

Environmental Tools:

Conservation Easement

What is a conservation easement?

A conservation easement is a legally recorded agreement by which landowners voluntarily restrict the use of their land to protect its natural and cultural heritage. A conservation easement protects important land resources and can be held by a qualified conservation organization (land trusts) or local unit of government.

Provided that certain conditions or programs are met, donors of easements may be eligible for income, estate and/or tax benefits. One condition is that there must be an established, recognizable public benefit, such as protecting rare species, public water supplies, or heritage sites.

Where are they used?

Conservation easements are scarcely used in Canada, but are employed in many US states.

Nova Scotia

The province of Nova Scotia has developed the [Conservation Easement Act](#) to help protect private lands. Landowners have the right to make a voluntary agreement with a third party organization, called a land trust, to restrict use of their land for conservation purposes. Development restrictions are registered in the deed and apply to both current and future landowners. A conservation easement for land must protect species at risk, contain unique/rare features, have a large population of animals, or have intact natural areas.

In Nova Scotia, if a private landowner puts a conservation easement on their land they are entitled to a charitable donation receipt equal to the reduction of market value of the land. Tax receipts are used to offset personal income tax or can be used in the Federal Ecogift program.

Alberta

In Alberta, enabling legislation for conservation easements was created under the *Environmental Protection Enhancement Act* (EPEA). For the past decade, the [Alberta Sport, Recreation, and Wildlife Foundation](#) has provided \$10,000/annum for strategic development and investment in conservation easements. Currently in Alberta, approximately 300 square kilometers are placed under conservation easements. The Alberta Government is seeking to improve the use of this tool through the Land Trust Leadership Project and make it more accessible and attractive for landowners to adopt.

Tool performance:

Pros

- Permanently protects land from development pressures.

- Encourages voluntary environmental protection rather than forcing traditional “command and control” measures.
- Landowners may receive income, estate, and property tax benefits.
- No or low cost to local unit of government.
- Land remains in private ownership.
- Increases the amount of ecologically important lands to be conserved for future generations.

Cons

- Tax incentives may not provide enough compensation for many landowners.
- The process can be administratively demanding.

Special considerations

Conservation easements are the principal legal mechanism used to protect land in a Purchase of Development Rights (PDR) or Transfer of Development Rights (TDR) program (see other fact sheets in this series).