentalists, hunters, and farmers – but this diversity makes us strong! The private land conservation movement operates within the context of the IUCN’s biodiversity conservation initiatives, specifically Target 11 of the Aichi Goals, yet it is regularly overshadowed by the state-based conservation system and receives very little international attention.

Large landscapes have a mosaic of ownership patterns, therefore in order to address global biodiversity challenges, we must consider private conservation alongside public conservation. In the United States, roughly 56 million acres of land are privately conserved through a network of 1,100 land trusts. This is compared to the 84 million acres managed by the federal government’s National Park Service. Land trusts employ roughly 8,000 people and recruit more than 200,000 volunteers. People care about this work! Private conservation grew in popularity in the U.S. during the 1980s, once legal and tax incentives existed (made possible by the Uniform Conservation Easement Act of 1981), and once a com-

munity of actors coalesced (the Land Trust Alliance formed in 1982). Land trusts are financed through a combination of philanthropy and public dollars. One challenge for the ILCN, as it has branched out to support land conservation worldwide, is the difference in national land tenure, tax, and legal systems. Replicating the US model is simply not possible everywhere. But private conservation actors generally express an interest in collaborating with others located elsewhere.

### 9:20-10:00 AM - LAND CONSERVATION IN CHILE

- **VICTORIA ALONSO** (*President, Fundación Tierra Austral*)
- **DAVID TECKLIN** (*Senior Advisor, Pew Charitable Trusts in Chile*)

**Victoria Alonso** and **David Tecklin** gave an overview of land conservation in Chile. David described the country’s biogeography and the regulatory framework for public conservation in Chile. The main environmental law is the *Ley de Bases de Medio Ambiente*, an equivalent to the US NEPA, passed in 1994. Following its modification in 2010, the law establishes a Ministry of Environment to set policy, but the ministry’s more important decisions must be ratified by a Council of Ministers for Sustainability, which is composed of multiple ministries with mandates that focus on economic growth. The law also created a new system of environmental courts, an environmental impact evaluation service, and proposes to create a new biodiversity and protected areas service (still being legislated). The core of Chilean environmental regulation happens through the environmental impact assessment system, i.e. on a case-by-case basis, rather than through broader



policy and regulation which has not kept pace. Despite the progress in recent years, Chile is widely recognized for having a high and growing number of environmental conflicts. This is related to the fact that in general, there is no zoning or land use planning outside of urban areas, though there are non-binding zoning processes.

Chile spans a vast diversity of ecosystems with its 38 degrees of latitude, total land area of approximately 75 million hectares and marine exclusive economic zone of approximately 350 million ha.

The National Park System – known by its Spanish language acronym SNASPE – covers 20% of national terrestrial surface within 101 units, but is poorly geographically distributed. The SNASPE is administered by CONAF, a public-private entity, and chronically under-resourced: it operates on \$24 million annually and employs only 700 people. The park system has grown in bursts since its creation in 1907, the most important of which was in the 1960s, but this year saw the beginning of another growth period with the agreement between the government and Tompkins Conservation.

Chile's public conservation estate faces multiple challenges, as well as opportunities, including: budget (incredibly low levels of investment, even by regional standards); institutional uncertainty (awaiting the creation of the biodiversity and protected areas service) breeding institutional depression; only about 50% of national conservation units have basic stewardship plans in place; high biodiversity-value lands in the public domain lack conservation designation; there are major gaps in protection for the northern and central regions; incorporating land-use planning and zoning for conservation (these don't exist outside of urban areas); extensive coastline with less than 1% protection; and limited organization among and engagement with park constituencies; but there is also an opportunity to establish a world-class land-

sea park system (coupled terrestrial and marine) in Patagonia.

Coastal marine protection in Chile is very different from land protection. Coastal marine governance is more decentralized, with the Ministry of Environment playing a minor role compared to that of the Undersecretary of Fisheries, and the National Fisheries Service. Ultimate administrative powers lie with the Ministry of Defense, which allocates use-rights to all coastal waters (and regularly assigns private use rights for aquaculture). There are regional coastal councils dedicated to community coastal management, but these are rarely convened. The country has made astounding progress in designating protection for oceanic waters with a total commitment to protect 140 million hectares (about twice size of continental area). This however contrasts with the extreme difficulty and slow pace in creating coastal marine protected areas whose total is under 300,000 ha.

