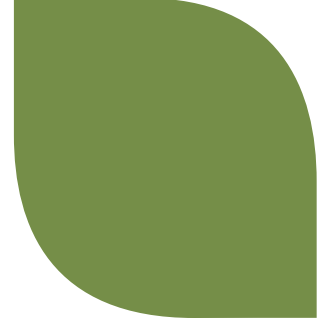
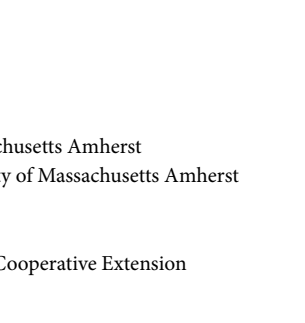
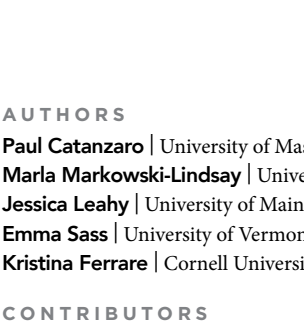
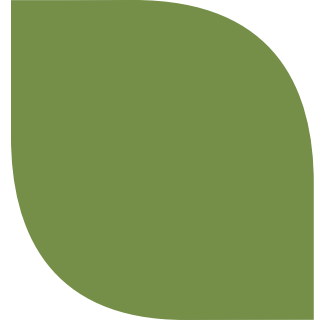
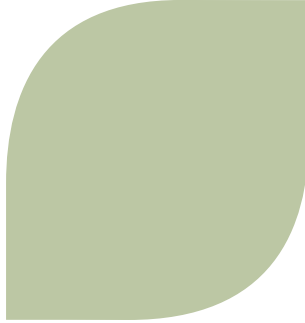
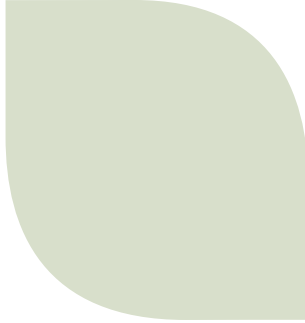




Their Land, Their Legacy

A GUIDE TO HELPING INFORM
LANDOWNERS' DECISIONS ABOUT
THE FUTURE OF THEIR LAND



AUTHORS

- Paul Catanzaro** | University of Massachusetts Amherst
- Marla Markowski-Lindsay** | University of Massachusetts Amherst
- Jessica Leahy** | University of Maine
- Emma Sass** | University of Vermont
- Kristina Ferrare** | Cornell University Cooperative Extension

CONTRIBUTORS

- Shorna Broussard Allred** | Cornell University
- Kathleen Bell** | University of Maine
- Brett Butler** | USDA Forest Service
- Dave Kittredge** | University of Massachusetts Amherst
- Ezra Markowitz** | University of Massachusetts Amherst
- Anita Milman** | University of Massachusetts Amherst
- Marilyn Wyman** | Cornell University Cooperative Extension



This material is based on work supported by the U.S. Department of Agriculture (USDA) National Institute of Food and Agriculture (NIFA) under award number 2015-68006-23110, University of Massachusetts McIntire-Stennis Grant #17, Maine Agricultural & Forest Experiment state project MEO41707, USDA NIFA Maine award MEO31802 and MEO41207.





contents

CHAPTER ONE

2 Informing Landowner Decisions

- 3 The Importance of Your Role
- 3 What Is Conservation-Based Estate Planning?

CHAPTER TWO

8 Implementing Conservation-Based Estate Planning Outreach

- 9 Speaking One-on-One with a Landowner
- 10 Tips for Organizing an Outreach Event

CHAPTER THREE

12 Understanding Landowners to Increase Impact

- 12 Current Estate Planning
- 14 Goals: What Do Landowners Want from Their Land and Their Estate Plan?
- 14 Goals for the Land
- 14 Estate Planning Goals
- 15 Goal of How They Are Viewed in the Future
- 15 Triggers to Estate Planning
- 16 Decision Making

16 Source of the Land

16 More Landowners Are Coming

17 Conservation Easements/Restrictions & Term Easements

18 Women

19 Landowner Barriers

19 Information Needs

19 Preferred Information Sources

20 In Conclusion

21 Appendix

Informing Landowner Decisions

We are in the midst of the biggest intergenerational shift of land that our country has ever seen. Nationally, roughly 2.7 million family forest owners who are over fifty-five years old and reflect 80% of all family forest-owned land will soon be deciding the future ownership and use of their land. In fact, almost **one-third of landowners in the Northeast report that they will be making decisions about their land’s future ownership and use in the next five years.** The result of these decisions (or non-decisions) will determine whether the land is developed, parcelized, conserved, or unchanged.

The benefits that forests provide—such as wildlife, clean water, recreation, carbon sequestration, and timber—are best ensured through properties that maintain their forest use and keep them intact, with little or no parcelization. Therefore, the decisions landowners make about the future ownership and use of their land are the most significant driver of landscape change we face and will determine the benefits these lands provide in the future. Because land is often one of a landowner’s most valuable assets, these decisions also have significant financial and personal implications and can affect family relationships. Informing these decisions will help maintain both the public benefits produced by the land and family well-being.

Our research suggests that almost half of landowners are interested in keeping most or all of their forest in forest use, and two-thirds want to keep their property intact, with little or no parcelization. This is very good news! **However, we need to help move landowners from good intentions to action.**

In order to inform these many landowner decisions, we need to take an all-hands-on-deck approach. We need people who work with landowners in a variety of capacities—such as natural resource professionals, land protection specialists, municipal officials, community leaders, and friends—to help inform these critical decisions. This publication is for those of you in these important roles.

