



# Leaving a Legacy

 Conserved forest in Rowan County

*The NCFA has partnered with Three Rivers Land Trust to produce an article for this issue of TreeLine. We'd like to thank the team at Three Rivers Land Trust for sharing information about conservation easements with our members.*

By Katie Stovall, Conservation Lands Manager, Three Rivers Land Trust

**T**hree Rivers Land Trust is a nonprofit land conservation organization that serves 15 counties in the central Piedmont and Sandhills of North Carolina. Our mission is to work thoughtfully and selectively with property owners to conserve land, natural areas, rural landscapes, family farms, and historic places within North Carolina's central Piedmont and Sandhills regions.

## **Q: What is a conservation easement?**

A conservation easement permanently guarantees the long-term protection of land and its natural resources through a voluntary legal agreement. In the simplest terms, a conservation easement extinguishes the development rights of a property in perpetuity. A conservation group, such as Three Rivers Land Trust, is responsible for enforcing the terms of the easement in perpetuity, regardless of who owns the land in the future. The easement "carries with the land." The

land can be sold, leased, left to heirs, or transferred, but the easement will always remain. A conservation easement does not take ownership of the land away or make it open to the public.

## **Q: Why would I want to put a conservation easement on my property?**

Conservation easements are a great option for landowners who want to keep their land undeveloped in perpetuity. Knowing your land will never be paved over or subdivided can provide peace of mind.

Additionally, some conservation easements (called purchased easements) are eligible for grant funding, which is often very beneficial to landowners. There can also be federal income tax benefits for putting land under easement. However, the main reason for putting your land under conservation easement is that you want to see it permanently protected.

## **Q: How does a conservation easement protect land?**

In general, conservation easements prevent subdivision and development while allowing farming, forestry, and recreational use. A conservation group, like Three Rivers Land Trust, holds the conservation easement. It is the responsibility of that group to ensure the restrictions of the easement are followed. One of the ways an easement holder ensures the property restrictions are being upheld is an annual monitoring visit, during which a representative visits the property and documents any changes. Landowners have the option to be present for these visits and are always informed ahead of time.

# Is a Conservation Easement Right for Me and My Forestland?

as you choose. Agriculture and forestry operations are permitted under most conservation easements. Conserved land can still be used for timber, livestock, and crops. Recreational activities, like hunting and fishing, are allowed. Sustainable management of resources is encouraged and often required. Many easements require a forest management plan. Landowners often choose to reserve the right to build a home and agricultural buildings on their property. You also retain ownership of property, and no public access is granted through a conservation easement. The specific terms and restrictions of an easement are decided by the landowner, easement holder (Three Rivers Land Trust), and any applicable grant agencies (if it is a purchased easement).

## Q: What is the difference between a purchased and donated easement?

A landowner can receive substantial federal income tax benefits through a donated easement. Through a purchased easement, Three Rivers Land Trust seeks grant funding to pay landowners for a portion of the purchase price of the conservation easement. Placing a property under a purchased easement is a much longer process, involving competitive grant applications. This process can take two to five years to complete. Donated easements, on the other hand, take six months to a year to complete and allow more flexible easement terms. Purchased easements tend to be more restrictive and less flexible than donated easements. If you are unsure which option will suit you and your property best, Three Rivers is happy to discuss your options with you. The value of the tax benefits and grant funding is determined by a conservation easement appraisal for both purchased and donated easements.



Conserved land in Montgomery County that is being reforested with longleaf pine trees

## Q: How does a conservation easement restrict me from using my land?

The most common restriction includes no commercial development, no industrial development, and limited to no subdivision of the property. Additionally, activities that negatively impact the conservation of the property, such as mining or dumping, are prohibited. You are still able to recreate and work the land



Tom and Sharon McKinnon, forest landowners with conserved property in Scotland County

## Q: How is a conservation easement valued?

The value of a conservation easement is determined by an appraisal. This appraisal shows the value of the property before the easement is placed on it, the value after it is placed on it, and the difference between the before and after values is the value of the conservation easement. This value determines the amount of tax benefits and/or grant funds a landowner receives for placing their property under an easement. All landowners are encouraged to speak to

a qualified tax professional to see how the associated tax benefits will apply to them.

### Q: Can I still leave my property to my heirs?

A property under a conservation easement can be sold, leased, or passed down to heirs; it is entirely up to you as the landowner. However, the new owners will still have to follow the easement terms.

### Q: Do I have to put my entire property under easement?

No. You can choose which portions of your property to put under easement. How you choose to protect your land with an easement is up to you. It is important to keep in mind acreage restrictions. Most conservation groups require properties to meet a minimum acreage. Three Rivers Land Trust typically requires properties to be 40 acres or more. Exceptions to this minimum acreage requirement exist, but those are not common. If your property is under 40 acres and you wish to see it protected, you are still encouraged to reach out.

### Q: How does a conservation easement protect/promote the forestry industry?

A conservation easement prevents land from being developed. It is a common misconception that placing a property under easement means forest products can no longer be harvested. While there are some easements that prevent commercial timber harvest, most do not. Conservation easements require that harvests are conducted in accordance with a forest management plan that is prepared by a Registered Forester or other qualified professionals. This requirement is set forth to encourage the sustainable management of forests on conserved lands. A conservation easement benefits the forest industry by ensuring the land is not lost to development. Property placed under an easement will never be converted into a parking lot or subdivision. Conservation easements help ensure the long-term availability of forests and forest resources while supporting, protecting, and promoting the forestry industry.

### Q: What should I do if I am interested in learning more about a conservation easement on my property?

You can reach out to your local land trust to discuss putting your property under a conservation easement. Three Rivers is your local land trust if you are in one of the following counties: Anson, Cabarrus, Cumberland, Davidson, Davie, Harnett, Hoke, Iredell, Montgomery, Moore, Randolph, Richmond, Rowan, Scotland, and Stanly. ■

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