

CONSERVATION EASEMENTS EXPLAINED ... IN 23 QUESTIONS

Introduction

What is a conservation easement?

The answer to that question can be long and detailed and complex. A person considering granting a conservation easement should read all the long, detailed documents they can find.

However, most people looking for an answer to that question want the basics and not an encyclopaedic treatise on the conservation easement tool.

This Explainer was created to provide a brief and accessible explanation for those people.

THE CONSERVATION EASEMENT EXPLAINER SERIES

This document is part of a series of 'Explainer' documents describing various aspects of the [conservation easement tool](#) in plain language.

To see other Conservation Easement Explainers, as well as much more information, go to the: [Alberta Conservation Easement Resource Centre](#)

THE CORVUS CENTRE FOR CONSERVATION POLICY

The [Corvus Centre for Conservation Policy](#) is a Canadian nature-conservation charity based in Calgary, Alberta, Canada

Corvus works with government, NGOs, and others to develop and implement nature-positive policy



Contents

Introduction	1
The Basics	3
What is a conservation easement?	3
What can a conservation easement be used for?	3
Who can hold a conservation easement?	3
What is a land trust?	3
How many acres of conservation easements are there in Alberta?	3
What is involved in granting a conservation easement?	4
The Agreement	5
Are all conservation easements the same?	5
What does a conservation easement restrict?	5
What does a conservation easement require of the landowner?	5
What does a conservation easement not require of the landowner?	6
Are there guidelines for conservation easements?	6
Does a conservation easement have to be on an entire parcel?	6
After the Easement	7
How are conservation easements monitored and maintained?	7
How are conservation easements enforced?	7
Can conservation easements be temporary?	7
Can conservation easements be changed or terminated?	7
The Finances	8
How is a conservation easement's financial value determined?	8
How are landowners compensated for granting a conservation easement?	8
Do landowners receive ongoing payments for conservation easements?	8
Regulatory	9
Are conservation easements mandatory?	9
Does the conservation easement need to be approved by any government agency?	9
Does a conservation easement trump municipal planning?	9
Are conservation easement lands subject to property taxes?	9

The Basics

What is a conservation easement?

- Conservation easements are voluntary agreements between a private landowner and a qualified organization, usually a land conservation charity or a local government
- They follow a set format, but each is negotiated individually
- The landowner gives up certain land use rights and opportunities in favour of conservation; that interest in land is registered on title and binds future landowners
- The dollar value of what is being giving up is calculated by a qualified appraiser, and the landowner is fully compensated, usually with a mix of cash and a tax receipt
- After that, the landowner continues to own, live on, and otherwise work the land; the owner can sell, gift, or Will the land with no constraints
- Conservation easements are enabled by provincial legislation (the Alberta Land Stewardship Act, s.28)

What can a conservation easement be used for?

- The legislation enables conservation easements for environmental, agricultural, and/or aesthetic purposes
- Most are a mix of environment and agriculture, with the environmental purposes being paramount, but drafted to ensure agricultural operations can continue with limited impact
- Well over 90% of “environmental” conservation easements in Alberta are on land with active agricultural operations

Who can hold a conservation easement?

- Only “qualified organizations” can hold conservation easements; the Alberta Land Stewardship Act defines those as any provincial government agency or local government, or an NGO that is established to hold interests in land for conservation purposes (i.e., a ‘land trust’ or ‘conservancy’)
- Currently most conservation easements are held by land trusts, but the Land Stewardship Centre reports nineteen (13) municipalities and one (1) provincial government agency hold conservation easements

What is a land trust?

- A ‘land trust’ is the common name in North America for a not-for-profit charity that holds land or conservation easements in trust for future generations so as to maintain their conservation values
- Most focus on ecological conservation, but at least one in Alberta (and many in the U.S.) focus on agricultural land conservation
- There are six (6) regional land trusts, three (3) provincial land trusts, and two (2) national land trusts active in Alberta

