

Typical Requirements for Conservation Easement

Every Land Trust has its own unique requirements that must be met prior to acceptance of a conservation easement. We find the following requirements to be typical of most Land Trusts, however, you should seek out the specific requirements of the Land Trust that you are considering cooperating with:

- 1) The property under consideration must contain one or more attributes identified by the Land Trust for protection. Common examples include:
 - a. Protection of a high quality stream.
 - b. Protection of forest land, particularly old growth forest.
 - c. Protection of wildlife habitat of a threatened or endangered species.
 - d. Protection of wetlands areas including buffers.
 - e. Protection of scenic ridgelines.
 - f. Protection of a prime agricultural parcel.
 - g. Protection of the property is pursuant to a clearly delineated Federal, State or Local conservation policy.
- 2) The property is of sufficient size and character to retain its special attributes over time.
- 3) The donor agrees to pay all costs associated with the donated conservation easement (i.e. – included but not limited to appraisals, ecological baseline report, title insurance, legal fees and filing fees).
- 4) The donor agrees to perform a Class A-2 survey of the subject easement. This protects the Land Trust and the donor in that everyone knows what areas of land are included in the conservation easement.
- 5) The donor agrees to permanently mark the boundaries of the conservation easement. This ensures that the Land Trust can monitor the conservation easement area annually to ensure conformance with the conservation easement language that was agreed to by all parties.
- 6) The donor agrees to make a voluntary minimum contribution to the Land Trust Stewardship Fund. Each Land Trust typically has a Stewardship Fund which covers the costs associated with monitoring and maintaining the conservation easement as well as legal defense of said easement if required. Many Land Trusts will work with the donor based on their financial means.

To learn more about local Land Trusts in your area and the conservation easement process in general please contact Arthur H. Howland & Associates, P.C. at (860) 354-9346 and ask for Paul Szymanski. You can also visit us on the web at <http://ahhowland.com>.

Arthur H. Howland & Associates, P.C., specializes in assisting donors step-by-step with the conservation easement process offering a full array of civil engineering, land surveying, land planning, soil science and consulting services.

One should always consult their attorney or accountant for legal or tax advice.



INFORMATION PROVIDED COURTESY OF:

**ARTHUR H. HOWLAND
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