



EAGLE VALLEY LAND TRUST

An Introduction to Eagle Valley Land Trust and Conservation Easements

What does the land trust do? The mission of the Eagle Valley Land Trust (EVLТ) is to protect forever the lands we love, to preserve our heritage, scenic beauty, recreational opportunities, and wildlife habitats, and to build a permanent legacy for future generations. Since our inception in 1981, EVLT has worked with property owners (both private property owners as well as land owned by local governments) to permanently conserve thousands of acres of land.

Why? To protect our dwindling open spaces, particularly those important places along our river valleys and public roads, to conserve important wildlife habitat and migration corridors, to create and protect public recreational access, and to preserve our few remaining working ranches.

How? Property owners promise, via a contract with the land trust, to forfeit the bulk of their development rights and manage the property well. Future owners are bound by this contract so the promise is forever. The contract with the land trust is called a conservation easement.

Why would a landowner do this? In return for signing the contract with the land trust, the landowner gains access to significant funds and tax incentives available from local, state, and federal land conservation programs. Tax benefits can include significantly enhanced federal income tax deductions, transferrable state tax credits, and estate tax benefits. Other benefits may include funding from grants and open space programs. Landowners who want to see their land preserved forever rather than someday developed also gain peace of mind that they've left a legacy of conservation for all time.

Is this important to me? If you and your children want to enjoy clean water, quiet places, night sky, locally produced food, scenic valleys, and diverse wildlife right out your back door without having to move somewhere less populated, then yes. In Eagle County, nearly 3 acres of natural land is lost to development every day. Indeed, nearly 70% of all private land within 2 miles of I-70 has already been claimed by subdivisions and towns. It is also important to you if you want our local economy to thrive – because the scenic beauty of our area is the backbone of our tourism-based economy. Over time, without the land trust, we may lose many of the river valleys, rolling meadows, and scenic vistas to business parks, residential subdivisions, and golf course communities.

But isn't the federal land all around us good enough? Look on a map that shows the location of federal lands in Eagle County and surrounding areas. The U.S. Government does not own the valleys. The valleys hold our majestic rivers, vital wildlife habitat and travel routes, picturesque meadows, and pastoral ranches. The vast majority of wildlife we cherish require land under 8,500 feet in elevation to survive our harsh winters. We choose to live in the valleys because they offer fertile soils, good shelter, and ample clean water and are generally more accessible, particularly to children and the elderly. These areas are worthy of conservation as well and there is far less of this kind of land.

What's the downside for the landowner? The above benefits need to be weighed against the fact that the land is not worth as much after the landowner forfeits the development rights to the land

trust. Developers will no longer be interested in the property because they can't turn the land into a big development. Landowners should consult qualified independent professionals to obtain independent legal, financial and tax advice before proceeding with any significant real estate transaction such as conveying a conservation easement.

Does the landowner lose control of their land? No. The landowner continues to own the land and the management is under their control. The landowner can keep doing what they've always done on their property. They can even sell or transfer the property to anyone, including their heirs, with confidence that their intentions for the preservation of their property will be upheld because all future owners are bound by the terms of the conservation easement. The landowner provides the land trust with the power to protect the property from the unchecked actions of future owners by requiring land trust approval for new uses or management techniques for the property. This is often a difficult concept for landowners to accept. It requires good judgment on the part of the landowner and encourages (and in some cases requires) communication with and/or approval of the land trust. In these cases, the land trust typically helps the landowner make even better decision about the management of their land by connecting the landowner with experts and funding sources who can assist with a particular issue. We urge landowners to talk to other landowners who have conserved their land about how a conservation easement is intended to protect the land.

Do conservation easements require public access to conserved land? No. It is the property owner's choice whether or not to allow public access, such as a trail, across a portion of their property. The land trust will support the property owner's decision about public access. Those lands conserved by EVLT conservation easements, but owned by the County or towns typically include significant public access including trails and boat ramps.

Does EVLT invade the privacy of landowners? No. On the contrary. We generally advocate for private property rights. If a landowner wants to make the very important decision to preserve their private property for generations to come, they have every right to do so and do so voluntarily. The decision is private, the property is private, and we honor that privacy. Nor does EVLT meddle in the management of the property. EVLT values its relationship with the landowners who have entered into or inherited conservation easements and is dedicated to treating these landowners with dignity and respect.

Is the land trust the government? No. We are a totally independent non-profit organization run by talented staff and a dedicated, all-volunteer, board. We are funded by individual contributions and grants.

