Conservation Easement Stewardship: A Guide for Landowners
Introduction

Land conservation has a special place in New Hampshire. The mosaic of properties that have been protected across the state provide many benefits, including clean water, wildlife habitat, economic health, productive working lands, and outdoor recreation.

For individual landowners, their land may hold a number of values— a quiet getaway, a source of timber, a place to hunt, a part of their family’s history, as well as a financial asset. Conservation easements (CEs) are one of the most effective means available to conserve and protect the resources they value for future generations while maintaining private ownership.

We have prepared this handbook to:

- Answer questions you may have about conservation easements,
- Help you understand your rights and responsibilities as the owner of a conserved Property,
- Outline the role of and assistance available from the Conservation Land Stewardship Program (CLS), and
- Foster a partnership with open communications.

Caring for a conserved Property can be a complicated undertaking. There are a number of necessary obligations and important actions required on the part of both the landowners and CLS staff to ensure successful easement stewardship. Most important are open communication and an ethical commitment to ongoing protection of the land in accordance with the terms of the easement.

Every Property and conservation easement is unique, so this guide serves only as a general overview. We hope you find it helpful and we welcome your questions and feedback. Thank you for working with us in our efforts to conserve the New Hampshire landscape.

Merrimack County Extension Forester Tim Fleury on the left talking with Canterbury landowner, Ned Therrien

What is stewardship?

For the landowner:
Sustainable use (including conservation) of natural resources, taking into consideration the interests of society today, future generations, and other species, as well as private needs.

For CLS:
The ethical and legal duty to monitor and enforce a conservation easement in perpetuity. When the State agrees to hold an easement it takes on a “stewardship” responsibility of the Property, in perpetuity.
About the Conservation Land Stewardship Program (CLS)

The name of the program was changed from the Land Conservation Investment Program (LCIP) to the Conservation Land Stewardship Program (CLS) in 2002 to reflect the change in focus from purchasing new land to stewarding conserved land. The LCIP, along with its private partner the Trust for New Hampshire Lands, protected just over 100,000 acres of land across New Hampshire between 1986 and 1993 utilizing funds appropriated by the State legislature and Governor. Beginning in 1994 the LCIP transitioned to solely a stewardship and monitoring program. CLS directly oversees the state-held conservation easements on behalf of three state agencies: Fish and Game Department; Department of Natural and Cultural Resources; and the Department of Agriculture, Markets and Food. CLS also monitors non-LCIP properties for state agencies through contracts and memoranda of understanding. Additionally, CLS supports and maintains an interest in the properties protected by the 78 municipalities that participated in the LCIP program. CLS continues to grow as new conservation easement lands are acquired by, or donated to, the state. CLS has created this guide as a resource specifically for new state-held conservation easement landowners.

The name change from LCIP to CLS also reduces confusion with LCHIP, the New Hampshire Land and Community Heritage Investment Program. (See page 15 for more information.)

Municipal Conservation Easements

While much of our work is monitoring state held easements, a vital component of CLS is providing technical assistance, education, and field support to participating municipalities. Municipalities are responsible for stewardship and monitoring of both CEs and fee-owned conservation parcels acquired through the LCIP. Towns conduct annual monitoring inspections and send copies of their annual reports to CLS. CLS staff are responsible for determining whether municipalities are upholding the terms of the CEs. Staff at CLS attempt to contact each municipality at least annually, and conduct field visits every 4-6 years (more often if needed). CLS staff also meet with local conservation commissions to provide technical assistance and training, and to support municipalities in fulfilling their commitments. CLS staff can provide general guidance for communities with questions about interpreting easement language and other issues that arise during the perpetual life of these conservation properties.

Conservation Easements Are Forever

Good stewardship, regular monitoring, and open communication makes caring for conserved land more enjoyable and less expensive. Together, they can keep a minor problem from becoming a costly mess requiring litigation and are essential components of effective long-term land management and to protecting the conservation values set forth.

Contact Us

New Hampshire Office of Strategic Initiatives
Conservation Land Stewardship Program
www.nh.gov/osi/planning/programs/clsp/
(603) 271-2155
CLS conducts stewardship and monitoring work on over 450 state and municipal-held conservation properties scattered throughout New Hampshire. The majority of these properties are owned and managed by private citizens, others are owned by a variety of businesses and organizations.
What is a Conservation Easement (CE)?

