

New Brunswick Community Land Trust



Helping
landowners

maintain land
in production
to support our
rural economy



**New
Brunswick
Community
Land
Trust**

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New  Nouveau
Brunswick



Our threatened land base

Farmers and woodlot owners who have put years of effort into carefully managing their property often have concerns about the future. When they consider selling their land to fund their retirement, or leaving it to next generation, many seek assurance that it will continue to be sustainably managed and to contribute to local economy.

Across New Brunswick rural land is going out of production or falling under unsustainable management practices for short term gains. Good quality agricultural land is being converted to housing, industrial or commercial development. Entire woodlots are being clear cut without regard to ecological value or sustainable economics.

These forms of land use can lead to ecological deterioration and the loss of sustainable economic activity for the community. Since productive land is the base for much of rural New Brunswick's economy, its loss diminishes the long-term viability of communities. Our stewardship efforts should be directed at maintaining this precious resource for future generations.

Rural land owners have a choice in maintaining sustainable management of farmland and woodlots by considering the establishment of a conservation easement that would outline continued sustainable management practices and land use practices.



What is a Conservation Easement?

A conservation easement is a legally binding, voluntary agreement, between a land owner and a Land Trust. The conservation easement transfers certain land use rights from the land owner, to the land trust.

For example, it can permanently restrict identified land use rights such as the right to develop the land as a subdivision or to clear cut large areas. The easement holder is bound to uphold the conservation easement, usually in perpetuity.

What is the New Brunswick Community Land Trust?

The **NBCLT** is a member based, volunteer, non-profit organization focused on holding conservation easements that ensure that farmland and woodlots are maintained in ecologically sustainable production and available for use by future generations of New Brunswickers.

The membership and Board of Directors of **NBCLT** includes individuals who have a strong interest in sustainable community development and in maintaining effective land use practices.

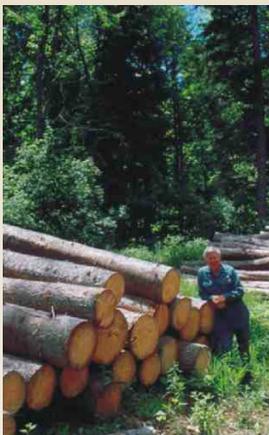


The purpose of a Conservation Easement

- ♥ A Conservation Easement allows the land to remain in private ownership and productive use;
- ♥ It assures the landowner, that the resource values on the property will be protected – regardless of who owns the property in the future;
- ♥ It may provide significant estate and income tax considerations;
- ♥ Land Trust will continue to monitor the property annually, to ensure that the principles of the conservation easement are maintained.

How can we help?

The New Brunswick Community Land Trust's (**NBCLT**) purpose is to support ecologically sustainable land use practices and economic development in rural New Brunswick by helping landowners establish conservation easements on their land. The Land Trust can also accept land donations and hold land in trust.



Some questions and answers about conservation easements (CE) for working land:

Q: What sort of land use restrictions can be included in a CE?

A: Land use restrictions covered in a CE can range from relatively simple to quite complex, depending on what specific restrictions the owner wants to include.

A CE to maintain farm land for agriculture might state that the land will remain available for agriculture production, and describe a section of the property, usually the present farmstead, reserved to allow construction of farm related buildings.

A CE for a woodlot can simply restrict land development and outline that harvesting will follow a single tree selection or group selection method, with a limit on maximum size of clear cuts. Alternatively, a woodlot management CE can require that stand composition be maintained, that wildlife habitat components be maintained in certain stands and even designate certain stands as no harvest.





Q: How is the language of a CE developed?

A: The language of a **CE** is initiated with the first contact between the landowner and the **NBCLT**, through conversation directed at determining the landowner's objectives.

NBCLT field workers will draft a summary of the conservation easement and return it to the landowner to review and revise. This process of review and revision continues to the point that both parties are satisfied that **CE** language covers all the desired details. Once both parties are satisfied with the draft easements, the legal document will be prepared.

The field worker will encourage the landowner to discuss each draft with their family, to ensure that they are aware of the owner's intentions for the land. This family discussion in the early stages allows input from all interested family members and they can help direct drafting of the **CE** and contribute their interest in the land that the present owner might not have been aware of.





