Real Estate Protection Tools
Reggie Hall
The Conservation Fund, Arlington, VA

Development Summary

Road Lengths
- New 12 ft. gravel - 2373
- Improved 12 ft. gravel - 2192
- New 10 ft. gravel driveways - 2065

Total 6630
Land Conservation Culture

Land Protection Tools

Projects & Discussion
Land Conservation Culture

- Partners
- Resource Trends
- Funding Trends
Partners

• National Conservation Organizations
• Regional/Local Land Trusts
• Private Sector
• Federal Sources

• State Sources

• Regional & Local Sources
Land Conservation Culture

Funding Trends

Land Conservation Funding

- LWCF Amount
- State and Local

Year
- 2001
- 2002
- 2003
- 2004
- 2005
- 2006
- 2007

Amount
- $0
- $1,000,000,000
- $2,000,000,000
- $3,000,000,000
- $4,000,000,000
- $5,000,000,000
- $6,000,000,000
- $7,000,000,000
- $8,000,000,000

THE CONSERVATION FUND
America’s Partner in Conservation

Land Conservation Culture
Conservation Funds Approved
Private Sector?

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Fee Simple

Conservation Easements
Basic Property Law

Tools
Not a classic easement
→ more of a restriction
Must be perpetual
You still own the property
Public access not required
Flexibility
A qualified conservation contribution is defined as “a contribution of a qualified real property interest, to a qualified organization, exclusively for conservation purposes.” IRC 170(h)(1)
Tax Incentives

Federal Income Tax Deduction
State Income Tax Credit?
Estate Tax Benefits
Usually a reduction in property taxes
Landowner can take a deduction of up to 50% of their adjusted gross income;

Allows qualifying farmers and ranchers can deduct up to 100% of their income; and

Carry forward period moves from 5-15 years
State Conservation Tax Credits

Available in 12 States; pending in another

11 of 13 States provide for a Corporate Income Tax Credit

Transferable in 3 States
• Legally required to uphold and defend our easements.

• Legal standing in court may be weakened if Trusts have not had an ongoing record of stewardship on a property in dispute.

• IRS requires that “the eligible donee ... have the resources to enforce the restrictions” of the easements.
Engage the Conservation Partner Early On...