



UI Extension Forestry Information Series II

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Idaho Land Trusts and Conservation Easements

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There are a LOT of us reaching the age where we can no longer ignore the dreaded task of estate planning. The complexity of such plans usually increases with the number and worth of assets – especially when some of those assets are land. Idaho family forests, farms and rangelands can be owned by individuals, married couples, family estates and trusts, or other informal groups. And whether that land is forest or rangeland, harvested, grazed or farmed, chances are that your dearly beloved heirs will have varying opinions about how that land should be treated once you are gone.

The primary goal of estate planning is the accumulation and conservation of wealth, including its transfer to heirs and other beneficiaries. The State of Idaho has laws in place to direct the division of your assets should you pass on without a will. State plans are fairly general and often fail to address a

number of considerations. Land, in particular, is a unique asset and a poor fit for a one-size-fits-all approach.

Estate planning is a process. An analysis of your family situation, including current and future lifestyle desires and financial needs, should be discussed with your spouse and, if you choose, other heirs. Developing objectives for the care and management of your land is an important part of these discussions and usually where conflicting ideas are expressed about the future uses of your forest or farm. It is not uncommon for family members to have widely conflicting ideas. Even if all of your heirs agree on how your land should be managed and sustained into the future, you may want to look for ways to protect your land assets from Federal and State estate taxes and development by future heirs.



A conservation easement is a voluntary, legal agreement between a private landowner and a land trust and can vary based on the landowner's vision and objectives.

Photo by: Chris Schnepf, UI Extension Forestry



Land trusts are nonprofit organizations that work with private landowners to develop conservation easements that maintain working forests, farms and ranches while preserving water quality, protecting wildlife habitat and conserving natural areas.

Photo by: Yvonne Barkley, UI Extension Forestry

One way to ensure that your family farm, forest or rangeland are protected in perpetuity is a *conservation easement*. Conservation easements are voluntary, legal agreements between a private landowner and a land trust, and vary based on the landowner's vision and objectives. Conservation easements are an extension of your private property rights and can be a valuable tool for farmers, forest owners and ranchers who want to retain ownership of their property while forever protecting certain values.

Land trusts are private, independent, nonprofit organizations and are not a branch of any governmental entity. Idaho land trusts work with private landowners in developing conservation easements that maintain working farms, forests and ranches while preserving water quality, protecting wildlife habitat and conserving natural areas.

Most conservation easements typically limit some uses of private land, including subdivision for residential or commercial activities, industrial uses and surface mining. The landowner continues to own and manage the land and can continue to live on and enjoy the property. The property may still produce crops, hay, livestock, timber, and other commodities, with the landowner making all management decisions and continuing to pay property taxes. The landowner may still sell the property or pass it on to family or friends.

Conservation agreements are recorded as part of the property deed. If your property has a state agricultural exemption, your easement can be written in such a way as to not change your exemption. Wildlife habitat property tax exemptions on conservation easement lands may also apply in certain circumstances. Recreational access for the public is not legally required by state or federal laws; that decision is made by the landowner while negotiating the terms of their agreement.

A landowner may consider a conservation easement for several reasons. Because conservation easements restricts commercial, industrial and residential subdivision development of the property, landowners who have an easement may be eligible for federal income and estate tax benefits.

Some land trusts also own land and manage it for the benefit of the public while protecting its natural resources. Landowners can choose to sell, rather

than donate, a conservation easement, usually at prices well below the appraised fair market value of the property. In these cases, the difference between the fair market value and the bargain sale price may allow the landowner to claim a charitable income tax deduction.

Aside from tax benefits, landowners donate or convey a conservation easement to a land trust for more personal reasons. Mostly, the landowner has such a strong bond with their land that their dearest wish upon their passing is to continue to have the property managed and enjoyed as they have done, forever.

Because of the federal tax implications of conservation easements, easements can only be held by qualified land trust organizations. The Idaho Coalition of Land Trusts (ICOLT) is a group of 19 Idaho nonprofit land trust organizations and two local and state government-sponsored programs who support voluntary private land conservation and conservation agreements throughout the state. Created in 2010, ICOLT members protect close to 60,000 acres of Idaho's private lands under conservation easements.

All land trusts are not the same – each have their own mission and goals. Many of the land trusts in Idaho work with landowners in defined geographical areas; others have state-wide goals, such as working with private landowners whose property is within federally-designated wilderness areas. Some Idaho land trusts protect lands critical to specific wildlife species, such as elk or grizzly bears. In addition, some local and state government sponsored entities are involved in land conservation work and several national and international conservation organizations have state chapters in Idaho. To learn more about each of these organizations, go to the ICOLT website at: www.idaholandtrusts.org/.

Owning land in Idaho is viewed by most as a privilege and sacred trust. Being a good land steward is an important part of many Idahoans lives, and having a plan for the continued management and conservation of the land you care for can be of great comfort. Protecting and caring for your family forest, farm and/or rangelands not only gives you, the landowner, peace of mind, but also safeguards our natural wonders, provides clean and plentiful water, wildlife habitat and remarkable recreational opportunities, and benefits us all, in some way, forever.