

Soil Health Conservation Easement Frequently Asked Questions

1. **Who created the Conservation Easement?** The Easement was created between the seller, Mary Katherine Dial Property Management Trust, and Whiterock Conservancy, a non-profit land trust based out of Coon Rapids, Iowa.
2. **How long will the Conservation Easement remain on the property?** The Easement is perpetual, meaning it will remain on the property forever regardless of ownership.
3. **Who has oversight and control over the Easement?** Whiterock Conservancy is the party who will oversee and legally enforce the terms of the Easement. Whiterock will be responsible for gathering certain data and conducting testing under the Easement, as well as other responsibilities. However, the landowner is required to provide information on practices implemented to maintain soil health. Questions that arise about the Easement after purchase should also be directed to Whiterock Conservancy.
4. **What is Whiterock Conservancy?** Whiterock Conservancy is a 501(c)3 land trust founded in 2004 with the mission to achieve a sustainable, resilient rural landscape, and transform people's connection with agriculture and nature. Whiterock stewards over 5,500 acres of habitat, row crop, and pasture, and maintains a 40-mile trail system, 12 fishing ponds, 3 campgrounds, 7 rental accommodations, and 2 event centers, all of which are open for public use. Whiterock launched its conservation easement program in 2021 and currently holds 10 soil health conservation easements, spanning 2,155 acres and 5 counties. Their role, in holding the easement, is to monitor the land and communicate with the landowner to ensure the easement's provisions and conservation values are being upheld.
5. **What is permitted under the Conservation Easement?**
 - **Farming & Grazing:** The Easement allows for normal agriculture production in designated areas, including row crop farming and grazing. These activities are permitted, subject to the limitations on tillage and livestock density, the requirement of continuous living roots in row crop fields planted on-contour, and the requirement that existing erosion control structures be maintained.
 - **Livestock:** Livestock is allowed on the property but is limited to a number equal to 1 animal unit per 1.5 acres per year.
 - **Perennial Vegetation:** Perennial plant cover also meets requirements for continuous living roots, including but not limited to pasture, prairie, and timber.
 - **Construction of Buildings:** Building construction is allowed only within the designated Building Envelope.
 - **Subdivision & Sale:** The property may be subdivided or sold. If subdivided, buyer must pay Whiterock \$20,000 per each new divided parcel for the added expense of monitoring for the new owner(s). If the property is sold entirely, Whiterock shall be paid \$2,000 at the time of transfer for the continuation of monitoring efforts.
6. **What is prohibited under the Conservation Easement?**
 - Buildings are prohibited from being constructed outside of the designated Building Envelope.
 - Mineral exploitation that requires tillage or disturbing the soil.
 - Tillage, unless prior written approval is obtained from Whiterock, and only for the purposes of maintenance and repair of erosion control structures, tile drainage, fence, etc.
 - Removal or change of any erosion control structure currently in place without prior written approval by Whiterock and a plan which maintains or enhances future erosion control.
 - Leaving row crop land uncovered for prolonged periods: 1) cover crops can only be terminated 14 days prior to spring planting; 2) cover crops must be planted by the NRCS planting date in the

fall; 3) cover crops will be drilled, unless prior consent of Whiterock Conservancy is obtained; 4) cover crop to be planted will be winter hardy.

7. Can additional drainage tile be added to the property? If so, what is the process? Yes, addition or expansion of field tile is allowed under the Easement, subject to the restrictions on tillage in the Easement. A written project request must be submitted and approved by Whiterock.

8. Are there any restrictions to anhydrous application? Can it be knifed into the ground?
No, there are no restrictions as to the application of anhydrous.

9. Are there any restrictions to hog manure application? Can it be knifed into the ground?
No, there are no restrictions as to the application of hog manure except as a possible contributor to soil compaction.

10. What constitutes one 'animal unit'?

An animal unit has been defined within the easement with reference to the Iowa DNR Manure Management Plan form.

11. What happens if cover crops cannot be planted in the fall?

Owners/operators must communicate with the easement monitor (Whiterock). Impossible weather conditions or other 'acts of god' occurrences will be dealt with as practicably as possible. However, cover crop placement is expected each fall and will be enforced until the ground is frozen and it is no longer practical to drill seed.

12. What are the baselines that will be used to confirm compliance with the easement?

Baseline soil tests and photopoints are provided in Exhibit D of the Conservation Easement. If soil health declines over time in reference to the baseline, the owner/operator and Whiterock Conservancy will determine the cause and remedy.

13. Is continuous corn allowed or does the crop have to be rotated?

Yes, continuous corn is allowed. However, practices that increase biodiversity, such as crop rotation, are encouraged.

