



**DRIFTLESS**  
AREA LAND CONSERVANCY

# A LANDOWNER'S GUIDE TO PROTECTING THEIR PROPERTY



Driftless Area Land Conservancy's purpose is to maintain and enhance the health, diversity, and beauty of Southwest Wisconsin's natural and agricultural landscape through permanent land protection, and restoration, and improve people's lives by connecting them to the land and to each other.



# ABOUT DRIFTLESS AREA LAND CONSERVANCY

Driftless Area Land Conservancy (DALC) is a 501(c)3 nonprofit land trust based in southwest Wisconsin dedicated to preserving the region's unique habitats, clean water, sustainable working lands, and scenic landscapes.

For 25 years, DALC has been using tools like conservation easements to permanently protect almost 10,000 acres of land.

DALC manages seven publicly accessible preserves in our service area to build community connections with nature.

In 2012, DALC saw the need to connect even more people to this beautiful landscape and started developing the Driftless Trail, which will be a 50 mile through hike connecting Tower Hill, Governor Dodge and Blue Mound State Parks.

## DALC AT A GLANCE



**9747 ACRES PERMANENTLY PROTECTED**



**55 CONSERVATION EASEMENTS**



**6 MILES OF DRIFTLESS TRAIL**



**7 NATURE PRESERVES**



**NATIONALLY ACCREDITED**



- Sound Finances
- Ethical Conduct
- Responsible Governance
- Lasting Stewardship

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# WHAT IS A CONSERVATION EASEMENT?

A conservation easement is a voluntary legal agreement between a landowner and a land trust like DALC or a government agency that permanently restricts certain aspects of land use to protect its conservation values. When a landowner places a conservation easement on their land, they maintain ownership and use of the property and can sell it or pass it on to heirs.

Conservation easements offer great flexibility. For example, an easement on property containing rare wildlife habitat might prohibit any development, while one on a farm might allow continued farming and the building of additional agricultural structures.

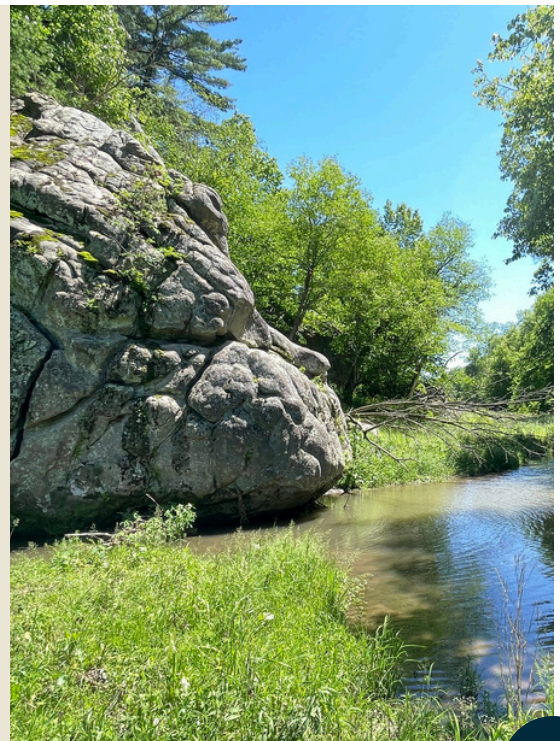
Future landowners are also bound by these restrictions. DALC is responsible for monitoring the property and upholding the terms of the easement. Conservation easements are one of the country's most commonly used land conservation tools.

Protecting land through a conservation easement donation truly represents a partnership in perpetuity between the landowner and DALC. We remain your ongoing partner, providing advice, connections to resources, support, and ensuring that your vision for the land is carried out – even when the property changes ownership.

## CONSERVATION VALUES

Conservation easements held by DALC protect one or more of these conservation values:

- Wildlife habitat and corridors
- Working farms and ranches
- Open space and scenic views
- Public access and recreation
- Trout streams and watersheds
- Cultural and archeological resources







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# BENEFITS OF CONSERVING YOUR LAND

## Preserving a Legacy and Estate Planning

Placing a conservation easement on your property is a way to ensure that the land you cherish will always be protected! By limiting future development, conservation easements typically reduce your property's fair market value, which can help with estate planning.

## Federal Income Tax Benefits

If you donate your easement to a qualifying land trust like DALC and meet other requirements, its value may be considered a charitable gift with associated tax benefits.

## Partnership and Community

DALC can provide you with current resource management information and access to grants and other funding for resource restoration and habitat enhancements. DALC connects like-minded landowners to learn from and support one another.