What is EVLT's relationship with the County and its towns? While our community leaders also care about permanently conserving important land to benefit the public, the land trust has no formal relationship with the local government agencies. However, EVLT does partner at times with local governments. For example, the County and the land trust occasionally come together to collaborate on conservation projects in a couple of ways. When the County uses its dedicated open space funds to purchase land for conservation, the County will often seek out a contract with the land trust in the same way the land trust contracts with private property owners, because that contract ensures future commissioners can't reverse the decision to conserve the land. Occasionally, the County will authorize the use of open space funds to induce property owners to preserve land with the land trust as described in the paragraphs above.

Is the land trust anti-development? No. The land trust promotes intelligent, well-planned, development within areas already impacted by development and is striving to conserve what is remaining of our undeveloped valleys. Conservation of appropriate land is a key component of sophisticated community planning, driving the very reason people like to live and play here. Well planned development can be an asset to our communities particularly if completed within the larger context of land conservation and preserving the rural character of our distinct towns. EVLT is the primary advocate for such conservation within our community.

Is this a proven way to conserve land? Yes! There are nearly 1,700 land trusts nationwide doing exactly what we are doing. Over the decades, these land trusts have preserved over 50 million acres nationwide, an area the size of Nebraska. In Colorado, approximately 5,800 conservation easements conserve an estimated 2.2 million acres of land.

What is EVLT's ongoing role with the land conserved? To make sure that the property is conserved as landowners intend, EVLT must have access to monitor each property annually in perpetuity, which includes visiting the property and documenting the visit itself as well as any issues or violations (which then must be addressed by the current landowner). By conserving their property in perpetuity, landowners are leaving a lasting legacy, protecting the land's agricultural viability, natural habitat, scenic, or public recreational value. A conservation easement is a restrictive document so that landowners can be confident that future owners will be bound by their desire to conserve the property – forever. Whether accidentally, intentionally, or as a result of neglect, future landowners may allow these values to be damaged and EVLT will be there to help (or if necessary, compel) the landowner comply with the restrictions the landowner placed in the conservation easement. The conservation easement includes language which requires EVLT to enforce the restrictions contained in the document.

Tell me more about conservation easements. Conservation easements preserve working ranches, wildlife corridors, recreational opportunities, and scenic views that make Colorado a vibrant and beautiful state. Conservation easements are deeded partial interests in real property, given willingly by landowners who retain ownership and use of the property while agreeing to some perpetual restrictions on future uses and development to protect the purposes of conserving the land. For example, subdivision of the property is prohibited or severely restricted, houses and other buildings are restricted in number, size and location (and these development rights are forever forfeited within the conservation easement), water rights (if any) are required to remain with and be used on the property or for other compatible conservation purposes, extraction of minerals from the surface of the property is prohibited (eg. gravel mining), and industrial uses are prohibited. Generally, the landowner can continue to use the property as they always have used it. To protect the landowner's conservation intentions, the conservation easement will require the property owner consult with EVLT before undertaking any activities that may have an adverse impact on the conservation values of the property.

For the donation of a conservation easement to be tax deductible (as required by IRC 170(h) of the Treasury Regulations, the conservation easement must be perpetual and meet one or more of the following conservation purposes:

1. The preservation of land areas for outdoor recreation by, or the education of, the general public (e.g. contains a trail easement or provides on-site educational opportunities readily available to and benefiting the general public);

2. The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem (e.g. contains a diversity of flora and fauna, riparian areas, or contributes significantly to adjacent conserved land containing such natural habitat); or
3. The preservation of certain open space, including farmland and forest land that is significantly scenic and visible to the public, and/or contributes to a clearly delineated governmental conservation policy, and that clearly yields a significant public benefit.

Tell me more about EVLT. EVLT facilitates the process for conveyances of conservation easements to EVLT. EVLT is a non-profit 501(c)(3) charitable organization qualified to hold conservation easements as defined by Treasury Regulations. EVLT is nationally accredited with the [Land Trust Alliance](#) and is certified by the state of Colorado to hold conservation easements, thereby satisfying the highest standards of professionalism available to landowners and the conservation easement process. EVLT has made a commitment to uphold the restrictions landowners place on the property in perpetuity. Because EVLT is an accredited land trust, landowners can be confident EVLT will uphold the conservation easement and will make sure that the property is conserved as they intend for future generations.

How can I support the land trust's work? EVLT could not exist without generous donations from people like you. Please contact us at 970748-7654 or visit our website at www.evlt.org/give/ to schedule your tax-deductible donation now.