

Trail Protection Easements Part I: What Are They and Why Should Landowners Want One?

By Dot Moyer for Equine Land Conservation Resource

This article is part one of a three-part series of articles by Dot Moyer on trail easements.

A trail protection easement is a legal grant by a landowner to a trail association, conservation group, neighborhood association or some other entity permitting the use of designated trail(s) on their property. The easement can have many different conditions and restrictions, but its main purpose is to protect the trail and access to permitted people/organizations from being arbitrarily closed in the future. This article explores the benefits to landowners of protecting their trails with an easement.

Easements are legal documents governed by state law. This article is not intended to provide legal advice or imply that any examples given would work under all state laws.

Obtain professional legal advice about relevant state laws and appropriate documentation.

Note: Before you start talking about trail protection easements with landowners, understand that that is the culmination, not the beginning, of the discussion. There must first be a community of perceived interest, trust among stakeholders and a functioning organization to hold the easement. Building a solid foundation is essential to eventual success in obtaining landowner support. While some equestrian developments include easements as they develop, most areas will need to create their system from a patchwork of individual properties and will need to organize to do so. There are many resources to help with the creation of trail organizations on the Equine Land Conservation Resource website at www.elcr.org.

Assuming you have a functional group that is ready to start a trail protection program, why should landowners want to participate? Well, as a landowner with easements on all my trails, it turns out that trail protection easements provide many benefits for landowners, including

- A rare and valuable amenity like an easement-protected trail system dramatically increases property value and marketability. This applies to both equestrian and non-equestrian properties. In my area, appraisers have estimated an approximate 30% increase in land values. Realtors report buyers really want to be “on the trails” and are willing to pay for that access. Property in the most protected trail areas is the most valuable.
- Trail protection easements provide land use stability and protect the integrity of the trail system for the future. This attracts equestrian usage to “grow” into contiguous areas, increasing equestrian recreational opportunities—and value.
- Easement-protected trails assure landowners’ use of trails outside of their own property boundaries, making all connecting properties more desirable. Comparing trails to a golf course, who wants to play only on the hole they adjoin when everyone can play on the whole course if they cooperate? (That analogy persuaded a non-horseman developer creating an

equestrian community who did not understand why owners would want to share when they already had their 20 acres to ride on.)

- Landowners in my home trail system with easement-protected trails have reciprocal membership rights with another local system, giving them otherwise unavailable riding opportunities. Networks of “sister” systems can provide great benefits to landowners personally and as an amenity to their land.
- Protected trails strengthen a trail organization’s ability to create stability and certainty in planning trail investments and expansion, which benefits all users. Designing the system around protected trails helps the trail organization persuade other landowners to protect their trails to access these benefits.
- Buyers WANT trails under easement. They are looking for stability and protection in making a big investment. Even non-riding landowners protect trails because they want to keep the character, open space and bucolic rural environment of the area for their quality of life. (In my home trail system 75% of landowners do not ride!)

In addition to the benefit to landowners, everyone in the community benefits from a vibrant horse culture:

- Horses need land, and, like farming, properly sized horse farms promote low density and open space.
- If the trails disappear, many horse people will move, and their large acreage will be desirable for more intense development. Protected trails will help maintain equestrian and rural usage.
- Children (and everyone else) benefit from access to horses and farms.
- Our Horses Mean Business!! According to the American Horse Council’s 2017 Economic Impact Study, the equine industry in the U.S. generates approximately \$122 billion in total economic impact, provides a total employment impact of 1.74 million, and generates \$79 billion in total salaries, wages and benefits. Other economic benefits include tourism, events and the production of agricultural products. Equestrian farms directly support the local agricultural economy, family farms and rural life.
- Low population density reduces the local cost of community services to residents, resulting in lower taxes while providing a stable tax base.
- Without equestrian use, property will be subdivided for high-density development, with the sprawl, traffic and higher taxes many areas are experiencing from open space loss.

And, of course, the most important reason of all: the future. No Land, No Horse. Protecting land for the future protects the horse community and equestrian recreation, rural land conservation and a disappearing way of life. It helps preserve our communities.

Landowners can’t control everything, but protecting our own land is something we each CAN do. Preserving our trails with easements is an important step to success and is a win-win for everyone.

Dot Moyer is a Past President of Foothills Equestrian Trails Association and served as Chair of its Easements and Trails Committees. She currently sits on the Board of Directors of Equine Land Conservation Resource.

Related Articles

[Successful Trail Organization Models to Protect Endangered Trails : ELCR](https://elcr.org/wp-content/uploads/2014/08/Getting-Organized.pdf)
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[Support Your Trail System by Developing a Trail Organization : ELCR](#)

[How to Create & Sustain a Private Trail System : ELCR](#)

[Webcast: How to Create & Sustain a Private Trail System : ELCR](#)

[Private Equestrian Trail Systems: Viable Options for Fragmented Landscapes : ELCR](#)

[Assuring Equestrian Access: Easements Assure Access to Equestrian Haven in North Carolina : ELCR](#)

[Equine Trail Easements: The Good, the Bad and the Muddy : ELCR](#)