

Conservation Easements

A Basic Guide
to Understanding
Conservation Easements



‘Āpana
‘Ōhana

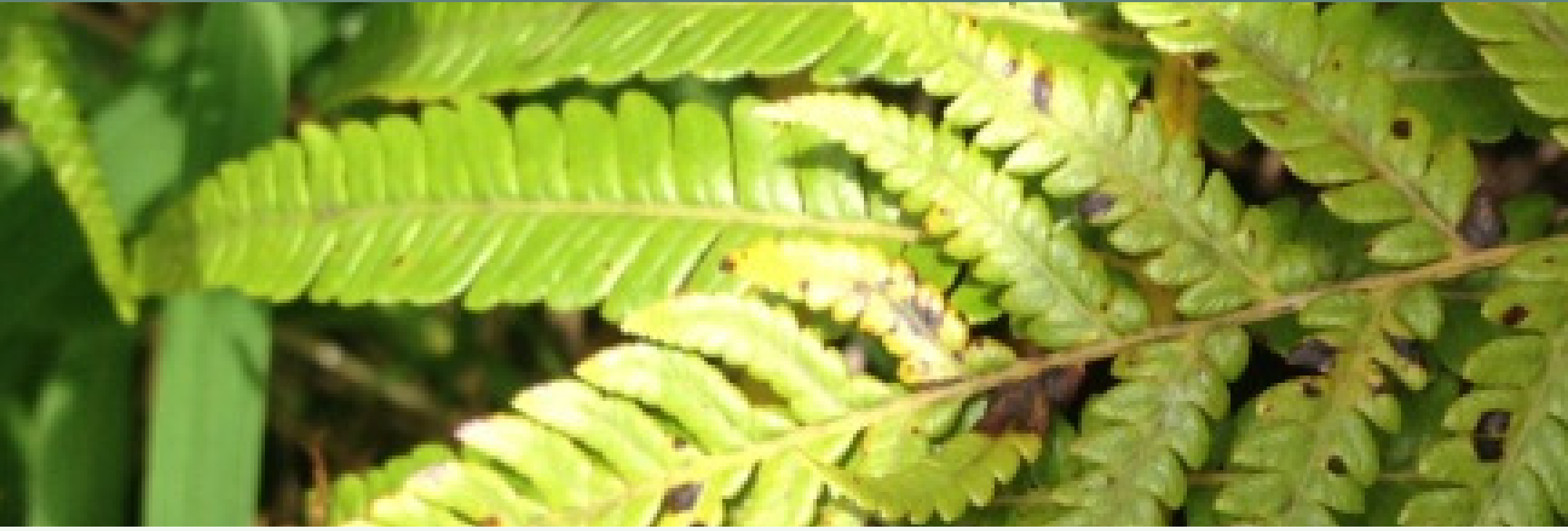
What are Conservation ? Easements ?



A Conservation Easement is a voluntary agreement in which the landowner permanently limits the type and amount of development that can take place on a parcel of land. With this agreement in place, the land that the easement is tied to, is and will forever remain protected even if the land undergoes a change of ownership. When a conservation easement is placed over a specific land, it is in **perpetuity** meaning it is **forever** and is a real property interest by a nonprofit land trust or government agency.

Some examples include, easements held by [Hawai'i Island Land Trust](#) or easements held by [DLNR's Division of Forestry and Wildlife \(DOFA\)](#). Although conservation easements are typically placed on private lands and must be voluntary by the landowner, they serve to benefit the public in a variety of ways.

4 Benefits of Conservation Easements

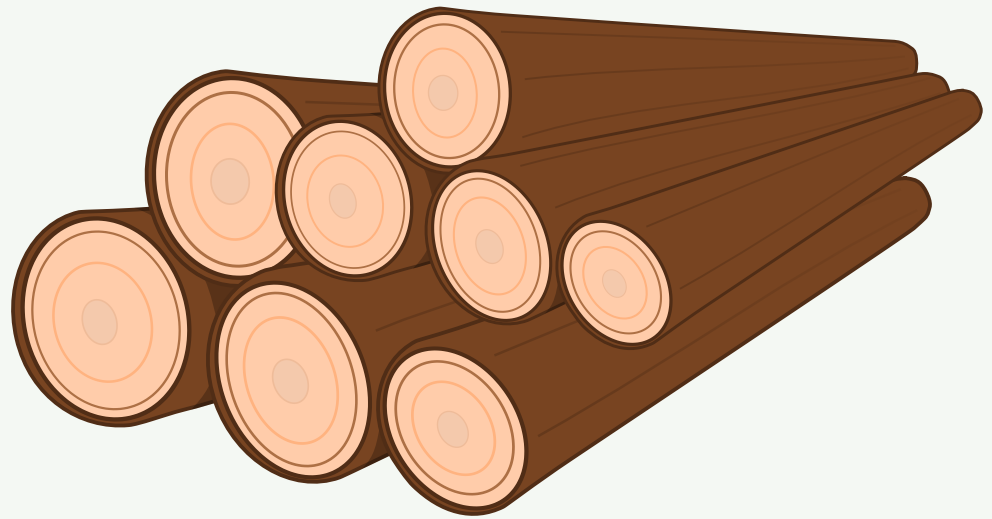


- 1 To preserve and protect land in its natural, scenic, forested, and/or open space condition
- 2 To protect the integrity and physical appearance of cultural landscapes, resources and sites which perpetuate indigenous Native Hawaiian Culture
- 3 To preserve and protect historic properties and traditional and family cemeteries
- 4 To preserve and protect land for agricultural use

