

## **CONSERVATION EASEMENT FREQUENTLY ASKED QUESTIONS**

### **Why grant a conservation easement?**

Landowners grant conservation easements to protect the conservation values on their property while allowing the land to remain in private ownership and productive use. A perpetuity conservation easement assures the landowner that the natural values will be protected indefinitely, no matter who might own the property in the future.

### **Who can grant a conservation easement?**

Any landowner may grant a conservation easement. More than one conservation easement may be granted on the same parcel of land if there is no conflict between the rights and privileges granted and the obligations imposed by the different conservation easement's.

### **How restrictive is a conservation easement?**

The restrictions negotiated in the terms of the conservation easement depend on the purpose and goals of the agreement. In most conservation easements landowners will negotiate terms that enable traditional land uses to continue.

### **Who controls public access on lands with a conservation easement?**

In most cases, the landowner will retain control of public access although conservation easements normally allow the conservation easement holder access to the land for inspection purposes.

### **Who can enforce a conservation easement?**

The landowner can enforce the obligations of the conservation easement holder and the conservation easement holder can enforce the obligations of the landowner. The legislation also permits third parties that are qualified to hold conservation easements to enforce obligations of any conservation easement agreement.

### **Can a conservation easement be changed or terminated?**

The legislation enables changes or termination of a conservation easement agreement upon mutual consent of both the holder and grantor (landowner). The conditions of a conservation easement can also be terminated by the Court of Queen's Bench, if the landowner can prove severe hardship.

### **Can a conservation easement be transferred?**

A conservation easement can be transferred to another eligible conservation easement holder. It is advisable for the grantor and the holder to identify a mutually acceptable alternate conservation easement holder.

### **Does a conservation easement impact the municipal tax base?**

The municipal tax base is not affected by a conservation easement. In most cases the land use does not change.

### **What tax benefits are available for donations of conservation easements?**

A landowner that donates a conservation easement can deduct 100 percent of the value of the donation. This tax credit can be used in the first year or the balance can be spread over five additional years.

### **What other options does a landowner have?**

Other options for landowners include:

- a paid conservation easement – in this situation an eligible holder is willing to pay a landowner for the long term conservation benefit of a conservation easement. The value is usually a percentage of the fair market value of the land; or
- split-receipting or bargain sale – in this circumstance, the landowner has the option of receiving up to 80% payment for the conservation easement, with the remainder treated as a donation, which qualifies as a charitable donation.

For more information please phone (306) 787-1144