



Rolling Easements

A Conservation Tool for
Disappearing Lands



COASTAL VIRGINIA
CONSERVANCY
Conserving land and water for life



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Helen Kuhns, Executive Director

Our dual mission is to

- Conserve open space and habitat throughout Hampton Roads
- Restore local waterways through *In Lieu Fee Mitigation* Restoration, currently focusing on the Elizabeth River

CVC is the greater Hampton Roads' local land trust and restoration partner.

Conserving land using tools such as

- Conservation Easements in *perpetuity*
- Innovative tool to help mitigate for Sea Level Rise – *Rolling Easement*
- Tax credits

Restoring waterways through *In Lieu Fee* mitigation program.





COASTAL VIRGINIA CONSERVANCY

Conserving land and water for life

- Protects almost 1,300 acres of land.
- Facilitated creation of over 600 acres of park land.
- Given more than 450 acres to the Great Dismal Swamp.
- Holds the nation's first privately-held "rolling" conservation easement on the Elizabeth River Project's Ryan Resilience Lab in Norfolk.
- Realigns conservation tools to protect neighborhoods and home values in frequently flooded areas through conservation.

Great Dismal Swamp, Chesapeake (public)

Sea Level Rise

in Hampton
Roads

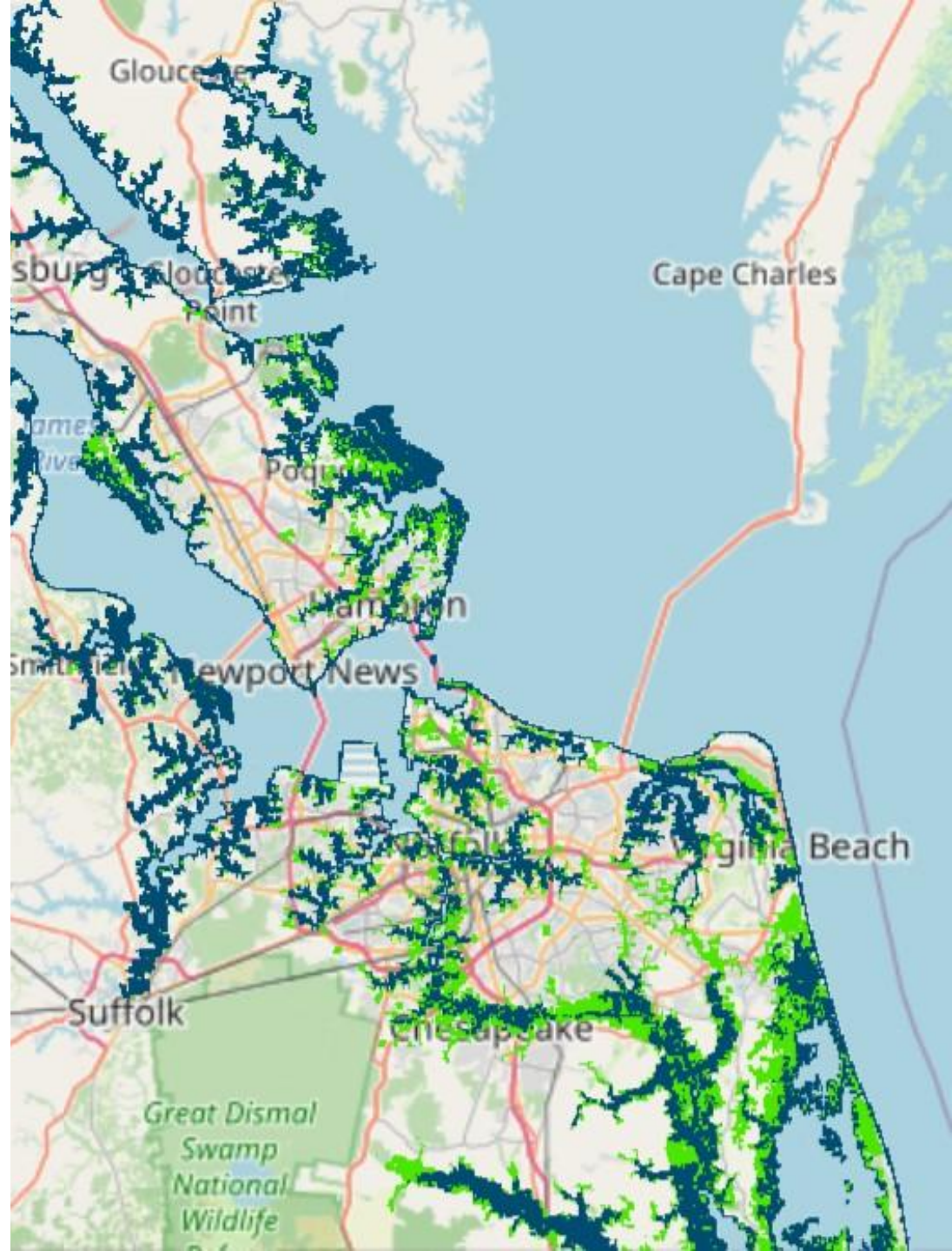


Norfolk - Virginia Department
of Emergency Management

Predictions

NOAA estimates that Hampton Roads could have:

- 2 feet of sea level rise by 2100, with a more likely scenario of 2 – 3 feet (map)
- Outside estimates show that up to 7 feet of sea level rise is possible



Sea Level Rise is not the Future

It is now...

Hampton Roads has already experienced 14 inches of sea level rise since the 1930's.