Property Rights

To better understand how conservation easements, work, Shae Kamaka'ala, Hawai'i Island Land Trust (HILT) Director of 'Āina Protection uses an example of a bundle of sticks. When you look at western property rights, every stick within a bundle is a landowners right to do different activities within the property. This includes:

- Use and Enjoy
- Build
- Subdivide
- Logging (trees)
- Extract Minerals
- Extract Water
- Exclude (people from your property)
- Sale



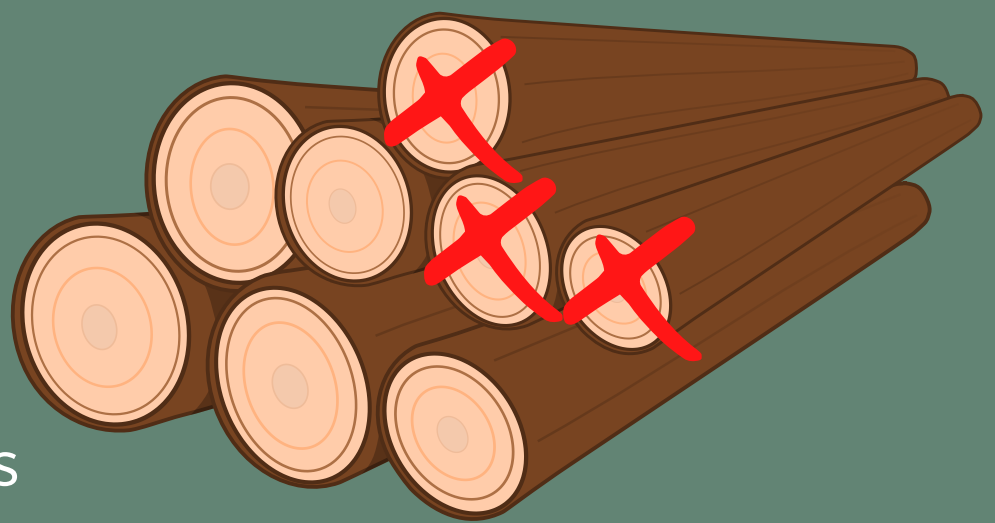
In this example, each stick in the bundle represents a landowner's rights. There are also other components to conservation easements which include **Native Hawaiian rights** included in our Hawai'i Statues, as well as, **management plans**.

Conservation Easement Management Plans

A Conservation Easement in itself is a collaborative document, which serves to bring together interested stakeholders in an area's preservation. Therefore, a management plan is a component of a conservation easement. Such plans detail the stewardship kuleana of the landowner and/or partnering community group. Management Plans and/or other related agreements may entail establishment of community workdays and restoring traditional Hawaiian practices to a site.

Furthermore in a management plan, Conservation Easements allow the removal of sticks from the bundle. For example, it can remove or restrict the right to build, remove or restrict the right to subdivide, remove or restrict the right to exclude, etc.

- Use and Enjoy
- ~~• Build~~
- ~~• Subdivide~~
- Logging (trees)
- Extract Minerals
- Extract Water
- ~~• Exclude (people from your property)~~
- Sale



The rights removed are place-based specific and depend on what may be best for the land and what the landowner is willing to give up from their bundle of sticks.

Additional Benefits

→ Monetary Value

As each stick or right has monetary value, when removing value from the property, this could result in some cash in the pocket, the possibility of tax benefits or lower land tax, and even estate planning benefits (although there are still specific things that need to be done to have some of these benefits).

→ Funding

In another example shared by Shae, a Conservation Easement can help to provide the purchase funds to buy a piece of land and to protect it from another buyer who may not want to keep the land but rather sell or develop on it.

→ Productive Agriculture

Conservation Easements keep Hawai'i's Agricultural lands growing healthy foods for our local communities.

→ Lasting Legacy

And lastly, Conservation Easements can protect the land, and your 'ohana vision and Legacy.

Significance Of Conservation Easements

- Conservation easements **protect** Hawai'i's agricultural lands and **keep landscapes in traditional uses.**
- They ensure the protection of **cultural landscapes, historic sites,** and places of cultural significance serve to benefit all.

Conservation easements allow us to maintain connections to the past and ensure the same for generations to come.
