



PELICAN COAST CONSERVANCY
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Congress Renews a Tax Incentive to Help You Conserve Your Land

Congress recently renewed, through 2013, an incentive that enhances the tax benefits of protecting your land by donating a voluntary conservation agreement. If you own land with important natural or historic resources, donating a voluntary conservation agreement can be one of the smartest ways to conserve the land you love, while maintaining your private property rights and possibly realizing significant federal tax benefits.

These new incentives make it easier for average Americans, including working family farmers and ranchers, to donate the development rights on their land. The incentive:

- Raises the maximum deduction you can take for donating a voluntary conservation agreement from **30%** of your adjusted gross income (AGI) to **50%**;
- Allows you to deduct up to **100%** of your AGI if you qualify as a farmer or rancher; and
- Increases the number of years over which you can take deductions **from 6 years to 16 years**.

These changes allow many modest income landowners to deduct much more than they could under the old rules, bringing increased fairness to the tax code.

Unless Congress acts, these enhanced tax benefits will expire December 31, 2013. We hope you'll join us in asking Congress to make the incentive permanent, but as things stand, you should aim to complete your donation by the end of this year. The process can take many months, so it's in your interest to get started now.

What do you need to know to enter into a voluntary conservation agreement? Here are the facts:

- A voluntary conservation agreement, also known as a conservation easement, is a legal agreement between a landowner and a nonprofit land trust, like the Atlantic Coast Conservancy/Pelican Coast Conservancy, or government agency that permanently limits uses of the land in order to protect important conservation values. It allows you to continue to own and use your land and to sell it or pass it on to heirs.

- When you enter into a voluntary conservation agreement with a land trust, you give up some of the rights associated with the land. For example, you might give up the right to subdivide your land or build additional houses, while retaining the full right to grow crops. Future owners also will be bound by the agreement's terms. The land trust is responsible for making sure the terms of the agreement are followed.
- Voluntary conservation agreements vary widely. For example, an agreement to protect rare wildlife habitat might prohibit any development there, while one to protect the scenic and historic values of a farm might allow continued farming and the building of additional agricultural structures. An agreement may apply to just a portion of the property, and need not require public access.
- A conservation donation requires not only a willing donor, but also a qualified conservation organization to accept the donation. That organization needs to be able to show that the donation closely fits its particular charitable mission. A land trust will not accept a donation that does not fit its mission and purposes.
- A voluntary conservation agreement can help a landowner pass land on intact to the next generation. By limiting the land's development potential, the agreement lowers its market value, which in turn may reduce estate tax property taxes. Your family may also be eligible for an additional estate tax exclusion (www.lta.org/estatetax). Whether the agreement is donated during life or by will, it can make a critical difference in the heirs' ability to keep the land intact.
- If a conservation agreement benefits the public by permanently protecting important conservation resources and meets other federal tax code requirements, it can qualify as a tax-deductible charitable contribution. The amount of the donation is the difference between the land's appraised value with the agreement and its value without the agreement.
- To qualify as a charitable donation, a conservation agreement must be permanent and meet other specific requirements discussed at: www.lta.org/incentive-faqs. A landowner should get professional financial planning and legal advice before making such a major donation.
- The Atlantic Coast Conservancy/Pelican Coast Conservancy and the Land Trust Alliance are working to make this important conservation tool permanent, but under current law, it will expire on December 31, 2013. Deductions for easements donated between 2006 and 2012 will continue to carry over even if the incentive expires. Visit www.pelicancoastconservancy.org or www.lta.org/easementincentive to learn how you can help make the incentive permanent.

To learn more about protecting your land with a voluntary conservation agreement, contact **Walter C. Ernest IV Director of Operations Pelican Coast Conservancy.**

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