Victoria then described the private land conservation movement in Chile. Chile is dominated by four land-use industries – mining, agriculture, fishing, and forestry – that often resist land conservation goals. An adequate framework for managing and promoting private land conservation is lacking. However, Chile is the first civil law country to create a *derecho real de conservación*; and with 80% of the country under private ownership, the potential impact of private land conservation is high. Before the DRC was passed, the only form of legally recognized private land conservation was the *Santuario de la Naturaleza*. Yet few people have pursued this status because of it is overly bureaucratic and difficult to obtain. Private protected areas in Chile have proliferated since the early 1990s. The network of private conservation landowners, *Así Conserva Chile*, found in one early study that 56% of private conservation actors would be willing to receive official recognition from the state, depending on the availability of incentives.



Alonso described the urgent funding needs, given that there are no tax incentives or public funding streams for landowners.

In 2013, the government commissioned a census through *Así Conserva Chile*, which counted 310 private protected areas, covering 1.5% of the country's territory. Sixty percent of these are owned by small landowners (less than 200 ha.), 22 are located on indigenous lands, 60% do not have an active biodiversity management plan, 69% are managed by the owner, and 25% operate on an annual budget of less than \$1,500. Currently, 5 private protected areas account for 63% of all privately protected land in Chile.

Alonso described several examples:

Pumalín is a leading example of best practices in park management, as well as the role of philanthropic resources in land conservation.

Karukinka is an example of how corporate resources can be leveraged for land conservation.

The Valdivian Coastal Reserve exemplifies a locally driven campaign for conservation, as well as the role of strategic corporate partnerships for long-term stewardship.

El Boldo is an example of community land protection of some of the most expensive land in the country, while Ahuenco is an example of community land protection through small-scale and crowd-sourced financing.

Finally, Parque Andino Juncal is an example of one family's impact on local conservation.

The main challenges of the private system mirror those of the public system: lack of funding; lack of protection in key bio-geographical zones; need for long-term legal protection (moving beyond self-declared areas to legally recognized protection); need to enhance effective conservation management; need to strengthen public-private partnerships for landscape connectivity. Alonso ended by remark-

ing that we may have many challenges, but we also have dreams! The El Boldo to Cantillana Corridor (a proposed public-private collaboration to connect conservation spaces) is one example.

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#### 10:00-10:20 AM - SENADOR DE URRESTI'S ADDRESS

- SENADOR ALPHONSO DE URRESTI (*from the Los Rios Region/Valdivia*)

We were honored to have **Senator Alfonso De Urresti** from the Los Rios Region and his advisor, **Javier Sanchez** participate in the conference. Senator De Urresti reviewed the major legislative milestones in Chile's environmental legal framework, including the *Ley de Bases de Medio Ambiente* (1994), *Ley de Bosque Nativo* (2008), *Ley 20.417* creating the Environment Ministry (2010), and *Ley 20.930* creating the *derecho real de conservación* (2016). He also reviewed several pending legislative items, including the creation of a Biodiversity Service and National Forestry Service, both of which would succeed CONAF, and the Route of Parks in Patagonia. The Senator also explained that Chile is a unitary country, meaning that it is highly centralized under the national government. Steps are being taken, however, to give more political control to the regions. What is needed in Chile now is a comprehensive legal framework for addressing climate change, which no one disputes is real. Environmental protection is also beginning to permeate all political sectors, regardless of political ideology. Yet there is an ongoing bias against conservation, especially from the business community, which Doug Tompkins personally confronted. In the context of climate change, however, everyone realizes the important role of biodiversity protection.





## 10:20-10:40 AM - THE TOMPKINS LEGACY

- **HERNÁN MLADINIC** (*Executive Director, Fundación Pumalin*)

**Hernán Mladinic** brought the group up to date on the transfer of the Tompkins lands to the Chilean nation and agreement to create or expand a total of 8 national parks. Hernán opened his presentation by giving a brief history of the Tompkins' Conservation work in southern Patagonia. Why have they decided to create future national parks? Doug believed that national parks were the gold standard of conservation, and that they promoted social equity, environmental education, and local economic development. While initially resistant to the role of tourism in conservation practice, Doug came to think of tourism as a good way of 'selling' conservation projects to political authorities. National parks should not be amusement parks, their principal objective should be conservation, but tourist values can follow from that.