A number of resources already exist to help landowners make these decisions about the future of their land (see sidebar). These landowner publications lay out the nuts and bolts of

conservation-based estate planning and serve as excellent resources for helping landowners better understand the specific options they have for keeping their forest land intact. Rather than repeating the information found in these landowner resources, the goal of this publication is to help *you* help landowners, using whichever strategy is most appropriate to you and your role in the community.

Landowner Resources

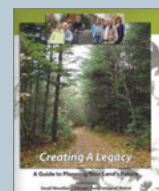
YOUR LAND, YOUR LEGACY

- Massachusetts:** masswoods.org
- New York:** cceonondaga.org
- Vermont:** ourvermontwoods.org



CREATING A LEGACY: A GUIDE TO PLANNING YOUR LAND'S FUTURE

- Maine:** mainewoodlandowners.org



There are many ways to help inform these critical landowner decisions. The strategy you choose will depend on the way in which you interact with landowners, your interests, and your expertise. No matter your strategy, it will be most effective if it is developed with a solid understanding of the landowners making these decisions.

The information found in this publication is based on the research findings and outreach experience of a team from the University of Massachusetts Amherst, the University of Maine, the University of Vermont, and Cornell University. Specific information about the research methods of this project and statistics for the individual states can be found in the appendix. The most pertinent findings from this research are described in this guide, along with their implications and suggested applications. The research and lessons learned are relevant to any landscape with characteristics similar to our study region.



these same types of decisions are particularly helpful and can share insights into the process, including aspects that went well and, equally important, aspects that didn't go well. Conversations with peers are critical in helping landowners digest the technical information and gain an understanding of how each option may meet their needs.

Importantly, whether you're a professional or a peer, you don't need to be an expert in estate planning to help a landowner with this decision! The importance of your role is that you are a trusted source of information. Landowners will ask for your help and listen to your advice because they trust you. Come through for them by connecting them to people, resources, or organizations that can help give them the conservation-based estate planning information they need to make an informed decision that is right for them and their family.

When making a decision about my land, I need a professional for the facts and a friend to think them through.

—Massachusetts landowner

THE IMPORTANCE OF YOUR ROLE

Landowners often turn to local professionals with whom they have a trusted relationship for the “facts”—technical knowledge about their land and their options. In fact, respondents to a survey in Massachusetts reported local land trusts and foresters as being the most frequently contacted professionals about the decision regarding the future of their land. This technical information often serves as a foundation for landowners' decisions.

Still, landowner decisions are often not based solely on technical information. Landowners often turn to peers—respected friends, neighbors, and community leaders—to provide information and options and to help them think it all through. Landowners view peers as being trusted, unbiased sources of local information. Peers with experience in making

WHAT IS CONSERVATION-BASED ESTATE PLANNING?

An estate is the total of all of one's assets, which may include a person's land, house, bank accounts, stocks, and bonds. An estate plan ensures that a person's assets are distributed in a way that will meet the financial and personal needs of the person and his or her heirs. An estate plan is best thought of as a combination of documents (such as a will or a trust) and tools (such as a conservation easement or a current use tax program) that achieve a person's goals when they are implemented together.

Conservation-based estate planning comprises those parts of an estate plan that help maintain some or all of a property in its natural, undeveloped state. Conservation-based estate planning includes many of the same tools as standard estate planning (wills, trusts, limited liability companies), plus additional tools that help landowners keep the land undeveloped (current use tax programs,

conservation easements). The tools of conservation-based estate planning should be thought of as an à la carte menu from which landowners choose to adopt the combination of tools that best meets their needs. The goal of conservation-based estate planning is to reach landowner goals while keeping as much of the property undeveloped and in as big a parcel as possible. This will maintain the many benefits the land provides and allow options for the future.

Some estate planning tools are best suited for helping landowners designate the future owner of their land. Examples include a will, a trust, or an ownership type that specifies how the land must be passed. Other estate planning tools are best suited for designating how the land should be used in the future. Some of these tools determine land use temporarily, such as a state's current use tax program. Other tools allow a landowner to determine the future land use permanently, such as a conservation easement/restriction



The goal of conservation-based estate planning is to **reach landowner goals** while keeping as much of the **property undeveloped** and in **as big a parcel** as possible.

or donation of the land to a conservation organization. Combinations of these tools can be used to meet the unique personal and financial goals of each landowner.

A conservation easement is not going to meet every family's needs. In fact, only 7% of landowners responding to our survey report having a conservation easement on their land. Even if landowners are interested in permanent conservation, their land may not be in an area of high

ecological value or in an organization's focus area. Since everyone is working with limited time, energy, and resources, it is advisable to match conservation-based estate planning tools with the property's landscape context. For example, you may want to consider encouraging landowners in areas of high ecological value to consider a conservation easement, and encourage landowners outside these focus areas to consider a combination of other non-permanent tools.

So, depending on the landowner's goals and the ecological, recreational, or cultural value of the land, conservation-based estate planning may mean using tools to permanently conserve the land or using tools that will pass the land on without permanent restrictions. It may mean no residential or commercial development, or it may mean limited development. The combination of tools must fit the landowner's particular needs. And in meeting these needs, there is an opportunity to maintain the public benefits we all rely on.

