

## **CONSERVATION EASEMENTS: WHAT ARE THEY AND WHAT CAN THEY DO FOR YOUR LAKE?**

A conservation easement is a voluntary legal agreement between the owner of a property and at least one other party who “holds” the easement. Typically, the easement would be held by a land trust, but might also be held by a municipal government or a conservation authority. The agreement places specific restrictions on the use and development of the property for the purpose of preserving its heritage features. These features may include built heritage (like a historical building), recreational heritage (like the Bruce Trail), cultural heritage (like an archeological site), or natural heritage. As stewards of our lake, we would naturally be most concerned with natural heritage features such as wildlife habitat, forests, wetlands and undisturbed shoreline.

Since conservation easements remain on title in perpetuity, they are also a way for landowners who wish to preserve a part of their own property to do so without giving up the pleasures and benefits of ownership. Also, many owners have enjoyed tax reductions as a result of their conservation efforts.

### **How is a Conservation Easement placed on a property?**

A landowner may wish to protect his property for a variety of reasons. For example, he may be planning to leave his property to his children, but wishes to protect a beloved piece of his property, a forested area, a piece of natural shoreline...the reasons for a conservation easement are varied and personal. He would approach a conservation organization like the LCC and offer to donate the easement on part of his property. It is possible, for example, to donate an easement on an entire property and exempt only the designated living area, thereby protecting all the natural features of the property while allowing the current or future owners to make improvements or additions to the dwelling. The terms of the easement are dictated by the property owner.

### **Who can hold a Conservation Easement?**

The Conservation Land Act allows landowners to grant an easement to any qualified “conservation body”, including the Crown, municipal councils, conservation authorities, and charitable corporations, such as land trusts, which are registered under the Income Tax Act. Conservation easements may be held jointly by, for example, a local land trust and a larger body such as the Nature Conservancy of Canada, and may also be assigned by one conservation body to another.

### **Why donate a Conservation Easement?**

For a property owner, there can be a considerable tax benefit in donating an easement that is deemed by Environment Canada to be an ecological gift. The owner enjoys the peace of mind that comes from making a significant contribution to personal or community conservation goals without having to give up the use and enjoyment of the property. It is

a wonderful tool for the conservation of natural shoreline around our lake, and can be a way of insuring that the water quality and natural beauty of the lake will be there for our children and grandchildren.

If you wish to learn more about conservation easements and what they can do for you, please contact the LCC board, or the Ontario Land Trust Alliance.