Mladinic explained that Chile's main tourist attraction is the diversity of its landscapes - 75% of tourists say they come to see nature - therefore, having a healthy national park system is an important economic strategy. (Approximately 800,000 foreign tourists visit Chile's national parks every year.) The Tompkins have argued that investment in national parks is more profitable than Chile's leading economic sector, copper. According to studies published by the United States' National Park Service, for every \$1 invested in national parks, the economy gets a \$10 return. This return-on-investment tends to stay local, too, and is reinvested in the gateway regions bordering national parks. An increase in nature tourism, therefore, means an increase in revenue for local gateway regions. Tompkins Conservation has been arguing that nature tourism is a development lever

for Chilean Patagonia: 4.5 million tourists entered Chile in 2015 (a 22% increase over 2014), staying an average of 8.8 nights and spending approximately USD\$100 per day. Diverting a greater proportion of tourists' time and money into conservation spaces could have major impact on the country's biodiversity protection goals. This is the pitch that Tompkins Conservation made to the Chilean State, and it has changed the way the State sees conservation lands. There is an opportunity to create an economic tool based on conservation in Chile.

Mladinic then introduced the proposed 'Route of Parks,' a new vision for Patagonia that would include 17 national parks spanning 1,600 miles from Puerto Montt to Cape Horn. Overall, the 'Route of Parks' would include 2.5 million acres of new public conservation lands, 6.5 millions acres of national reserved upgraded to national parks, and one million acres of private lands donation, equaling ten million acres of publicly protected areas in total. Additionally, Tompkins Conservation is donating its world-class public access infrastructure, such as trail signage, camping grounds, parks shops and other buildings. The Tompkins' donation is the second largest land allocation to the national park system in Chilean history, and the world's largest private land donation for conservation to a national state. Mladinic explained that Doug's death catalyzed the land transfer, which the State is now working hard to implement before President Bachelet leaves office in March 2018. Plenty of challenges remain, but for now the organization is focused on building a sense of stewardship among Chileans, because these are their parks now!



#### 10:40-11:20 AM - CONSERVATION EASEMENTS

- **HARRY POLLACK** (*General Counsel, Save the Redwoods*)
- **NELSON LEE** (*Attorney and former General Counsel, The Trust for Public Land*)

Before we broke for lunch **Harry Pollack** and **Nelson Lee** gave a presentation on conservation easements.

Conservation easements are required to protect conservation values, must be held by qualified organizations (which may include public agencies and Indian tribes as well as non-profit land trusts), are permanent and bind successive owners of the land encumbered by the easement; but otherwise are quite flexible. Nelson talked about the federal and state tax incentives for private land conservation. Tax law is a major driver for conservation in the U.S. and there are three kinds of tax incentives: (1) federal and state income tax deductions donations of land including donations of conservation easements to qualified organizations, (2) estate (death) tax reductions for donations of conservation easements in that they lower the value of the land taxed, (3) and in some cases property tax reductions for land restricted by a conservation easement. Nelson reviewed the conservation easement over the Jenner Headlands which the group plans to visit on Wednesday by way of example.

**Note:** *There is no national registry of conservation easements so the number of conservation easements that have been created is not known although it is probably in the tens of thousands, with hundreds of thousands of acres, if not millions, subject to conservation easements. It is interesting to contrast these figures with the newly created derecho real de conservación which is more or less at ground zero. The task at hand is to shape their implementation so that, like conservation easements in most instances, they serve the public interest.*

#### 11:45-1:30 PM - LUNCH AT THE BAYLANDS CENTER

- **DAVID LEWIS** (*Executive Director, Save the Bay*)
- **JULIAN MEISLER** (*Sears Point Program Manager, Sonoma Land Trust*)

We visited the Sears Point Tidal Wetlands Restoration Project on San Pablo Bay (which is the northern reach of San Francisco Bay) - a 20-minute bus ride from the conference venue. The group had lunch at Sonoma Land Trust's Baylands Center where David Lewis gave a history of San Francisco Bay from the Gold Rush (when sediment from hydraulic mining flowed into California's rivers and re-configured the Bay) to the present focusing on the efforts that began in the 1960's to restore the wetlands around the Bay (90% of which had been lost) and establish public access to much of the shoreline. David also talked about a recent successful campaign to create a region-wide tax of \$12 per year on every parcel of land in the 9 Bay Area Counties for the purpose of restoring wetlands and adapting to sea level rise. The tax was approved by 70% of the voters and will yield \$500 million over the next 20 years. The passage of this tax measure was a major conservation victory.