Common conservation-based estate planning tools and professionals

Conservation-based estate planning tool	Professional
Discussing wishes for land with family	Facilitator/mediator (if needed for a healthy conversation)
Formalizing wishes in a will/trust	Estate planning attorney
Ownership types: <ul style="list-style-type: none"> • Direct (e.g., ownership by the entirety) • Indirect (e.g., limited liability company) 	Estate planning attorney
Current use tax program	Forester
Conservation easement/restriction	Land protection specialist
Land donation/sale	Land protection specialist

When it comes to conservation-based estate planning, there are two important decisions that every landowner must make:

1. Do I want to determine who will own the land when I am gone?

Based on our survey, 64% of landowners report that it is very or extremely important for them to designate the future owner. This decision can help reduce the likelihood of parcelization by explicitly determining who will own the land and may reduce forest conversion by passing the land on to an heir who will be most likely to keep it undeveloped, if that is the goal.

2. Do I want to determine how the land will be used in the future, when I no longer own it?

Based on our survey, 45% of landowners report that it is very or extremely important for them to designate the future use of the land. This decision can help landowners reduce forest conversion, if that is their goal.

65%

of landowners report wanting to keep all or most of the land in one parcel

49%

of landowners want to keep all or most of the land undeveloped

The above responses show that there is a very strong interest among landowners to control both the future ownership and the use of their land. Almost half want the land to be left in a natural state, with little or no commercial or residential development, and nearly two-thirds want their land to remain mostly or all intact. Helping landowners reach these goals will also help protect the public benefits the land provides.



Connecting a landowner to a local professional who understands land or to another landowner who has experience with conservation-based estate planning may be the most important thing you can do!

Again, you don't need to be an expert in estate planning.

You have a more valuable role—that of a trusted professional or peer. Let landowners know that they have options, and connect them with a local professional or peer who can help.



There is a very strong interest among landowners to control both the **future ownership** and the **use of their land**.

64%

of landowners report that it is very or extremely important for them to **designate the future owner**.

45%

of landowners report that it is very or extremely important for them to **designate the future use** of the land.

You can help them move from good intention to action.

Implementing Conservation-Based Estate Planning Outreach

There are a number of ways that you can help landowners. As a **conservation organization**, you may be interested in hosting an outreach event that encourages landowners to learn about their conservation-based estate planning options. As a **municipal board member**, you may be interested in providing resources to your community's landowners through a mailing or an outreach event. As a **forester**, you may talk to your clients about the importance of planning the future of their land to ensure that their stewardship activities reach their full potential. As a **community leader**, you may be asked for your advice or a local contact. As an **attorney**, you may have clients that own land. Whatever your role, you have an opportunity to inform these decisions. Often these opportunities arise through either an outreach event or one-on-one conversations.

The following pages provide a number of tips to increase the effectiveness of your efforts based on our experience informing these decisions.



Speaking One-on-One with a Landowner

Your role may include interacting with landowners one-on-one, such as a forester or a municipal official. Or your role may include approaching individual landowners who live in landscapes with high ecological, cultural, or recreational value (e.g., if you represent a land trust, an open space committee, or a watershed association). Below are some considerations for approaching landowners:



Decisions about the future of the land often arise suddenly. One of the most valuable things you can do for landowners is **let them know that you are available** to provide information and contacts when they are ready to think about the future of the land.



Landowners have a strong preference for receiving information about planning the future of their land from experts. Though time intensive, **connecting landowners to an expert for a one-on-one conversation is likely to be very effective**. This may be a good strategy for focus areas of high ecological importance.



Conversations initiated by a trusted friend often bring about the best results. If you do not know the landowner personally, see if there is a mutual friend who will meet with you.



Unless you are an estate planning attorney, **don't provide legal advice**. Be prepared to recommend attorneys in your area who have experience with land and land conservation tools.



When speaking with landowners, **encourage them to investigate all their options**. Let them know that there are people working locally who can help them learn about their conservation options. There are also some excellent resources that can help landowners and their families make a decision that is right for them. Send them hard copies, links, or PDFs of these resources.



Unless you are an expert appraiser, **don't raise a landowner's expectations** by discussing dollar values. Location of the land, amount of frontage, and types of soil are all factors that influence the financial value of the land. In addition, the land's location and ecological significance may provide conservation opportunities.



Do not pressure a landowner. A decision about what to do with the land in the future is based on many factors—personal, financial, social, and familial. It is a decision that can be very difficult for some people to make. After all, we are all trying to do what's best for ourselves and our families. These are difficult decisions that often take time. Be patient. Provide information and contacts, and give the landowner and his or her family time to digest everything. This process most often takes years.

Tips for Organizing an Outreach Event

Based on the experience of those who have organized conservation-based outreach programs in states across the Northeast, here are some tips to consider when planning an outreach event:



Encourage the landowner to begin thinking about the land and talking to others in the same situation. This could occur through formal workshops; informal conversations; or even casual events, such as hikes. **These events don't have to be directly related to conservation-based estate planning**; often issues relevant to land ownership—such as wildlife, recreation, land management, or natural history—can be an important first step in initiating contact and discussion with a landowner.



Landowners have a strong preference for receiving information regarding the future of their land through **mailed materials**. One strategy to consider is to send **written information** about their options, then follow up the mailing by organizing a local event or setting up a private meeting with a professional.



You are not going to teach landowners everything they need to know in a two-hour program. The goal instead is to instill in them the confidence to take the next step and connect them with local people who can help, whether a professional or a peer.



“I need a professional for the facts...”

