



Topic: Expand opportunities for conservation easements
Request: Allow eligible entities to hold easements

What's the background? The Forest Legacy Program and the Land and Water Conservation Fund have helped conserve forests, parks, wildlife refuges, farms and ranches across our country. We strongly support these programs and recognize the critical need for public lands as well as the role conservation easements can play in creating buffers for public lands or protecting critical corridors for wildlife. These important programs provide opportunities for the protection of land through purchase of land in fee or conservation easements which are held by federal, state or local governments.

What's the issue? In many instances, private landowners are wary of – or opposed to – the federal government holding conservation easements in perpetuity. Such landowners often would prefer to cooperate on conservation easement acquisition projects with third parties, such as a state fish and wildlife agency or a local land trust. Therefore, we believe that expanding these programs to allow land trusts to hold easements would increase the conservation of important lands.

How does this apply to the Forest Legacy Program? We recognize the goal of the Forest Legacy Program is to prevent the fragmentation or loss of environmentally significant forests. It is administered by the U.S. Forest Service and protects privately owned forest land through the purchase of conservation easements or land in fee. We need to protect our forests in order to maintain clean water supplies, preserve wildlife habitat, provide recreational opportunities, preserve scenic landscapes and produce timber. In particular, we need programs to protect private forest land, since 57 percent of the nation's forested land is in private ownership. Land or easements acquired through the Forest Legacy Program must be held by the U.S. Forest Service or by a state or local government agency.

How should the Forest Legacy Program change? We propose amending the Forest Legacy Act to allow eligible third parties to hold easements if a state voluntarily chooses to use this option for a particular easement or easements.

How does this apply to the Land and Water Conservation Fund? LWCF was established by Congress in 1964 with a strong bipartisan commitment to protect natural, cultural and water resources including working forests, farms and ranches, fish and wildlife refuges, trails, and state and local parks. Under the LWCF, federal agencies are permitted to hold conservation easements.

How should LWCF change? We propose granting the Secretary of the Interior and Secretary of Agriculture the authority to allow eligible third-party entities (i.e. state and local governments and Indian Tribes as well as land trusts meeting the IRS code requirements of a charitable organization with a conservation purpose) to hold conservation easements under the LWCF.

Expand the Forest Legacy Program and LWCF to allow eligible third parties to hold easements.