



PROTECTING OPEN LANDS THROUGH CONSERVATION EASEMENTS

Across the nation, farms, ranches, and open spaces are rapidly disappearing to commercial and residential development. In Oklahoma, roughly 35,000 acres of open space is lost annually, and the rate of loss is increasing. Often, the most productive farmlands nearest our communities and the lands most valued for conservation and wildlife are under the most intense threat of development.



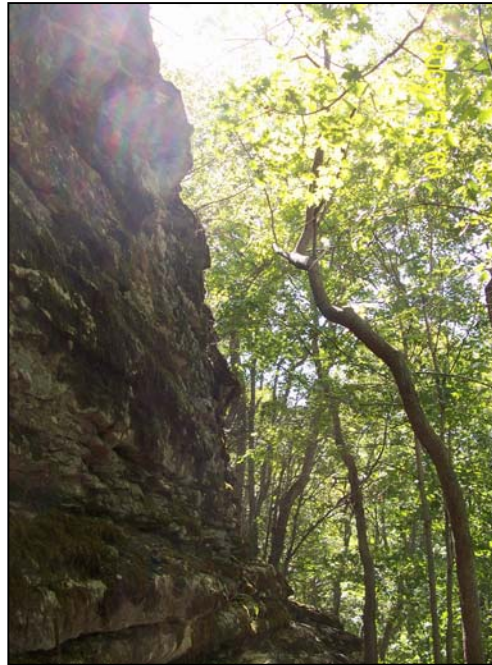
Fortunately, a number of public agencies and nonprofit organizations are working to preserve our best land through conservation easements. Easements are voluntary restrictions by landowners to prevent their properties from being developed.

SOME FACTS ABOUT CONSERVATION EASEMENTS

- ❑ Just as mineral rights and water rights have long been severed, bought, and sold, a willing landowner can sell or donate the development rights to a public agency or a qualified conservation entity through a deed of conservation easement. The landowner retains full possession and use of the property for purposes other than those restricted by the easement.
- ❑ Conservation easements are voluntary, compensatory tools to protect land from development pressure at prices that are more affordable for public agencies and conservation organizations than outright purchases. A conservation easement is

an economical way to protect scenic views and other open spaces that are important to the community.

- ❑ Conservation easements may be perpetual or term (set to expire after a predetermined number of years). Donations of easements are only tax deductible, however, if they are perpetual.
- ❑ Just as importantly, easements leave private lands in private ownership, and keep the land productive, providing essential landowner stewardship and contributing to the local tax base.
- ❑ Easements provide an economically viable alternative to subdivision and development, by compensating landowners for the development rights they would forego by keeping the bulk of their property as open space, rather than converting it, for example, to a strip mall or a housing subdivision.
- ❑ Conservation easements are flexible documents; they can be tailored to meet the needs of individual landowners. They can also be tailored to suit unique properties. The specific development rights that a landowner will forgo or restrict are fully negotiable between the landowner and the qualified conservation entity. For example, while restricting subdivision, landowners may want to reserve the right to develop a limited number of home sites.
- ❑ Many open space uses are generally permissible including farming, ranching, hunting, fishing, and other activities that do not damage the property's conservation values.
- ❑ Unlike access (road) easements, conservation easements do not require direct access to the property, although willing landowners may grant access for a specific purpose as part of their negotiated agreement.
- ❑ Like other property rights, development rights can be appraised and assessed a value. Depending on proximity to urban areas and other factors, the development rights can comprise over 80% of a property's appraised fair market value.
- ❑ Donations of conservation easements to eligible entities are normally tax-deductible at their appraised fair market value.



- Voluntary conservation easements can be valuable estate planning tools for landowners. By reducing estate taxes, conservation easements can help landowners pass on their land on to their children and grandchildren.

FREQUENTLY ASKED QUESTIONS

Who can hold conservation easements?



Conservation easements may be held by public agencies such as the U.S. Department of Agriculture or a municipality. They may also be held by a nonprofit land trust organization, such as Land Legacy.

What is the role of the holder of a conservation easement?

The entity (public agency or nonprofit land trust) that holds a conservation easement does not have the right to subdivide or

develop a property, merely the obligation to enforce the easement's restrictions. The holder of an easement will require occasional access to the property to inspect it for compliance with the easement. The easement holder, however, does not assume any management obligations for the property as that remains with the landowner.

What organizations in Oklahoma may I contact about a conservation easement?

Unlike many other states, only a handful of organizations in Oklahoma hold conservation easements, but the number of organizations is increasing with growing interest by landowners and conservation organizations. Several public agencies including the USDA Natural Resources Conservation Service, the Oklahoma Department of Wildlife Conservation, and the US Fish and



Wildlife Service will hold easements on properties of interest. Also, a number of

nonprofit organizations will hold conservation easements including Land Legacy, The Nature Conservancy, the Norman Area Land Conservancy, and the Edmond Land Conservancy.

May I sell a conservation easement on my property if I am not able to donate it?

Though funding for the purchase of conservation easements is limited, some programs provide funds for public agencies and nonprofit organizations to purchase them on high-priority properties. Farm and ranch lands under threat of commercial development, sensitive watershed lands, and lands providing habitat for threatened and endangered species may qualify for various funding programs. To learn more about these, you may contact any of the organizations listed above.

What restrictions does a conservation easement include? What uses are permissible?

Easements are very flexible documents that can be tailored to each property and landowner. Nearly all easements prevent or significantly restrict the building of residential or commercial structures. Subdivision of a property is generally prohibited, as well. A landowner may choose to place additional restrictions on his/her property, such as no hunting or no motorized vehicles.

Any uses not expressly prohibited in an easement are permissible. Typically, these include farming, ranching, and outdoor recreational activities.



**FOR GENERAL INFORMATION ON CONSERVATION EASEMENTS IN OKLAHOMA,
INCLUDING A SAMPLE EASEMENT YOU CAN DOWNLOAD, VISIT
WWW.LANDLEGACY.COM.**