

For landowners considering deeding a conservation easement to Foothills Land Conservancy:

Consider how you want the land to be used after the conservation easement is in place. These questions are provided to help guide you in your decision and do not have to be answered for the Foothills Land Conservancy.

If a tax deduction for a charitable contribution is planned, the IRS requires that the easement fits in one or more of the following categories : (1) it provides outdoor recreational or educational use for the general public, (2) it protects a relatively natural habitat of fish, wildlife, plants, or similar ecosystem, (3) it preserves open space (including farm and forest land) that provides for the scenic enjoyment of the general public and yields a significant public benefit, and (4) it preserves an historically important land area or certified historic structure. These categories allow great flexibility in defining and restricting the uses of the land, and we urge you to consider the following in deciding on the limitations you wish to place on the use of the land under easement.

Considerations:

Perimeters

Do you want the entire property to be included in the easement?

What specific areas do you want to be excluded from the easement? Why?

Restrictions

Do you want to allow or to restrict hunting and/or fishing?

Do you want to allow any or all agricultural practices to be carried out? (Consider that technologies may change during the life of the easement, when both you and we are no longer here.) Which? Where?

Do you want to allow timber management practices on some or all of the property? If you do, what parts are to be managed? You will need to have a forest management plan developed. The Tennessee Division of Forestry provides that service, as do consulting foresters. Do you want it to include clear cutting?

Do you anticipate using herbicides or other pesticides on the property?

Do you anticipate any commercial or industrial use of any of the property?

Has there been any dumping or other disposal of wastes, refuse, or debris? Do you wish to reserve the right to do any dumping?

Do you want to allow or exclude the use of off road vehicles on the land? What parts?

Building

Concerning any additional houses to be built on the property: Do you wish to restrict the size? Placement of utilities? Height? Colors of roof and sides? Outside lighting? Clearing beyond the footprint?

Do you want to reserve the right to build additional residences or outbuildings? If so, do you want to define their sites or allow them to 'float'?

Do you wish to retain the right to allow above-ground installation of utility systems or communication towers or antennae and related facilities?

Are you likely to want to allow for changes in gates or fences now or in the future?

Do you want to reserve the right to build roads or horseback or foot trails? Where

Land Management Practices

Are present or future land uses likely to result in the introduction of non-native and invasive plants or animals or microbes?

Are you likely to want to make changes in the topography?

Are you likely to want to make any changes in stream courses or other water systems?

Do you want to develop one or more ponds? Where?

Do you want to allow the public access to some, all, or none of the land? For what purpose(s), if the public is allowed access?

Do you want to manage for wildlife? Should you develop a wildlife management plan, perhaps with the help of Tennessee Wildlife Resources Agency?

Consider what land uses you might allow that would possibly impair the conservation values—open space, scientific, educational, ecological, biological, agricultural, etc.

Are you likely to allow for activities now or in the future which should depend upon informing and gaining approval from the Foothills Land Conservancy?