We then walked along the newly created levee where Julian Meisler gave us a tour of the Sears Point Restoration Project which is returning over 1,000 acres of formerly diked land where hay was grown to tidal wetlands. The new levee was constructed with a gradual slope on the seaward side to accommodate sea level rise and the re-establishment of grasses. The project also added several miles to the Bay Trail. (There is a long term regional plan to ring all of San Francisco Bay with a recreational trail.) The land that had been acquired by Sonoma Land Trust is now part of the National Wildlife Refuge System.



## 2:00-2:30 PM - DERECHO REAL DE CONSERVACIÓN

- **JAIME UBILLA** (*Professor of Law, Founder, Centro de Derecho de Conservación*)
- **FRANCISCO “PANCHO” SOL** (*Director, Pew Chilean Patagonia Program*)

**Jaime Ubilla** presented the theoretical foundation of the *derecho real de conservación* that was passed by the Chilean Congress in June 2016 (*Ley 20.930*). The idea of the *derecho real* was first proposed in 2003, specifically to fit within the civil law system as distinguished from a common law conservation easement or *servidumbre*. The *derecho real* is intended to confer an affirmative right to property, and new forms of wealth, instead of a restricted right to property.

**Pancho Solis** presented on the political significance of the *derecho real*. There are no tax benefits, but pending legislation (*Ley Única de Donaciones*) could change that. There is still a need to establish a network of land trusts, possible government conservancies, and general funds for private conservation projects, as well as to explain the DRC to landowners with conservation projects.

Following the background session on the *derecho real* we looked at a particular property to consider whether a *derecho real* might be a useful conservation tool in this instance. The results were inconclusive.

## 2:30-4:15 PM - CASE STUDY, PICHIMAHUIDA

- **ELENA SOBAKINA** (*landowner*)

**Elena Sobakina** and her husband **John Whitelaw** own Pichimahuida, 1,800 hectares located adjacent to San Rafael National Park in the Aysén region of southern Chile. This area is heavily degraded due to burning of forests in the mid 20th century and subsequent use for sheep and cattle grazing. They bought the property in 2006 and have been systematically restoring

the land through native tree reforestation. They are interested in developing a long-term management plan for the land, but are unconvinced that a DRC is a good match for their conservation interests (their deed categorizes the land as agricultural, but they wish to prohibit logging, agriculture, and tourism). The protection and restoration of nature is not necessarily the same as conservation. Sobakina raised a number of important questions regarding the applicability, effectiveness and reliability of the DRC instrument for their context. This underscored the lack of institutions, working examples, guidance for landowners and jurisprudence for the DRC. The important issues raised by Elena are set out in her PowerPoint presentation which will be on the CCLT website.

## 5:00-8:00 PM - GLEN OAKS RANCH DINNER

- **DAVE KOEHLER** (*Executive Director, Sonoma Land Trust*)

The group rode through Wine Country to the Sonoma Valley where **Sonoma Land Trust** hosted a warm evening outdoor dinner at their **Glen Oaks Ranch** in Glen Ellen. (Two weeks later much of Glen Ellen including the historic barn at Glen Oaks Ranch burned in the fires.) We learned that the ranch is in the heart of an oak woodland wildlife corridor for species moving between Napa and Sonoma Valleys. Following dinner, music composer John Wineglass who had joined the Conference along the way performed a series of 'landscape' songs on the house piano. The songs are part of his larger symphonic work, 'Big Sur: The Night Sun,' which pays tribute to California's Big Sur coastline.



## WEDNESDAY, SEPTEMBER 27

### 9:00-10:00 AM - ECONOMIC PERSPECTIVES ON THE DRC

- **JOHN REID** (*Founder, Conservation Strategy Fund*)
- **HARI BALASUBRAMANIAN** (*Managing Partner, EcoAdvisors*)

John Reid and Hari Balasubramanian led off the Wednesday sessions with a presentation on the economics of conservation.