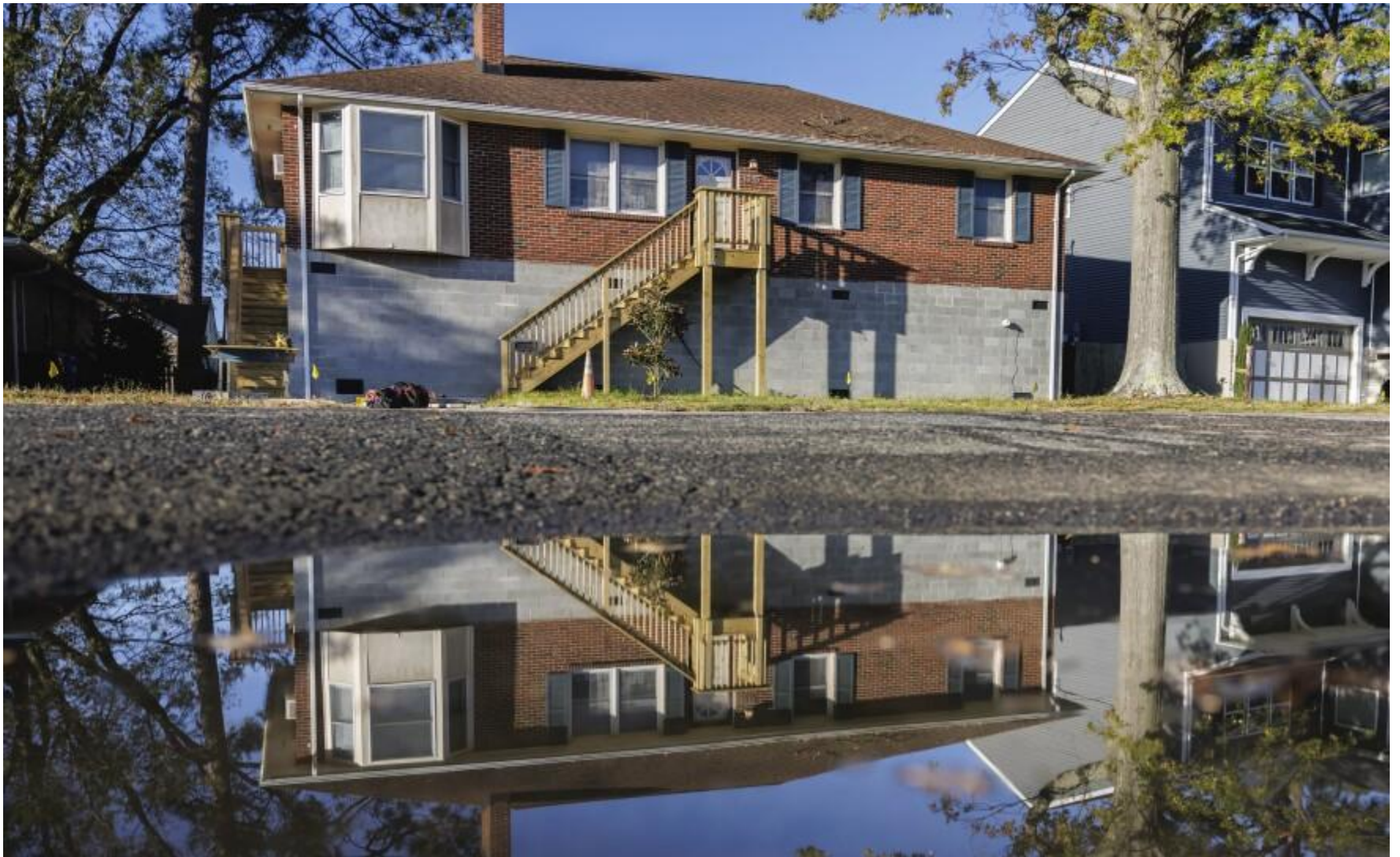


Coastal Virginia Conservancy conservation easement in Norfolk floods to some degree with every high tide now.

Flooding

Newport News
tidal surge
before
Hurricane Erin





Even “fixes” fail

Traditional Conservation Easement Model does not Work for some Coastal Lands

Advantages

1. Legal clarity and familiarity

Well-established under U.S. law

Widely understood by landowners, land trusts, and courts

2. Permanent protection

Fixed restrictions protect land “in place” forever

Reliable for conservation planning and funding

3. Financial incentives

Eligible for tax deductions, credits, and estate planning benefits