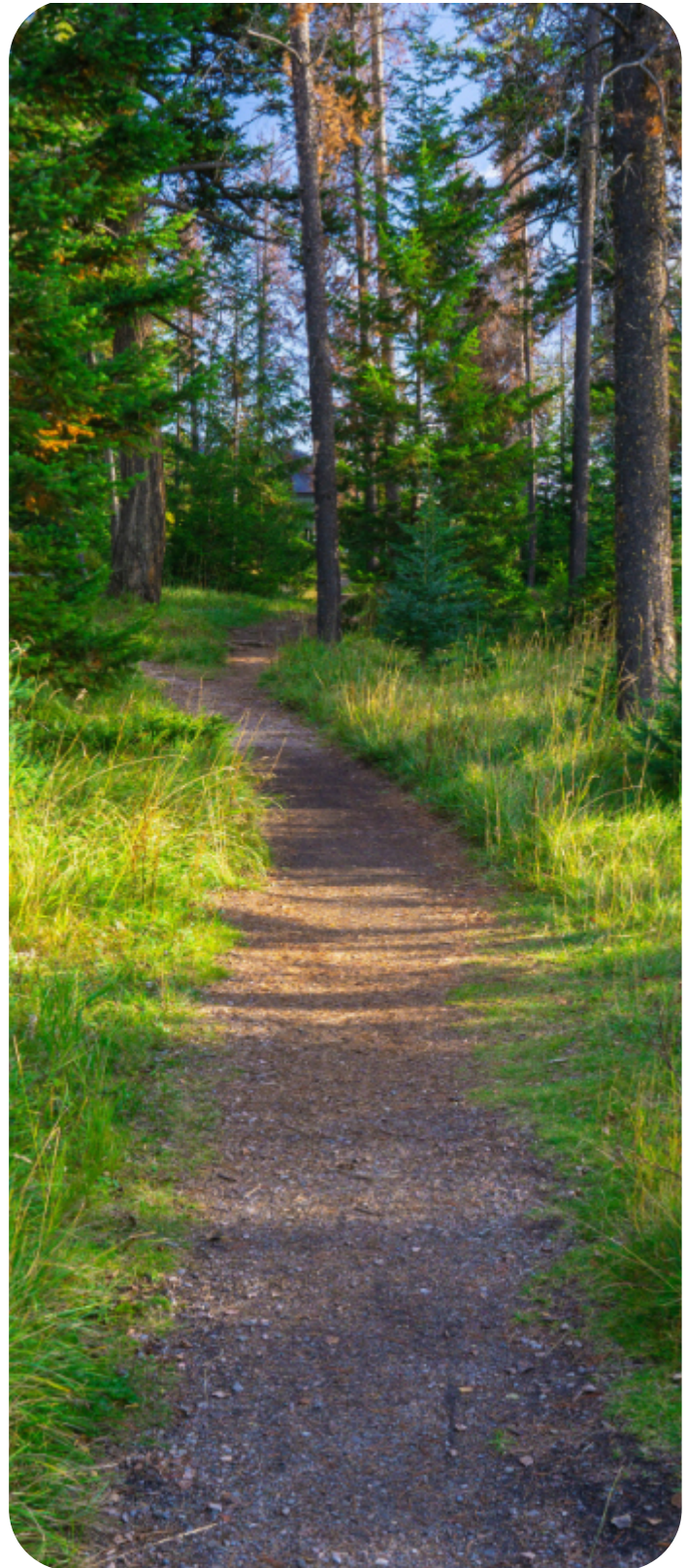
How many acres of conservation easements are there in Alberta?

- According to the privatelandconservationab.ca web site, as of 2024 there were 573,719 ac (232,176) of privately-conserved land, 66% of which (378,655 ac; 153,236 ha) were under conservation easement
- An informal survey of Alberta’s land trusts by the Corvus Centre determined that over 90% of conservation easements are on parcels with active agricultural operations

Well over 90% of “environmental” conservation easements in Alberta are on land with active agricultural operations

What is involved in granting a conservation easement?

- Agreement negotiation
 - Working off the qualified organization's template, the two parties will negotiate the conservation easement agreement to ensure it meets the landowner's goals, the organization's goals, and the conservation needs of the parcel
- Baseline Documentation Report
 - An initial "baseline" report is conducted that catalogues all conservation features and anthropogenic structures / activities; all future monitoring will be based on this report
- Appraisal
 - An appraisal of the financial value of the conservation easement is conducted by a qualified appraiser
- Legal review
 - Both the landowner and the qualified organization have the agreement reviewed by their legal counsel
- Family / corporate conversations
 - The landowner discusses the implications of the conservation easement for their family, heirs, corporate partners, etc.
- Accounting review
 - The landowner works with their accountant to fully understand the financial implications of granting the conservation easement.
- Estate Planning
 - Many conservation easements are a critical part of a landowner's estate planning
- Applications for funding
 - If cash compensation is required, the qualified organization seeks out funding sources, coordinating their needs and timelines.
- Registration of easement / notifications
 - Notice of the impending conservation easement is provided to various authorities, and then registered at Land Titles to take effect



The Agreement

Are all conservation easements the same?

