

# PECONIC LAND TRUST



## CONSERVATION EASEMENT Q & A

### **What is a conservation easement?**

A conservation easement is a voluntary agreement between a landowner and a conservation organization, such as the Peconic Land Trust, or a governmental agency, that restricts the use of land in perpetuity. As such, easements convey a portion of a property owner's "bundle of rights" to a qualified recipient. For example, a landowner may be restricted from subdividing, building, or otherwise altering his/her property in a specified manner. Such restrictions may protect significant natural, open space, and/or historical features of the property.

### **When property changes ownership, do the easement restrictions still apply?**

A conservation easement restricts the use of land in perpetuity. As ownership of the protected property changes, it remains subject to the restrictions of the easement.

### **What are the restrictions on the property?**

Each conservation easement is tailored specifically for the individual parcel of land. Baseline research has been conducted to determine the attributes of the property that need to be protected. The Deed of Conservation Easement will describe permitted and prohibited uses of the property. (Learn more about the [Procedures for Donating a Conservation Easement](#).)

### **Does a conservation easement mean public access?**

Since property protected by a conservation easement is retained in private ownership, easements do not normally permit public access. The public has no more right to trespass on land covered by an easement than on any other private property, unless the owner is willing to permit such access.

### **Can a conservation easement be changed?**

For a variety of reasons landowners may request changes to existing conservation easements. The Trust will only consider amendments that will not alter the conservation purposes of the original easement, and will conform to the easement amendment section of the conservation easement. In addition, an easement amendment should strengthen the conservation purpose of the easement.

### **Will the Peconic Land Trust monitor the property?**

The easement is conveyed by the landowner with the provision that the recipient, such as the Peconic Land Trust, will assume long-term responsibility for the monitoring and enforcement of the easement and its restrictions. The Peconic Land Trust will monitor

the protected property at least once a year to ensure that there have been no violations of the imposed restrictions. Monitoring includes a physical inspection of the property along with photographs to document the condition of the property. If an easement violation has occurred, the monitoring agency is bound by law to take steps to rectify the problem. (Learn more about the Peconic Land Trust's [Stewardship Program](#).)

**Is there a national land trust organization?**

Founded in 1982, the Land Trust Alliance (LTA), the national membership organization of land trusts, provides leadership, information skills and resources to its 1,227 local, regional and national land trusts across the nation. We encourage you to visit LTA's website at [www.lta.org](http://www.lta.org).