

F . A . Q .

- ***Does PWA accept all donations of conservation easements that are offered?***

All offered donations of a conservation easement are evaluated on a case-by-case basis. Because conservation easements are held in perpetuity, there is a significant legal and financial obligation to carry out the donor's wishes by upholding the terms of the easement. Therefore, all offers are evaluated on an individual basis to ensure they meet the PWA's Selection Criteria for accepting donations of conservation easements.

- ***How long does the conservation easement last?***

Conservation easements are perpetual and apply to all present and future owners of the land.

- ***Will an easement grant the public access to my property?***

An easement does not require public access on the property, unless that is the specific wish of the landowner.

- ***Can property owners still live on the land if they donate an easement?***

Yes, and conservation easements can be made to be flexible enough for a landowner to make changes to their home. An easement can be written to reflect both the landowner's desires and the need to protect conservation values.

- ***Who owns the land that is covered by an easement? Can it be sold?***

The landowner who donated the easement remains the owner of the land. The land can be bought and sold. However, the easement "runs with the land" and applies to all future landowners.

- ***What are some of the restrictions placed on the landowner by a conservation easement?***

Conservation easements are flexible tools, and restrictions vary widely. Typically, the location and amount of development are limited. Uses that are inconsistent with the conservation goals are prohibited. Common uses that involve agriculture, forestry and open space generally continue to be allowed.

- ***How are conservation easements monitored and enforced?***

Each conservation easement that PWA holds has a Baseline Documentation Report prepared for it in advance, describing the land's current and historical uses and physical and natural resource attributes. Easement properties are then monitored on an annual basis, using the Baseline Report as a measure, to ensure compliance with the easement and to discuss any future plans with the landowner.

- ***Is there any cost to donate an easement?***

When PWA accepts a conservation easement, it is accepting the obligation to not only annually monitor the property held in easement but also to legally defend the easement. Thus, PWA asks the landowner to donate a small percentage of the easement's assessed value to a collective fund for easement defense.



Pemaquid Watershed Association

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CONSERVATION EASEMENTS



"Our Island doesn't 'belong' to us. It's part of a watershed, part of a whole web of living things we share for a while. The conservation easement ensures that there will always be a place for blueberries and lady's slippers, warblers and turtles, anthills and spiders, voles and tree squirrels in this little world on the lake." Doris Balant, donor of an 8-acre Island on Pemaquid Pond

An easement can permanently protect your land's scenic, ecological, historic, woodland, wetland, open space, agricultural or recreational value.



Pemaquid Watershed Association

Conserving the natural resources of the Pemaquid Peninsula of Maine.
Est. 1966

About conservation easements

One of the conservation tools that the Pemaquid Watershed Association (PWA) uses to protect the most prime and unique lands in the Pemaquid Peninsula region is a conservation easement.



Protecting open space in Round Pond, Maine.

A conservation easement is a voluntary, legal agreement between a landowner and an easement holder, such as a Land Trust like the PWA. By placing a conservation easement on their property, landowners voluntarily limit the ability to develop their property, thereby permanently protecting its open space, ecological, and other values.

The terms of an easement are the joint decision of the landowner and the easement holder. The legal agreement is tailored to protect the land's conservation values and meet the financial and personal needs of the

- ✓ Voluntary and tailored to your needs.
- ✓ Permanent protection of your land.
- ✓ You still own the land and the right to sell it if you choose.

landowner. In some cases, a conservation easement may apply to just a portion of the property, leaving the option of development open for the remaining part. An easement does not require public access on the property.

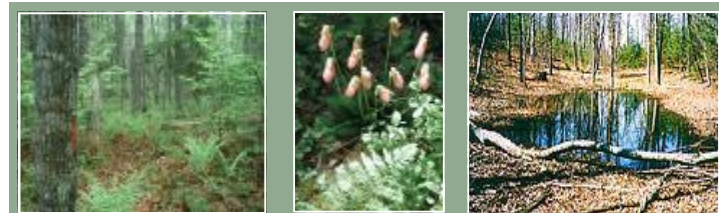
Benefits

A conservation easement donation is a protection tool that can offer multiple benefits to landowners.

- **Long-Term Protection from Development**

An easement provides a flexible approach to permanently protecting land while keeping it in private ownership. Upon completion, a conservation easement is recorded at the county Registry of Deeds and becomes part of the title to the property. Landowners benefit from the security of knowing that their land will remain legally protected even when it eventually passes to a new owner.

The 2007 Governor's Council on Maine's Quality of Place concluded that Maine's surroundings are pivotal to its economic success. Protected lands contribute to Maine's quality of life and also serve to support surrounding property values.



- **Tax Benefits**

Federal Income Taxes: A conservation easement donation is considered a charitable donation and may provide a federal income tax deduction.

Estate Taxes: By restricting the value of the land using a conservation easement, the landowner may also reduce the total value of their estate. Thus, it may enable heirs to hold onto family land they might otherwise have to sell.

Property Taxes: Property taxes may be reduced based on lowering the assessed value of the land.

Where to Start

What is the next step if I decide I would like to make a conservation easement donation?

Contact the Pemaquid Watershed Association at the address listed on this brochure. The PWA Lands Stewardship Committee will determine if the proposed conservation easement donation meets the selection requirements. If so, a PWA representative will meet with you to discuss the language of the conservation easement, as well as the process for preparing the baseline report and the execution of the easement.



The Pemaquid Watershed Association can help you protect your special place on the Pemaquid Peninsula.

For more information on easements, refer to the Maine Coast Heritage Trust publication "Conservation Easements: An Introduction for Maine Landowners" available from PWA or online at www.mcht.org/mchtnews/pdf/conservation_easement.pdf