Ask a professional to speak to provide technical information. The type of expert will vary based on the goals of the program and could include an estate planning attorney, a land protection specialist, a CPA, or a land appraiser. Importantly, prepare the expert before the program to ensure that he or she won't overwhelm people with facts. Turning a fire hose of information on landowners may lead to confusion or reinforce their feeling of being overwhelmed. **Keep the information simple** and let landowner questions guide the depth of the content. Try conducting programs with specific emphases to reach landowners in different situations and in different stages of the process. For example, programs may focus on taxes, appraisals, conservation easements, or the ecological value of the land.



“...and a friend to think them through.”

Be sure to include at least one landowner who can tell his or her story of conservation-based estate planning. An expert is great for facts, but fellow landowners can share the reasons that motivated them, how they went about it, and the lessons they learned—all in their own, non-expert language. Landowner stories show others that it can be done and are regularly evaluated as one of the most valuable aspects of outreach events.



Be sure to **hold the program in a location that is familiar, comfortable, and neutral**. Examples include a community center, restaurant, or library.



Encourage discussion throughout the program.

People typically rate the question-and-answer session as one of the most valuable parts of a program. This type of discussion covers a lot of information, ensures that people understand the important points, and gives landowners a chance to hear about the experiences of other landowners in similar situations. Remember:

There is immense value in peers sharing their knowledge and experiences with one another.



Life is messy, so stress flexibility. Land can be used in a number of ways to meet personal and financial goals. There is a solution to meet every landowner's particular goals; it's just a matter of working through those goals to find out which combination of conservation-based estate planning tools will work best.



When marketing the program, don't rely exclusively on e-mail blasts and newspaper announcements. **Time spent on the phone personally inviting landowners will produce the best results**, particularly if the landowners know the person inviting them.



Pie and coffee are one of the most valuable conservation tools we have. **Always have food and drinks available.** This can be as simple as homemade cookies or as elaborate as a catered dinner. Food creates an open atmosphere that encourages informal discussion. Orchestrating this opportunity can be a very valuable part of the program as landowners meet professionals and talk to other landowners. It also often extends the amount of time people stay at the end of the program, again increasing the likelihood of connections being made. Consider reserving the last thirty minutes of the program for dessert and conversation.



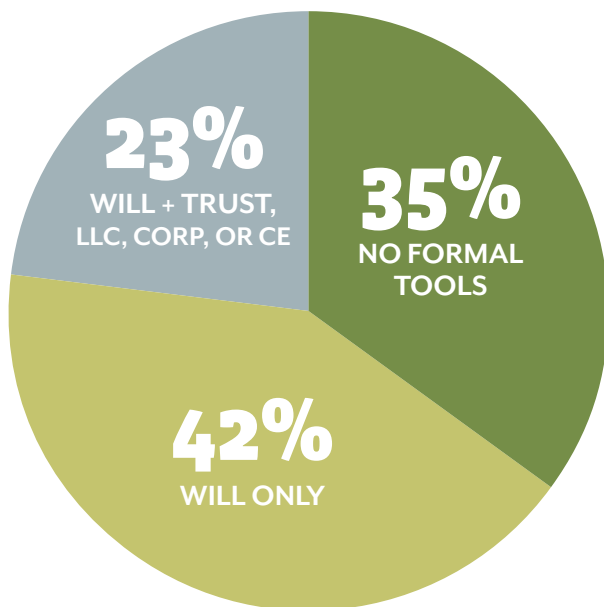
Evaluate the program. Find out what people liked and how you can improve the next program. This need not be a scientific survey. A few simple questions—What did you enjoy most? or How can this program be improved?—can be very insightful. Asking landowners to include the amount of acres they own and the action(s) they will take as a result of the program can also help you document the impact of the program.



Follow up the program with a personal contact. The program evaluation can be used as an opportunity to see if landowners would like to provide their contact information for a follow-up call or visit. The follow-up allows you to check in with landowners on their progress and to help them in any way that you can.

Understanding Landowners to Increase Impact

A better understanding of landowners and their estate planning behavior will help ensure that your limited time, energy, and resources can produce the greatest impact when working to inform landowner decisions.



CURRENT ESTATE PLANNING

The pie chart is an estimate of the amount of estate planning landowners in our research area have done.

Of those who have done formal estate planning, wills are the most popular tool. Sixty-five percent of landowners report having a will or a will combined with some other tool, usually a trust. Though many landowners have at least some formal tool in place, over a third of surveyed landowners report having done no formal planning for the future of their land. This is a significant outreach opportunity.

Importantly, however, when we conducted follow-up interviews with landowners in each state, we found that despite having an estate planning tool in place, a number of them hadn't included some or all of their land. For example, some landowners bought their land or additional land after they created their will. In addition, we found that for some landowners, the tool they had in place was inadequate to achieve all their goals (financial, taxes, determining the future use of the land, and so on).

Encouraging landowners to plan for the future of their land may mean creating a tool, but it may also mean updating or amending an existing tool to include the land or to better reflect current goals and circumstances.



35%

of landowners report
having no formal
estate plan in place

Goals: What Do Landowners Want from Their Land and Their Estate Plan?

GOALS FOR THE LAND

Landowners often rate beauty, privacy, wildlife, recreation, legacy, and a place to raise a family as reasons for owning their land. This preference for amenity over financial goals is well documented in many landowner studies. In fact, very few landowners are making a significant proportion of their annual income from their land. According to our survey:

77% of landowners make no income from the land

17% of landowners make 1%–10% of their annual income from the land

6% of landowners make 11%–100% of their annual income from the land

Amenity goals likely play an important role in helping landowners develop a strong emotional attachment to their land. And the stronger the emotional attachment, the more likely they will be to want to conserve it. This emotional attachment can be cultivated by encouraging landowners to engage with their land in any way that speaks to their interests, including outdoor recreation, wildlife, or nontraditional forest products.