Easier to appraise and value

4. Simpler administration

Boundaries and terms are clearly defined and monitored

Disadvantages

1. Not climate-adaptive

Fixed boundaries don't adjust to sea-level rise or shoreline movement

Can result in “drowning” of protected land

2. May encourage shoreline armoring

Landowners may install bulkheads to protect fixed property

Undermines habitat and natural processes

3. Loss of conservation value over time

Wetlands and habitats may disappear if migration is blocked

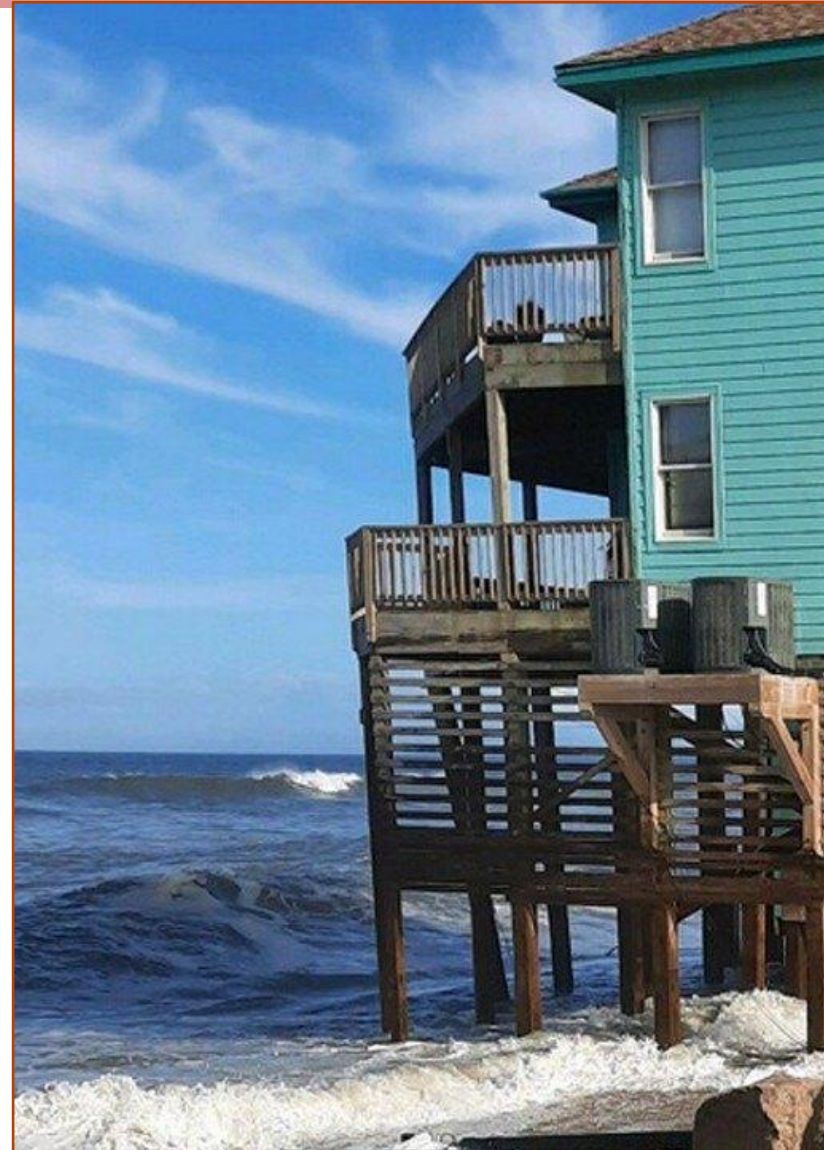
Easement may no longer meet original conservation goals

