

Conservation Easements



conservation easement basics

- A conservation easement is the most popular and permanent way to protect your land's special features—natural, cultural, historic and scenic—while retaining private ownership and use.

How easements work

- A conservation easement is a contract between a landowner and a qualified conservation group. The easement document specifies:
 - a.** which uses or rights the landowner wants to retain and
 - b.** which uses the landowner does not want to exercise—and does not want any future owners to be able to exercise.

Flexibility

- Because landscapes, landowners goals and potential threats vary widely, a conservation easement is a flexible protection tool.
- Though conservation easements may start from the same template, each is tailored to the land and the landowner. For example, some Iowa easement donors place an easement on their entire property while others protect only the most vulnerable areas. Some limit timber harvesting to a sustainable plan while others completely prohibit it.

Effects on property rights

- Easements allow landowners to maintain most ownership rights. Grantors still hold the property in fee-title and can sell it or bequeath it to heirs. If compatible with the purpose of the easement, they may live on the site, raise crops, harvest timber and otherwise derive income from the property. Their rights to restrict public access are identical to those of any other private landowner.
- Meanwhile, easement donors retain typical landowner responsibilities such as controlling noxious weeds and paying property taxes.

The Process

- The conservation easement process involves several steps, including drafting and agreeing on easement language, updating the property abstract to assure clear title, getting a qualified appraisal (if you seek tax benefits), creating a baseline inventory that the easement holder can use in future monitoring visits, and filing final documents with your county recorder. While most of these tasks aren't your responsibility, you need to allow time for others to complete them.

The Decision

- Once signed, an easement's restrictions are recorded and become permanently binding on the current owner and all future owners, in perpetuity.

Tailoring your easement

- ◉ Most conservation easements share similar features—with the finer details adapted to each landscape and landowner.
- ◉ For example, easements held by the Iowa Natural Heritage Foundation generally prohibit subdivision, development, mining and concentrated animal feeding operations. They generally permit continued residence by current and future owners, agriculture on previously farmed fields, timber harvests within a sustainable plan and other activities that don't violate the stated restrictions or otherwise damage the protected resources. However, most easements also have individual features that reflect the specific landscape or the landowner's wishes.