SESSION TITLE : Easements and Rights of Way

CONVENER(S): Andrea Ketchmark

PARTICIPANTS: N/A

SUMMARY OF DISCUSSION, CONCLUSIONS and/or RECOMMENDATIONS:
Discussion topics included easement options, challenges, benefits/downsides to the landowner and easement holder, tracking and monitoring, enforcement, what considerations for renewable energy development are we concerned about, establishing easement standards (language, minimum widths, etc.), landowner relationships and negotiation.

The big question was where do easements fit in to the range of trail protection options. The group had a range of knowledge, bringing to light the need for more training and resources for some organizations and the opportunity for guidance that other, more experienced organizations can offer. There was interest in getting more in depth on the details of data collection but there was no time and it should be a smaller group to work through – could be a topic for another workshop.

Challenges:

- Proper recording
- Systematic monitoring
- Cost of easement and cost of monitoring
- Staff time needed for tracking and monitoring
- Landowner turnover
- Dealing with violations
- Difficult to have continuous momentum with enforcement
- Confusion of enforcement no matter who holds the easement

Suggestions:

- Utilize legal counsel – look within your association for help
- Easements can be beneficial on agricultural land
- Build permissions into easement to move trail if needed
- Add land owner info to GIS database if possible
- Build relationships with your landowners through your volunteers and local staff
- Use certified surveyors
- Build buffer zones into conservation easements for the trail.
- Use a collaborative effort in enforcement – no one heavy hand
- You can negotiate the easements and then transfer to local land trusts and state/local partners
- Work with developers from the start to include the trail in new development
- Remember easements are only one option in the toolkit. Get to know your options.
- Look to the Land Trust Alliance for guidance

RECOMMENDATION for PNTS ACTION:

Put together an online toolbox of resources for easement guidance/templates. NCTA is currently working on a similar project. Consider PNTS and NCTA working together to develop.