4. Public investment risk

Funds spent protecting land that may be lost to inundation

Introducing Rolling Easements

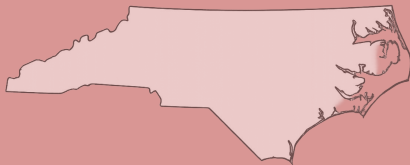
- Policy-driven (laws/regulations)
 - Zoning overlays
 - Setback ordinances
 - Conservation easements
 - Hybrid permit conditions
- Managed retreat strategies
- Voluntary/private easements



Examples of Policy-driven Rolling Easements

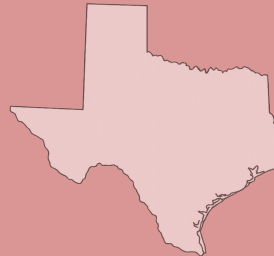
North Carolina Setbacks

- Setbacks based on erosion rates.
- Structures become noncompliant over time.
- Limits future development.



Texas Open Beaches Act

- Public access boundary moves inland.
- Limits rebuilding in erosion zones.
- Most well-known legal example.



California Coastal Permits

- Case-by-case conditions.
- May require future removal.
- Limits shoreline armoring.



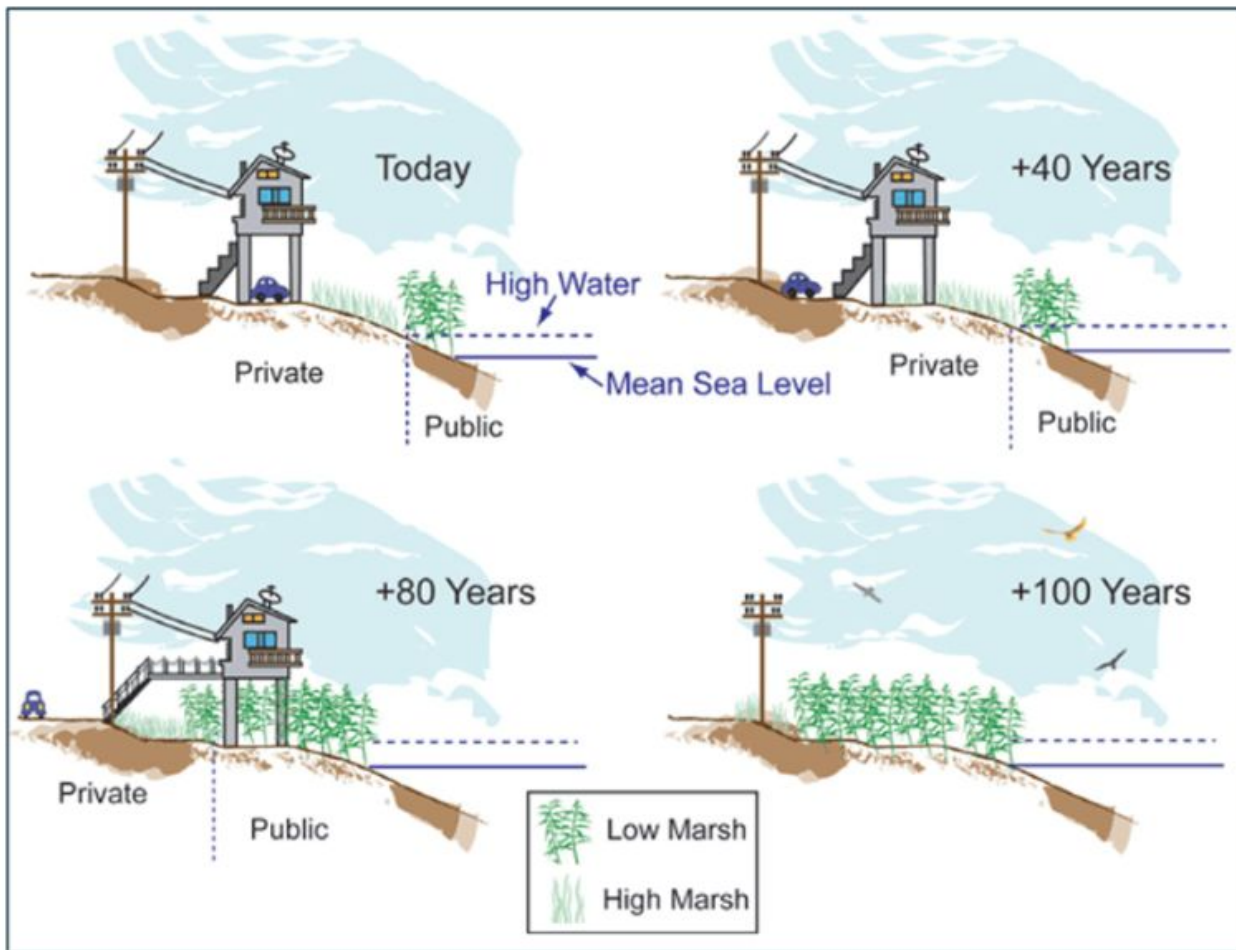
What is a Rolling Easement?

What is it?

- A conservation tool where restrictions move inland as shorelines shift.
- Designed for dynamic coastal environments.
- Allows natural migration of wetlands and beaches.

How They Work

- Boundary tied to natural features (e.g., high tide line)
- As shoreline moves, restriction moves
- Triggers may include flooding, erosion, or time



A rolling easement “rolls” along with the shoreline encroachment due to sea level rise, enforcing development restrictions that reflect changing parcel conditions

