



Working Woodlot Conservation Easements

Have you been managing your woodlot in a careful way, so that in the future your family and others in the surrounding community will continue to enjoy the many benefits it provides? Are you concerned that these benefits may be lost if the woodlot is sold or inherited by a person who does not share your interest in good woodlot management?

With some simple planning, there may be an option available to you that will allow your woodlot to continue to provide the benefits that you believe are important without fear that at some point in time, it may fall victim to indiscriminate clear cutting, or subdivision, or other conversion to non-forestry uses.



Conservation easements are legal agreements between a landowner and an easement holder, usually a conservation organization or land trust, that transfers identified land use rights from the original landowner to the easement holder. In the case of a “working woodlot”, one that has been managed to both produce timber and preserve the long term environmental stewardship of the land, a conservation easement will help ensure that this combination of benefits is protected.

Conservation easements have often been used by nature conservation organizations to assist land owners to protect areas of their properties that contain special habitats or unique features. When a landowner offers land to the conservation organization, he or she retains ownership and use of the land, but gives up some of the rights associated with it. For example, the land owner may give up the right to build additional structures, while retaining the right to grow crops. Future owners will also be bound by all of the terms of the easement. The conservation organization is responsible for enforcing these terms with current and subsequent landowners.



For example, the New Brunswick Community Land Trust (www.nbclt.org) has modified the conventional conservation easement in order to specifically address the goals and objectives of working woodlot owners who want their land to continue to produce conventional forest products, such as timber or maple syrup, along with ecological benefits such as wildlife habitat, and clean water. Undesirable land use practices such as large clear cuts, subdivisions, or conversion for industrial or commercial development are forbidden.

Conservation easements are voluntary agreements, with very specific wording outlining land use restrictions. They are developed

jointly by the land owner and the land trust. Generally, conservation easements are in effect in perpetuity. Donating a conservation easement generally generates an income tax advantage for the land owner.

In addition to maintaining the economically productive side of woodlot management, working woodlot easements can also include clauses that provide for the protection of areas that contain special ecological features, so that they are maintained as restricted-harvest or no-harvest zones.

A conservation easement creates obligations for the land owner, the easement holder and future owners of the land. The current owner is obligated to adhere to the land use restrictions that he or she helped craft in the easement. Future owners are similarly required to adhere to the specified land use restrictions. The holder, or land trust, is obligated to inspect the property, at least annually, to ensure that it is being managed in compliance with the conservation easement. Obligations in the conservation easement can be enforced by court action.

What happens to your woodlot when you are gone used to be out of your control, but a conservation easement is a creative way to allow for the ongoing protection of your land. If you wish to learn more, check with land trusts, conservation authorities or other conservation groups in your province to get information on their working woodlot conservation options.

This information has been provided by the Private Woodlot Strategic Initiative, a collaboration between the Canadian Model Forest Network and the Canadian Federation of Woodlot Owners. For more information, please visit www.woodlotscanada.ca or www.modelforest.net