Hari addressed financing conservation. He explored upfront costs (securing the land and infrastructure), ongoing costs (staffing, management, etc.), and revenue sources to meet the cost requirements so as to ensure productive and sustainable economic activity. He also explored the effect of timing and permanence.

He discussed (1) conservation tenure: establishing a legal basis to ensure that the project will persist in the future, (2) institutional capacity to manage (3) sustainable financing and (4) adaptive management.

John Reid briefly discussed the purpose of the Conservation Strategy Fund, (<http://conservation-strategy.org/>) an organization he founded and led for 18 years. Its main purpose was to get environmentalists to take economics more seriously. Then, he spoke about converting values to revenues and the usefulness of temporary contracts/conservation arrangements. How might holders of a DRC monetize that interest is a question.

- **Values and Revenues; Values vs. Revenues**
  - How to turn values into revenue streams
  - Recreation: there are ways to restrict access to conservation spaces; charging fees for entry help finance the cost of conservation
  - Carbon Storage: ways for private conservation owners to help finance their projects by linking up to emerging carbon storage markets

- **Can temporary contracts/conservation arrangements be useful?**

- They invite all kinds of strategic behavior, but could be useful...
  - As a bridge to public ownership
  - Combined with options for purchase
  - Via targeting – this is contrast with open-enrollment payment for ecosystem services. Buyers choose to negotiate deals likely to be additional and lead to permanent protection.
  - With incentives to stay, e.g. rewards for longevity of contract like discounts for staying with the same insurance company

### 10:00-11:00 AM - FUNDING FOR PRIVATE LAND CONSERVATION

- **CHRIS KELLY** (*California Director, The Conservation Fund*)
- **GRAHAM CHISHOLM** (*Conservation Strategy Group*)
- **ALAN FRONT** (*Conservation Pathways*)

Next was a panel of **Chris Kelley, Graham Chisholm, and Alan Front.**

Alan, a seasoned lobbyist, talked about federal funding sources, Graham talked about California's regional advance mitigation program, and Chris talked about forestry projects and the carbon market in Northern California.

Alan began by explaining that the United States has 700 million acres of public lands, administered by four separate land management agencies. What happens on U.S. conservation lands largely depends upon what happens in Washington, D.C. Conservation comprises two-tenths of one percent of the federal budget (which in 2017 is approximately \$4 trillion). Federal conservation funding sources for national parks/reserves/forests



include: Land & Water Conservation Fund, Migratory Bird Conservation Account, Federal Land Transaction Facilitation Act, Special Acts, Border Security/Homeland Security Appropriations, and Federal Land Exchanges. Federal grants for private/local/state projects include: Interior Department/National Park Service, Interior Department/U.S. Fish & Wildlife Service, Interior Department/Bureau of Indian Affairs, Agriculture Department/U.S. Forest Service, Agriculture Department/Natural Resource Conservation Service, Commerce Department/National Oceanic & Atmospheric Administration, Environmental Protection Agency, Department of Transportation, Mitigation Funds, Disaster Supplemental Appropriations, Department of Defense. Front reviewed the various grant opportunities available through these funds, especially those that may be replicable or also available in the Chilean context.

Graham presented, "Regional Conservation Investment Strategies: California's New Pilot Program to Unlock Advanced Mitigation for Public Infrastructure." The challenge: how to increase the conservation impact of advance mitigation projects. Legislation was introduced last year (AB 2087) for a voluntary, non-regulatory program including the Regional Conservation Investment Strategy. This can enable a Mitigation Credit Agreement, which accomplishes advance mitigation through conservation. California's Department of Fish & Wildlife has stepped up as the State agency willing to negotiate the Mitigation Credit Agreements. These strategies can involve conservation activities on public and private lands.

Chris presented on forest carbon offsets, specifically those in the Douglas fir timberlands in northern California. The Big River is a non-profit timber forest, making use of three payments for ecosystem services: (1) low-interest loans from the CA State Water Board, (2) sustainable timber harvest, and (3) forest-based carbon offsets. Carbon offset sales in the Big River Forest now eclipse timber revenues, proving

that linking to carbon markets is a viable way to finance sustainable timber conservation.

