

Steps in a Conservation Easement

1. Contact your local land trust and if possible have a site visit with the land protection staff. The project will have to be approved by the Land Trust Conservation Committee and the full Board of Trustees and entered into their records. Once the project has been approved the next step is to get a baseline started.
2. If you intend to do future development or land management on the property you should plan ahead and determine what you want to do. For example, house sites, roadways, trails, wells, forest management, should be taken into consideration and their potential locations should be considered and included in the Conservation Easement. You can do this yourself, with a planner, or with the Land Trust. For a property of your size I would recommend contacting a planner such as Equinox.
3. You will need a Baseline Documentation Report (BDR) (approximately \$3500-5000, but depends up size of the tract). The BDR documents the easements the ecological values that are to be protected as well as provides a baseline for future monitoring of the easement.
4. A current plat survey showing the areas to be protected by the easement as well as those areas not in the easement. Reserved building sites or other sites that will be developed in the easement need to be on the plat as well. This plat should be recorded in the counties register.
5. A lawyer to draw up the Conservation Easement legal documents.
6. You should consult your financial advisor to see how you might take advantage of any federal tax deductions or NC State tax credits.
7. Because we will monitor your property in perpetuity we would gladly accept a one time charitable donation that is tax deductible. This donation is used to pay for the once a year monitoring that will continue forever. The donation is placed in an interest earning account or with an investment firm. The gains are used to support our stewardship activities. The IRS requires we monitor an easement once a year. The donation amount is based on the time it takes to annually monitor your property. This is of course dependent upon size. This is not a requirement for a Conservation Easement but certainly is important to the Land Trust.
8. A conservation easement appraisal.

The text below is something that provides overall guidelines for the conservation easement process. It is important to keep in mind that in the eyes of the IRS a Conservation Easement is for conservation purposes and that the tax deduction is not the primary reason one puts their land under an easement. It is however, a powerful inducement.

The basis of conservation is to recognize and protect the natural heritage of a given region and specific lands within the region. Specifically, conservation seeks the protection of critical natural resources such as wildlife habitat, rare species and rare natural communities, wetlands and streams, old growth forests, exceptional areas of biodiversity, and landscape level protection and integrity of the land.

Conservation developments should be based on careful analysis of existing natural resources and human history of the land. Following a detailed natural resource analysis, homesites and roads are then designed in order to maximize the protection of natural resources, and minimize resource destruction and damage, soil erosion, stream sedimentation, and to maintain the integrity of the land while still allowing for high quality human development.

If a natural resource inventory does not occur or occurs after roads and homesites are established, some very sensitive natural resources and ecosystem processes could be impacted. Lack of resource investigation prior to development also means the landowner's options for both development and conservation could be minimized.

The following should be avoided:

- Location of homesites and road system prior to a natural resource analysis/assessment of the conservation values of the land
- Location of homesites scattered throughout the entire tract instead of clustering homesites
- Location of homesites on prominent ridgelines and within view of public lands such as within the Blue Ridge Parkway viewshed.
- Forest fragmentation and intensive road building throughout the property.
- Building roads on steep slopes (over 18%) that may cause erosion
- Attempting to place only the "left over" and "unbuildable" areas into conservation easement
- Involving the land trust after all the planning & design work is already complete

A conservation subdivision should attempt to:

- Protect the key natural and cultural resources of a property (intact forest, pastureland, streams, wetlands, etc.)
- Maintain the largest undeveloped protected acreage as possible
- Protect rare natural communities, rare species and their habitats
- Maintain natural area connectivity within the property and with adjacent lands
- Protect landscape ecological patterns within a property
- Protect all streams and wetlands
- Minimize construction impacts through appropriate road design and cluster development
- Avoid or minimize prominent or visible ridgeline development
- Provide opportunities to enhance and restore wildlife habitat