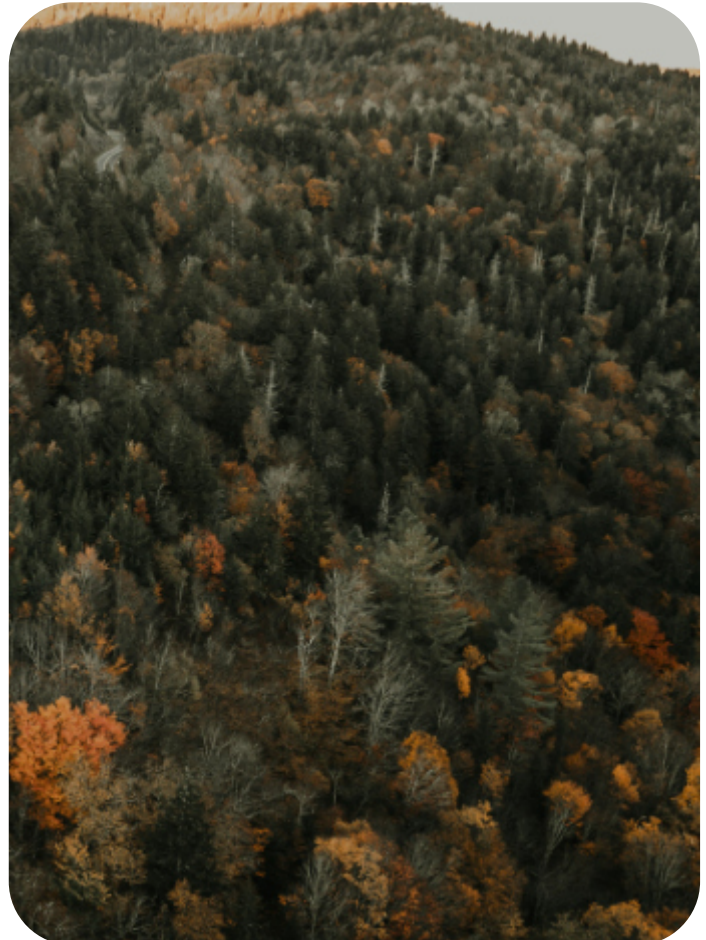
- No - each agreement is unique to the qualified organization, the landowner, and the parcel
- Each qualified organization has a conservation easement template used as a starting point; the agreement is then negotiated by the parties until an agreed-upon final version is signed

What does a conservation easement restrict?

- As noted above, every conservation easement is different, based on the template of the qualified organization, the goals of the landowner, and the nature of the parcel
- Conservation easements restrict specified land use activities in favour of the stated conservation values. These restrictions might include:
 - Subdivision
 - Future buildings
 - Water drainage/diversion
 - Pollution discharges
 - Waste and chemical storage
 - Wildlife disturbance
 - Surface disturbance
- Conservation easements can restrict opportunities and rights
 - For example, to subdivide is not a right of landowner, but ability to apply for subdivision is; within the CE, the landowner commits that they will not pursue subdivision, meaning the opportunity to apply for that right is restricted
- Conservation easements can include both 'constraints' and 'prohibitions'
 - Prohibitions mean the landowner commits to avoiding something altogether
 - E.g., a prohibition on subdivision
 - Constraints mean the landowner commits to limitations on an activity
 - E.g., only one more house, only certain grazing practices

What does a conservation easement require of the landowner?

- A conservation easement can have 'prescriptions' (requirements to refrain from certain land use practices) as well as restrictions; in any given agreement, these might include reference to (e.g.):
 - Grazing management
 - Woodlot management
 - Invasive species management
 - Riparian management
 - Vegetation management
 - Fencing
 - Trails
 - Wildlife movement
- Access by the qualified organization
 - For the purposes of monitoring or addressing infractions of the agreement



What does a conservation easement not require of the landowner?

- Anything not in the agreement
 - The landowner retains all land use rights and opportunities not spoken to in the agreement
- Public access
 - Some landowners want open public access to their property, others want to maintain control; nothing in the conservation easement legislation requires public access, so the landowner and qualified organization can work out what works best
 - Examples include: trails managed by the land trust, and hunting and fishing access managed by the landowner

Are there guidelines for conservation easements?

