

Conservation Easement Criteria

In accordance with 170 (h) of the IRS Code, to be considered for preservation, lands must exhibit at least one or more of the following criteria:

- Property that contains endangered, threatened, or ecologically significant species, or natural systems;
- Property that is valuable to the community as open space due to its proximity to developing areas, or its impact on a view corridor;
- Property that is valuable to a community because of its historical or cultural value or its proximity to an historically significant area;
- Property that includes or contributes to important wildlife habitat or migration corridors;
- Property with significant agricultural or forestry resources;
- Property with wetlands, flood plains or other lands necessary for the protection of water resources;
- Property that contains significant or unique ecosystems or natural features;
- Property which is adjacent to or in close proximity of land already preserved by federal, state, local, or other conservation agencies.

Even if the property meets the above criteria, DNREC must evaluate the proposed parcel with the following considerations in mind:

- Whether the property is part of a larger conservation plan for the community or region;
- Whether the property would be an island of conservation, creating a patchwork of unconnected, protected properties;
- Whether the property has significant resources that can be protected even if adjacent property is developed;
- Whether the property is of sufficient size so that its conservation resources are likely to remain intact even if adjacent properties are developed;
- Whether the conservation resources for which the lands are being preserved are currently in a condition which will insure the long-term viability of those conservation resources;
- Whether the easement would be difficult to enforce or would require extensive management;
- Whether the property owner insists on provisions in the easement which DNREC believes would seriously diminish the property's primary conservation values.