ESTATE PLANNING GOALS

Landowners are typically trying to balance the personal goals of keeping some or all of their land undeveloped with the financial goals of providing for their own needs and being able to pass on assets to their heirs.

Based on our survey, **goals that were important for landowners to achieve for the future of their land** tend to cluster around **three** general categories:

1. Concern for Future Owners

30% of landowners

- Providing an inheritance to heirs
- Treating heirs fairly
- Giving the next owner a full range of options

2. Altruism

30% of landowners

- Protecting the environment and wildlife
- Benefiting their community

3. Finances

20% of landowners

- Achieving financial security for themselves
- Achieving financial security for heirs

The stronger their emotional attachment to the land, the more likely landowners will be to want to conserve it.

Understanding the goals landowners are trying to achieve through their conservation-based estate planning can help us package programs and resources in a way that will meet their specific needs. Planning outreach that addresses the goals of particular landowners and highlights the tools that may be a good fit for these goals is a strategic way to inform these decisions. For example, providing programs on current use as a temporary approach to determining future land use may be a good fit for the Concern for Future Owners group, which wants to give the next owner options, while programs on conservation easements may be a better fit for the Altruism group.

GOAL OF HOW THEY ARE VIEWED IN THE FUTURE

Beyond the specific goals landowners may have regarding the future of their land, many landowners are interested in their legacy.

51% care what future generations think of them

69% want to leave a positive mark on society

Messages regarding landowner legacy, how they may be viewed by future generations, and how they can leave a positive mark on society are likely going to be effective with most landowners.

Triggers to Estate Planning

Having goals isn't always enough to motivate landowners to plan the future of their land. It can be hard for landowners to find the time and motivation to undertake the estate planning process, and not every landowner is ready to do so. It is common for landowners to let years or even decades go by without doing any planning for the future of their land. Rather than try to engage landowners who are not ready to think about the future of their land, it is often more effective and efficient to focus on landowners who are at a decision point about their land. Typically, only those landowners who have experienced some sort of motivating event or circumstance are open to starting or continuing with this process. Triggers are often related to one another, so it may be the convergence of several events or circumstances that cause a landowner to begin the process.

The following triggers have been identified through interviews with landowners, estate planning attorneys, and land protection specialists, as well as through our mail survey:

Age

The older the landowner is, the greater likelihood he or she will engage in the process of estate planning, as the circumstances described below are more likely to happen or happen with greater frequency.

Health Issues

Poor personal health, or even the poor health of a friend or family member, often reminds landowners of their mortality and could trigger the process.

Finances

Ensuring that there will be enough money to live on, especially in retirement or as a precautionary measure should health issues arise, could cause landowners to begin the estate planning process. A change in their financial circumstances, such as losing a job, could also trigger decision making. Changes in the larger economic landscape (estate tax policy, national economy, etc.) could also motivate landowners to begin the process of estate planning.

Life Events

Significant events—such as births, deaths, marriages, and divorces—could compel a landowner to begin the estate planning process.

Family Dynamics

Fearing that his or her heirs would either not be able to agree on what to do with the land or make a decision counter to the landowner's wishes could spur a landowner to take action.

Other Families

Seeing another family struggle with the decision of what to do with the land can trigger landowners to start planning.

Nearby Development

Seeing development of nearby land can motivate landowners to start planning the future of their land.

Knowing the trigger(s) that cause a landowner to begin the process of estate planning may help provide direction on which issues to address. For example, if family dynamics are the issue, then connecting the landowner to professionals or resources to help with communication may be a good way to help. Or if figuring out finances is the primary issue for a landowner, connecting him or her with a financial planner may be an effective way for the landowner to get an accurate estimate of his or her assets and to get the estate planning process started.

Decision Making

Once a decision has been triggered, landowners need to decide if and how to move forward. Our survey suggests that the vast majority of decisions related to planning the future of the land are made by an individual landowner or a married couple who owns the land.

89% of properties are owned by either a single owner or two owners, typically a husband and a wife.

Though it is most often a single landowner or married couple making the decision, it is common for the primary decision maker(s) to involve a constellation of other people in the decision, often children. Respondents to our survey tell us that almost half of these decisions are multigenerational:



58% 1 generation
32% 2 generations
10% 3+ generations

Thus, programs that encourage conversation among married couples and include multiple generations will likely be important for informing these decisions and encouraging landowners to put a formal plan in place. If you charge a fee for hosting an outreach event, consider charging one price for a family no matter how many attend. Or consider charging less money for a family than for an individual to encourage family attendance.

Source of the Land

When a landowner has inherited the land, there can be a feeling of obligation to pass the land on to the next generation. However, most land is not inherited and is instead purchased from outside the family. It is therefore important to recognize that while it is the intention of many landowners to pass land on to their heirs—often children—those heirs may or may not choose to keep it; they may decide to sell some or all of the land. If the landowner is interested in controlling the use of the land so that it is not converted or parcelized, conservation-based estate planning tools should be used to address these goals before the land is given to heirs.