## Preserving Working Lands

Conservation easements can provide income and/or substantial tax benefits to retiring farmers who want to keep their land in the family, pay off debt and make working lands more affordable for new farmers.

## Cash Compensation

For certain projects, DALC can apply for funding to pay you for a portion of your conservation easement's fair market value.

## **DISCLAIMER**

- Due to the financial and legal impacts of this process, DALC does not render legal or tax advice. It is recommended that landowners consult with their legal, financial, and estate planners early in the conservation easement process.
- Landowners are responsible for compliance with IRS regulations and other Federal and State laws.
- DALC does not guarantee the qualifications or value of the conservation easement for tax purposes.





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# CONSERVATION EASEMENT PROCESS

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## **PHASE 1**

### Initial Inquiry

First complete the conservation easement intake form after thoroughly reviewing the materials found on DALC's website. Consult with family members and advisors if applicable. A DALC staff member will assess the property's conservation values and reach out to meet if applicable.

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## **PHASE 2**

### Site Visit and Project Evaluation

Meet with DALC staff to discuss the Easement process in more detail including a contribution to the Forever Fund. If both parties wish to proceed, DALC staff will prepare a draft easement for the Landowner's review. If the Landowner wishes to proceed, they will make a \$2,000 down payment to the project before DALC begins due diligence.

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## **PHASE 3**

### Due Diligence

DALC will conduct a title review and determine if a survey is needed to complete the transaction. DALC and the landowner will edit the easement draft until a final is agreed upon. A landowner's attorney may also join this process. Upon agreement on a final draft, DALC will create a Baseline Documentation Report to guide future easement monitoring.

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## **PHASE 4**

### Closing Your Conservation Easement

With final approval of the easement and Baseline, the landowner and DALC will close the transaction at a title company, bank, or attorney's office and record the easement at the County Register of Deeds. If the landowner intends to claim a qualified federal income tax deduction for the easement gift, the landowner must hire an independent appraiser to determine the value of the non-cash charitable contribution.

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## **PHASE 5**

### Stewardship

DALC's work does not stop with a recorded conservation easement. This is a "Forever" partnership. DALC will visit the property annually to ensure compliance with the easement. DALC will also answer questions and serve as a resource for current and future landowners, including addressing any easement violations, should they occur.





## COSTS OF A CONSERVATION EASEMENT

### CONTRIBUTION TO DALC

Due Upon Draft Review & Determination to Proceed	\$2,000
Forever Fund Donation at Closing	\$13,000

### POTENTIAL ADDITIONAL COSTS

Survey	\$0 - \$7,000
Environmental Assessment	\$0 - \$4,000
Mineral Report	\$0 - \$2,000
Legal Services	\$0 - \$30,000
Appraisal to Document A Donated Easement	\$0 - \$6,000

### GRAND TOTAL

\$15,000 - \$64,000

*Some projects are more complex and expensive than others. The most significant investment is that of a landowner's time over the course of 6-18 months. In a majority of cases, the financial benefits realized from a conservation easement far outweigh the initial costs. Please contact DALC staff with any questions about the costs of a conservation easement.*



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# FREQUENTLY ASKED QUESTIONS

## HOW LONG DOES A CONSERVATION EASEMENT LAST?

Forever! The Deed of Conservation Easement is recorded with the county clerk and becomes part of the chain of title for the property. All future owners are bound to the restrictions to protect the conservation values and goals.

## DOES DALC MANAGE THE LAND?

A conservation easement will protect your land from development but not neglect. The landowner still owns their land and is responsible for its maintenance and management. DALC will serve as a resource and can help connect you with technical expertise and potential financial resources.

## WHAT ARE SOME COMMON RESTRICTIONS IN A CONSERVATION EASEMENT?

Every conservation easement is tailored to the specific property. Common restrictions include:

- Removing the right to subdivide the property
- Centralizing development into a defined building area
- Assuring land management practices, timber harvests, farming operations, and similar activities adhere to best practices for protecting water quality, soil health, and wildlife habitat.

## DO I HAVE TO ALLOW THE PUBLIC ON MY PROPERTY?

No. Although some landowners may decide to include a right of public access, e.g., The Driftless Trail corridor!

## ARE THERE TAX BENEFITS?

Donating an easement could allow you to deduct 50-100% of your adjusted gross income (AGI) for up to 15 years, totaling the value of the easement gift, though not all donated easements qualify..







Interested in a Conservation Easement?  
Questions About Conserving Your Land?

CONTACT US!



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