A conservation easement (CE) is a written legal agreement between the landowner ("Grantor") and the Holder of the easement ("Holder"). The Grantor owns and manages the land and the CE provides the Holder the affirmative right to periodically assess the condition of the Property to ensure it is maintained according to the terms of the legal agreement. Property with a CE can be bought, sold and inherited. Every CE is unique, reflecting the special qualities of the land and the interests of the original Grantor, and ensuring the land is permanently protected through all subsequent changes in Property ownership. The CE is tied in perpetuity to the land and binds all future owners to its terms and restrictions.

Many rights come with owning Property, including the rights to manage resources, subdivide, develop, or change how the Property is used. These rights as a whole are often referred to as a ‘bundle of rights’ (see sidebar on right). A CE permanently limits or excludes one or more of the rights in the bundle in order to protect the Property’s important natural or cultural resources or conservation values.

Where state funds were a part of acquiring interest in a Property, such as purchasing a conservation easement, the state also has some rights. One of these affirmative rights is to allow transitory non-commercial pedestrian public access (See Part VI on page 6 for more information.)

The State of New Hampshire is the legal entity that is the “Holder” of each CE. Each CE is assigned to a particular agency which, along with the Charitable Trusts Division of the Department of Justice, has the final responsibility for decision making. CLS works with these agencies to coordinate the annual stewardship and monitoring activities.

What is a ‘Bundle of Rights’?

A bundle of rights is a set of legal rights attached to the ownership of a Property. When a person purchases a Property, he or she buys all the rights previously held by the seller, except those which are reserved or limited in the sale, for example by a conservation easement. The ‘bundle of rights’ can be pictured as a bundle of sticks that can be broken up and given to different parties.

The bundle of rights varies by state; on land without a conservation easement, landowner rights usually include the right to:

- Transfer ownership, either permanently or temporarily, to another qualified party at will (e.g., sell, lease, mortgage, subdivide, grant easements).
- Manage the use of the Property in any means deemed legal within the jurisdiction in which the Property exists (e.g., to farm, conduct forestry, build and improve, excavate, conduct commercial activities).
- Limit who may or may not enter the Property (e.g., rights of way, motorized vehicles, the public).
- Participate in any activities the owner enjoys while on the Property (within the confines of the law).
Anatomy of a Conservation Easement

Every Conservation Easement (CE) deed is unique. Always consult the full CE deed for specific easement terms. The following is a general summary of a typical easement; it does not list all provisions of a CE. The language used in CEs reflects the era when the CE was written; the more recently a CE was established, typically the more detailed the agreement.

I. **Opening:** Identifies Grantor (landowner(s)) and Holder (easement Holder often referred to as “Grantee” in older CEs)

II. **Purposes:** States the major conservation goals and objectives of the easement, as well as the conservation values protected by the CE. If state or local funding was used to purchase the CE or the Property, this section will explain how the goals and objectives of the CE are linked to federal, state or local government objectives for land conservation. This is a defining part of the CE.

III. **Use Limitations:** Outlines activities and land uses that are restricted in order to protect the conservation values of a Property and meet the conservation purposes of the CE. Some use limitations examples include:
   a. Maintain Property as open space. No industrial or commercial activities except agriculture and forestry.
   b. No dwellings.
   c. No dumping of environmentally hazardous materials.
   d. No removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat.
   e. No mining, quarrying, or excavation of rocks, minerals, gravel, sand, topsoil, or other similar materials on the Property.
   f. No subdivision.

IV. **Forestry and Stewardship Planning:** Guides how the Property will be managed, taking into consideration the purposes, use limitations, and reserved rights. Some examples include:
   a. Forestry and wildlife habitat management activities shall be conducted in accordance with a stewardship plan, prepared by a licensed professional forester, a certified wildlife biologist, or other qualified person.
   b. Plans must have been prepared or updated within 10 years of any forestry or wildlife habitat management activity.
   c. Grantor and Holder must meet certain submission and review deadlines.
   d. Plan outlines Grantor/landowner goals and objectives and addresses long-term protection of conservation purposes and values of the CE.

V. **Reserved Rights of Grantor/Landowner:** All conservation easements allow some rights to be retained by the landowner. Some examples include:
   a. Utilities. Right to maintain, repair, and replace existing utilities.
   b. Ponds. Right to create ponds for allowed conservation purposes.
   c. Posting. Right to post against vehicles, against hunting on active livestock fields, or against access to forestland during harvesting.

