

Position Statement in Support of Conservation Easements
Approved by Soil and Water Conservation Commission on June 7, 2013

Background

Established in 1999, the North Carolina Conservation Reserve Enhancement Program (CREP) is a state/federal/local partnership that combines existing federal Conservation Reserve Program (CRP) funding and state funding from various sources. The seven-member Soil & Water Conservation Commission operates the state portion of CREP program as the lead agency for the State of North Carolina. The program objectives for the Commission are the following:

1. to provide an opportunity for agricultural landowners to voluntarily restore riparian buffers and wetlands,
2. to restore and enhance wildlife habitat corridors next to streams and other qualifying water bodies,
3. to reduce agricultural non-point source pollution and comply with nutrient reduction requirements; and
4. to encourage voluntary enrollment of eligible land in 10- or 15-year contracts; or 30-year or permanent easements;

The Commission supports the rights of individual landowners. For this reason, the Commission designed the CREP program to include short-term protection options for participation that do not require the landowner to enter into a conservation easement. Landowners who elected to enroll in conservation easements received a significantly higher incentive for this long-term protection.

The Commission believes that entering into a conservation easement requires thoughtful and serious consideration that affects multiple generations. It is for this reason the Commission encourages anyone considering a conservation easement to consult with their family members, attorney, and tax advisor prior to entering into an easement.

The Commission believes that once an easement has been established through the use of public funds, the Commission must use its authority and powers to protect that easement. The Commission further believes that releasing a conservation easement would set a dangerous precedent and potentially undermine the ability of CREP and other conservation and preservation programs to enforce the terms of their easements (e.g. Agricultural Development and Farmland Preservation Program, the military's Readiness and Environmental Protection Initiative, Clean Water Management Trust Fund, Ecosystem Enhancement Program).

Position

For these reasons the Commission strongly supports conservation easement programs and places great importance on protecting the easements that afford conservation value to the citizens of the state. Furthermore, the Commission is opposed to any action that would weaken the protection or undermine the intent of providing long-term water quality benefits through conservation easements.