

## **Appendix F**

### **Conservation Easements**

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From: The Nature Conservancy. 2005. "How We Work: Conservation Methods: Conservation Easements"

<http://nature.org/aboutus/howwework/conservationmethods/privatelands/conservationeasements/>

#### Conservation Easements

Conservation easements are one of the most powerful, effective tools available for the permanent conservation of private lands. Their use has successfully protected millions of acres of wildlife habitat and open space, keeping it in private hands and generating significant public benefits:

Conservation easements have been used to buffer Yellowstone, Canyonlands, Shenandoah, Glacier and other of our most treasured national parks and public lands. As "buffers," easement lands can help protect migratory corridors for elk, wolves, bears and other animals that do not confine their movements to the boundaries of a national park or national forest. Easements can also be used to prevent development on private lands from engulfing and marring the entrances to parks.

Conservation easements are used to conserve watersheds and aquifers, helping ensure a clean supply of water for public use. In the Pawcatuck Borderlands between Connecticut and Rhode Island, for example, easements help protect the water supply for millions of residents.

From Chicago to California, conservation easements have helped protect open space in rapidly growing urban and suburban areas. Open space preserves scenic beauty, underpins quality tourism and enhances the well-being of local communities and their residents. Studies have shown that when urban dwellers can lay eyes on open and green spaces, there were "powerful preventative and curative influences" on human health.<sup>1</sup>

"Conservation easements also have been instrumental in preserving agricultural lands, from family farms to ranches to timberlands. Between 1992 and 1997, more than 11 million acres of rural land in the United States were converted to developed use—and more than half of that conversion was of agricultural land, some of our country's most fertile land lost.<sup>2</sup> As people struggle to keep family farms and

ranches together in the face of steep taxes and unpredictable markets, conservation easements are often the tool of choice.

Conservation easements are among the fastest growing methods of land preservation in the United States today, and their use is gaining ground in Latin America, the Caribbean, Canada, Australia and the Pacific.

A conservation easement is a restriction placed on a piece of property to protect its associated resources. The easement is either voluntarily donated or sold by the landowner and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the land remains in private hands. Conservation easements protect land for future generations while allowing owners to retain many private property rights and to live on and use their land, at the same time potentially providing them with tax benefits.

In a conservation easement, a landowner voluntarily agrees to sell or donate certain rights associated with his or her property—often the right to subdivide or develop—and a private organization or public agency agrees to hold the right to enforce the landowner's promise not to exercise those rights. (In essence, the rights are forfeited and no longer exist.) An easement selectively targets only those rights necessary to protect specific conservation values (such as water quality or migration routes) and is individually tailored to meet a landowner's needs. Because the land remains in private ownership, with the remainder of the rights intact, an easement property continues to provide economic benefits for the area in the form of jobs, economic activity and property taxes. A conservation easement is legally binding, whether the property is sold or passed on to heirs. Because use is permanently restricted, land subject to a conservation easement may be worth less on the open market than comparable unrestricted and developable parcels. Sometimes conservation easements will enable the landowner to qualify for tax benefits in compliance with Internal Revenue Service rules.

<sup>1</sup> Nicholson-Lord, David, "Monitoring the Call of the Wild," *The Independent* (London), June 23, 1996, page 50.

<sup>2</sup> "Fact Sheet: Why Save Farmland?" American Farmland Trust Farmland Information Center, May 2002.