

What the heck is a 'conservation easement'?

Time to get down to the nuts and bolts of land conservation.

"What is a conservation easement?" you ask. It is one of the most powerful tools available in this day and age to keep natural or agricultural landscapes open and undeveloped, forever. It is also a process filled with persistent myths and misunderstandings.

At Taos Land Trust, we spend as much time explaining conservation easements as we do working with landowners to create them.

Conservation easements are completely voluntary, individually tailored legal agreements between landowners and a land trust, that allow landowners to determine the future of their land by retiring some or all of their development rights.

Here's an important point: If you place a conservation easement, you still own the land and you do not have to open it to the public. You can still sell it or pass it on to heirs, like any landholding. You can continue farming, ranching, sustainable timber harvest, or other compatible uses.

If the parcel is large enough, you can reserve the right to build barns and agricultural buildings, or even limited homesites — within reason.

The other important point is that the restrictions a landowner places stay with the

FOR THE LAND



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land forever, no matter who owns it.

Among other legal requirements, an easement must meet at least one of these conservation purposes: Protection of natural wildlife habitat; preservation of open space (including farmland) visible to the general public or pursuant to a governmental policy; preservation of an historically important land area or a certified historic structure; or preservation of land for use by the general public for outdoor recreation or education.

I don't want to make this sound simple, because it isn't. This is one of the most important decisions you will ever make about your land and your legacy. So it is important to take your time, talk it over with family, be very clear and careful about the specific restrictions in the easement.

Once it is completed, that's just the beginning, and the land trust takes on a public

trust responsibility to enforce that agreement in perpetuity. We stay out of landowners' day-to-day activities, but will come out once a year to check on the property.

Even without public access, your commitment to permanently protect your land from development is a tremendous gift to the public. Whether you are protecting agricultural land for growing food or fiber, habitat to shelter wildlife in a shrinking world, or simply the beauty of the landscape that inspires and keeps us sane, it benefits everyone.

In recognition of that public benefit, most landowners, at any income level, qualify for generous federal and state tax benefits.

In New Mexico, a transferable land conservation tax credit allows landowners to sell their credit to a third party for direct income (more about that in the next column).

If you want to see your land stay open and undeveloped forever, if you have no intention to ever develop and are not interested in subdivisions or strip malls, then a conservation easement is an important option to consider.

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