



Description of a Land Trust

What is a land trust?

For purposes of the National Land Trust Census, a land trust has been defined as “a nonprofit organization that, as all or part of its mission, actively works to conserve land by undertaking or assisting direct land transactions – primarily the purchase or acceptance of donations of land or conservation easements.”

While land trusts use a variety of methods to protect land, two of the most commonly used are the purchase or acceptance of donations of land and the purchase or acceptance of donations of a conservation easement, a legal agreement that permanently restricts the development and use of land to ensure protection of its conservation values.

Clark's Valley Land Trust works to protect land in Southeastern Indiana by accepting donations of conservation easements, by educational efforts directed at landowners and community leaders, and through facilitation of discussions with landowners about land conservation options available to them. Utilizing and cooperating with local, state and federal programs to facilitate the purchase of conservation easements is also a goal of the Clark's Valley Land Trust.

Land trusts also protect land by other means, including:

- ✓ providing funding to other groups for land acquisition;
- ✓ negotiating with conservation buyers – conservation-minded individuals who are willing to invest in property in anticipation of its ultimate and permanent protection as open space; and
- ✓ facilitating negotiations for land to be acquired by another nonprofit organization or a public agency.

Land trusts vary in size. They can be national, regional, or local. They are helping communities save America's heritage.

How can individuals work with land trusts to protect their land?

Land trusts are helping landowners find ways to protect their land for the future. They may acquire land through donation and purchase, work with landowners to write conservation easements (permanent deed restrictions that prevent certain land uses), and devise other plans to maintain open space.

What kind of space do they protect?

Land trusts can protect open space of all kinds--wetlands, wildlife habitat, farms, forests, scenic views, watersheds, historic properties, and recreational areas--land of every size and type that has conservation, historic, scenic, or other value as open space. The Clark's Valley Land Trusts' primary focus is on protecting farmland for food and fiber production, biodiversity and environmental conservation, and for rural landscape protection.

When did land trusts start?

When America's first nonprofit land trust formed in Massachusetts in 1891, its stated mission was to protect "the jewels of the living landscape." The idea, based on older "village improvement societies" spread to New Hampshire in 1901, then further out, across all 50 states and, eventually, the world. Land trusts provide groups of private citizens with the means to save vast swaths of land. Using a combination of do-it-yourself spirit and knowledge of the law, America's more than 1200 independent regional trusts have preserved nearly 7 million acres — an area twice the size of Connecticut. Conservation easements, now the most popular means to protect land, came into widespread use after the Tax Reform Act of 1976 explicitly recognized them as tax-deductible donations.

What are the potential costs to landowners?

Potential costs to landowners may include but are not limited to:

- ✓ Consultation with professional advisors i.e. lawyer, tax attorney, etc.
- ✓ Recording fee, appraisal fee
- ✓ Stewardship donation – some land trusts encourage or require a donation to the land trust upon acceptance of a conservation easement. The CVLT may request a stewardship fee in an effort to help defray the long-term costs to the organization, which include for annual site inspections, potential future legal challenges and other general stewardship activities. These activities are required to monitor the conservation easement and protect the grantor's wished in perpetuity or for the length of the easement.

How many land trusts are there?

There are currently more than 1,200 land trusts in America, a 42% increase over the number that existed in 1990.

Are land trusts successful?

Absolutely. Land trusts have protected approximately 6.2 million acres including wetlands, farms and ranches, wildlife habitat, shorelines, forests, recreation land and other property of ecological significance. Nearly 2.6 million acres have been protected by conservation easements as of 1990. The number of land trusts has grown phenomenally, from 535 in 1985 to more than 1,200 today. Land trusts operate in every state as well as in Puerto Rico.