



CONSERVATION EASEMENT Q&A

What is a Conservation easement?

At its simplest, a conservation easement is a set of voluntary restrictions placed on a property by a landowner to protect certain natural resources. The restrictions are enforced (or “held”) by a non-profit organization like The Forever Land Trust.

How long does an easement last?

Most easements are perpetual and the restrictions are recorded with the property deed. The landowner, his/her heirs, and any future owners of the property will be required to protect the resources according to the terms of the easement. Likewise, the holder is required to enforce the terms of the easement in perpetuity.

Can I still own my property?

Yes. The fee-title owner of a property continues to own the property. The property can be sold, donated, or willed to another person in the same way as any other property.

What restrictions are included in the easement?

An easement is a flexible agreement designed to address specific resource needs and landowner desires on a specific piece of property. There is no one-size-fits-all model. Some common restrictions include limitations on subdivision, constructing buildings, draining wetlands, and breaking native prairie.

Am I required to allow hunting and public access?

Not unless you want to. Public access is like any other easement right – it’s up to the landowner and the easement holder to determine what’s appropriate for the property.

Can I continue to farm or graze the property?

Typically, yes. Depending on the terms of the easement (which you and the holder will negotiate and agree upon), you may continue to operate the farm in a manner consistent with the easement and resource protection needs.

Is there a minimum size to donate an easement?

Different easement holders have different size restrictions. Small, local land trusts – those dedicated to a specific watershed, for example – may accept any sized easement. Because stewardship funding is limited, and because of the permanent commitment as an easement holder, The Forever Land Trust requires that easements contain significant and unique wildlife habitat values and be large enough to be considered self-contained habitat. While there is no size minimum, The Forever Land Trust will take into account the surrounding landscape, proximity to existing habitats, and the resource potential of the donated site.

Is there a cost to have a holder take an easement?

Non-profit easement holders require a donor contribution to their stewardship fund or endowment to offset the costs of monitoring and legal defense. The contribution will vary from organization to organization. For reference, The Forever Land Trust’s required contribution to the *Forever Stewardship Fund* is unique to each conservation easement and based on a number of factors.

How can donating an easement benefit me?

Donating a conservation easement can create significant federal and state income and inheritance tax benefits. More importantly, a conservation easement helps to create your *Forever Legacy* – ensuring that your land, and the wildlife, soil, and water resource on it, are preserved and protected forever.

For more information on The Forever Land Trust, visit our website at www.foreverlandtrust.org