18% of surveyed landowners inherited the land

79% of surveyed landowners purchased the land (14% bought it from family)

More Landowners Are Coming

The vast majority of landowners have children (85%) and grandchildren (65%). More than half of landowners (56%) know the number of people to whom they will be passing on their land; 58% of these landowners report that they will be passing the land on to two or three owners, while only 28% report that they will be passing it on to one owner. So, whereas just 10% of current landownerships are held by three or more people, that number is predicted to increase to 35%, which would be a significant increase in the number of owners. What these children will do with the land once they get it is unknown and an important area of future research. Outreach directed to the next generation of owners is critical so that they know their options for keeping the land undeveloped and undivided. Consider programs and resources targeting the next generation of owners, often the children of current owners.

Percentage of Properties with Three or More Landowners

currently

10%



predicted to be

35%

Conservation Easements/ Restrictions & Term Easements

Conservation easements are permanent ways to ensure that the land does not get developed or parcelized in the future.

Conservation easements are a very effective tool for controlling land use in perpetuity. However, the adoption of conservation easements by landowners is relatively low. It is likely that although the permanent nature of conservation easements may appeal to some landowners (e.g., those with altruistic goals), it does not appeal to others (e.g., those with concern for future owners). In addition, based on the large number of landowners deciding the future of their land, it is likely that conservation organizations do not have enough time and resources to place conservation easements on the amount of land needed to meet our common conservation goals.

In order to be successful in stabilizing a significant portion of the land base, it is important that landowners be given all their conservation-based estate planning options for passing land on undeveloped and undivided. These options *must* include tools beyond conservation easements.

To determine whether landowners prefer permanent or term easements, the survey asked half the landowners if they would place a conservation easement on their land and the other half if they would place a 30-year term easement on their land. The results were surprising.

32% of respondents would do a 30-year term easement

40% of respondents would do a permanent easement

The results suggest that more landowners would do a permanent easement than a term easement; however, almost one-third of landowners who were asked about term easements said that they would do one. This could be an important future policy tool, particularly for properties that are not in a priority landscape.

In addition, our research found no significant difference in the acceptance rate between landowners who were offered different levels of financial compensation for their permanent easements (50%, 70%, and 90% of the land's value) and their term easements (30%, 50%, and 65% of the land's value). In other words, for each easement tool, the money they would receive in the process didn't seem to matter. This suggests that while there is certainly an important financial component to ensuring that one's land is not developed, there is a very important altruistic component.

7% of surveyed landowners either have placed or are in the process of placing a conservation easement on their land

44% of surveyed landowners either haven't thought about placing a conservation easement on their land or have thought about it but haven't done it

Women

There were significant differences in how men and women completed the survey:

- Women were less confident on how to move forward with planning the future of their land.
- Women were less certain they had the financial resources to move forward with their plans.
- When women were confident in how to move forward, they were more likely to want to conserve their land.

Experience engaging in outreach on this topic suggests that women play a very important role in decisions regarding the future of the land. The differences between men and women in the research suggests that addressing women's confidence in moving forward with planning the future of the land will have positive conservation results. The findings reinforce the success of women-only programs, such as Women Owning Woodlands networks, and should be considered when planning outreach.



Women play a very important role in decisions regarding the future of the land

Landowner Barriers

Though many landowners report wanting to determine who will own their land next and how it will be used, not all of them follow through with a formal conservation-based estate plan.

Landowners cited a number of **barriers that keep them from moving forward:**

- 30%** Not ready to act
- 28%** Need more information
- 22%** Lack of time
- 19%** Fairness to heirs
- 5%** Uncomfortable

Information Needs

Landowners also cited the following information needs, which can serve as **points of focus in outreach efforts:**

- 27%** Financial value of the land
- 26%** Conservation easements/restrictions
- 23%** Ecological value of the land
- 22%** Tax issues
- 21%** Trust
- 15%** Will
- 13%** Ways to work with family
- 11%** Finding a local professional



Preferred Information Sources

Landowners noted their preferences for receiving **information about planning** the future of their land:

- 49%** Mailed material
- 21%** Meeting with a professional
- 17%** E-mail/e-newsletter
- 15%** Internet
- 15%** Workshop
- 14%** Other landowners
- 11%** Seminar

In Conclusion...

Land isn't like other assets. It may be both the most valuable asset a landowner owns and the place they have raised their family. In other words, it has both financial and personal value.

Ultimately, families have to make decisions that will meet their needs. The best you can do is help them make an informed decision, which includes giving them their full range of options and connecting them to estate planning professionals who understand land and options to conserve it. As you can imagine, or have even experienced with your own estate planning, decisions regarding one's assets can be laden with emotion and sensitivity to family relationships, financial needs, death, and personal land ethics. For most landowners, this is a long and complex process. Be patient. Plant the seed, build a trusting relationship, and be available to provide information and contacts. Check in periodically, but give the family space and time to make their decision.

Using your role as a professional or peer to connect landowners with information and resources can help protect the tremendous benefit our landscapes provide as well as enable families to meet their personal and financial goals. Incorporating these conversations into your day-to-day work with landowners and using this research and experience as a foundation will help increase the impact of your efforts.

APPENDIX

METHODS

Between 2015 and 2016, we conducted two surveys with private individuals owning 10 or more acres of land in areas of Maine, Massachusetts, New York, and Vermont. We selected two regions in each state that have been described as experiencing or being likely to experience significant housing development over the next 30 years. Each survey was conducted by mail, with an equal number of surveys being sent to both landscapes in each of the four states.