- Yes - in 2009, the Canadian Land Trust Alliance created the Canadian Land Trust Standards and Practices, and revised them in 2019; they include standards for 'conservation agreements' (which include conservation easements)
- These are [available on line](#), and all Alberta land trusts adhere to them

Does a conservation easement have to be on an entire parcel?

- No - the agreement defines the "conservation easement area" which can be the whole parcel or a portion of it
- Different restrictions can apply to different parts of the conservation easement area
- Subdivision is not required to place a conservation easement on a portion of a parcel



After the Easement

How are conservation easements monitored and maintained?

- The conservation easement holder will visit and monitor the conservation easement area on a regular basis (usually every one to two years)
- When a conservation easement is secured by a land trust, they may create a stewardship endowment that can cover monitoring costs in perpetuity; this represents a one-time payment for perpetual management

How are conservation easements enforced?

- Just like any private contract, each conservation easement lists the remedies available to the parties, and generally include an escalating range from 'bargaining in good faith' to resorting to the courts
- Research show that the majority of conservation easement infractions are the result of lack of awareness of the restrictions by the landowner or others, and are easily remedied
- Conservation easements have gone before the courts and tribunals in Alberta only four (4) times, and in all cases the basic fundamentals of the conservation easement tool were upheld

Can conservation easements be temporary?

- Yes - the Act does not prescribe a certain term.
- Land conservation charities generally avoid temporary conservation easements because:
 - They are not eligible for a charitable tax receipt¹ dramatically increasing costs and the need for government and foundation grants
 - The acquisition costs are the same for temporary and perpetual conservation easements
 - The conservation outcomes are temporary
 - Raising money to conserve the same property again is difficult to impossible
 - Alberta land trusts cannot satisfy the current demand for 'perpetual' conservation easements

Can conservation easements be changed or terminated?

- Yes - the landowner and easement holder can change the agreement at any time upon mutual agreement, but must still align with the legislated conservation purposes
- The Minister can modify or terminate a conservation easement if it is in the public interest to do so; this has never happened in Alberta's 29-year history of conservation easements



¹ Alberta provides the greatest charitable tax receipt advantage of any province.

The Finances

How is a conservation easement's financial value determined?

- Financial valuation of a conservation easement usually involves a certified, third-party appraiser hired to do a "before-and-after" appraisal:
 - This involves two complete appraisals – one that assumes the conservation easement is in place, one that assumes it is not; The difference between the two is deemed to be the value of the conservation easement
- Financial valuation of a conservation easement uses the same methods and standards as other real estate appraisals
- This value is the generally the basis for the compensation to the landowner (cash and/or charitable tax receipt)
- The ecological value of the property has no bearing on the financial value of the conservation easement

How are landowners compensated for granting a conservation easement?

- Landowners granting a conservation easement receive 100% of the value of the conservation easement, based on the valuation described above
- Conservation easement grantors can receive compensation as a charitable tax receipt, cash, or a mix of both (called a 'Split Receipt')
- The most common approach is a smaller portion as cash (e.g., 20%) and the larger portion as a tax receipt (e.g., 80%)

Do landowners receive ongoing payments for conservation easements?

- No - because this is the one-time "disposition of an interest in land", there is a one-time compensation that equals 100% of the land value relinquished
- Metaphor: If land were a cake, a conservation easement would be a 'layer', and a 10-acre parcel a 'slice'; in both cases, the disposition is financially valued by a certified appraiser, and transferred for that amount. Once.



Regulatory

Are conservation easements mandatory?

- No - conservation easements are voluntary.
- They are a private contract between a qualified organization and a willing landowner

Does the conservation easement need to be approved by any government agency?

