



CACAPON & LOST RIVERS
LAND TRUST

Conservation Easements

Protecting the forests, farms, rural heritage, and water quality of the Cacapon and Lost Rivers Watershed

- ▶ A conservation easement is a voluntary, legal agreement between a landowner and a land trust that permanently protects the conservation values of a property.
- ▶ You retain your rights to own, sell, live on, and pass your property to your heirs. You can hunt, fish, farm, and harvest timber.
- ▶ The land trust visits the property annually to ensure that *your* protections are followed.

Conservation Easement Process

1. DEFINE GOALS

Create a list of what you do and don't want to see happen on your property.

2. DECIDE TO DONATE OR SELL

Most easements are donated, meaning landowners are not paid for the resulting reduction in property value. Many donors then qualify for a federal tax deduction. Some landowners request an easement purchase, for which the Trust must seek funding. We will need to agree on the easement type from the outset.

3. TITLE SEARCH & LIEN SUBORDINATION

The Trust will order a title search of your property. (Landowner usually pays the cost.)* If there is a lien (like a mortgage), we will help you work with the lien-holder to subordinate the lien.

4. DRAFT THE CONSERVATION EASEMENT

Using your Goals List (step 1) as a framework, we will work together to draft a conservation easement agreement that clearly conveys your goals.

5. SURVEY

A survey *may* be needed if the existing one is not sufficient. You are responsible for the cost.*

6. BASELINE DOCUMENTATION

The Trust will draft a Baseline Documentation Report that describes the property's condition and conservation values. It will include maps, photographs, and documentation of forest types, streams, wildlife, soils, wetlands, and other conservation values. By signing the baseline, you agree that the document accurately represents your property at the time the easement is signed.



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7. BOARD REVIEW

The Trust's Board of Directors must review and approve all conservation easements.

8. EASEMENT SIGNING & RECORDING

You and the Trust's Executive Director will sign the conservation easement in presence of a notary. The Trust will then record the deed in the county courthouse.

9. (OPTIONAL) APPRAISAL & TAX DEDUCTION

Landowners who donate a conservation easement may be eligible for a federal tax deduction. Those wishing to take advantage of the tax deduction will need a conservation easement appraisal and are encouraged to consult a tax attorney or accountant. (See "Easement Donations and Tax Matters" fact sheet for details.)

While the Trust will help you through this process to the extent we can, we are not permitted to provide legal, tax, or financial advice. Further, the IRS views the tax payer (you) as ultimately responsible for ensuring that the easement deed satisfies IRS requirements, so it is advisable to seek the advice of a tax professional.

After the Closing

STEWARDSHIP

- The Trust will visit the property annually to ensure the protections you crafted are upheld forever.
- To further strengthen our ability to protect your land, we maintain a Stewardship & Legal Defense Fund to support annual stewardship visits and to protect the property from encroachments, legal threats, or violations of the easement's terms. We also retain special insurance (TerraFirma) as additional protection for your property.
- Since the stewardship and protection of your property has a cost (approximately \$6,000 in upfront expenses), we ask easement landowners to make a *one-time* \$6,000 *tax-deductible* gift to our Stewardship & Legal Defense Fund to help us defend the property.*

**If a landowner is unable to cover the costs noted above, the Trust will try to help. Please let us know if you have financial concerns.*

We work with you every step of the way.

To get started, contact Emily Warner, Executive Director at emily@cacapon.org or 304-856-1188.



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