



Department of
Environmental
Conservation

Conservation Easements: Overview of Program

APA Board Meeting Presentation
Kramer Kwaczala - Forester 2, Conservation Easements Coordinator
August 13, 2026



Topics Covered Today

- Common Law Easements vs. Conservation Easements
- Department of Environmental Conservation - Easement History
- Department of Environmental Conservation's Program Responsibilities

Common Law Easements vs. Conservation Easements

Common Law Easements

A common law easement is a general legal right to use another's land for a specific purpose without owning fee title.

- Prescriptive or deeded
- Right-of-ways, trail easements, access easements, water rights, etc.
- Easements Appurtenant (attaches to land) vs. Easements in Gross (attaches to a person).



Article 49 Title 3 - Conservation Easements

In 1984, legislation was passed establishing Title 3 of Article 49 – Conservation Easements.

“Conservation easement” means an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in section 49-0301 of this title, provided that no such easement shall be acquired or held by the state which is subject to the provisions of article fourteen of the constitution.



Key Differences between Common Law and Conservation Easements

Common Law/Appurtenant Easements for Conservation Purposes:

- Written to be appurtenant easements ... to directly benefit adjoining State Land. I.e., the neighboring *land* is the beneficiary.

Article 49 Title 3 - Conservation Easements:

- This law recognized that lands contain many rights and these rights could be divided.
- Easement could be held and assigned by parties in perpetuity without the requirement of benefiting adjoining property.
- Allocation Factor – Amended Real Property Tax Law.

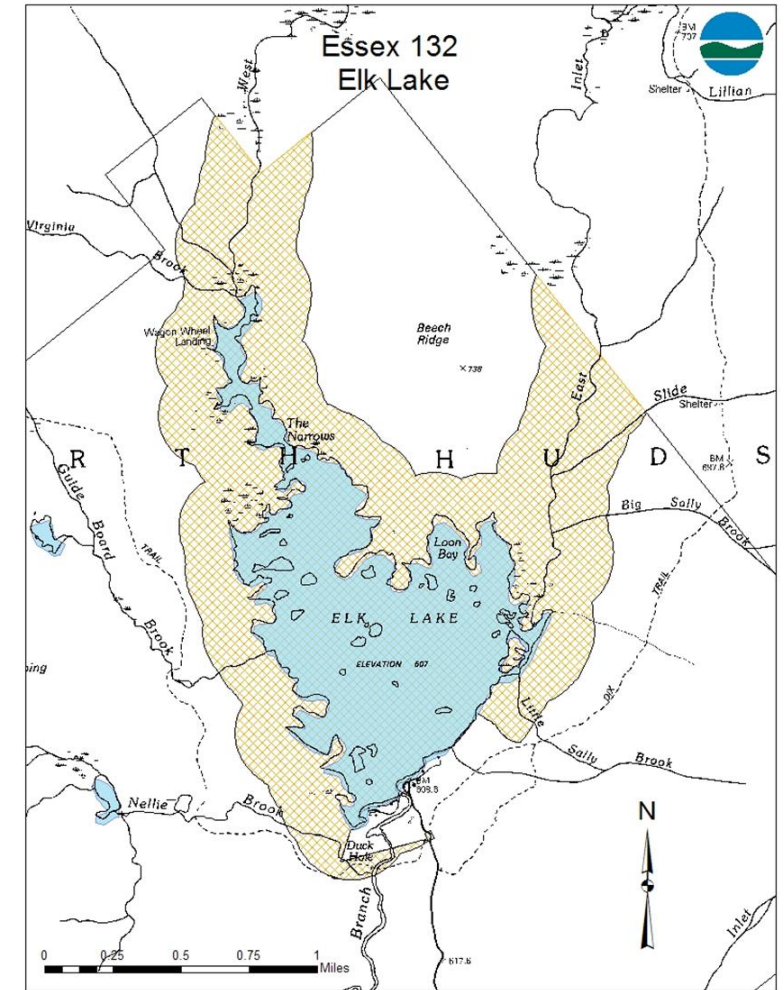
Department of Environmental Conservation's Easement History

New York State Common Law Easements for Conservation Purposes

In 1963, New York State acquired its first common law easement for conservation purposes.

