



Protecting Farm and Ranch Lands through Conservation Easements

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Across the nation, farms and ranches are rapidly disappearing to commercial and residential development. In Oklahoma, more than 30,000 acres of agricultural land are lost annually, and the rate of loss is increasing. Often, the most productive lands nearest our communities and the lands most valued for conservation and wildlife are under the most intense threat of development.

Fortunately, a number of public agencies and nonprofit organizations are working to preserve our best land through conservation easements. Easements are voluntary restrictions by landowners to prevent conversion to nonagricultural uses.

Some Facts about Conservation Easements

- Just as mineral rights and water rights have long been severed, bought, and sold, a willing landowner can sell or donate the development rights to a public agency or a qualified conservation entity through a deed of conservation easement. The landowner retains full possession and use of the property for purposes other than those restricted by the easement.
- Conservation easements are voluntary, compensatory tools to protect land from development pressure at prices that are more affordable for public agencies and conservation organizations than outright purchases. A conservation easement is an economical way to protect scenic views and other open spaces that are important to the community.
- Conservation easements may be perpetual or term (set to expire after a predetermined number of years). Donations of easements are only tax deductible, however, if they are perpetual.
- Just as importantly, easements leave private lands in private ownership, and keep the land productive, providing essential landowner stewardship and contributing to the local tax base.

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are also available on our website at:
<http://osufacts.okstate.edu>

- Easements provide an economically viable alternative to subdivision and development, by compensating landowners for the development rights they would forego by keeping the bulk of their property as open space, rather than converting it, for example, to a strip mall or a housing subdivision.
- Conservation easements are flexible documents; they can be tailored to meet the needs of individual landowners. They can also be tailored to suit unique properties. The specific development rights that a landowner will forgo or restrict are fully negotiable between the landowner and the qualified conservation entity. For example, while restricting a subdivision, landowners may want to reserve the right to develop a limited number of home sites.
- Many open space uses are generally permissible including farming, ranching, hunting, fishing, and other activities that do not damage the property's conservation values.
- Unlike access (road) easements, conservation easements do not require direct access to the property, although willing landowners may grant access for a specific purpose as part of their negotiated agreement.
- Like other property rights, development rights can be appraised and assessed a value. Depending on proximity to urban areas and other factors, the development rights can comprise over 80% of a property's appraised fair market value.
- Donations of conservation easements to eligible entities are normally tax-deductible at their appraised fair market value.
- Voluntary conservation easements can be valuable estate planning tools for landowners. By reducing estate taxes, conservation easements can help landowners pass on their land on to their children and grandchildren.

Frequently Asked Questions

Who can hold conservation easements?

Conservation easements may be held by public agencies such as the U.S. Department of Agriculture or a municipality. They may also be held by a nonprofit land trust organization.

What is the role of the holder of a conservation easement?

The entity (public agency or nonprofit land trust) that holds a conservation easement does not have the right to subdivide

or develop a property, merely the obligation to enforce the easement's restrictions. The holder of an easement will require occasional access to the property to inspect it for compliance with the easement. The easement holder, however, does not assume any management obligations for the property as that remains with the landowner.

What organizations in Oklahoma may I contact about a conservation easement?

Unlike many other states, only a handful of organizations in Oklahoma hold conservation easements, but the number of organizations is increasing with growing interest by landowners and conservation organizations. Several public agencies including the USDA Natural Resources Conservation Service, the Oklahoma Department of Wildlife Conservation, and the US Fish and Wildlife Service will hold easements on properties of interest. Also, a number of nonprofit organizations will hold conservation easements including Land Legacy, The Nature

Conservancy, the Norman Area Land Conservancy, and the Edmond Land Conservancy.

May I sell a conservation easement on my property if I am not able to donate it?

Though funding for the purchase of conservation easements is limited, some programs provide funds for public agencies and nonprofit organizations to purchase them on high-priority properties. Farm and ranch lands under threat of commercial development, sensitive watershed lands, and lands providing habitat for threatened and endangered species may qualify for various funding programs. To learn more about these, you may contact any of the organizations listed above.

Other Information

For general information on conservation easements in Oklahoma, visit the following website:
www.LandLegacy.com.



Figure 1. Conservation easements address preservation of farms and farmland, which are threatened by urban sprawl at least in part because of their proximity to urban areas and the relatively low cost of development including providing homeowner services such as paved roads and domestic water. A major concern with urban sprawl on farmland is irreversible loss of prime farmland, which reduces the nation's ability to produce its own food supply.



Figure 2. Conservation easements address preservation of ranches and rangelands in prairies and shrublands, which are threatened by exurban development (low-density rural housing) that fragments expansive habitat required for declining native species of wildlife. Introduction of invasive plants, loss of watershed quality, and cost of providing services (e.g., water and fire protection) are additional costs inequitably borne by members of society not residing in exurban areas. Exurbs are described as areas that have the following characteristics: 1. located 10 to 50 miles from urban centers of approximately 500,000 people or 5 to 30 miles from a city of at least 50,000 people; 2. commute time is at least 25 minutes each way to work; 3. communities have a mix of long-term and newer residents; and 4. agriculture and forestry are active, but declining industries in the community (<http://www-agecon.ag.ohio-state.edu/programs/exurbs/def.htm>).



Figure 3. Conservation easements allow landscape level restoration by maintaining unfragmented prairies, shrublands, and forests. Large blocks of unfragmented land facilitate ecological drivers such as prescribed fire that promote ecosystem health and reduces wildland fuels.

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The Cooperative Extension Service is the largest, most successful informal educational organization in the world. It is a nationwide system funded and guided by a partnership of federal, state, and local governments that delivers information to help people help themselves through the land-grant university system.

Extension carries out programs in the broad categories of agriculture, natural resources and environment; family and consumer sciences; 4-H and other youth; and community resource development. Extension staff members live and work among the people they serve to help stimulate and educate Americans to plan ahead and cope with their problems.

Some characteristics of the Cooperative Extension system are:

- The federal, state, and local governments cooperatively share in its financial support and program direction.
- It is administered by the land-grant university as designated by the state legislature through an Extension director.
- Extension programs are nonpolitical, objective, and research-based information.
- It provides practical, problem-oriented education for people of all ages. It is designated to take the knowledge of the university to those persons who do not or cannot participate in the formal classroom instruction of the university.
- It utilizes research from university, government, and other sources to help people make their own decisions.
- More than a million volunteers help multiply the impact of the Extension professional staff.
- It dispenses no funds to the public.
- It is not a regulatory agency, but it does inform people of regulations and of their options in meeting them.
- Local programs are developed and carried out in full recognition of national problems and goals.
- The Extension staff educates people through personal contacts, meetings, demonstrations, and the mass media.
- Extension has the built-in flexibility to adjust its programs and subject matter to meet new needs. Activities shift from year to year as citizen groups and Extension workers close to the problems advise changes.

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Issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Robert E. Whitson, Director of Cooperative Extension Service, Oklahoma State University, Stillwater, Oklahoma. This publication is printed and issued by Oklahoma State University as authorized by the Vice President, Dean, and Director of the Division of Agricultural Sciences and Natural Resources and has been prepared and distributed at a cost of 62 cents per copy. 1108 GH