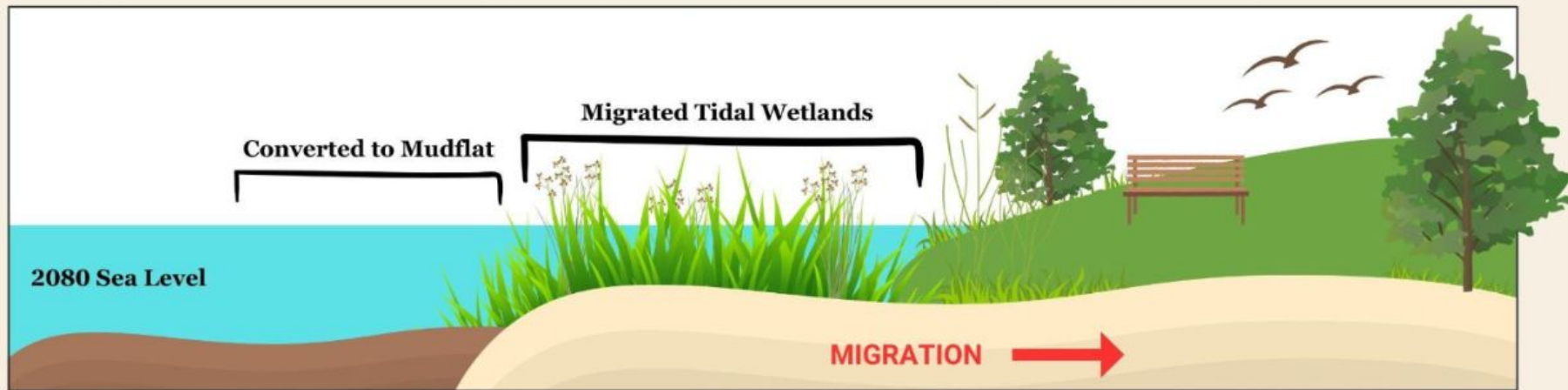
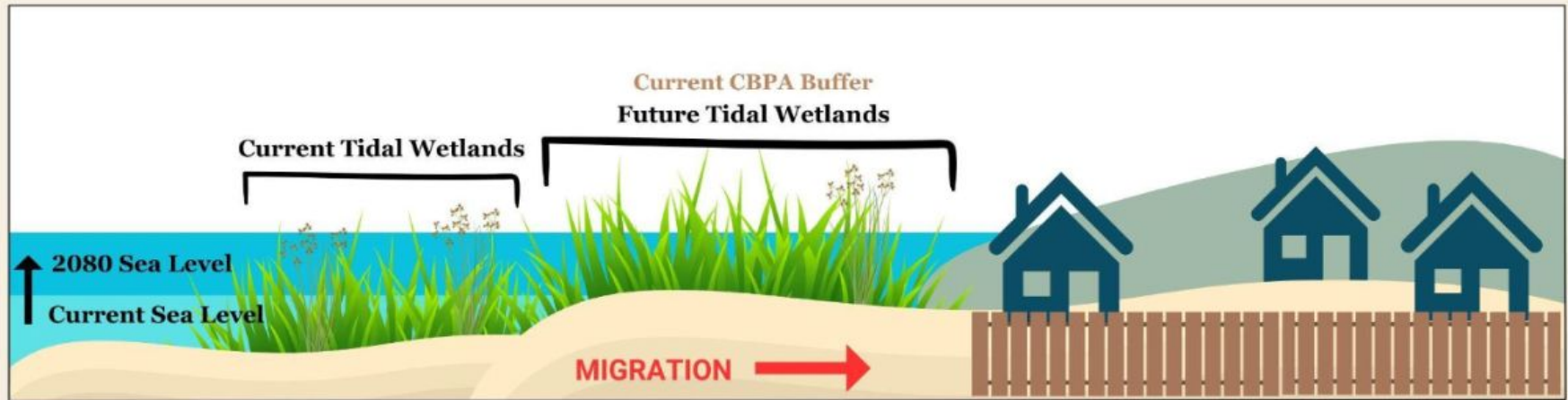
What is a Rolling Easement?

What they address

- Sea level rise and erosion are accelerating.
- Traditional easements are static.
- Prevents coastal squeeze.
- Supports long-term resilience.

Benefits

- Climate adaptation.
- Habitat protection.
- Cost savings.
- Flexible land use.



Wetlands must be able to migrate in order to survive and protect shoreline

Pru & Louis Ryan Resilience Lab Project Pilot

- Partners:
- First private rolling easement model.
- Sea level rise triggers included.



2050



2060

Rolling Easement = Conservation Easement

Legal Instrument: Conservation Easement (Deed of Restrictions)

Landowner: Elizabeth River Project

Conservation Easement Holder: Coastal VA Conservancy

Full use of land, with some conservation-based restrictions

Restrictions:

- No additional structures on the site
- No obstruction of wetlands migration
- Cannot occupy site once sea level rise takes over site and building demolition

