

# Conservation Easements as Tools for Protecting Restored Lands

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# What is a conservation easement?

- A conservation easement is a legal tool used to ensure that property remains in its natural, forested, open-space, and/or ecological condition in perpetuity.
  - Creature of state law
  - Contract between landowner and easement holder
  - Can be sold, donated, or required for mitigation or other permit
  - Typically perpetual, although can be for set term in some states

# Conservation Easements: Negative covenants



## Conservation Easements: Affirmative obligations



## **Conservation easements as tool to protect restored lands**

- Use of negative covenants to ensure that development or other use of restored area does not impair restoration efforts
- Use of affirmative obligations to ensure that the restored elements are maintained and enhanced over time
- Inclusion of shared responsibilities between grantor (landowner) and grantee (easement holder) to ensure restoration area is protected in perpetuity
- Use of management plan or other land-use tool to allow for adaptation of land management over time

# Case studies/examples



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