

The LandReport

*A Monthly Report for the
American Landowner*



Newsletter

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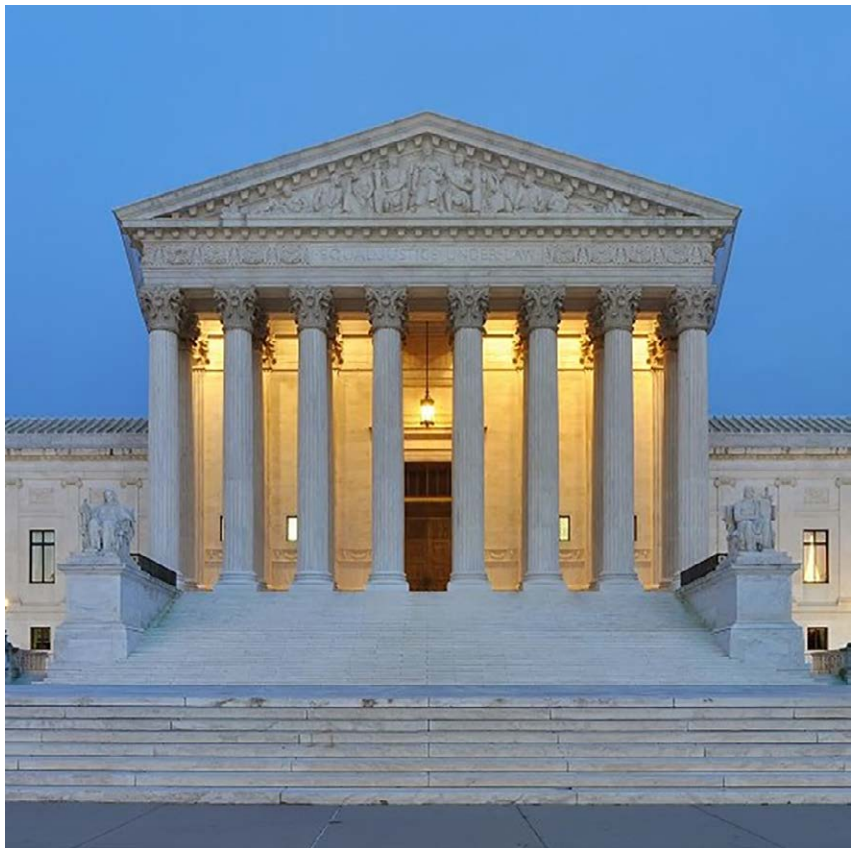


Supreme Court Rules for Landowners 8-0

Nov. 27 decision in *Weyerhaeuser v. US Fish and Wildlife* requires that habitat be present for Critical Habitat Designation.

The case concerns about 1,500 acres in Louisiana that the US Fish and Wildlife Service designated as a critical habitat for the endangered dusky tree frog. Timber company Weyerhaeuser and private landowners argued that the designation should be lifted since the species didn't currently live on the land and could not live on the land without significant changes to the forest canopy. In what was widely considered a victory for landowners, The Supreme Court ruled unanimously 8-0 (Justice Brett Kavanaugh was not yet seated when oral arguments were heard) to send the case back to the Fifth Circuit Court of Appeals

to consider whether the land could even be considered a "habitat" before evaluating whether it could be considered a "critical habitat." The Court also noted that the economic burden on landowners should be balanced in the decision, and ruled that Fish and Wildlife designations of private land are subject to judicial review. Read more [HERE](#).



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JUDICIARY



SOUTH

FEDERAL JUDGE SCOLDS INTERIOR DEPARTMENT. A

federal judge in North Carolina made permanent a temporary injunction against the US Fish and Wildlife Service's shoot-to-kill authorization on wolves in the wild. The ruling protects the American red wolf, which conservationists predict is headed for extinction. According to *The Washington Post*, Chief Judge Terrence Boyle reminded the Service of its own statement that wildlife do not belong to private landowners but to the public, and should be managed for the public good. Boyle reprimanded the Interior Department's mismanagement of the last red wolf population in the wild, noting that the agency was sworn to uphold a congressional mandate to preserve the animals but violated it repeatedly, especially by allowing landowners to shoot wolves without proving they were a danger to humans or livestock. Read more [HERE](#).