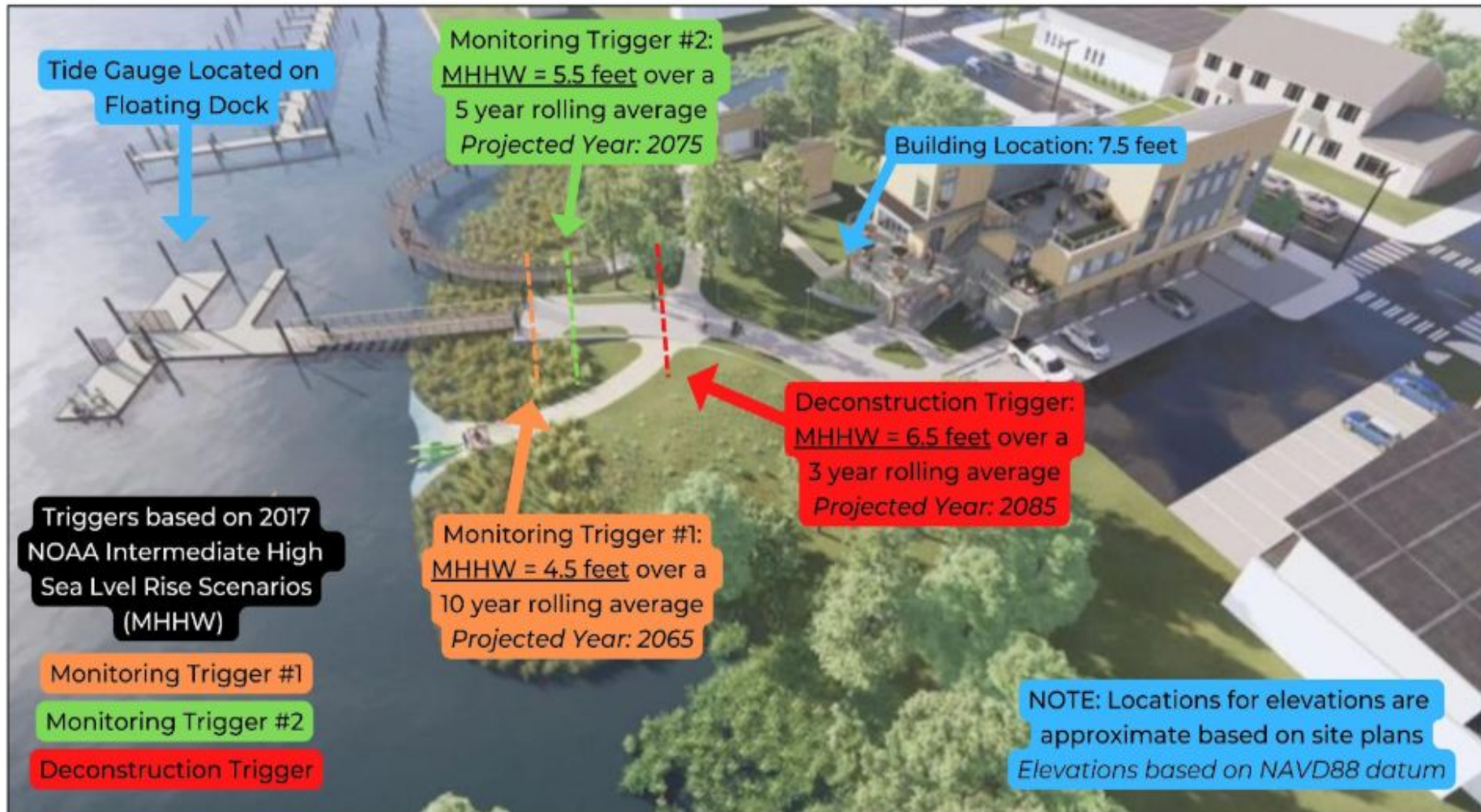
Coastal VA Conservancy enforces the restrictions.



Ryan Resilience Lab



Monitoring Triggers listed in Conservation Easement



Rolling Easement as a Tool for Land Trusts

Opportunities

- Innovative conservation strategy.
- Aligns with climate funding.
- Supports resilience planning.

Challenges

- Legal complexity.
- Landowner acceptance.
- Financing and valuation.
- Long-term enforcement.

Rolling easements offer flexibility in a changing environment and a proactive approach to coastal resilience.

Questions?

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