



# Recreational Use of Conserved Land

Allow the public to enjoy conserved land without risking your organization

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## Community Use of Conserved Land

People kayak, mountain bike, rock climb, hike, and enjoy all of the beauty and benefits the land has to offer. These activities help families bond and communities thrive by providing a natural setting that enhances their quality of life.

Although opening the land for recreational use is a great way for the public to engage with the conserved land, it can leave your land trust exposed to a range of risks. Below are some of the activities community members can enjoy on conserved land, the related exposures your organization may face, and insurance solutions that can protect your conservation organization from the various associated risks.

## Public Access to Fee Simple Properties

Opening land trust or conservancy property to the general public can cause consternation amongst board members and staff. What happens if someone is injured on the property? Could your organization be held liable?

To encourage public use of conserved or privately-owned land, states have enacted recreational use statutes that provide liability protections to landowners who allow the public to use their property for recreational purposes free of charge. Each state has its own variation, and although the statutes have proven useful in the defense of landowners, they are not ironclad and ultimately cannot prevent a lawsuit from being filed.

## **High-Risk Activities Such as Mountain Biking, Rock Climbing, Camping, Canoeing, Kayaking, and Hunting**

Opening land to the public can be worrying even if use is limited to lower-risk activities. When the terrain and land's natural features encourage more dangerous activities, a landowner may be even more hesitant to grant access. Adding to your exposure, many general liability policies will not allow for activities at height (climbing) or on water (canoeing or kayaking). Even when recreational use statutes apply, there is typically a clause reintroducing liability if gross negligence is involved.

## **Conservation Easement Properties**

Even if your organization is only the easement holder and not the landowner, you may still have exposure if the parcels are publicly accessible. An injured party can name an easement holder in a lawsuit, claiming they neglected to properly monitor the property and therefore missed a hazard that led to an injury. Unfortunately, many general liability policies only account for owned parcels, not easements.

## **Conserve-A-Nation® Solutions**

Opening your land for public recreational use is a manageable risk with the right insurance program in place. Let the Conserve-A-Nation team find the right coverage for you. Our program offers:

- A claims team that is familiar with and has experience invoking recreational use statutes as applicable in your state(s).
- A general liability policy that allows for all manner of recreational use activities without exclusions for rock climbing or water sports.
- Additional limits available in the form of an umbrella/excess policy can ensure that your organization's coverage extends to these risks.
- Easement acreage affirmatively accounted for on the general liability policy, which will respond and defend in the event of an injury on easement parcels.

**About Conserve-A-Nation**

Founded in 1994, Alliant's Conserve-A-Nation Insurance Program is the leading insurance solution for land trusts and other 501(c)3 conservation organizations nationwide. Conserve-A-Nation is proud to be the endorsed insurance partner of the Land Trust Alliance. We work with 1,500 local, regional, and national non-profits across the country. Our team's sole focus lies on understanding and protecting our conservation mission. We are dedicated to understanding relevant and applicable liability protection statutes, we stay current on conservation industry trends, and we have deep experience with common risks and exposures that land trusts and other conservation non-profits face every day.

**About Alliant Insurance Services**

Alliant Insurance Services is one of the nation's leading and fastest growing distributors of diversified insurance products and services. In the face of increasing complexity, our approach is simple: bring on the best people and invest more deeply in the industries and clients we serve. We operate through a network of specialized national platforms and regional offices to offer a comprehensive portfolio of services to our clients. Our goal is to ensure that they get the most innovative products—and innovative thinking—in the industry.

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