PACIFIC

SOLD


HAWAII WILDERNESS

DOLE SELLS 2,900 ACRES TO REFORESTATION EFFORT.

Spread across mountains and fields in Central Oahu are nearly 2,900 acres that are now known as the Helemano Wilderness Project. *Hawaii News Now* reports that the land was purchased for \$15 million from Dole Food company by half a dozen entities, from state and federal government agencies to private organizations in an effort to preserve its natural resources and improve recreational opportunities. Hawaii's Department of Land and Natural Resources (DLNR) aims to work with the surrounding community on a management plan. It also plans to work to control invasive species that can be found on the mountains located within the property. Said DLNR chairwoman Suzanne Case, "These areas of Helemano and upper Wahiawā, sitting at the foothills of the Koolau mountains, combine native forest, watersheds, and good soils in an accessible central location to create an ideal setting to support our communities' physical and spiritual sustenance." Read more [HERE](#).



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SOUTH

FOR SALE

KENTUCKY HORSE FARM

JOHNNY DEPP RELISTS KEENELAND

AREA FARM. Actor Johnny Depp, famous for *The Pirates of the Caribbean* films, has lowered the asking price for his 41-acre horse

farm. The Kentucky property, which is named “Betty Sue’s Family Farm” in honor of Depp’s late mother, is now listed for \$1.6 million. Depp, a Kentucky native, purchased the farm in 1995 for \$950,000, sold it in 2001 for \$1 million, and repurchased it in 2005 for \$2 million, according to *People* magazine. More recently, the farm was listed for \$2.9 million in December 2016, and when it did not sell, it went up for auction in September 2017. The highest auction bid of \$1.4 million (from radio host Rick Dees) was declined. The property, located two miles from Keeneland Race Course in Lexington, features a 6,000-square-foot main home with six bedrooms and seven baths, along with three barns and a separate guest house. Bill Justice of Justice Real Estate has the listing. Read more [HERE](#).

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SOUTH

LOSSES

SOUTHERN TIMBERLAND

DESTRUCTION FROM HURRICANE MICHAEL ESTIMATED AT \$1.6 BILLION.

Hurricane Michael dealt a devastating blow to over 5 million acres of woodlands when it roared through Florida, Georgia, and Alabama in October, according to *The Wall Street Journal*. Beyond mature trees that snapped during the storm, there is a range of unseen damage. Blue stain (discoloration from fungi) rendered some saw logs unusable. Some timber still standing was rattled so badly by high winds that it's no longer suitable for its intended use and instead must be pulped or mulched. Then there are harmful insects and rotting that occur naturally in damp environments. Further compounding these issues were debris and fallen trees that delayed crews trying to access ravaged areas. In addition, at least one major local mill suffered substantial damage, and others were still stocked from the summer logging season, presenting a financial challenge in shipping timber elsewhere. "This is a catastrophic loss," said Florida Commissioner of Agriculture Adam Putnam. Read more [HERE](#).



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SOUTH

SOLD

FLORIDA TIMBERLAND

3 CREEKS CROSSING SELLS. Located in Clay County, Florida, the property known as 3 Creeks Crossing recently sold for \$3.39 million. Tony Wallace of Saunders Real Estate had the listing. With over 2,600 acres of timberland, 3 Creeks Crossing stands out for its unique combination of recreational space and conservation sites. When the previous owners acquired the property as an investment in 2004, they strived to create a recreational legacy. To that end, they placed a conservation easement on the property, planted longleaf pines, converted several areas to pastureland, and developed a permitted gopher tortoise recipient site. Creating the recipient site was significant, because the gopher tortoise provides shelter for hundreds of other animals with the burrows it digs. (Hence the “gopher” part of its name.) Those burrows can be nine feet deep and 48 feet long. The tortoise, which is native to the Southeast US, is threatened by predators and habitat destruction but has a safe haven at 3 Creeks Crossing. Read more [HERE](#).

