

# Frequently Asked Questions About Conservation Easements

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

Not necessarily. Each offer of a conservation easement is evaluated to determine if it meets PWA's selection criteria for accepting donations of conservation easements. As a Land Trust, PWA is entrusted to establish easements only when significant ecological and public benefits are derived from the protection of the property.

- **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 give the public access to my property?**

An easement does not require public access on the property. The landowner decides whether or not to allow public access, and these terms are spelled out in the easement.

- **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 donates the easement remains the owner of the land. The land can be bought and sold. However, the conservation 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 accepts will have a Baseline Documentation Report prepared for it. This report describes the land's current and historical uses and physical and natural resource attributes. Easement properties are then monitored annually by PWA, using the Baseline Report as a reference, to ensure compliance with the easement terms.

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

When PWA accepts a conservation easement, it is accepting the obligation not only to annually monitor the property held in easement but also to legally defend the easement. Thus, PWA asks the landowner to donate to a collective fund for easement defense. This is a voluntary donation.



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*"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 the conservation easement on an 8-acre island on Pemaquid Pond.*

***A conservation 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 region in Maine.*  
Est. 1966

# About conservation easements

One of the conservation tools that 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 to meet the financial and personal needs of the 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.

- ✓ 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.

## 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.

*Maine's surroundings are pivotal to economic success. Protected lands contribute to Maine's quality of life and 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 Pemaquid Watershed Association at the address listed on this brochure. The PWA Land 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.



*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](http://www.mcht.org/mchtnews/pdf/conservation_easement.pdf)