

Frequently Asked Questions

About Easements on CREP Land

The CREP Memorandum of Agreement between USDA and the State of Maryland authorizes the continuation of a “voluntary program for the purchase of perpetual easements for Conservation Reserve Program (CRP) land.” The following are some of the most frequently asked questions regarding this type of perpetual conservation easement.

1. *What is a perpetual CREP easement?*

A perpetual Conservation Reserve Enhancement Program (CREP) easement is a written legal agreement between a landowner and the State of Maryland in which there is an acquired permanent interest in the land to install or maintain conservation practices that protect water quality and natural resources. The Easement option is available only to landowners who have an existing federal CREP contract and who have installed the prescribed CREP conservation practice(s). After the federal contract expires, the landowner agrees to keep the land in an approved conservation practice as defined in a conservation management plan or forest stewardship plan forever. The conservation values of the property and the restrictions that preserve those values, along with the rights reserved by the landowner, are detailed in a legal document known as a conservation easement. This document is filed with the local county land records. The conservation easement is conveyed to a government agency or nonprofit conservation organization qualified to hold and enforce easements. These conditions and rights become part of the property’s deed. They apply to the current owner and all future landowners, permanently protecting the property and instituting a stewardship ethic that passes through the generations. Each conservation easement is unique, specifically tailored to the particular land being protected as well as to the particular situation of the landowner. The landowner enjoys recreational use of the land in perpetuity. The restrictions on land use are specified in the easement and generally state that the land must be maintained in the vegetation type indicated in the conservation plan. No structures may be built on the lands enrolled. Through a conservation plan, the landowner may indicate what types of uses they desire to have after the federal contract expires. Some of these uses may include: timber harvest, prescribed burning or other management techniques.

2. *Who administers the CREP easement program in Maryland?*

Maryland Department of Natural Resources (DNR) administers the CREP easement program. DNR is also assisted by a number of local government and non-government organization sponsors. A list of contacts with phone numbers is included at the end of this FAQ sheet.

3. *Are all landowners who have a current federal CREP contract eligible for a CREP easement?*

Properties with current CREP contracts—or CREP contracts in process—are eligible if located in any of the following counties: Washington, Frederick, Harford, Queen Anne’s, Caroline, Dorchester, Wicomico, Somerset and Worcester.

4. Why should I consider a CREP Easement?

A CREP Easement ensures that your decisions about wise use of your land *remain unchanged*. Easements pass with ownership, so efforts to protect water quality & wildlife habitat continue even if you don't control the land. There also may be tax advantages to an easement. By removing the land's development potential, the easement also lowers the market value, which in turn lowers estate tax, allowing the next generation to continue to own the land.

5. What amount of money can I expect if I sell a perpetual easement?

Values are determined by an Easement Valuation System, which takes into account the county where the land is located, the size of the buffers, and the amount of land going into the easement.

6. How many acres can I put under permanent easement?

Landowners can enroll all the acres they have in a current CREP federal contract. Additionally, they can add adjoining lands ("considered match acres") that support the adjoining buffer and contribute to water quality and wildlife habitat —up to a 1:10 ratio based on the amount of acreage in the CREP federal contract.

7. What type of adjoining land qualifies as matching acres in a CREP easement?

Only hayfields, pasturelands, and forestlands can be added to the CREP contract acres for the CREP easement. Developed areas and plowed or cultivated lands do not qualify; however, these lands would qualify for an accompanying donated easement or, if located within a Rural Legacy Area, a Rural Legacy Easement—thereby completing protection for an entire farm. The additional acreage must be included in either a Conservation Plan or a Forest Stewardship Plan which must be in effect the with in one year of date of the CREP permanent easement. For forestlands, the Forest Stewardship Plan will prescribe the permitted forest management practices, excluding as per the easement language, clear cutting which will not be permitted. Conservation Plans may be prepared by either NRCS or a certified TSP (Technical Service Provider), and Forest Stewardship Plans may be prepared by either Maryland Forest Service or a certified TSP.

8. What restrictions are included in a perpetual easement?

First, conservation values are defined and then restrictions are created to protect those values. Permanent protection of the riparian buffer and wildlife habitat as described in the CREP contract. In addition, CREP permanent easements limit development and some forms of commercial uses. Industrial uses, including mining are prohibited.

9. Will the public have access to the land under the Easement?

No. The public will not have access to the easement land. Permission to access land protected by a CREP Easement is at the discretion of the landowner, who still owns the land privately.

10. Will the easement restrict use of portions of my property not included in the Easement?

No. The Easement does not restrict use of portions of your property not included in the Easement.

11. What are the effects of an easement on a landowner's property rights?

A landowner retains all rights to the property not specifically restricted or relinquished by the easement. The landowner still owns the land and has the right to use it for any purpose that is consistent with the easement; the landowner may also sell, transfer, or leave the land through a will.

12. What obligations come with a CREP Permanent Conservation Easement?

The landowner remains responsible for the land—for its maintenance and upkeep, for paying taxes, and for otherwise meeting the typical obligations of landownership. Conservation easements add these further requirements:

- To notify the easement holder (DNR and either the county or land trust local partner) of proposed changes to the property
- To allow annual periodic monitoring visits
- To notify the easement holder (DNR and either the county or land trust local partner) when selling or transferring the property
- To comply with the restrictions in the easement (which is negotiated with the landowner before settlement of the easement).

13. What are the benefits of a conservation easement?

Conservation easements protect increasingly threatened land and water resources and preserve wildlife habitat. Conservation easements can give landowners peace of mind, knowing that their commitment to protecting their unique land will be forever respected and remain an enduring legacy for their family and their community. Landowners are paid for the CREP Permanent Conservation Easement and these easements may provide financial benefits by reducing a landowner's tax obligations as previously mentioned.

14. How will this affect a future sale, or inheritance of the land?

You can sell, mortgage, or otherwise transfer the property in every normal fashion; at the same time, it remains subject to the restrictions of the CREP Easement. In most situations, CREP contract and matching easement areas within a given property cannot be further subdivided.

15. When negotiating a CREP Easement, can a landowner enroll acres (or use enrolled acres as a match) if those acres are already protected in perpetuity by an existing easement?

No. A landowner cannot enroll acres or use acres as a match in a CREP Easement if those acres are already protected in an existing easement.

17. What is FSA's role in the easement process?

FSA has no role in the application or administration of the CREP Easement Program. FSA refers all inquiries from landowners interested in the easement program to either the DNR contacts or appropriate local sponsor listed in the attachment.

18. Can the CREP Easement be changed or revoked?

Not readily – because CREP Easements are designed to be permanent, any change is usually accomplished only through a lengthy amendment process.

Contacts

Maryland DNR: Shawn Clotworthy at shawn.clotworthy@maryland.gov (410) 260-8421 and Katrina Tucker at katrina.tucker@maryland.gov (410) 260-8408

Harford County: Bill Amoss, (410) 638-3235

Frederick County: Anne Bradley, (301) 600-1474

Washington County: Chris Boggs, (240) 313-2447

Caroline and Dorchester Counties: David Satterfield (410) 690-4603 extension #609

Somerset County: Jared Parks, (443) 234-5587

Wicomico County: Jared Parks, (443) 234-5587

Worcester County: Katherine Munson, (410) 632-1220 extension #1302

Queen Anne's County: Donna Landis-Smith, (443) 988-4178