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#### 11:00-12:15 PM - CONSERVATION PHILANTHROPY

- **TIM PORTWOOD** (*Senior Consultant, Marts & Lundy*)
- **TOM PETERS** (*President and CEO, Marin Community Foundation*)
- **ISABEL VALDÉS** (*Principal, Isabel Valdés Consulting*)
- **RICHARD CUDNEY** (*Program Officer, David & Lucile Packard Foundation*)

A panel on Conservation Philanthropy followed.

**Tim Portwood**, a member of the Board of Directors of Sonoma Land Trust presented on philanthropy in the United States, as well as funding opportunities for land conservation. In the US, a total of \$390 billion philanthropy dollars were given away in 2016: 72% from private individuals, and 15% from foundations. Religious institutions and education are the top recipients of philanthropic giving, while 'environment and animals' receives 3% (approximately \$11 billion). This category, however, is quite diffuse, including organizations such as World Wildlife Fund and the Humane Society. One-third to one-half of this category is composed of conservation organizations. In general, giving trends reflect the stock market; strong financial years are strong philanthropy years. In environmental philanthropy, impact is essential - grantees must impart a sense of urgency, and they must stand out in the increasingly crowded NGO landscape. Portwood warned that grantees should beware of mission creep, embrace collaboration, appeal to the local vs. global sentiment, and convey hope and optimism.

**Tom Peters** presented on community foundations, and how they can be vehicles for the kind of philanthropic funding Portwood discussed. The community foundations in Marin and Sonoma coun-



ties are comprised of 450 families with substantial wealth and an interest in giving. The organizational structure of a community foundation differs from a single-family private foundation (e.g. The Gates Foundation) in that it's a coalition of families working together, receiving the back-office support of a centralized business office, and help matching their philanthropic priorities with specific organizations. The Marin Community Foundation has awarded \$1.5 billion to a number of causes, including conservation. Though community foundations have as their name a priority of funding local initiatives, many philanthropic families are concurrently interested in giving to international organizations.

**Isabel Valdés** spoke about the role of marketing and messaging in non-profit management. She emphasized the importance of strategic alliances by using the example of Pepsi parks. The idea is to have government, non-profits, and private individuals collaborating together.

**Richard Cudney** presented on the role private foundations can play in land and coastal-marine conservation. By far, conservation is the biggest portion of the Packard Foundation's giving—\$540 million spent on land conservation projects alone. The Foundation looks to fund NGO's that have the capacity to fulfill the projects they propose, and it conducts research supporting the organizational giving strategy. Cudney explained the evolution of a coastal protected area in Mexico—Isla Espíritu Santo over the course of 30 years from legal protection to sustainable financing. He described large scale coastal and land protection in Baja California. Cudney stressed two additional points: Collaboration matters, foundations cannot do it alone! and, money is not everything. "It is advisable to look from the tide pool to the stars and then back to the tidepool again."

### 12:30-1:30 - LUNCH & CASE STUDY, VALDIVIAN COASTAL RESERVE

- **VICTORIA ALONSO** (*President, Fundación Tierra Austral*)
- **ENRIQUE CRUZ** (*Executive Director, FORECOS*)

Over lunch we took up a second case study - the Valdivian Coastal Reserve. **Victoria Alonso** and **Enrique Cruz** gave the presentation.

The Valdivian Coastal Reserve, a 50,000+-hectare parcel was formerly owned by Bosques S.A., a forestry corporation. In 2003, a group of concerned citizens in Valdivia organized to stop logging and a highway project on the property. Two international NGOs, WWF and The Nature Conservancy (TNC) organized a purchase of the land at public auction following the bankruptcy of Bosques S.A. In 2003 TNC became owner and primary land manager. Fundraising to support the long-term operational costs of the reserve proved challenging, so TNC applied to BHP Billiton, an Australian mining company that earmarks 1% of its earning for conservation. The funding was granted, and the mining company agreed to cover the Reserve's operating costs in perpetuity. This unlikely relationship has been a learning process!