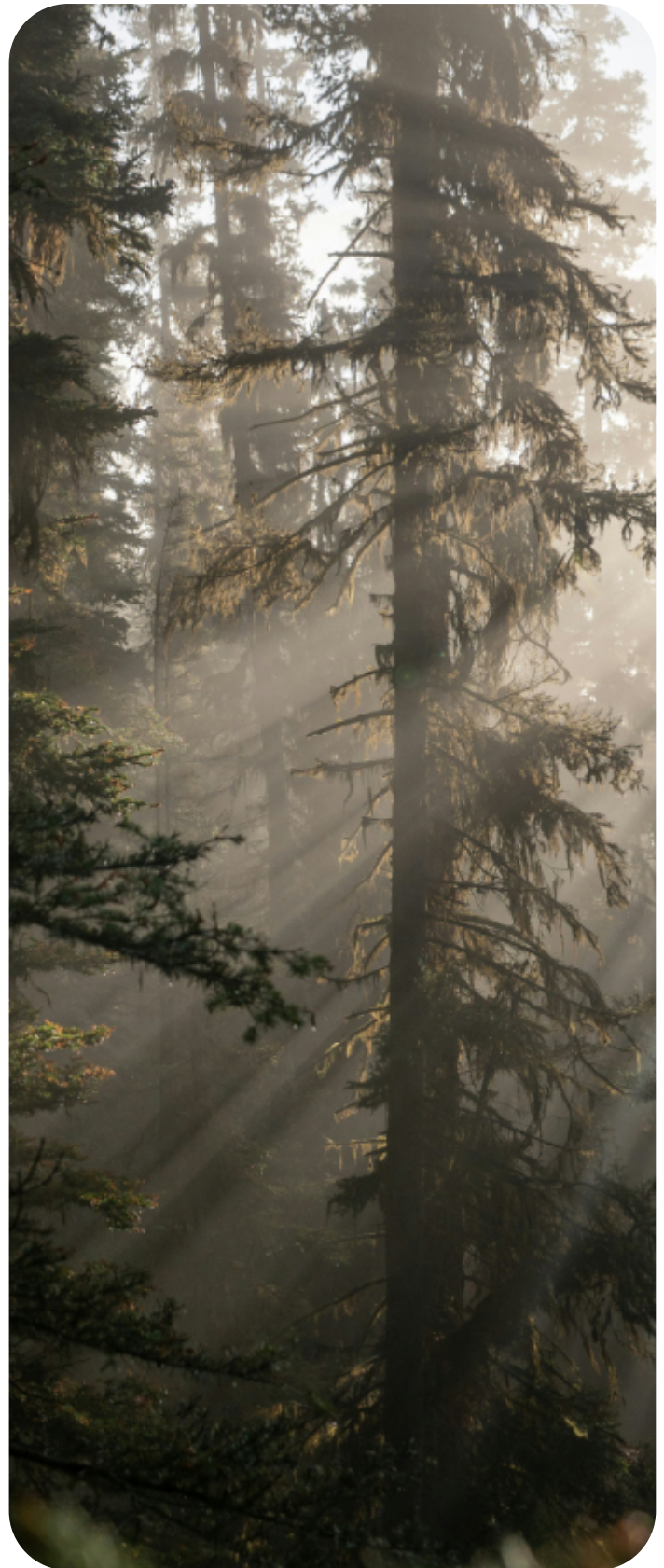
- No - it is a private contract undertaken by two private parties
- However, it must be registered with Land Titles to take effect
- As well, there are certain bodies that must be notified, but they carry no approval authority, including the Minister of Infrastructure, the Minister of Transportation, and the local government

Does a conservation easement trump municipal planning?

- No, a conservation easement does not change nor supersede the local zoning or development bylaws of the municipality
- Municipal regulation usually lays out the extent to which a property owner can do something, subject to local government approval. A conservation easement can restrict further, but cannot permit more than local regulations
- For example, a conservation easement may say a landowner can build an additional house on the parcel; however, if municipal zoning allows only one, that takes precedence

Are conservation easement lands subject to property taxes?

- Yes – a property with a conservation easement is appraised and taxed the same as any property
- A municipality may choose to waive or discount property taxes on conservation properties, but that is an individual council decision





CORVUSCENTRE for Conservation Policy

Corvus Centre for Conservation Policy

Calgary, Alberta, Canada

E: info@corvus.ca

W: www.corvus.ca

February 2026

This Explainer is provided for informational and research purposes only. It does not constitute legal, financial, tax, or professional advice. While every effort has been made to ensure the accuracy and reliability of the information contained herein, the author makes no representations or warranties, express or implied, as to the completeness or suitability of this material for any particular purpose. Readers should not act upon the information contained in this report without first seeking advice from qualified legal, financial, or other appropriate professional advisors.

Photo Credits

Page 1 - saif-duhka - Unsplash
Page 4 - joshua-woroneck - Unsplash
Page 5 - clay-banks - Unsplash
Page 6 - izzy-e - Unsplash
Page 7 - nikita-karpov - Unsplash
Page 8 - albert - Unsplash
Page 9 - tim-umhreys - Unsplash

Development of this 'Explainer' was made possible
through the generous support of

