

Common Sense Solutions for our Vanishing Sense of Place

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*“No place is a place until things that have happened in it are remembered in history,
ballads, yarns, legends, or monuments. Fictions serve as well as facts.”*

–Wallace Stegner, *The Sense of Place*

Land is the stage upon which we live our lives. It is the setting for countless hours of work and play. In some cases, it has been handed down through families for generations—a living album of family history. Land is also disappearing with alarming speed, resulting in unchecked sprawl, diminished water quality and wildlife habitat, the loss of treasured landscapes, and perhaps ultimately, a decline in our sense of place.

So how do people hold onto their land, despite mounting development pressure, rising property taxes, and an economic climate that makes it more challenging every year to continue holding onto working farms and forests? Fortunately, there is a unique and effective tool available to help individual private landowners to ensure that their good stewardship of the land and their family memories will not be lost forever. Conservation agreements are a flexible way for landowners to continue to use and enjoy their land the way they always have while maintaining peace of mind that they can prevent future destruction or inappropriate development of the property.

Since the 1880s, conservation agreements, also called conservation easements, have been used to protect special places. The National Park Service began using conservation agreements to protect scenic views along parkways, such as the Blue Ridge Parkway. Today, nearly every state formally recognizes conservation agreements, and according to the Land Trust Alliance (www.lta.org), over 6.2 million acres are protected by private land trusts, which are private non-profit organizations designed specifically to protect land. In Maryland, over 70,000 acres are protected by conservation agreements. In addition, the IRS provides Federal tax benefits to donors of conservation agreements, and many local and state governments provide additional tax incentives or provide cash compensation.

Conservation agreements provide a legal tool for landowners to decide now what will happen to their land in the future, thereby relieving the next generation of being forced to make even tougher decisions – and perhaps require them to give up the land altogether. These agreements are designed to pass down to all future landowners. Some may wonder why a person would want to make an agreement that binds future landowners forever. However, in most cases development is permanent too –have you ever heard of a development being reverted back into its natural state? It is rare, not to mention costly. Increasingly, landowners are deciding today what the future holds for their property.

Private organizations dedicated to helping landowners protect their land, called land trusts, give people a true choice about what happens to their land in the future. Land trusts assist property owners in developing a specially tailored conservation agreement that makes sense for the land and the future.

Conservation agreements are written to prevent certain uses of the land, such as commercial and industrial development, while allowing uses that are compatible with the landscape, such as farming and forest management. Some agreements held ensure that restoration measures that have been taken, such as planting riparian forests, are protected in perpetuity, thereby further preserving public and private investment in restoration activities. For those who want to see their land stay pretty much the same as what it is now, a conservation agreement may be just the right tool.

People who donate conservation agreements are providing something that is valuable to the public – open space, agricultural land, scenic vistas, or habitat for fish and wildlife, for example – and they may qualify for a Federal income tax deduction that can be used for up to six years. Maryland also provides a state income tax credit and temporary relief from property tax for those who donate a conservation agreement through the Maryland Environmental Trust (www.conservemd.org). Purchase programs may also be available for qualifying properties, in which landowners may be able to receive cash payment in exchange for a conservation agreement. Purchase programs are sometimes designed to allow landowners to receive payments in installments or to sell the agreement at a bargain rate in order to reduce or offset capital gains associated with a cash payment.

In Frederick County, Maryland, a variety of conservation agreement purchase opportunities may be available for qualifying properties, such as working farms through the Critical Farms Program, Maryland Agricultural Land Preservation Foundation, Installment Purchase Program, and Rural Legacy. Local land trusts, including the Carrolton Manor Land Trust, Catoctin Land Trust, South Mountain Heritage Society, and the Potomac Conservancy are working with private landowners to link them to opportunities for permanent protection.

Who are these people that are protecting land with conservation agreements? They are hunters and hunt clubs that own large tracts of forestland and are seeing land available for hunting disappear at an unprecedented rate. They are farming families who have been working the land for generations and want to make sure that their children will be able to

farm the land too. They are landowners who have taken great care to make sure that their forest is healthy, and who care about clean drinking water for future generations. “I want my kids to have the same chance I did – to grow up learning to love the land...I want these forests and fields to be here for them to share with their children,” said Larry Glass, who donated a conservation agreement to the Potomac Conservancy and the Maryland Environmental Trust. Building a critical mass of landowners like Larry Glass will ensure that places we know and love today will still be here in the future and that the landscapes that provide us with the sense of place we enjoy now will not become just another faceless subdivision.