



Conservation Easements

A critical tool for conserving private lands

Public lands, such as Redden State Forest and Bombay Hook National Wildlife Refuge, safeguard many of Delaware's most spectacular landscapes for future generations. However, protecting the full array of wildlife and natural habitats will require preserving rich biological resources on private lands as well. Conservation easements are a powerful and proven tool to achieve this goal.

A conservation easement is a legally binding agreement between a landowner and a qualified conservation organization or government agency. The landowner and the organization together craft an individually tailored plan to protect a property's unique habitats, natural features and open spaces. The property owner retains ownership of the land, voluntarily limiting the amount or type of development that may take place there. An easement also specifies allowable activities on the property in the future.

In return for selling or donating their development rights, landowners may receive payments and/or charitable deductions. The conservation organization monitors the property over time, ensuring the easement's purposes and terms are upheld.

The land may be sold or inherited; the easement remains with the property in perpetuity.

Benefits to landowners

Donating or selling a conservation easement provides advantages to you as a landowner, while also benefiting the landscape far beyond your property boundaries. Your conservation easement may:

- Allow you to continue owning, managing and enjoying your property.
- Guarantee that your land will remain undeveloped beyond your lifetime.
- Ensure that your land's unique ecological features (woods, wetlands, streams) or traditional uses (farming, timber harvesting, fishing, hunting) will endure for future generations.
- Protect open space around population growth areas, conserving watersheds and aquifers for clean water.
- Help conservation organizations and government agencies stretch funds by protecting ecologically significant habitats without requiring full acquisition.
- Connect or buffer habitat for animals that travel across property boundaries such as migratory birds, dragonflies, butterflies, mammals and fish.
- Help to lower estate tax liabilities for descendants.
- Provide income and property tax benefits.

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Donating or selling a conservation easement to The Nature Conservancy

For more than four decades, The Nature Conservancy has used conservation easements to protect natural habitats identified as priorities through a rigorous, scientifically driven process. The Conservancy only enters into such agreements with willing landowners.

Each easement is tailored to individual circumstances. However, easements accepted by the Conservancy include these three components: 1) the easement's conservation purposes; 2) the landowner's rights and restrictions related to use and management of the property; and 3) the easement holder's rights related to inspection of the property and enforcement of the agreement.

Conservation easements are not easily amended or terminated. Landowners are strongly advised to seek expert legal and financial advice before donating or selling an easement. Certified appraisers meeting Internal Revenue Service standards can determine a property's fair market and easement values for charitable deductions. The Nature Conservancy can

draft easements to achieve conservation objectives that comply with state and federal laws, as well as identify potential tax benefits and other tools to help landowners protect and retain their property.

Facts:

- The Nature Conservancy in Delaware holds conservation easements on 10 properties within the state, totaling 847 acres.
- Two million acres in the United States and 30,000 acres internationally have been protected through conservation easements granted to The Nature Conservancy.

The Nature Conservancy in Delaware
100 West 10th Street, Suite 1107
Wilmington, Delaware 19801
(302) 654-4707
nature.org/delaware

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For ten generations, the Fisher family has maintained the natural and historic values of a 500-acre family farm and homestead on the Great Marsh near Lewes. Purchased from William Penn in 1686 and restored to its original configuration in the early 1900's, brothers Bill and John Fisher wished to keep Cedarcroft, as the farm is known today, intact for future generations.

Cedarcroft, near Delaware's rapidly developing coast, has dramatically escalated in value in recent years. The Fishers feared their children and grandchildren might someday be forced to sell this cherished family property to pay taxes and upkeep.

A conservation easement, in partnership with The Nature Conservancy, provided the answer. Carefully addressing the family's legal and tax-related questions took time. The resulting agreement provided the Fishers with funds for continued stewardship, a tax deduction and a guarantee that the land would be protected in perpetuity. The Fishers' commitment also catalyzed conservation easements on 150 adjacent acres, ultimately connecting more than 12,000 acres of publicly protected tidal wetlands.

"We're not just evaluating the land's financial value," says John's wife, Cathy Fisher. "We want to leave the earth better than when we started. You can't put a dollar figure on benefiting the planet and future generations."