- Maine: Lower Penobscot River and Saco River watersheds
- Massachusetts: Millers River and Westfield River watersheds
- New York: Cortland and Onondaga counties, and Delaware and Greene counties
- Vermont: Orleans and Rutland counties

Each effort involved sending out 2,500 surveys, contacting 5,000 landowners in total. The survey efforts followed readily accepted mail-survey protocols: introductory postcard, survey with letter and self-addressed stamped envelope, reminder postcard, second survey mailing for those who had not yet responded. We had a response rate of 33% for our first survey,

27% for our second. A non-response bias analysis of the data was conducted to ensure that survey respondents were not different from those landowners who did not reply to the survey.

The two surveys were designed to gather information about estate planning and fill in gaps where knowledge about estate planning activities, goals, and intentions had been lacking. The goal of the first survey, conducted in 2015, was to gather information describing the extent of activity these landowners had engaged in with regard to estate planning: Had they planned for the future of their land in the form of a will, a trust, an LLC, an LLP, a family partnership, a corporation, a conservation easement, or a combination of forms? If they hadn't, were they doing so now, or were they planning to do so in the future?

The goal of the second survey, conducted in 2016, was to dig more deeply into plans for the future of the land: intentions to designate future ownership and use, barriers to proceeding with goals, information needs, and estate planning activities already undertaken. For both surveys, we also collected demographics and attitudes, as well as ownership and land characteristics.

Designating Ownership and Use	4-State Region	Maine	Massachusetts	New York	Vermont
Important to designate the future owner	64%	62%	60%	71%	66%
Important to designate the future use	45%	43%	41%	47%	48%
Want to keep all or most of the land in one parcel	65%	62%	59%	69%	71%
Want to keep all or most of the land undeveloped	49%	42%	41%	48%	49%

Goals	4-State Region	Maine	Massachusetts	New York	Vermont
<i>Owning land</i>					
Make no income from the land	77%	72%	83%	79%	74%
Make 1%-10% of their annual income from the land	17%	25%	14%	14%	18%
Make 11%-100% of their annual income from the land	6%	3%	3%	7%	9%
<i>Estate planning</i>					
Concern for future owners	30%	31%	28%	34%	29%
Altruism	30%	32%	27%	30%	31%
Finances	20%	23%	16%	18%	22%
<i>Viewed in the future</i>					
Care what future generations think	51%	57%	44%	52%	54%
Want to leave a positive mark on society	69%	55%	62%	65%	74%

Decision Making	4-State Region	Maine	Massachusetts	New York	Vermont
Properties owned by one or two owners	89%	90%	91%	87%	89%
<i>Number of people making the decision</i>					
• One person	28%	32%	34%	27%	19%
• Two people	49%	50%	41%	49%	55%
• Three or more people	24%	19%	25%	24%	26%
<i>Number of generations involved in the decision</i>					
• One generation	58%	61%	52%	62%	60%
• Two generations	32%	27%	37%	32%	31%
• Three generations	8%	9%	10%	5%	8%
• Four generations	2%	3%	1%	2%	2%

Current Estate Planning	4-State Region	Maine	Massachusetts	New York	Vermont
No formal tools	35%	38%	36%	25%	38%
Will only	42%	43%	38%	52%	37%
Will + trust, LLC, corporation, or CE	24%	19%	26%	23%	24%

Source of the Land	4-State Region	Maine	Massachusetts	New York	Vermont
Landowners inherited the land	18%	18%	20%	20%	15%
Landowners purchased the land	65%	63%	60%	63%	73%
Landowners bought the land from family	14%	12%	15%	17%	13%

Passing It On	4-State Region	Maine	Massachusetts	New York	Vermont
Landowners with children	85%	84%	83%	85%	87%
Landowners with grandchildren	65%	72%	71%	68%	52%
Landowners who know how many they'll designate as new owner(s)	56%	61%	49%	61%	56%

Conservation Easements	4-State Region	Maine	Massachusetts	New York	Vermont
Landowners report having a CE	7%	<1%	13%	3%	8%
Landowners haven't thought about it or thought about it but haven't done it	44%	39%	49%	55%	35%
Would do a 30-year term easement	32%	19%	38%	36%	34%
Would do a permanent easement	40%	28%	44%	41%	43%

Landowner Barriers	4-State Region	Maine	Massachusetts	New York	Vermont
Not ready to act	30%	33%	29%	24%	33%
Need more information	28%	25%	31%	30%	25%
Lack of time	22%	12%	23%	20%	29%
Fairness to heirs	19%	24%	20%	22%	14%
Uncomfortable	5%	2%	5%	4%	7%

Information Needs	4-State Region	Maine	Massachusetts	New York	Vermont
Financial value of the land	27%	27%	38%	23%	20%
Conservation easements/ restrictions	26%	19%	28%	27%	28%
Ecological value of the land	23%	18%	31%	20%	22%
Tax issues	22%	16%	20%	31%	22%
Trust	21%	20%	22%	17%	23%
Will	15%	13%	14%	15%	16%
Ways to work with family	13%	13%	14%	14%	11%
Finding a local professional	11%	12%	15%	9%	9%

Preferred Information Sources	4-State Region	Maine	Massachusetts	New York	Vermont
Mailed material	49%	47%	59%	46%	45%
Meeting with a professional	21%	19%	26%	16%	21%
E-mail/e-newsletter	17%	14%	21%	13%	19%
Internet	15%	11%	20%	12%	15%
Workshop	15%	11%	18%	13%	15%
Other landowners	14%	11%	18%	10%	15%
Seminar	11%	8%	15%	8%	11%

