



*Tax Benefits for  
Conservation  
Easement Donors*

We'd love to talk with you some more  
about protecting your land.

**Winnakee Land Trust**

PO Box 610

Rhinebeck, NY 12572

[director@winnakeeland.org](mailto:director@winnakeeland.org)

845-876-4213

[www.winnakeeland.org](http://www.winnakeeland.org)

## *Qualified contributions*

Providing tax benefits for conservation is a wonderful incentive, particularly for those landowners who already have an interest in protecting their property in its natural, scenic or agricultural condition. **The land that is protected must meet the requirements of Internal Revenue Code 170(h) for qualified contributions.** The essentials of the requirements are that the conservation purpose must be for either:

- The preservation of land areas for outdoor recreation by, or the education of, the general public,
- The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,
- The preservation of open space (including farmland and forest land) where such preservation is for the scenic enjoyment of the general public, or pursuant to a clearly delineated federal, state, or local governmental conservation policy, and will yield a significant public benefit, or
- The preservation of an historically important land area or a certified historic structure.

## *What tax benefits are available?*

The gift of an easement is a charitable donation that may be deducted from federal income taxes. The value of the donation is determined by an appraisal.

An enhanced tax deduction for conservation easements was renewed by Congress in December 2010, effective retroactively from January 1, 2010, through 2011. The enhanced tax deduction for donating a conservation

easement allows a donor to take a deduction of up to 50% of adjusted gross income, and qualified farmers may deduct up to 100% of their income. A donor may take the full deduction over a period of up to 16 years.

New York State offers a tax credit of 25% of property taxes, including school district taxes, to \$5,000 per year. This annual deduction is available to future owners of the protected property.

## *Who may claim a federal tax deduction?*

Private landowners who freely donate conservation easements are qualified to claim an income tax deduction for conservation, according to the Internal Revenue Code.

Real estate developers who set aside open space for conservation are not typically eligible for this tax benefit.

Mandated conservation areas, whether owned by private landowners or developers, are ineligible for conservation tax benefits.



## *Qualified conservation appraisals*

Appraising conservation easements is a specialized field in real estate appraisal work. In establishing a value for a conservation easement, it's essential to work with a qualified conservation appraiser. A few local qualified appraisers are listed below:

James Waterhouse,  
Farm Credit East, ACA  
518-851-3313

Donald M. McGrath, MAI  
McGrath & Company, Inc.  
845-896-5333x247

Peter Hubbell  
Hubbell Realty Services  
845-454-6525

Michael DeWan and Rob Schott  
DeWan & Schott Appraisers  
845-758-5090

**Winnakee Land Trust must receive a copy of your appraisal prior to signing the easement, and please be sure you receive a written acknowledgement from Winnakee for your donated conservation easement.** Winnakee has a legal obligation to obtain supporting materials for any tax deduction claim and will not engage in any transaction for which complete and satisfactory documentation is not supplied.

Call Lucy Hayden, Executive Director, at 845-876-4213 to find out more about the financial benefits of protecting your property.