

Conservation Easements - Q&A

What is a conservation easement?

A conservation easement is a voluntary legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. Landowners retain many of their rights, including the right to own and use the land, sell it and pass it on to their heirs.

What are the benefits of conservation easements?

Conservation easements allow people to protect the land they love. They are the number one tool available for protecting privately owned land. All conservation easements must provide public benefits, such as water quality, farmland preservation, scenic views, wildlife habitat, outdoor recreation, education, or historic preservation.

How does a conservation easement restrict use of the land?

That depends on what you're trying to protect. If you're placing land under easement, you can work with us to decide on terms that are right for the land and right for you.

For example, if it's important to you to be able to build a home on the land or to subdivide your property, you may be able to reserve those rights -- as long as you're still protecting important conservation values (such as productive farmland or wildlife habitat). You can use an easement to protect your whole property or part of it.

While every easement is unique, there are a few general rules. Wildlife habitat and restoration is nearly always permitted. Farming is often permitted. Development is almost always limited. Surface mining is almost always off-limits. While some easements require public access, many do not.

Can I sell a conservation easement?

Most conservation easements are donated. But if your land has very high conservation value, we may be able to raise funds to purchase an easement. In particular, a number of federal, state, and local programs provide grant funding to purchase easements, especially on farmland and critical fish and wildlife habitat. However, securing grant funding is difficult as it is very competitive and only the most important properties are funded.

Can a conservation easement reduce my income taxes?

A conservation easement donation can result in significant tax benefits, if it meets the requirements of federal law. It may lower your federal income tax, because you can claim the value of the easement as a tax-deductible charitable donation. It may also lower your state income tax, depending on your state laws. Contact us for more information.

Can a conservation easement help with estate planning?

Yes. Often, one of the biggest advantages of a conservation easement is that it helps you pass on your land to the next generation. A conservation easement helps you plan for the future of the land and it can significantly lower your estate taxes. Contact us for more information.

Are conservation easements permanent?

Our conservation easements are permanent. They "run with the land," meaning that not only the original owner but all owners that come after them are subject to the easement. Only permanent conservation easements like the ones that we work with qualify for income and estate tax benefits.

How much land is protected by conservation easements?

More every year! Conservation easements are becoming very popular, in part because of their flexibility working with landowners to achieve their goals. As of 2010, nearly 9 million acres in the United States were protected by state and local land trusts through conservation easements.

How do I put a conservation easement on my land?

Start by contacting our land protection specialist to talk about the conservation values you want to protect and how you want to use the land. Be sure to talk with family members as you consider your conservation options. This is a big decision, so it's important to consult with your attorney and financial advisors, too.

What is the role of the land trust?

It's our job to make sure that the restrictions described in the conservation easement are actually carried out. To do this, we monitor all properties with conservation easements on a regular basis, typically once a year. We will work with you and all future landowners to make sure that activities on the land are consistent with the easement. If necessary, the land trust is responsible for taking legal action to enforce the easement. However, easement violations requiring legal action are rare occurrences.

Do I need to make a stewardship contribution?

Sometimes. When we agree to hold a conservation easement, we take on significant stewardship responsibilities which are also liabilities. We maintain a stewardship reserve and legal defense fund to make sure we'll be able to carry out these responsibilities long into the future. We request but do not require easement donors to contribute to this fund. Often, the amount of the stewardship contribution is more than offset by the tax incentives for donating the easement. Landowners who are paid for conservation easements are required to pay a professional service fee which comes out of their proceeds at closing.