



PROTECTING YOUR LAND

CONSERVATION OPTIONS FOR NEW HAMPSHIRE LANDOWNERS

If you wish to relinquish ownership of your land while protecting it for future generations, your options include:

Gift of Land

Giving your land to the Forest Society is the simplest method of protecting your land. This method offers long-term protection for the land while relieving you of all responsibilities of ownership, including property taxes and management. Lands given to the Forest Society for long-term ownership are managed for multiple conservation values including wildlife habitat, watershed protection, public use, timber production and scenic value, as appropriate. You gain peace of mind that your good stewardship of the land will continue forever. In some cases, with the consent of the donor, lands given to the Forest Society may have restrictions added to the deed to ensure protection of conservation features and resold to raise money for additional land conservation projects.

Gift by Will

You may continue to own, manage and enjoy your land during your lifetime, while ensuring the conservation of the property thereafter. We strongly recommend that you discuss a potential gift by “devise” with a Forest Society land agent before including it in your will, especially if you wish to impose restrictions on your gift. This helps ensure that the Society will be able to fulfill your expectations about future use of your land.

Gift of Remainder Interest

This type of conveyance, sometimes called “life rights” allows you to donate your property to the Forest Society now, but continue to use it during your lifetime with peace of mind knowing that it will be permanently protected.

If you wish to retain ownership of your land and protect it for future generations, your options include:

Conservation Easements

A conservation easement is a permanent legally binding agreement between a landowner and a conservation organization that restricts the use of the land to protect its significant natural features. If you place a conservation easement on your land, you can manage it for agriculture, forestry, recreation, and wildlife habitat, but not for intensive uses like development or commercial and industrial activities. As a landowner you are also still responsible for paying the property taxes on the land. You may sell or bequeath your easement-protected land to anyone at any time, but all future owners are required to follow the terms of the easement. Conservation easements run with the land forever. Your easement is custom-tailored between you and the Forest Society and may allow you to build and maintain certain roads or structures that serve uses allowed by the easement. The easement also grants specific rights to the Forest Society, including the right to periodically enter the property to monitor its condition and to ensure that its terms are upheld.

Stewardship in Perpetuity

As a holder of the conservation easement, the Forest Society agrees to monitor and enforce the terms of the easement to ensure that the conservation values are protected in perpetuity. Forest Society staff visit our protected properties and record the property condition at the time the easement is signed to create baseline documentation. Annual monitoring of each property is required by the IRS and national standards and is typically accomplished with a combination of aerial flyovers and on-site visits with landowners.

Since 1901, the Society for the Protection of New Hampshire Forests has been a national leader in land conservation.

We work with public agencies, communities and, private landowners to protect thousands of acres every year.

Our land protection staff can help you implement long-term conservation plans for your property. You can choose among several land conservation tools to determine what works best for your circumstances.

Sometimes, a combination of methods may be used. Your choice of which to pursue may depend on the natural characteristics of the land, your financial objectives concerning tax benefits and estate planning, and your personal sense of stewardship.



For More Information

*If you want to know more about land conservation options, you may read **Conserving Your Land – Options for New Hampshire Landowners.** It can be ordered from Society for the Protection of New Hampshire Forests website, www.forestsociety.org.*

When you are ready to discuss these options in more detail, please call the Forest Society at 603-224-9945. A land agent will be happy to help you evaluate your options and determine which is the best conservation plan for you. Fees may be charged for some land protection services.



Stewardship Funds

The Forest Society believes maintaining a positive relationship and good communication is one of the best ways to prevent problems. Every time the Forest Society acquires a conservation easement, it seeks a one time financial contribution to add to the stewardship fund that enables the Society to fulfill its perpetual stewardship responsibilities.

Sale and Bargain Sale

For some conservation projects, the Forest Society may be able to raise money to buy land or easements. Because availability of funds is limited and the process is highly competitive, landowners who wish to sell an easement on their property usually sell at a price lower than its fair market value. Tax benefits to the owner may make the bargain sale nearly as financially attractive as selling at full value.

If you plan to retain ownership of your land and want to consider permanent conservation, your options include:

Deed Restrictions

You may wish to place restrictions into your property deed when you sell the land in order to limit its future use, often to benefit adjacent land you own. A deed restriction can limit or prohibit future uses of the property, for example, construction of new buildings. Deed restrictions can be shorter and simpler than conservation easements. However, they are typically enforceable only by the landowners that created them or by their heirs or by owners of nearby lands that benefit from the restrictions. Over time, the restrictions may be neglected or forgotten.

Mutual Covenants

You and your neighbors may agree together to protect a view or other special feature of the neighborhood by exchanging mutual covenants. Each landowner's covenant, which is a form of deed restriction, can be enforced by the other

current or future landowners– but only if they choose to and only for a specified period of time. Covenants are not a permanent means of conservation since they run out, and they can be nullified by subsequent agreements of all owners or by the landowners' failure to enforce the covenants.

Current Use Assessment

If your property meets the required criteria, you can qualify for reduced property tax under the Current Use Tax Assessment Program under NH RSA 79-A. Undeveloped parcels of field, farm, forest and wetland of 10 acres or more, and certain smaller parcels, may qualify for this program. This favorable property tax treatment encourages landowners to keep their land undeveloped, but does not permanently restrict use of the land.

Option to Purchase

Conveying the option to purchase your property to the Forest Society, you make an agreement giving the Forest Society the right to purchase your land or conservation easement at a specific price by a specific date. While the option is in place, you cannot sell to another buyer. This approach can give the Forest Society the time to raise funds for the purchase of your property or easement.

Right of First Refusal

You may grant a right of first refusal to purchase your property to the Forest Society, by which the Forest Society has the right to match any offer that you receive from another potential buyer. If you get an offer for your property, you are obligated to allow the Forest Society to purchase the property for that same amount.

Tax Advantages

Land protection agreements can offer you substantial income and estate tax benefits. You should consult with your own qualified legal and financial advisors to determine what benefits you would receive.