

# W Y C H E

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## Conservation Easements: Protecting Special Places

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As heard on "South Carolina Business Review" with Mike Switzer  
Broadcast May 2, 2008

The forests and open spaces of South Carolina are rapidly disappearing. A recent study by the Strom Thurmond Institute at Clemson estimates the Upstate of South Carolina will see 86 acres of open space developed Per Day through the year 2030.

Population growth and development will bring many benefits to South Carolina, but unless we devote attention and resources to land conservation, the beauty of our state will be greatly diminished.

Conservation Easements, often called Conservation Agreements, are a device by which individual landowners can protect the land they own against development and realize significant income, estate and property tax savings.

For example, suppose your family owns a 500-acre farm in the path of development. The family doesn't want the land to become a subdivision. The family decides to grant a Conservation Easement to a land trust. (There are many regional land trusts in South Carolina working to protect special places.)

The Conservation Easement is an agreement to restrict the land against development. The land need not be totally restricted; landowners often retain the right to build a few residences on the protected property. The land trust will monitor the land and make sure the restrictions are honored.

The land continues to be owned and controlled by the owner; no public access is required.

If the Conservation Easement yields a significant public benefit through preservation of open space for scenic enjoyment of the public, preservation of important wildlife or plant life habitat or preservation of an important historical site, then the owner is entitled to a federal and South Carolina income tax deduction. The amount of deduction is equal to the diminishment in value of the property as a result of the restrictions on development.

There is also a credit against South Carolina income taxes equal to 25% of the value given up, limited to \$250/acre and \$52,500/year.

There are also potential estate tax savings since the Conservation Easement will reduce the estate value of the land. A special estate tax exclusion is also available for property subject to a Conservation Easement.

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