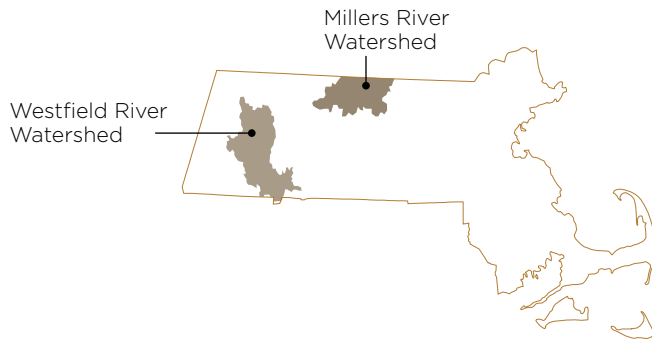
Future Family Owners	4-State Region	Maine	Massachusetts	New York	Vermont
Future owner of the land will likely be family	79%	85%	77%	76%	79%

Maine

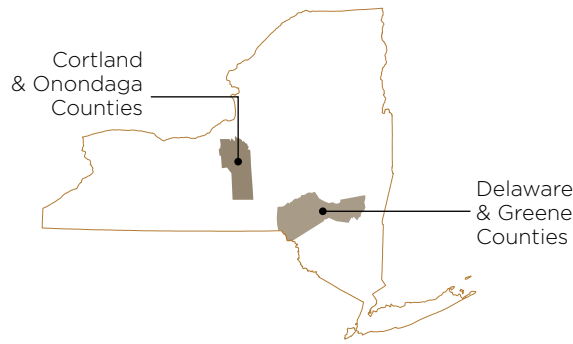


Goal Cluster		4-State Region	ME	LPR	Saco
Concern for future owners	Provide an inheritance to heirs	46%	45%	44%	47%
	Treat heirs fairly	64%	61%	60%	62%
	Give next owner a full range of options	46%	53%	56%	49%
Altruism	Protect the environment and wildlife	74%	77%	85%	70%
	Benefit their community	30%	32%	35%	29%
Finances	Financial security for themselves	29%	35%	35%	34%
	Financial security for heirs	29%	32%	27%	37%

Massachusetts

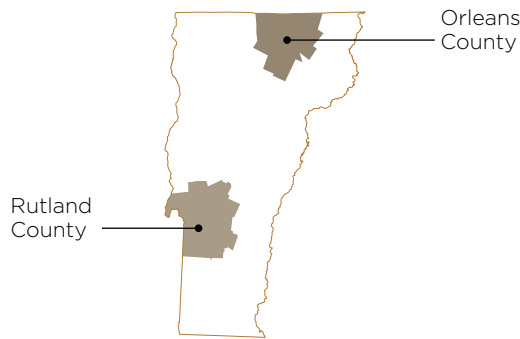


Goal Cluster		4-State Region	MA	Millers	Westfield
Concern for future owners	Provide an inheritance to heirs	46%	46%	42%	50%
	Treat heirs fairly	64%	64%	59%	70%
	Give next owner a full range of options	46%	36%	42%	30%
Altruism	Protect the environment and wildlife	74%	74%	72%	76%
	Benefit their community	30%	27%	26%	28%
Finances	Financial security for themselves	29%	28%	31%	25%
	Financial security for heirs	29%	26%	24%	28%



New York

Goal Cluster		4-State Region	NY	Cortland/Onondaga	Delaware/Greene
Concern for future owners	Provide an inheritance to heirs	46%	47%	35%	59%
	Treat heirs fairly	64%	62%	51%	73%
	Give next owner a full range of options	46%	48%	49%	48%
Altruism	Protect the environment and wildlife	74%	70%	63%	78%
	Benefit their community	30%	31%	25%	37%
Finances	Financial security for themselves	29%	24%	23%	25%
	Financial security for heirs	29%	30%	25%	36%



Vermont

Goal Cluster		4-State Region	VT	Orleans	Rutland
Concern for future owners	Provide an inheritance to heirs	46%	46%	46%	46%
	Treat heirs fairly	64%	67%	63%	71%
	Give next owner a full range of options	46%	47%	46%	47%
Altruism	Protect the environment and wildlife	74%	76%	69%	82%
	Benefit their community	30%	31%	30%	32%
Finances	Financial security for themselves	29%	31%	31%	31%
	Financial security for heirs	29%	29%	29%	28%

Their Land, Their Legacy

A GUIDE TO HELPING INFORM LANDOWNERS' DECISIONS ABOUT THE FUTURE OF THEIR LAND

About this publication

We are in the midst of the biggest intergenerational shift of land that our country has ever seen. Nationally, roughly 2.7 million family forest owners who are over fifty-five years old and reflect 80% of all family forest-owned land will soon be deciding the future ownership and use of their land. In fact, almost one-third of landowners in the Northeast report that they will be making decisions about their land's future ownership and use in the next five years. The result of these decisions (or non-decisions) will determine whether the land is developed, parcelized, conserved, or unchanged.

In order to inform these many landowner decisions, we need to take an all-hands-on-deck approach. We need people who work with landowners in a variety of capacities—such as natural resource professionals, land protection specialists, municipal officials, community leaders, and friends—to help inform these critical decisions. This publication is for those of you in these important roles.

The information found in this publication is based on the research findings and outreach experience of a team from the University of Massachusetts Amherst, the University of Maine, the University of Vermont, and Cornell University. Specific information about the research methods of this project and statistics for the individual states can be found in the appendix. The most pertinent findings from this research are described in this guide, along with their implications and suggested applications. The research and lessons learned are relevant to any landscape with characteristics similar to our study region.

