

The Lumber River Conservancy

Frequently Asked Questions about Conservation Agreements

What is a conservation agreement?

A conservation agreement is a written agreement between a land owner and a public agency or a qualified conservation organization (such as the Lumber River Conservancy) in which

- the land owner promises to keep the land in its natural condition without extensive disturbance, and
- the conservation organization is granted the right to enforce the covenants of the agreement and to monitor the property.

How might a conservation agreement benefit me?

Conservation agreements enable landowners to preserve their land while maintaining ownership of it. Conservation agreements also allow landowner to claim a tax benefit for the year of the contribution.

What kinds of tax benefits are available?

When a land owner grants a conservation agreement in perpetuity, s/he can claim federal and state income tax deductions and benefit from reduced estate and local property taxes.

What are possible limitations imposed by a conservation agreement?

Each conservation agreement is tailored to the particular parcel of land and the interests of the land owner and land conservancy, but examples of restrictions on land use include prohibition of industrial or commercial use, extensive timbering, or mineral development or exploration.

What land uses are possibly allowed with a conservation agreement?

Conservation agreements may allow limited agricultural use, hunting and fishing, home construction and forest management.

Who is responsible for maintaining the land?

The land owner retains ownership of the land along with the right and duty to manage the property. If the land conservancy has expertise in managing a particular habitat found on the land, then the conservancy may take on certain management tasks.

Do conservation agreements include public access?

Most conservation agreements do not require or allow entry by the public; however, there are two types that do require either visual or physical public access to qualify for tax savings:

- scenic and open space agreements, in which the land's scenic character is critical to its conservation value, and
- lands set aside for recreation or education for the general public.

Can a conservation agreement be amended or revoked?

Amendment or revocation is difficult, but in rare circumstances an agreement can be amended with the consent of both the land owner and the land conservancy.