

Frequently Asked Questions About Conservation Easements

Q: If I put a conservation easement on my land, will I be required to allow public access?

A: No, unless the primary value of the easement is for recreational purposes, such as a hiking trail on the property, in which case the public must be granted access to the recreational site. In the case of working lands, this is not generally applicable, as the primary value of the easement is for agricultural or forestry purposes.

Q: Will I still be able to farm, log, and hunt on my land?

A: Yes, within the parameters established within the easement. Working lands conservation easements typically require a forest management plan and adherence to best management practices for forestry and/or agricultural production.

Q: Can I still participate in the Present Use Value property tax program?

A: Yes, as long as your land still qualifies in all other ways, according to the program production and ownership requirements as set out by the governing statute.

Q: Will I be restricted in the types of crops I can grow or what livestock I can raise?

A: Generally, no. The conservation easement typically requires sound and sustainable management practices but does not dictate the types of crops or livestock produced on the farm. Conservation and agricultural management plans referenced by the easement do not specify what crops or breeds can be farmed on the land. However, construction of bridges, roads, storage, and management facilities associated with the introduction of new crops or livestock will need to be carried out in accordance with the restrictions of the easement.

Q: Can I still pass my land on to my heirs or sell my land?

A: Yes, landowners may sell, mortgage, or otherwise convey a property with a conservation easement. However, the land will remain subject to the conservation agreement. For example:

- The value of the land as security will be its value as restricted by the agreement, not its potential value for all unrestricted purposes and uses;

- The property may be subdivided only as permitted by the agreement;
- Any rights reserved by the grantor will be passed to any heir or purchaser.

Q: Can I put some land into the conservation easement and leave some land out?

A: Sometimes it may be appropriate to make only part of a tract subject to a conservation easement and reserve a portion for other uses. Some landowners may use different types of conservation easements for different areas of their property. For example, a landowner might use an agricultural agreement on upland farm fields and a more restrictive conservation agreement on adjoining riverbank lands.

Q: How long does a conservation easement last?

A: Under North Carolina law, a conservation easement may be created for a period of years or it may be permanent. A landowner who wants to claim federal and state income tax benefits must agree to a permanent easement. In addition, most grant programs that provide funds for the purchase of conservation easements require that the easements last forever.

Q: What restrictions are contained in a conservation easement?

A: A conservation easement's restrictions are tailored to the particular conservation values of the land and interests of the landowner and grantee. Some activities that may be prohibited or restricted include industrial use or commercial development, mineral development or exploration, subdivision, residential use, access for road or power line construction, and extensive timbering.