



LANDOWNERS WHO WISH TO PRESERVE THEIR PRAIRIE

have a few options. They can donate the land to a conservation organization or keep it in private ownership with a conservation easement. As a 501(c)(3) charitable organization and land trust, Native Prairies Association of Texas (NPAT) can accept gifts of property in fee simple or hold conservation easements. Lands donated to NPAT are held in perpetuity for the benefit of prairies. And donation of the property is in most cases tax-deductible as it is a charitable contribution.

WHAT IS A CONSERVATION EASEMENT?

A conservation easement is a legal agreement between a landowner and a land trust such as NPAT. By donating this kind of easement, a landowner retains title to his or her property, but agrees to limit or prohibit certain kinds of development, subdivision, or activities on the property.

The purpose of a conservation easement is to ensure that the property will be managed to preserve natural features, historic sites, scenery, traditional land uses, or other values. NPAT accepts donations of conservation easements specifically to preserve prairie remnants or restorations on a tract of land. But it still can include compatible agricultural activities such as use as a native hay meadow or managed, sustainable grazing.

For example, a landowner who donates a conservation easement may want to preserve wildlife habitat while reserving the right to build a house or to practice limited agriculture or business activities. Or a landowner may wish to prohibit development or subdivision of his or her property so the land will continue to be used for ranching.

The goal of conservation easements is to make sure that the current uses and condition of a piece of land are not greatly altered in the future. NPAT accepts donations of conservation easements to protect prairies. Many other land trusts in Texas will accept conservation easements to preserve natural features, wildlife habitat, open space, outdoor recreation, or historic land and structures.

A land trust is a nonprofit, charitable organization. The land trust is responsible for monitoring the property to make sure that the terms of the easement are followed.

The land trust may also support the landowner by providing expertise or assisting with management activities on the property. The land trust can allow the landowner to conserve

private property without significant governmental involvement.

Conservation easements accepted by NPAT are permanent, meaning that the easement runs with the title of the property forever. A property under conservation easement may be sold or inherited, but future owners of the land must follow the terms of the easement as well. Permanent conservation easements may confer tax benefits to the donor.

This is an effective means of conserving prairies while maintaining private ownership. The agreement is tailored to meet both the practical needs of the landowner and their wishes for conserving their prairie. The terms of each one is unique, as they are written to carry out each landowner's wishes for the future of his or her property.

WHY USE A CONSERVATION EASEMENT?

Landowners who donate conservation easements are interested in preserving the special features of their property. Easement donors may also be concerned about maintaining the economic viability of their land in the face of increasing tax burdens. Many donors wish to prevent the property from being developed or subdivided in the future.

Donating a conservation easement may result in tax benefits for the landowner. Because easements usually involve giving up rights to conduct certain activities, such as development on a property. This usually results in a reduction in appraised value of the property.

The value of a conservation easement, which is the amount the property value is reduced by the easement, may count as a charitable donation and may be deducted from federal income taxes. This can be a significant incentive for land preservation.

In addition, donating a conservation easement may exempt a landowner's heirs from or reduce estate taxes, which often force heirs to sell all or part of a family property. Conservation easements may also lower property taxes. To be eligible for these tax benefits, the value of the conservation easement must be determined by a qualified real estate appraiser.

FOR MORE INFORMATION about donating a conservation easement to NPAT, please contact the Native Prairies Association of Texas, 415 N. Guadalupe St. PMB 385, San Marcos, TX 78666, 512-392-2288 or info@texasprairie.org.

To learn more about land trusts and to download *Conservation Easements: A Guide For Texas Landowners*, go to www.texaslandtrustcouncil.org and select "About."