

What is a land trust?

A land trust is a nonprofit organization that, as all or part of its mission, actively works to conserve land by:

- Acquiring land or conservation easements (or assisting with their acquisition), and/or
- Stewarding/managing land or conservation easements

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, farm and ranch land preservation, scenic views, wildlife habitat, outdoor recreation, education, and 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 Coastal Mountains 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. Farming and ranching are usually 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, your land trust may be willing to raise funds to purchase an easement. In particular, a number of federal, state, and local programs provide funding to purchase easements on farm and ranch land.

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.

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.

Are conservation easements permanent?

In most cases, yes. Most easements "run with the land," meaning that all not only the original owner but all owners that come after them are subject to the easement. A few conservation programs use temporary easements -- but only permanent conservation easements 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 talking with a land trust in your community. Get to know the land trust, to see if they are a good fit for your project. Talk to the land trust 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 the land trust's job to make sure that the restrictions described in the easement are actually carried out. To do this, the land trust monitors the property on a regular basis, typically once a year. The land trust 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.

Do I need to make a stewardship contribution?

It depends. When a land trust agrees to hold a conservation easement, they take on significant stewardship responsibilities. Most land trusts maintain a stewardship fund to make sure they'll be able to carry out these responsibilities. Often, land trusts ask easement donors to contribute to this fund. But, usually, the amount of the stewardship contribution is more than offset by the tax incentives for donating the easement.

For more information, please contact:

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