



Conserving Your Land

How you can help preserve healthy communities, clean air and water, natural areas and local food resources.

Across America, people are determined to conserve the places they need and love. Landowners have a deep connection to their land and know that undeveloped properties provide gifts to their communities: clean air and water, fresh food, wildlife habitat and sheer scenic beauty.

All too often these special places disappear forever because of development. Often times, landowners may need to sell their property for retirement or other reasons. Or when the land is passed on to the next generation, heirs may be financially compelled to sell the land to pay off high estate taxes. New owners often choose to subdivide and develop the land. Developed land is land lost forever.

As 5,000 acres of land in the United States are consumed by development every day, many landowners

are taking a stand to safeguard the places they love—productive farms, ranchland, forests, wetlands, coastlines—for their families and for future generations.

Americans who want to conserve their land can turn to land trusts—nonprofit organizations that work with landowners interested in protecting open space. This brochure describes some of the conservation methods that private landowners and land trusts can use to work together to conserve land for its natural, recreational, scenic, historic and productive value.



“There are few things that a person can do in his or her lifetime that can have a lasting and permanent effect on the world. This is one of them.”

CELIA HULETT, discussing her action to conserve family land near Ashland, OR. With help from the accredited Southern Oregon Land Conservancy, Ms. Hulett placed a conservation easement on the land and sold it to conservation-minded buyers.



1250 H Street NW | Suite 600 | Washington, DC 20005
202-638-4725 | www.landtrustalliance.org

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Revised 5th Edition

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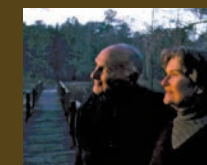
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Back page photo: Todd Parker, courtesy of Little Traverse Conservancy



“With all the changes happening in Montana, a valley like this is all the more precious. Not only our place, but nearly all the ranches around us are multi-generational. It’s crucial that this valley stay intact; that our community stay intact. Because it took over a century to develop what we have here. But it would take no time at all to destroy it with subdivision.”

GAYLE BERG

Gayle and her husband, Rick Berg, donated a conservation easement on their ranch to the accredited Montana Land Reliance.



“We want our children and grandchildren to have the same opportunities to watch wood storks

settle on the shore, follow a pileated woodpecker pair through the trees, perhaps glimpse deer stepping down their paths, and absorb the beauty of the great trees, the native shrubs and wildflowers.”

MARY AND JOSEPH CONLIN

The Conlins donated a conservation easement on their 33-acre island in a northern Florida lake to the accredited Tall Timbers Research Station & Land Conservancy.



Ways to Conserve Land Held in Private Ownership

CONSERVATION EASEMENTS

The most traditional tool for conserving private land is a “conservation easement” (also known as a conservation restriction).

What Is an Easement?

A conservation easement 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 landowners to continue to own and use their land, and they can also sell it or pass it on to heirs.

When you donate or sell 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. This is managed through “stewardship” by the land trust.

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

Qualifying for a Tax Deduction

A landowner can sell a conservation easement, but many easements are donated to a land trust. 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. Easement values vary greatly; in general, the highest easement values result from very restrictive conservation easements on tracts of developable open space under intense development pressure. In some jurisdictions, placing an easement on your property may also result in property tax savings. (For the latest information on federal tax law for conservation easements, visit the Land Trust Alliance’s website: www.landtrustalliance.org.)

Reducing Estate Taxes

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

Finding the Right Conservation Method for You

Depending on the needs and wishes of each landowner and the property’s attributes, land trusts use a variety of conservation techniques to help landowners conserve their land.

Sometimes landowners cannot or do not wish to retain ownership of their land through an easement. For these situations, it is recommended that you speak with your local land trust and your legal and financial advisors about the following additional options.

RESALE OF LAND

If you need to sell your land but don’t want to see it destroyed by development, a land trust can help. Prior to the sale, you can work with your local land trust to place a conservation easement on the land before it goes on the market. Some land trusts can also help identify potential buyers for conserved lands.

DONATION OF LAND FOR CONSERVATION

Donating land for conservation is one of the finest legacies a person can leave to future generations. If you choose to donate your land, your land trust can work with you to identify the best arrangement. The land trust might retain ownership of the property as a permanent preserve or transfer the property to a suitable owner, such as a government agency. In some cases, the land is sold to a private owner, subject to a conservation easement held by the land trust. (Proceeds from such a sale could fund the land trust’s long-term management of the conservation easement and/or help it to protect even more land.) The full market value of land donated to a nonprofit land trust is tax deductible as a charitable gift.

BARGAIN SALE

In a bargain sale, you sell your land to a land trust for less than its fair market value. This not only makes it more affordable for the land trust, but offers several benefits to you: it provides cash, avoids some capital gains tax and entitles you to a charitable income tax deduction based on the difference between the land’s fair market value and its sale price.

DONATION WITH A LIFETIME INCOME

If you have land you would like to protect by donating it to a land trust, but you need to receive income during your lifetime, consider a charitable gift annuity or a charitable remainder unitrust. Charitable gift annuities and charitable remainder unitrusts are most useful for highly appreciated land, the sale of which would incur high capital gains tax.



Take the Next Step to Conserve Your Land

CONTACT A LAND TRUST

Visit www.landtrustalliance.org and click “What you can do.”

MEET WITH YOUR ADVISORS

Legal and financial advisors can help you determine your best conservation options.

FIND OUT MORE

The Alliance offers publications covering a wide variety of conservation topics and resources; visit www.lta.org/publications.

About the Alliance

The Land Trust Alliance is a national conservation organization representing over 1,000 land trusts, and works to save the places people need and love by strengthening land conservation throughout America. Please visit our website at www.landtrustalliance.org for more information on:

- Finding a local or regional land trust
- The latest federal tax laws concerning conservation easement donations
- Examples of how private landowners work with land trusts to protect their land
- Publications and resources for landowners