Purposes were to:

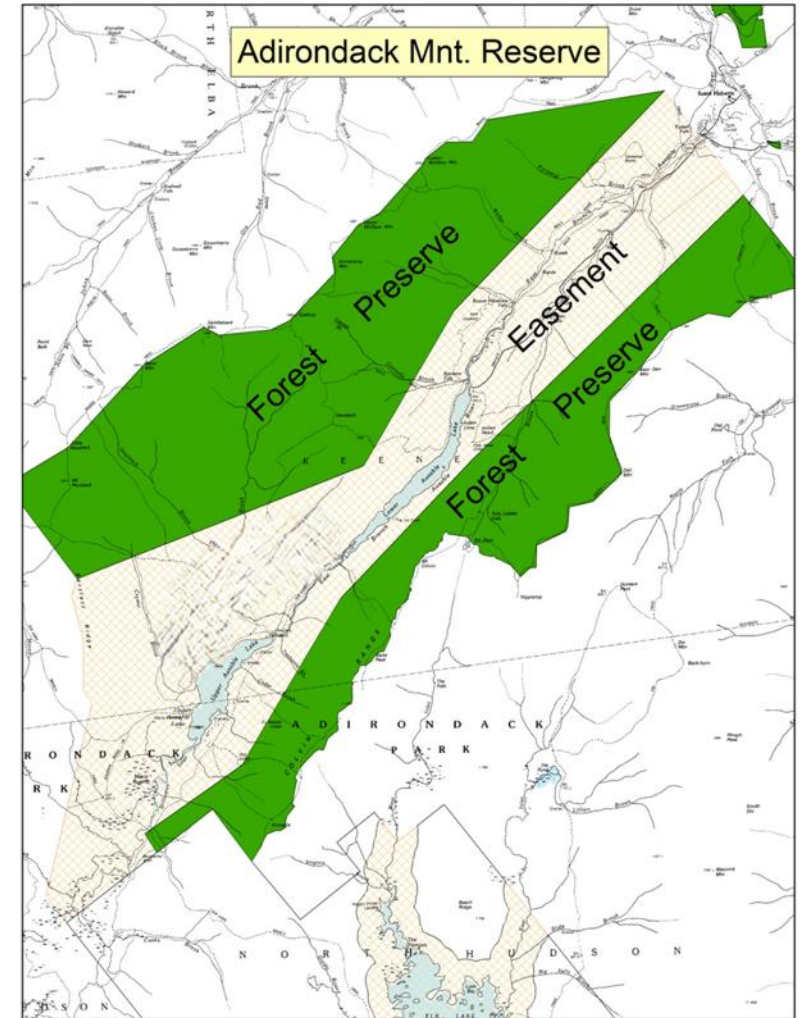
- Restrict development.
- Control Lake level.
- Provide public recreation via hiking trail.
- Provide trailhead parking.