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LandReport VOICES

BY EDDIE LEE RIDER JR.



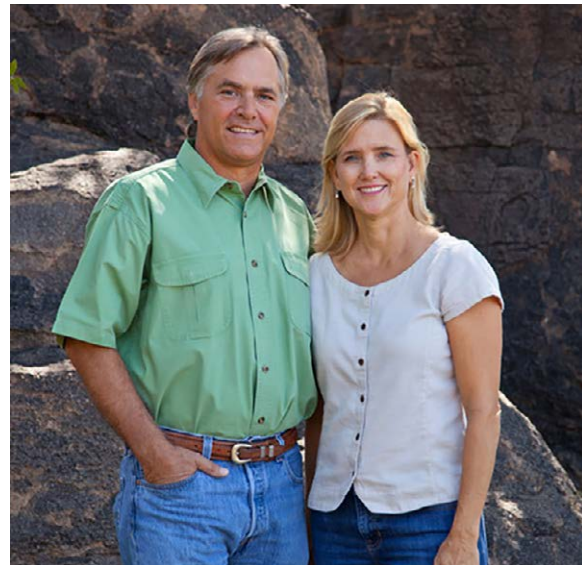
Protecting Clients. Conserving the Land.

ELR: *Many people don't realize that you are a direct descendant of one of nation's most famous landowners.*

KLW: It is true. However, many people don't realize that Captain Richard King had a son, Richard King Jr., who was my great-great-grandfather, and that there is a rich legacy of ranching, banking, real estate, community leadership, conservation, and love of the Texas outdoors! I am blessed with that heritage and feel lucky to have known many of the great women and men of my family.

ELR: *What transaction have you been involved in that was the most rewarding personally. Why? How long were you involved before it closed?*

KLW: The 17,500-acre Powderhorn Ranch near Port O'Connor, Texas, has to be the most rewarding real estate transaction in recent memory. It was highlighted in The Land Report Deal of the Year in 2014. King Land & Water, over a span of four years, assembled many conservation partners, including The Nature Conservancy, The Conservation Fund, Texas Parks and Wildlife, and National Fish and Wildlife Foundation, to pull it off. It is probably the most important conservation transaction of the decade, and today it's opened as a Wildlife Management Area and state park for the people of Texas. The patient and generous owner we represented is now selling his remaining adjacent 10,000-acre West Powderhorn Ranch, listed by King Land & Water. It's a jewel on the Texas Coast and we are looking for a conservation buyer to continue the legacy.



James & Tammy King

ELR: *Are all conservation easements the same?*

KLW: Conservation easements are not all the same. They differ based on the conservation purpose and the qualified organization holding the easements. The IRS certainly requires certain elements, but many covenants and rights are negotiated between the grantor and grantee. Some easements are purchased with local, state, and federal resources, but in Texas most are donated. There is a growing community of land trusts in Texas, and we see the widespread use of this conservation tool. Our biggest problem is funding, and we hope the new Farm Bill and other state and local initiatives will expand this tool in 2019 and beyond.

ELR: *From a family planning standpoint, what value can a conservation easement add?*

KLW: Conservation easements can be a family planning tool in many ways. One is to help reduce the value of an estate if the property is a large component. It restricts highest and best use, and the property passes through an estate at a lower value. It can actually happen postmortem, with an executor placing the easement prior to settling the estate. Another is to perpetuate a legacy of family stewardship to use so that heirs are bound in the future. It is called ruling from the grave! 🇺🇸

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