IN 2014, BHP Billiton asked TNC to create a *servidumbre* (conservation easement) for the property, and FORECOS became the land trust grantee. Now, they are working on converting the *servidumbre* to a DRC, in order to showcase how the DRC works. Cruz described the role of FORECOS and its role as a land trust. The *servidumbre* carries obligations for the grantor (TNC), as well as responsibilities for the grantee (FORECOS). FORECOS must monitor the property, provide permanent support (e.g. to prevent easement violations), and manage requests and permissions (e.g. exceptions to the easement). One example of an easement exception was the construction of a telecommunications tower in the Reserve, which was finally approved on the basis that it would improve



monitoring and data gathering capacities, but required to adhere to national park level standards. The Valdivian Coastal Reserve is the largest conservation easement in Latin America.

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### 1:30-2:30 PM - TAX INCENTIVES FOR CONSERVATION

- **ROBERTO PERALTA** (*Attorney*)
- **ELLEN FRED** (*Attorney*)
- **MIGUEL ZAMORA** (*Attorney and former Director of Tax Policy in the Ministry of Finance*)

The final panel of the day took up Tax Incentives for Conservation.

**Roberto Peralta** gave an overview of the tax system in Chile and **Ellen Fred** talked about incentives for land conservation in the US tax system. Ellen noted that the monetary value of gifts of land and gifts of conservation easements to qualified organizations are deductible from income for tax purposes. They can also serve to reduce the value of taxable estates. She described bargain sales whereby a taxpayer may sell a conservation property to the government or a land trust for less than its full fair market value and the difference is considered a gift for tax purposes. Tax incentives are indirect government expenditures in the form of foregone revenue. Roberto noted the absence of such provisions in Chilean tax law and pointed out that gifts of conservation land may in fact be a taxable event. Efforts are underway to change this.

**Miguel Zamora** formerly served as head of tax policy in the Ministry of Finance. In that capacity he managed a national tax reform initiative. Part of the proposed tax reform included financial benefits for environmental protection. There is currently a donation law under consideration by the Congress. The draft legislation contains conservation as one eligible category to receive tax incentives, but it is still unclear how or if the DRC will be incorporated to receive public financing in

the form of a tax benefit. If this donation law passes, it will be the first time that environmental protection is accorded a tax benefit. Zamora suggested that in addition to securing greater legal status in Chile, land trusts and conservation groups should consider registering in the United States so they can accept donations from interested Americans.

Peralta added that one major reason why private conservation actors should receive tax incentives is because they are creating a public good, which the government should recognize

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### 4:00-9:00 - CREATING THE JENNER HEADLANDS PRESERVE, A PUBLIC/PRIVATE PARTNERSHIP

- **BROOK EDWARDS** (*Sonoma Coast Regional Director, The Wildlands Conservancy*)
- **DAN YORK** (*Vice President, The Wildlands Conservancy*)

The Jenner Headlands Preserve is 5600 acres on the coast at the mouth of the Russian River. It consists of over 1000 acres of coastal prairie and over 3000 acres of a redwood/Douglas fir forest. The property was acquired in 2009 by the Sonoma Land Trust with funding from multiple public agencies at all levels of government and a number of foundations and private donors. Sonoma Land Trust and The Wildlands Conservancy with many others developed a long-term integrated resource management plan for the property which will include restoring the forest to old growth characteristics and public access. Sonoma Land Trust transferred the property to The Wildlands Conservancy for permanent stewardship. On a short hike **Brook Edwards** gave a brief history of the property and the conservation activities underway and over a dinner hosted by The Wildlands Conservancy **Dan York** spoke about The Wildlands Conservancy and the value of collaboration and partnerships.

## THURSDAY, SEPTEMBER 28

### 9:00-11:00 WRAP UP SESSION

About half the group had to leave early to catch planes. Those remaining reviewed the previous day's discussions and talked about future of the Chile California Conservation Exchange project.

A number of the conference participants were planning to attend the LTA Rally in Denver October 26-28 and there are plans for some of the conference participants to attend the Second ILCN Congress in Santiago January 24-26, 2018. The Chile California Conservation Exchange will schedule a meeting in Santiago in January in coordination with the ILCN.

A refrain in a number of discussions throughout the conference was the need to engage young people and get future generations committed to land conservation.

The following priority needs were highlighted in the group discussion

#### 1. Institutional Development:

- Need for institution building in Chile – the development of land trust like organizations and some sort of umbrella organization to set standards along the lines of what the LTA provided in the US
- Importance of developing constituencies – social fabric of conservation – highlighted in all the California talks.

