

When considering the long-term protection, management, and access to municipal forests, many towns have chosen to utilize conservation easements to meet the goals of their land use planning. A conservation easement is a legal agreement between a landowner and an eligible entity—typically either a land trust or a government agency—that restricts the activities that may take place on the land to protect the land’s conservation values. Conservation easements have successfully protected hundreds of thousands of acres of Vermont’s working landscape, scenic open space, and wildlife habitat. Conservation easements can be placed on all or a portion of a property and can be tailored to fit the property and its unique features. Because of the easement’s ability to restrict uses of the land, such as subdivisions or certain forms of residential development, many towns have chosen to place conservation easements on their town forests. Town-owned lands may also have conservation easements in place, perhaps as a condition of the sale of the parcel to the town. Through conservation easements, municipalities can permanently protect the lands they love.

## Conservation Easements

Conservation easements are an agreement between the easement holder, generally a land trust, and landowner on allowed uses of the property. Through the grant of a conservation easement, the landowner retains some of their rights but gives away others to the conservation easement holder. The landowner does keep the right to own the land and use it in those ways permitted by the easement. Once established, the conservation easement stays with the land, requiring future landowners to adhere to the conditions of the easement. Easement holders, typically land trusts, then possess the right to enforce the restrictions spelled out in the terms of the easement, as well as monitor future stewardship of the conserved land.

## Considerations for Municipalities

Conservation easements on town forest typically occur through one of three scenarios

- **Purchase of conserved land.** The community may wish to acquire land that has an existing conservation easement on it.
- **Conveying an easement as a stipulation of the purchase.** The community may be required to grant a conservation easement as a condition of the purchase and sale of the property. This typically occurs because, either the seller/donor wishes to see the property conserved, or because the funder requires an easement be conveyed, as a condition of the sale.
- **Conveying an easement on municipally owned land.** Town forests are municipally owned forestlands that are not inherently protected from sale or development. A community may decide to convey a conservation easement on an existing town forest to secure future

public access or eliminate or limit the potential future development of the property, or secure future public access.

## Do We Need a Management Plan?

A management plan often accompanies a conservation easement. However, these plans can take many forms. Typically a management plan outlines the long-range vision of the parcel, goals, and objectives, provides an inventory and assessment of existing natural and cultural resources, and offers specific activities or actions needed to meet the goals. These plans also make recommendations on how the land's resources will be utilized and protected into the future, as well as considerations for governance and administrative side of town forest management. County foresters, licensed consulting foresters, and land trust staff are often available to assist the community in developing a management plan.

## Where to Get Started?

Conservation easements are a successful land use planning tool to conserve forestland in perpetuity. In Vermont, working with a qualified land trust or conservation partners is a great way to navigate this challenging process. The role of these partners is to listen to the community's goals and help connect the community to funding opportunities, referrals, or staff that specialize in public land and conservation easement acquisition. Furthermore, these partners also often serve as the recipients and stewards of conservation easements. Find a local land trust or conservation partner at <https://www.findalandtrust.org/>

## Resources

Vermont Land Trust <https://www.vlt.org/community-conservation>

Trust for Public Land Vermont <https://www.tpl.org/our-work/vermont>

Northern Forest Center- <https://northernforest.org/programs/community-forests/overview>

Vermont Department of Forests, Parks and Recreation- <https://fpr.vermont.gov/forests>