

Conservation Easements: The Land Grab That Must Be Stopped

✘ by Tom DeWeese

February 14, 2025

President Trump is surging at full speed to expose and stop the deep state's drive to destroy the American culture of free enterprise, private property, and limited government. For over three decades climate change and environmental protection have led the lies to trick Americans into voluntarily surrendering their liberties. American farmland has been, and continues to be, one of the leading targets in the agenda as more and more land is being subjected to eminent domain takings by private developers.

However, there are self-appointed heroes rushing to the farmer's rescue. Private non-governmental land trusts are pouncing on farmers to assure their land can be saved and protected – to be farmland forever! Their tool of choice? Conservation Easements! Say proponents, “A conservation easement is a voluntary perpetual agreement that restricts non-agricultural uses such as mining and large scale residential and commercial development.” They boldly promote the easements by promising that “the landowner continues to own, live on, and use the land.” They even promise that the land can be passed down to heirs, along with generous tax credits. What's not to like? Desperate farmers are flocking to the pitchman's wagon to buy his life-saving potion.

All a farmer must do, promise the land trusts, is sign such an easement controlled by them, and no developer can ever take their land. If it were politically correct to do so, one might

actually hear “God Bless America” playing in the background as the promises to save the family farm roll off the land trust’s pitchman’s tongue. However, as H.L Mencken once warned, “A plan to save humanity is almost always a false front for the urge to rule.” Or, as another famous pitchman, P.T Barnum, once said, “There’s a sucker born every minute.” Farmers beware the slick talker who has the answers to your woes. His answers may well be your demise – and your farm’s. It’s wise to read the fine print of a conservation easement agreement.

Here are some facts. In a typical conservation easement, the private land trust purchases some or all, of the property owner’s rights to control the land. That gives the land trust the ability to overrule the owner’s choice of how to use the property, including banning new buildings or even renovating old ones. It may also include controlling which fields may be used to plant or even dictating which crops can be grown and how they are grown. This comes from the environmental protection agenda every land trust follows. “Sustainable” is the rule over every decision. It all comes about because once the farmer signs the easement “in perpetuity,” making the easement in control “forever,” the owner’s rights are legally subservient to his new partner – the land trust.

Before signing any conservation easement, the property owner must ask some very specific questions and had better get some satisfactory answers from the land trust or run in the opposite direction!

Here’s the first question. If the farmer owns the land and doesn’t want to sell, why can’t he just say no and be allowed to live in peace? It’s his land.

The answer is that local governments have fallen into the trap of believing that they are obligated to follow the dictates of appointed boards, non-elected regional councils, and land trusts to create comprehensive development plans to prepare for future growth. That means that future growth can include

the need to install wind and solar farms, carbon capture pipelines, or massive data centers that cover multiple acres of land. Once the comprehensive plan is in place all that's then needed is a signed order for taking by eminent domain. It's all for the common good! Individual property rights no longer count, conservation easement or not.

Second question: Why would the land trust want to pay to control my land? Where did that money come from and what does the land trust get out of the purchase? Conservation easements are a profitable commodity for land trusts. While the farmer must sign one agreement that puts his land in the easement in "perpetuity" meaning forever, such a control does not apply to the land trust. They are free to buy, sell, and trade land trusts with other such organizations, or even with the federal government. Your conservation easement becomes the land trusts profit center.

Third question: If land trusts are concerned with protecting agriculture, then what have they done to alleviate these real pressures of government takings? Nothing. The real purpose of the conservation easement is to act as a tool, first to steal the land and then to push rural residents off their land and into cities to live under the Smart Growth policies in order to control energy use, development, and human populations. That's how the land trusts serve the false climate change agenda.

Conservation Easements are little more than a land grab promoted through scare tactics that farmers are going to lose their land unless they comply. The fact is, if you DO comply, that's when you lose the land. With the conservation easement in place the market value of the land is rendered worthless. There is nothing left to your family, as the easement stays in place forever.

What should honest local governments do to protect farmers and the farming industry? Conservation Easements should not be

issued in perpetuity – forever. Instead, if issued at all, they should come with some form of opt-out for either party – perhaps after a period of five years. In that amount of time, the property owner can fully test to see if it is a desirable situation or not. If not, the farmer regains complete control of his property.

Above all, the main consideration under any such policy must be that private property ownership and its inherent rights are not negated or sacrificed. Private property rights are the most important of all American rights. Without the right to stand on our own property, it is very difficult to declare our first, second, or even 4th amendment rights.

As rancher Wayne Hage famously said when the Bureau of Land Management (BLM) waged war on his property rights, “Either you have the right to own and control private property or you are property.”

Finally, some action is being taken to stop the theft. President Donald Trump signed a memorandum on February 6th ordering a review of funding to nongovernmental organizations (NGOs) that receive money from federal agencies. That must include the practices of land trusts and their conservation easements. President Trump is determined to protect the rights of all Americans in the face of a deep state that seeks to destroy and control us.

Appropriately, some state legislatures are finally beginning to take action to protect farmers. In Montana, State Senator Tony Tezak filed Senate Bill 209 limiting the term for conservation easements in his state so that no easement could be taken “in perpetuity.” Specifically, section 4 of the bill stated “Conservation Easements may be granted for a term of not less than 15 years and no more than 40 years. That would give all parties, including landowners, plenty of time to decide if it was a workable plan. If not, they could pull out to protect the family’s ownership and control.

However, the bill was pulled by Senator Tezak after the land trusts rushed into the legislative hearing to declare that the bill would damage property rights. Some property owners have been misdirected to believe the land trusts are their friends and stood with them in opposition to the bill. That's an interesting tact considering that it's the conservation easements that are the true threat. Local government representatives must be aware of the relentless drive by these green forces. They refuse to back down.

No matter, the Montana bill was well written and offered a reasonable approach to the easement threat. It should still serve as model legislation for other states to follow. But to succeed in protecting property rights they've got to have a strong backbone to stand up to the power of the land trusts.

I have been engaged in this battle for more than 40 years. I have held the hands and shared the tears of a lot of Americans who were victims of these and other oppressive government policies and determined NGO groups. A property owner who wants to conserve his land should not be punished by the very program he sought to help him protect it.

© 2025 Tom DeWeese – All Rights Reserved

E-Mail Tom DeWeese: contact@americanpolicy.org