New York State Common Law Easements for Conservation Purposes

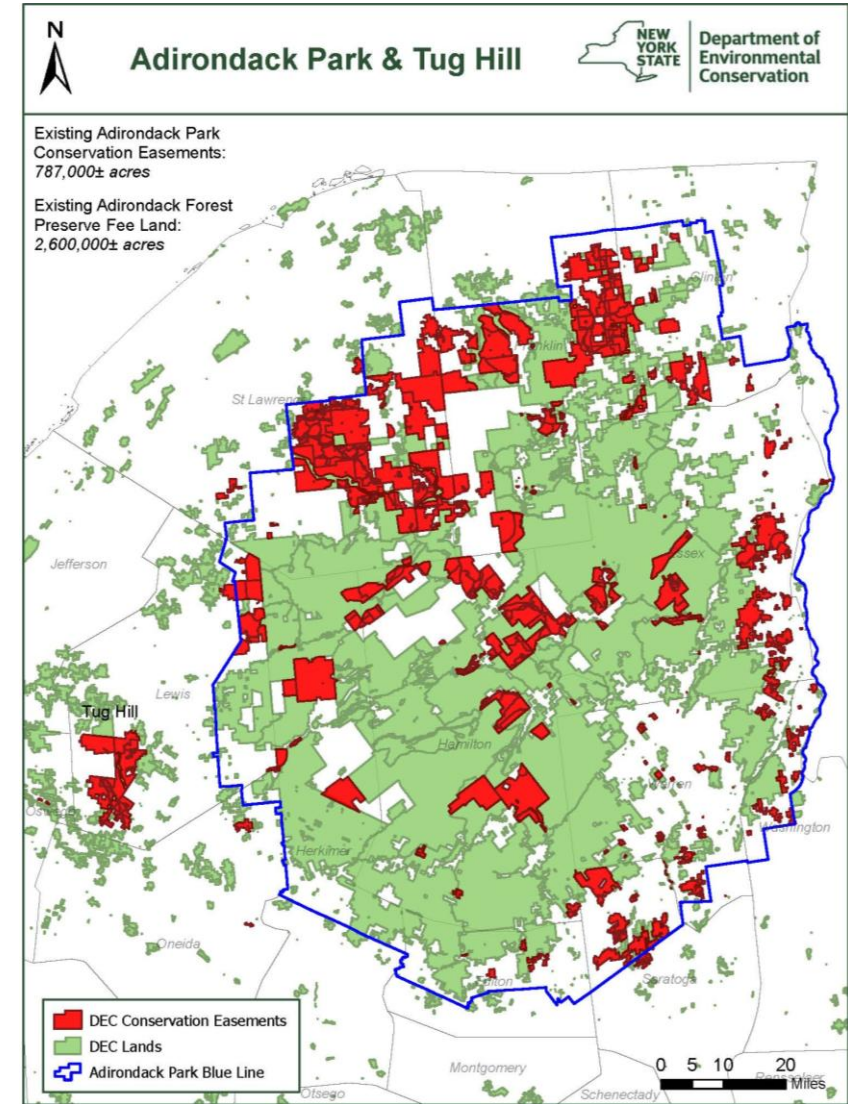
In 1976, New York State acquired an Easement and Forest Preserve from the Adirondack Mountain Reserve.

- Restricted development.
- Hiking trailheads and trails.



Article 49 – Conservation Easements

- 1984: ~21,000 acres
- 1990: ~ 61,000 acres
- 2000: ~ 274,000 acres
- Today: ~ 945,000 acres
 - 787,000 CE acres in DEC Regions 5 and 6



