

APPENDIX "A"

Conservation Options for Landowners¹

Conservation Easements

A conservation easement (or conservation restriction) is a 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. It allows you to continue to own and use your land and to sell it or pass it on to heirs.

Conservation easements offer several advantages:

- Leave the property in the ownership of the landowner, who may continue to live on it, sell it, or pass it on to heirs.
- Can significantly lower estate taxes---sometimes making the difference between heirs being able to keep land in the family and their needing to sell it. In addition, easements can provide the landowner with income tax and, in many cases, property tax benefits.
- Are flexible, and can be written to meet the particular needs of the landowner while protecting the property's resources.
- Are permanent, remaining in force when the land changes hands. A land trust or a government agency ensures the restrictions are followed.
- Do not require public access.
- Prohibit subdivision of the property

When you donate a conservation easement to a land trust, you give up some of the rights associated with the land. For example, you might give up the right to build additional structures, while retaining the right to grow crops. Future owners also will be bound by the easement's terms. The land trust is responsible for making sure the easement's terms are followed.

Conservation easements offer great flexibility. An easement on property containing rare wildlife habitat might prohibit any development, for example, while one on a farm might allow continued farming and the building of additional agricultural structures. An easement may apply to just a portion of the property, and need not require public access.

A landowner sometimes sells a conservation easement, but usually easements are donated. If the donation benefits the public by permanently protecting important conservation resources and meets other federal tax code requirements--it can qualify as a tax-deductible charitable donation. The amount of the donation is the difference between the land's value with the easement and its value without the easement.

Placing an easement on your property may also result in property tax savings.

Perhaps most important, a conservation easement can be essential for passing land on to the next generation. By removing the land's development potential, the easement lowers its market value, which in turn lowers estate tax. Whether the easement is donated during life or by will, it can make a critical difference in the heirs' ability to keep the land intact.

Read more "[Frequently asked Questions](http://www.lta.org/conservation/easement.htm)" about conservation easements at <http://www.lta.org/conservation/easement.htm>

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¹ The above article was taken in part from the website of the Land Trust Alliance at <http://www.lta.org/conservation/easement.htm>.

The Land Trust Alliance promotes voluntary land conservation and strengthens the land trust movement by providing the leadership, information, skills and resources land trusts need to conserve land for the benefit of communities and natural systems.