

# Working Forest Conservation Easement

## A Property Rights-Based Tool for Conservation



A working forest conservation easement keeps forestland intact for timber production, providing support for rural economies. It is established by mutual agreement of a willing landowner and a private land trust or government. The conservation easement limits subdivision, development, and activities that would hinder the land's capacity to grow trees for industry. If agreeable to the landowner, it can also be used to ensure recreational access for the public.

### Supports the Forest Products Industry

By keeping large, forested tracts undivided and undeveloped, the conservation easement **ensures the availability of forestland for timber production**. By requiring good forest management practices, the conservation easement ensures the **continued flow of forest products over time**.

The smaller the parcel the less likely it will be managed for timber production or made available for recreation. Research shows that forestland tracts are getting smaller over time.

### Land Stays on the Tax Rolls

Land under easement stays on the tax rolls at the same assessment as before the easement (in most counties, at the Clean & Green valuation). **No local taxes are lost** as a result of conservation.

### Promotes Jobs and Economic Activity

Large tracts under conservation easement ensure the continued availability of managed forestland for the forest products industry, helping to **create and maintain jobs in forestry, logging, trucking, sawmills, and equipment sales and repairs**.

Pennsylvania grows some of the finest hardwoods in the country; the conservation easement helps ensure reliable, long-term industry access to this resource.

### Can Ensure Recreational Access

**If desired or acceptable** to the owner, the conservation easement can be crafted to **ensure continued or new recreational opportunities** (hunting, fishing, trails, etc.) for the public. The kinds, levels, and locations of access are details to be worked out for each individual easement.

When used to ensure public recreational access, the conservation easement greatly benefits outdoor enthusiasts in the local community and can promote tourism jobs and recreation-related spending.

### Promotes Private Land Ownership

The conservation easement conserves land in the public interest, and the land stays in the ownership and control of private landowners. **Conservation is achieved without government ownership.**

### Provides Other Benefits

Conserving forestland with a conservation easement also ensures **water quality, wildlife habitat, cleaner air**, and other public benefits.

# Frequently Asked Questions

## How does the conservation easement work?

The conservation easement limits certain uses of the land but only for the purpose of achieving clearly stated conservation objectives. The landowner may continue to use the land as they wish within the constraints agreed to when establishing the easement. The easement holder has the right to stop owners from violating these constraints.

The conservation objectives and the rules that the landowner and easement holder must follow are set forth in an agreed-to conservation easement document that is filed at the county recorder of deeds office (as are all easements).

## Isn't government more likely to acquire land that is subject to a conservation easement?

No. Actually, less likely. Since the easement assures that the land in private ownership is already providing conservation benefits, there is hardly ever reason, motivation, or cost-justification for government to seek ownership of the land.

## What happens with gas and other mineral rights?

A conservation easement in no way hinders the exercise of gas and other mineral rights previously granted to others.

## Why is a conservation easement known as a private property rights-based tool?

Rather than relying on government regulation to achieve conservation, the conservation easement relies on the American tradition of property rights.

Any number of property rights can exist with a particular tract of land:

- the right of the landowner to use the land to the extent that it doesn't violate the rights of others with property interests in the land.
- the right of a utility holding an easement to install and maintain utility lines on the land.
- the right of an adjacent owner with a driveway easement to pass through the land.
- the right to extract gas or mine for resources.
- the right of a land trust to block activities contrary to an easement's conservation purposes.

The conservation easement is a property right just like the other rights listed above; the owners of these different rights each are obligated to stay within their rights and not infringe on the rights of the others.

## Where can I find more information?

You can find the guide "[Conservation Easements: An Introduction for Private Landowners](#)" and other information about conservation and conservation easements at [WeConservePA.org](http://WeConservePA.org).



WeConservePA helps people care for, wisely use, and enjoy what nature offers. Day in and day out, we assist individuals and organizations in effectively and efficiently conserving land, advancing sustainable practices, and connecting people to the outdoors. Through our advocacy, we advance pro-conservation, life-sustaining governmental policy.