

CONSERVATION EASEMENTS AND LOCAL GOVERNMENTS

20 KEY QUESTIONS ANSWERED

Introduction

Some Alberta municipalities actively support 'conservation easements' and the land trusts that hold them. Some see these easements as a problematic overstep into local planning. And some are in between.

This range of perspectives has been the norm since Alberta first saw conservation easements enabled in legislation in 1996. Yet there has never been a conservation easement information resource targeted at municipalities.

This Explainer answers 20 key questions that local government personnel have about conservation easements, or should have.

Need more detailed answers? These questions and answers are in fact shortened versions drawn from the longer resource, A Conservation Easement Primer for Local Government Personnel.



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

THE BASICS

What is a conservation easement?

A conservation easement is a private agreement between a landowner and a 'qualified organization', that enables the landowner to voluntarily give up certain land use rights and opportunities to support the conservation of their property. The agreement is registered on the title as an interest in land held by the organization, and is binding on future landowners.

What can a conservation easement conserve?

The legislation for conservation easements enables agreements only for environmental, agricultural, and/or aesthetic conservation purposes.

What is a land trust?

A land trust is a charitable, non-government organization (NGO) established to secure private land or interests in private land for the purpose of maintaining the long-term conservation values of those parcels for future generations.

THE AGREEMENT

What does a conservation easement require of the landowner?

In the simplest sense, the landowner is required to abide by all of the restrictions in the conservation easement agreement, as well as any requirements. They are also required to allow the conservation easement holder onto the property for monitoring, and to notify the easement holder if they notice any infractions of the agreement.

What does a conservation easement not require of the landowner?

Everything required of the landowner is explicitly stated in the conservation easement agreement. This means the landowner retains all rights and opportunities not spoken to in the agreement.

THE LAWS AND REGULATIONS

What is the legal process for registering a conservation easement?

A conservation easement comes into effect when the Registrar of Land Titles² receives the easement and endorses a memorandum of it on the certificate of title.

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

A conservation easement does not need to be approved by any government agency.

What is the role of the provincial and federal governments?

The provincial and federal governments are not parties to a conservation easement agreement. While the roles they do play are important, they are ultimately only tangential to the agreement between the landowner and the qualified organization.



THE FINANCES

How are conservation easements valued?

Conservation easements are generally valued using assessments from a qualified appraiser of the property before the easement is granted and after. The difference between these two assessments is deemed to be the financial value of the conservation easement itself.

THE FUTURE

Can a conservation easement be changed?

Yes, a conservation easement can be changed by mutual agreement of the landowner and the conservation easement holder, so long as the intent of the agreement is intact. The provincial Minister also has the power to change the conservation easement if it is in the public interest to do so.

Can a conservation easement be removed?

Yes, a conservation easement can be terminated by mutual agreement of the landowner and the conservation easement holder, or by the provincial Minister if it is in the public interest to do so.

What happens when a property with a conservation easement is sold?

As the conservation easement is registered on the title of the property, it remains in place regardless of changes in ownership, and thus applies to all future landowners for the term of the agreement.



LOCAL GOVERNMENTS

Do conservation easements override municipal planning?

No. The list of restrictions associated with a conservation easement operates within local land use planning, subdivision, and permitting requirements, but does not override them.

Do conservation easements need municipal approval?

No. A municipal government has no approval authority over the grant of a conservation easement within their boundaries. They are entitled to receive prior notice of the registration of the conservation easement.

Are conservation easements subject to property taxes?

Yes - registration of a conservation easement has no impact on the municipal property taxation method, and provides no tax exemption unless the local government explicitly decides to provide one.

Can municipalities require conservation easements?

Although not prescribed in the Municipal Government Act or the Alberta Land Stewardship Act, it appears that a subdivision authority can require a conservation easement as part of a subdivision approval. Municipalities are advised to seek legal counsel on this matter.

Can municipalities hold conservation easements?

Yes. The Alberta Land Stewardship Act identifies several types of entities as 'qualified organizations', able to hold conservation easements. This includes any 'local government body', which in turn includes 'the governing body of a municipal authority as defined in the Municipal Government Act.'

How is a conservation easement different from an environmental reserve, environmental reserve easement, or a conservation reserve?

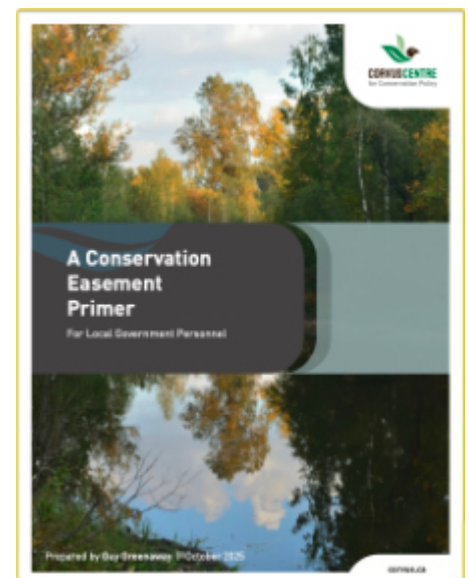
A conservation easement is enabled under the Alberta Land Stewardship Act and can be proactively pursued by any qualified organization, including municipalities. Environmental Reserves, Environmental Reserve Easements, and Conservation Reserves are enabled under the Municipal Government Act, are available only to municipalities, and can only be used reactively, in response to a subdivision application.

How prevalent are Conservation Easements in Alberta?

As of 2024, land trusts held conservation easements 153,000 ha, equally approximately 0.87% of private land, and 0.35% of the total land base. Conservation easements are held by 19 municipalities, and 10 non-government 'land trusts.'

How can municipal personnel find more information?

A Conservation Easement Primer for Local Government Personnel is a full-length guide to conservation easements, written specifically for councillors, planners, ag fieldmen, and other municipal personnel. It is available on the [Alberta Conservation Easement Resource web site](#)





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