Q: Will a CE affect how I currently work and use my land?

A: A **CE**, ideally, would not affect how an owner would continue to manage their land, since the owner would be incorporating their individual management principles in the document.

NBCLT would require access to the property to complete Baseline Data gathering, and at least annually, **NBCLT** field staff or their agents would inspect the property to insure that the principles of the **CE** are being upheld.

Q: How will the land trust follow up to ensure that the elements of the conservation easement are upheld?

A: The **NBCLT** will contact the owner, at least annually, to inform the owner that their field staff or agents of the Land Trust will visit the property to inspect it to ensure that any activities carried out on the land follow the principles included in the **CE**.

If the field staff determine that there are land use practices taking place that are at odds with the **CE**, the Land Trust will contact the owner to inform them of the problem and arrange to rectify the situation.



Q: What costs are incurred in establishing a conservation easement?

A: The costs incurred establishing a **CE** include time expended by the owner and **NBCLT** field staff in drafting the easement language. There will be a cost incurred for a lawyer to draft a formal **CE**.

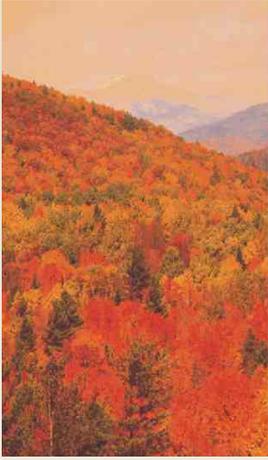
Other costs will include compiling a baseline data document that details the present condition of the property.

Following the establishment of the **CE**, costs will be incurred completing annual property inspections, and if necessary any actions to enforce the **CE**.

The cost associated with any **CE** will increase with the complexity of restrictions. The more complex, the more effort expended in designing and writing the easement, and following up with inspections.

The costs of establishing a **CE** can be covered by either the landowner or a Land Trust, but usually is through a contribution by both parties.

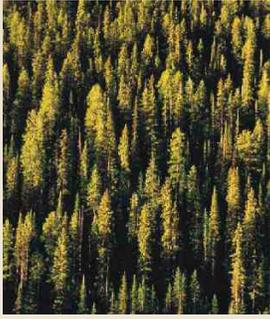
Often Land Trusts will ask a land owner to consider making a contribution to an endowment fund that will be used to fund possible court actions to enforce **CE** in the future.



Q: Will a conservation easement limit my ability to pass on my land through my will?

A: A CE will not affect your ability to will a property through your estate. However, the person who inherits the property will be required to manage the land in a manner that respects the restrictions contained in the easement.





Pre-easement Checklist

1. Landowner/Caller Profile

Name of Owner (s): _____

Address: _____

Phone #: _____

2. Property Profile

Property ID # _____

Property Location: _____

Acreage: _____

History: _____

Wildlife: _____

Buildings: _____

Agriculture: _____

3. Reason for Easement:



NBCLT is dedicated to ensuring high standards of land stewardship for woodlots and protecting farmland from non-agricultural development. With your support we can work toward meeting many land stewardship challenges.

Name: _____

Address: _____

Tel: _____ Fax: _____

E-mail: _____

Membership Options:

- | | | | | | |
|------------|--------------------------|-------|---------|--------------------------|------|
| Individual | <input type="checkbox"/> | \$25 | Senior | <input type="checkbox"/> | \$20 |
| Family | <input type="checkbox"/> | \$50 | Student | <input type="checkbox"/> | \$10 |
| Sustaining | <input type="checkbox"/> | \$100 | | | |

Annual Membership Supporter:

- | | | | | | |
|-------------|--------------------------|-------|-----------|--------------------------|-------|
| Association | <input type="checkbox"/> | \$150 | Corporate | <input type="checkbox"/> | \$500 |
| Individual | <input type="checkbox"/> | \$150 | | | |

Annual Membership Promoter:

- | | | | | | |
|-------------|--------------------------|-------|-------------|--------------------------|--------|
| Association | <input type="checkbox"/> | \$250 | Individual/ | | |
| | | | Corporate | <input type="checkbox"/> | \$1000 |

I wish to make a gift of \$ _____ to support the work of the **NBCLT**.

NBCLT is a registered non-profit organization and membership dues and donations are tax deductible.