#### 2. Implementation of the Derecho Real De Conservación in the Public Interest

- Develop toolkit for DRC implementation for interested landowners and organizations including a simplified explanation of the DRC for landowners
- Create set of exemplary model DRCs that set initial standards
- Explanation of public benefit and public good characteristics of DRCs

#### 3. Tax reform and the development of social capital and an enlarged culture of philanthropy

- Legislation and examples of philanthropy

### EVALUATIONS

Evaluation forms were distributed. The evaluations returned were uniformly positive with people citing the personal contacts made as one of the highlights of the conference. The range of topics was praised. There was a sense that there is more to talk about with respect to the derecho real de conservación – that some actual cases of the instrument being applied would be useful to consider. Interest in following up on the tax and philanthropy discussions also came through. The dinner receptions at Glen Oaks Ranch and at the

Jenner Headlands were popular as was visit to the Sonoma Baylands. The main criticism was that the agenda was too dense.

The conference formally ended after the wrap up session, but many stayed for an optional workshop on the conservation of Mediterranean climate areas.

### 12:30 – 6:00 WORKSHOP ON MEDITERRANEAN LANDSCAPES

- **LISA MICHELI**, President and CEO, Pepperwood Preserve
- **DAVID ACKERLY**, Professor of Integrative Biology, UC Berkeley
- **DIEGO TABILO**, *Executive Director, Fundación Tierra Austral*
- **PEGGY FIEDLER**, *Director, University of California Natural Reserve System*
- **ANNICKA KEELEY**, *UC Berkeley*
- **MICHAEL GILOGLY**, *Preserve Manager, Pepperwood Preserve*

The Pepperwood Preserve is on 3,200 acres of oak woodlands north of Santa Rosa. It is the home of the Dwight Center for Conservation Science which produces scientific research, offers comprehensive environmental education for all ages, and facilitates an innovative citizen science initiative. The goal of the workshop was to share lessons learned in California, particularly in the Bay Area and to explore opportunities for collaboration between Chile and California, both of which share Mediterranean type ecosystems.

The workshop began with a hike to see some of the fire management practices at the Preserve which turned out to be sadly ironic as a fire beyond all expectations swept through the Preserve two weeks later.

After the hike we met Herb and Jane Dwight, the philanthropists who purchased the land and built the Center. **Lisa Micheli** and **David Ackerly** described the research going on at the Preserve, the effects of climate change on the landscape and the collaborations on adaptation with local government agencies and conservation NGOs. **Peggy Fiedler** described the University of California Natural Reserve System including field station collaborations. **Annika Keeler** spoke about her research on landscape connectivity for wildlife and climate resilience. **Diego Tabilo** talked about the need for conservation in the El Bolfo to Cantillana corridor in Central Chile's Mediterranean regions.

The workshop concluded with pizza and wine at sunset



# LIST OF PARTICIPANTS

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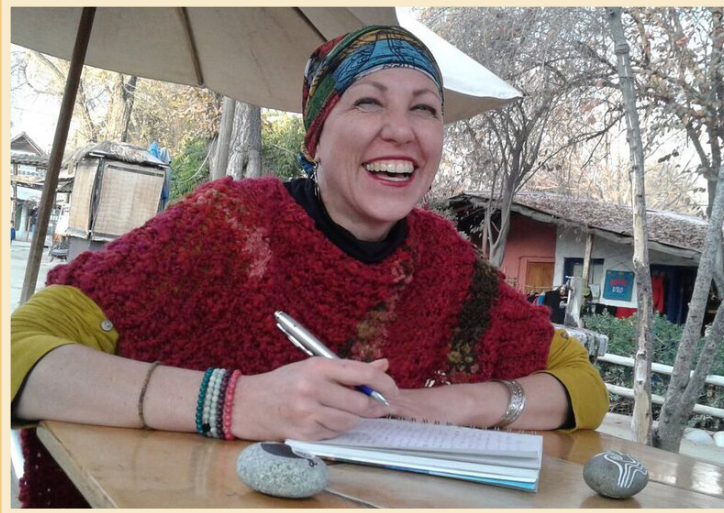
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*The Chile California Conservation Conference was inspired by and dedicated to the memory of Elisa Corcuera Vliegenthart*