14. If a farm is split, will a new conservation easement be created?

Yes, the easement will be modified as necessary to update legal descriptions, revise conservation structure language, clarify the owner of the building envelope, etc.

15. What is a building envelope?

The building envelope is the 4 +/- acre site shown in Exhibit E of the conservation easement. It is subject to the same soil health tenets as the rest of the ground but is the only zone where development is allowed (other than fencing and tiling). No Confined Animal Feeding Operation (CAFO) or Animal Feeding Operations are allowed, however.

16. Can changes be made to existing terraces or tile?

Yes, requests for changes to erosion control structures should be submitted in writing to Whiterock Conservancy along with documentation of why the change is equivalent or better than what is already there. NRCS resources should be utilized or private consultants specializing in design and implementation of conservation features.

17. What is Whiterock's process for handling requests?

All communication will be handled by Tyler Bruck, Whiterock's Land Programs Manager, or Carissa Shoemaker, Whiterock's Director of Land Stewardship. Regular maintenance requests and emergencies such as mitigating erosion or repairing a tile blowout will be handled expediently by Whiterock's staff. Proposed changes to erosion control structures and must be approved by Whiterock's Board of Directors and assessed by an NRCS representative.

18. What if three people buy a parcel and split it and farm it as one, but each owns separate portions? Are they each subject to two \$20,000 costs for splitting?

Likely, yes, but there could be co-ownership situations where the \$20,000 fee would not apply.

Example: if the property was purchased under an LLC or other business entity or if the property owners are joint tenants or tenants in common with respect to the entire parcel.

19. Can livestock be grazed?

Yes, subject to the livestock density provision written into the easement.

20. Are CAFOs allowed?

No. CAFOs would exceed the livestock density provision.

21. What is the difference between tillage and fertilizer application?

Tillage is a breaking of the topsoil that disrupts the soil structure and contributes to soil erosion. Fertilizer application is done in strips with minimal disruption to soil structure and minimal potential for soil erosion.

22. Will soil testing be required on a periodic basis by the landowners?

When landowners or operators perform soil testing as part of their normal agronomy program, results must be shared with Whiterock. Whiterock will additionally test for soil aggregate water stability and make other assessments at no cost to the landowner and will share that data with the landowner.

Frequency to be determined.

23. Are the measures and data to support soil health as mentioned the baseline readings and current soil tests?

The current condition of the farm will represent the baseline, with benchmarking via soil testing in an undisturbed area.

24. For cover crops, can the owner or tenant apply for public or private cost share?

Yes.

25. Is experimentation expected on these tracts? If so, is it mutually agreeable and associated cost borne by Whiterock?

Experimentation is not required or expected. However, if a landowner wanted to conduct a research trial or experiment with alternative practices related to soil health, Whiterock would strive to accommodate that. Associated costs would be borne by the landowner/manager.

26. What type of soil testing will Whiterock be using? What lab?

Whiterock will primarily be using the soil aggregate water stability test via Regen Ag Lab in Pleasanton, NE. They will also be visually assessing erosion, and may take other measures periodically (organic matter, pH, Haney, etc.

27. Do all cover crops have to be ground incorporated or can they be aerial applied?

Cover crops shall be applied using best practices as to methods and rates. Ground incorporation is preferred. Aerial applications will be permitted if/when moisture conditions indicate a likelihood of success, with prior permission.

28. Can cattle manure be stockpiled in the summer and spread in the fall as long as it is done according to NRCS/DNR requirements?

Yes.

29. Are there cover crop density requirements and seeding rates?

Yes. Refer to applicable NRCS specifications.

31. Can the cover crops be harvested?

Yes. Cover crops can be harvested, hayed, or grazed subject to termination guidelines for crop insurance.

32. Is strip tillage allowed?

Per Exhibit C of the easement, tillage of any kind is not allowed. The owner/operator may submit a request to Whiterock for consideration, but bidding should be based on the premise that this practice is not permitted.

***DISCLAIMER:** Potential buyers should conduct their own independent investigation of the Property and the Conservation Easement and consult their own legal, financial, tax, or real estate professionals before submitting a bid. Any inconsistencies between this document and the Conservation Easement shall be resolved in favor of the Conservation Easement, the terms of which are subject to correction of errors and omissions as well as change of terms. This document is intended as an outline of the Conservation only and does not purport to summarize all the terms, conditions, covenants, representations, or warranties contained in the Conservation Easement. This document is qualified in its entirety by the contents of the Conservation Easement for the Property.