

# Model Grant of Conservation Easement Quick Start Guide



**The Commentary** explains the reasoning behind each provision and provides alternative provisions to address various circumstances. If you have a question or concern, check it out!

**Who has Rights?** Do you want any other land trust or government entity to have any rights regarding the easement? If yes, then list them in §1.07 and enumerate their specific rights in §5.06. You can find sample rights in §5.06 of the commentary.

**Public Access?** Do the owners want to commit to providing a trail or other public access in addition the conservation protections? If so, check out §5.07 of the commentary.

**Tax Benefits?** If the owner will not be pursuing federal tax benefits for a charitable donation, §1.06 may be deleted.

## Conservation Objectives and Levels of Protection

**Conservation Objectives are the heart of the easement.** Add, delete or modify them in §1.03 to ensure they match what you want to accomplish. The model provides general Great Resource Protection Objectives but you should elaborate on the resources specific to the property. See the commentary for examples.

§1.02 allows you to **set different degrees of protection for different areas** of the property—Highest Protection, Standard Protection and Minimal Protection Areas. Use only the areas you need. The commentary to Articles III and IV instructs you what to do if you only want to use one or two areas.

Articles II, III and IV contain a generic set of restrictions on use of the land. **Modify the restrictions to match your specific Conservation Objectives.** Following best practices and developed from decades of drafting experimentation, these restrictions prohibit all uses except those specifically provided for in the articles.

The numbers used in these restrictions (e.g., 500 square feet) are placeholders; adjust them to fit the particular land being conserved.

**It is generally unwise to modify the provisions of Article V, VI, VII and VIII. Do not do so** without careful research, reflection and consultation. Unlike the content of Articles I-IV, much of which depends on the specific character of the land, the later articles address administrative matters applicable to all properties and have been redefined through decades of land trust experiences.

## Additional Resources

- *Model Preliminary Agreement for Conservation Easement Donation*
- *Model Grant of Purchase Option*
- *Model Stewardship Funding Covenant*

These and other models may prove useful regarding establishing expectations and commitments regarding conservation easement projects.

*The model and commentary save you the legal costs of reinventing wheels. However, be sure to involve legal counsel before finalizing an easement document. A good attorney will ensure that, given the particular circumstances, the document does what you intend it to do.*