Conservation Easement Program Management: DEC and Landowner Partnership

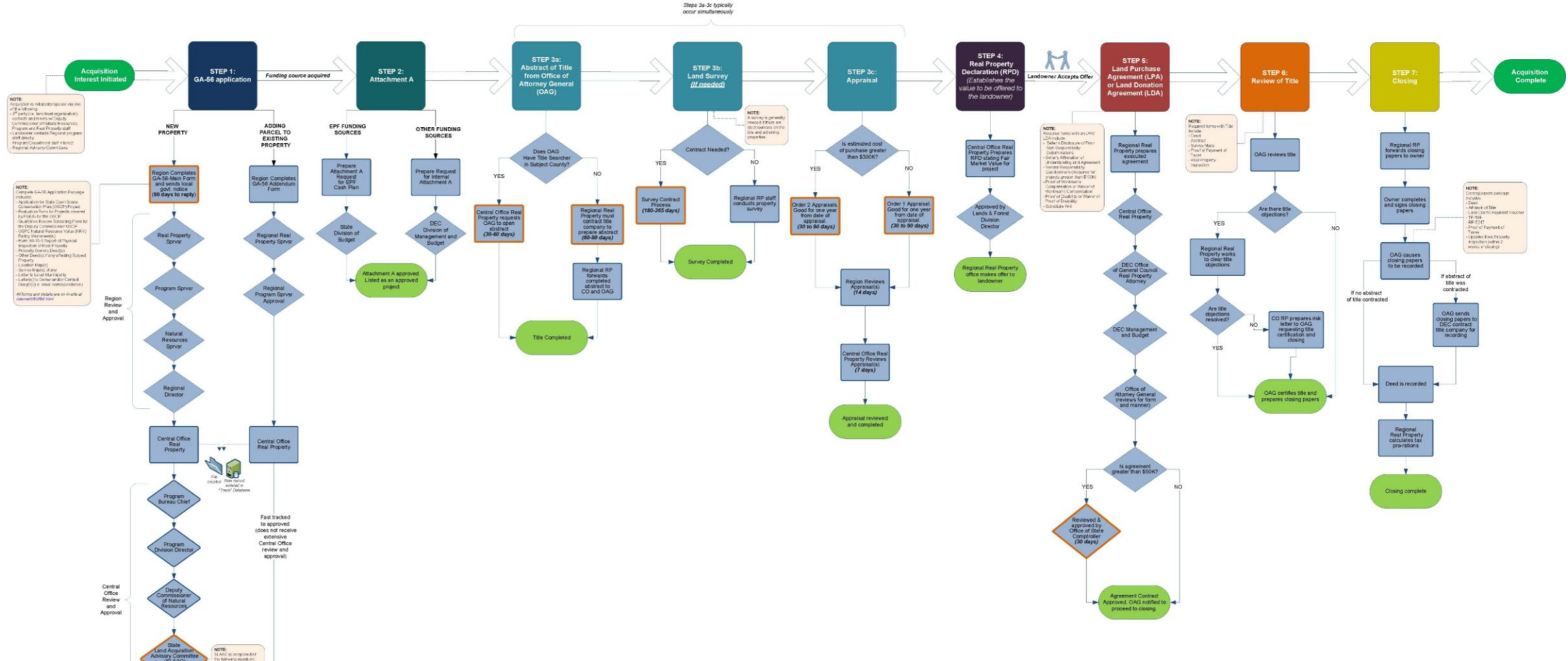
Acquisition/Negotiation Process

Development of the CE (deed)

- Establish purpose and goals
- Negotiate the rights NYS will acquire and that the owner retains
 - If Public Recreation Rights are acquired – an Interim Recreation Management Plan (IRMP) is required
- Prior to closing of the CE, finalize a Baseline Document Report (Baseline)
- Establish an allocation factor based on the terms of the CE and related appraisals

Acquisition/Negotiation Process

Real Property Land Acquisition Process



Acquisition/Negotiation Process

Public Recreation Rights (Grantee's Affirmative Rights)

- Non-motorized (hiking, camping, hunting, etc.)
- Motorized (snowmobiles, motor vehicles, etc.)

Sustainable Forestry and Timber Harvest - Landowner/grantor must comply with either a:

1. Forest Management Plan, or
2. Third-Party Certification Program:
 - a) Forest Stewardship Council (FSC), or
 - b) Sustainable Forest Initiative (SFI) Forest



Recreation Management

- Recreation Management Plan (RMP) Development
 - Plan development based on public recreation rights acquired
 - RMP planning is a public process
 - Within the Adirondacks – MOU with APA (new use and development)
- RMP implementation
 - Development of recreational facilities
 - Maintenance
- Working with Stakeholders
 - Adirondack Park Agency, Landowners, the public, etc.
 - Cost share



Conservation Easement Management: A DEC/Landowner Partnership

Monitoring and Compliance:

After the CE is recorded, DEC staff then have a responsibility to monitor and ensure compliance based on the baseline.

- For example, there are 1,200 camps on CE properties in Region 5 alone
- This also includes natural resource monitoring

 NEW YORK State Department of Environmental Conservation
Division of Lands and Forests
(rev. 090120)

CONSERVATION EASEMENT INSPECTION REPORT

CONSERVATION EASEMENT INFORMATION		
Easement Name:	Project No.	Region:
Town:	County:	
Landowner:		
Landowner's Address:		
Land Management Company (if other than landowner):		
Land Management Company Address:		
INSPECTION INFORMATION		
Reason(s) for inspection:		
Notifications (Landowner present or via letter):		
Inspection Date:	Inspectors:	
Date of Previous Inspection:	Inspectors:	
INSPECTION DETAILS (check box if applicable)		
• Forest Management ☐ Comments:		
• Roads ☐ Comments:		
• Camps ☐ Comments:		
• Gravel pits ☐ Comments:		
• Other ☐ Comments:		
Observations & Conclusions:		

Questions?

Contact Information:

Kramer Kwaczala
Forester 2, Conservation Easements Coordinator
Kramer.Kwaczala@dec.ny.gov
625 Broadway, Albany NY 12230



Department of Environmental Conservation