

# Farm Preservation Options for Landowners



## Government and Private Approaches to Conservation Easements in Pennsylvania

*Fifty-seven Pennsylvania counties have agricultural land preservation boards that purchase agricultural conservation easements. Sixty-five private charitable organizations accept donations of conservation easements or, less commonly, purchase them. These two paths to farmland preservation differ in many ways.*

In Pennsylvania, owners of farmland can permanently protect their farms with the help of private charitable land trusts or through the [Agricultural Conservation Easement Purchase Program](#) (ACEPP), jointly administered by the state and county agricultural land preservation boards. The private and public approaches both have long-standing and proven records of preserving farmland. However, each has distinctly different features. There are pros and cons associated with each alternative, and landowners will need to explore them to understand which approach will best meet their needs and goals. Some of the most successful conservation efforts involve using both your local land trust and the government program.

The table below provides general comparisons of the alternatives. When reviewing it, *keep in mind that every county and land trust is different.* Some answers are the same for every county and land trust; some vary. The State/County Program descriptions address the most typical situations—where state funding will be applied to the purchase and where, even if state funding isn't being used, the county program adheres to the state rules including using the standard state easement document. Some counties take their own path for projects that don't involve state funding and, in these cases, the answers may vary from what is presented below. You will have to contact the individual county program to get a clear answer. Likewise, you will have to contact an individual land trust to get more precise answers to many of the questions.

Feature	State/County Program	Land Trusts
How much flexibility is there in crafting the restrictions and other terms of the easement?	Little to none.	Can be tailored to the land, the landowners' needs, and particular conservation objectives.
Can the landowner be paid for placing restrictions on the farm?	Yes, if the farm scores high enough in the county's ranking system.	Usually not, but it depends on the locality and the resources available to the particular land trust.
How much is paid?	Some counties pay market value or could be limited to a maximum price/acre or a percentage of market value	(See previous answer.)

How long does it take?	Most counties have long backlogs of qualified farms seeking to be placed under easement. The highest ranked farms are protected first and lower ranked farms may have to wait for years or decades to be protected. Once a farm ranks high enough for funding, there is a multi-month, sometimes multi-year, process of completing the transaction.	Generally a few months. The amount of time will vary depending on whether an appraisal and other preparation work are needed.
Are there federal income tax deductions available for easement donations and bargain sales?	The deed language required for easements purchased using state money does not conform with federal requirements for qualified conservation contributions. (If a county is not using state money, flexibility might exist to better address tax issues.)	Yes, if structured properly.
What is the purpose or objective of the conservation easement?	The law establishing the program describes it as preventing development or improvement for any purpose other than agricultural production.	Mutually agreed to by landowner and land trust. Protection of soil resources is a typical objective. Objectives might also include protecting scenic views, water quality, and other natural resources.
What are the restrictions on the use of the property in support of the purpose?	All activities and improvements on the land must be associated with agricultural production (with a few exceptions).	Mutually agreed to by the landowner and land trust.
Does the easement allow natural gas drilling and infrastructure?	Yes.	Depends on what is mutually agreed to by the landowner and land trust.
Does the easement allow subdivision?	Rules vary by county.	Depends on what is mutually agreed to by the landowner and land trust.
Can the landowner build an additional residence on the eased land?	In addition to structures existing on the land on the date the easement is granted, landowners can build one additional residential structure as the principal residence for the landowner or to house farm employees.	Depends on what is mutually agreed to by the landowner and land trust.
Does the easement allow windmills for energy production and sale?	Probably not unless most of the energy is used on the farm.	Depends on what is mutually agreed to by the landowner and land trust.

<p>Must the farmer have and implement a conservation plan?</p>	<p>Yes.</p>	<p>Depends on what is mutually agreed to by the landowner and land trust.</p>
<p>How often will the county or land trust visit the farm to ensure compliance with the conservation easement?</p>	<p>At least once every two years (the minimum required by law).</p>	<p>Typically once a year (the minimum required by <a href="#">Land Trust Standards and Practices</a>).</p>
<p>Will the county or land trust want to conserve a particular farm?</p>	<p>The farm must be part of an <a href="#">Agricultural Security Area</a>. Each county has a scoring system to rank farms for potential inclusion in the program. Highest ranked farms receive offers first.</p>	<p>Land trusts usually have project selection and prioritization guidelines used for considering potential conservation projects.</p>
<p>What if the farm has large wooded areas?</p>	<p>Woodlands can be included. However, landowners sometimes improve their farm’s ranking by excluding woodlands from the proposed easement purchase. A county sometimes partners with a land trust—the county purchasing an easement on the actively farmed area and the landowner donating to the land trust a conservation easement on the woodland.</p>	<p>Land trusts work with landowners to identify the most appropriate conservation objectives for the land, whether farm, forest, or otherwise.</p>
<p>What are some of the rules that specifically guide the conservation process?</p>	<p>Act 43, the <a href="#">Agricultural Area Security Act</a>, as well as the associated state regulations and county programs approved by the state.</p>	<p>Most land trusts have voluntarily adopted <a href="#">Land Trust Standards and Practices</a>, the national guidelines for ethical charitable operations. (<a href="#">Act 29 of 2001</a> provides statutory authority for conservation easements not covered by Act 43 but does not require any particular process.)</p>
<p>How many acres have been protected in Pennsylvania?</p>	<p>More than 530,000 acres, greater than any other state program in the nation.</p>	<p>Land trusts have conserved more than 230,000 acres with conservation easements. (No data exists regarding what portion of that acreage is farmland compared to forest and other conservation lands.)</p>
<p>How long has this been going on?</p>	<p>The state program was created in 1989. Lancaster County pioneered county purchases in 1983.</p>	<p>Land trusts first used conservation easements in southeastern Pennsylvania in the 1960s. The 1980s saw expanded use across the Commonwealth.</p>

In what geographic areas do the boards or land trusts operate?	<a href="#">57 counties</a> participate in the program.	<a href="#">Sixty-five land trusts</a> hold easements, some organizations focused on a single municipality, county, or watershed, some with much larger service areas.
Where can I go for more information?	The Pennsylvania Bureau of Farmland Preservation (717.783.3167) and their website <a href="http://www.agriculture.pa.gov/Encourage/farmland/Pages/default.aspx">http://www.agriculture.pa.gov/Encourage/farmland/Pages/default.aspx</a> . Also, many counties have websites describing their programs. Links to them can be found at <a href="http://conservationtools.org/organizations/farmland">http://conservationtools.org/organizations/farmland</a> .	<a href="http://ConservationTools.org">ConservationTools.org</a> . Land trusts working in your area can be identified at <a href="http://conservationtools.org/organizations">http://conservationtools.org/organizations</a> .

## Resources

### Farm Preservation Stories

[In Their Own Words](#)

[Leaving a Legacy](#)

[Family Preserves Homestead](#)

[Christmas Trees and Conservation](#)

[The Real Country](#)

### Related Guides

[Agricultural Conservation Easement Purchase Program](#)

[Agricultural Protection Zoning](#)

[Why Preserve Farmland?](#)

### Organizations

[Pennsylvania Land Trust Association](#)

[Pennsylvania Department of Agriculture](#)

[Pennsylvania Farmland Preservation Association](#)

### Other

[ConservationTools.org](http://ConservationTools.org)

[PA Dept. of Agriculture's farmland preservation page](#)

## Submit Comments

Help improve this guide. Email your suggestions to the Pennsylvania Land Trust Association at [aloza@conserve-land.org](mailto:aloza@conserve-land.org). Thank you.

## Acknowledgments

[Andrew M. Loza](#) authored this guide.

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