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# Conservation Easements: Your Questions Answered

## ***What is a conservation easement?***

Many landowners have easements on portions of their property. Common examples are easements that allow maintenance of a utility service line, or that designate an access lane. All easements have one or more limitations relating to rights of ownership for that part of the property.

A conservation easement under the Priority Watershed Program usually preserves land near a stream by purchasing specific land-use rights to ensure a natural landscape and improved water quality. The easement is purchased by DNR, or a local government or non-profit organization with financial support from DNR.

## ***What kind of "rights" are purchased?***

Conservation easements may be tailored somewhat to each site. However, there is a standard list of land-use rights that are generally purchased, including the rights to:

- plant or harvest crops
- graze livestock
- build structures
- dump or stockpile offensive material
- post signs
- disturb the natural landscape
- alter existing drainage or water levels

These prohibitions apply only within the easement area boundaries.

The landowner may also be required to allow the purchaser (or designee) to:

- manage the vegetative cover
- install livestock fencing, if necessary
- control soil erosion problems
- manage fish and wildlife populations
- modify streambanks, if desirable for fish habitat
- post a sign indicating if public access is allowed

## ***Is public access required?***

Public access is strongly encouraged, but is not always required. Public access may be required through other DNR easement programs. If public access is allowed:

- The public can only enter through other lands open to the public.
- Access is limited to travel by foot, snowshoe, or ski.
- No trails are developed unless the landowner requests it.
- State law provides liability protection for landowners.
- Payment to the landowner can increase.
- Public hunting is not allowed.

## ***How is a conservation easement purchased?***

If a landowner expresses an interest in selling a conservation easement, the proposed site is reviewed thoroughly. The landowner and the purchaser must agree on the boundaries and other terms of the agreement. These vary with each site, depending upon the landscape and the goals of the landowner. A professional appraiser then determines the fair market value of the easement. The landowner has the final option of accepting or rejecting the agreement.

## ***How is property value determined?***

The appraiser compares the value of the land before and after an easement would go in place. The difference between these two is the value of the easement. This can become rather complex. The appraiser must consider the long-term impacts of the easement on the entire property, its present uses and its potential uses. Since this must be done case-by-case, there is no simple way to predict the value of an easement prior to an appraisal.

## ***Will an easement reduce property taxes?***

Maybe. Since the property remains privately owned after an easement is sold, property taxes continue. There is no direct link between the long-term easement appraisal and the short-term property assessment. However, state law requires assessors to consider the effects of a conservation easement on the overall value of the property.

## ***How long is an easement in effect?***

Perpetual easements, or those that have no expiration date, are the goal. They are recorded on the property deed and automatically transferred to any new owner. They do not prevent the sale or inheritance of a property.

## ***What are the advantages of conservation easements?***

There may be several advantages to landowners, depending on the circumstances:

- The cash payment may be significant.
- The land may have limited economic value due to zoning restrictions, poor soils for crops, old building or other factors.
- If a significant pollution problem exists, this may be the least expensive way to resolve it.
- It qualifies some landowners for other financial assistance, such as relocation funds for buildings, livestock water supply, or help with fencing or erosion control.
- The rights to use the property for recreational purposes, and to sell, trade or otherwise transfer ownership in the future are unaffected.