(See “Public Access” on page 6 and “Exercising Reserved Rights” on page 11 for more information.)
VI. **Affirmative Rights/Obligations of Holder:** The Holder bears responsibility for enforcing the terms of the CE on the protected Property. Some examples of rights and obligations granted to the Holder include:

a. Access to the Property for easement monitoring. The Holder will regularly inspect the Property for compliance with the CE with reasonable notice, in a reasonable manner, and at reasonable times.

b. Dealing with violations of the CE. If the Holder determines the CE has been violated or will be violated, the Holder will notify landowner and give the landowner a defined period of time to stop/cure the violation.

c. Public pedestrian access for non-commercial hunting, fishing, and transitory passive recreational purposes, but no camping or fires. Holder may post the Property against public access in the public interest.

d. Right to post signs identifying the Property as State of New Hampshire easement land.

VII. **Additional Sections:** There are additional sections in almost every CE that are of a more administrative nature and typically include but are not limited to:

a. Notification of Transfer - Grantor agrees to notify the Grantee in writing before the transfer of title to any part of the Property.

b. Benefits and Burdens - The benefits and burdens of owning CE run with the Property and shall be enforceable against all future owners and tenants in perpetuity.

c. Breach of Easement – When a breach of the CE comes to the attention of the Holder, the Holder will notify the Grantor and the Grantor will have an opportunity to correct the issue.

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**Public Access**

CEs purchased with public funds almost universally allow for some level of public access. This access right is typically limited to transitory, pedestrian activities and ordinarily does not extend to bicycles, motorized vehicles, horses, pets, etc. Unless specifically articulated in the CE, there is no right conveyed to members of the public to create or maintain trails, disturb vegetation, stone walls or other features. In some CEs there is specific right granted for a defined trail corridor for pedestrians and / or snowmobiles, and on occasion construction of a limited parking area.

Reserved rights of landowners usually include the right to temporarily close public access for certain activities, for example closing a trail for safety during a timber harvest; however, broadly posting against all access is normally not allowed. If you experience conflict with members of the public concerning access, please contact CLS.

**Sample CE Language:**

The Grantor shall, in accordance with applicable laws and regulations, keep the Property open for pedestrian access, in perpetuity, on and across the Property for low-impact non-commercial recreational activities including but not limited to hunting, fishing, hiking, cross-country skiing, and nature observation. There shall be no overnight camping, motorized access, or construction of fires on the Property by the public. The Holder will cooperate with the Grantor to limit public access and use of the Property if the public use is not consistent with the purposes of this Easement.
Baseline Documentation Report (BDR)

A baseline documentation report (BDR) is created for every CE, as mandated by law. A BDR may be a simple or extensive report. The BDR records the condition of all features on the Property protected or affected by the terms of the CE at the time of the easement’s creation. This record is used to verify changing conditions over time. The BDR consists of text, maps, and photos and is typically reviewed and signed by the originating landowner, easement Holder, and any other party with an interest in the CE. CLS staff may reference the BDR during the monitoring process to identify changes to the Property (natural or manmade). As a landowner exercises reserved rights, changes occur on the land, and monitoring visits are conducted CLS will add descriptions and photos to the Property’s file to create a continual record of the protected Property over time. Each Monitoring Inspection Report also becomes an important datapoint.

Stewardship and Management Planning

Every Property is unique and landowner interests differ widely, but we urge you to consider your land like you would any other important asset. Your first responsibility is to the CE and doing no harm; beyond that you have a number of choices for how you manage your Property. Older CEs may not include robust management plan requirements, while newer CEs can be highly detailed. Almost all easements call for an approved stewardship plan to be in place when management is actively pursued. These long-term plans can range from “leave it alone” to a very hands-on approach; at the very least, they contain a reference to the CE, the landowner’s goals and objectives for the Property, an inventory of the Property, and a timeline of recommendations for reaching the stated goals. Plans are typically valid for a limited period, often 10-15 years, and must be updated at the end of that time. Newer CEs usually outline very specific conditions and requisite approvals for stewardship plans.

If you are new to land management, we recommend beginning by contacting the University of New Hampshire Cooperative Extension. The UNH Cooperative Extension has an office in every county in the state, staffed with knowledgeable people with local expertise. (See page 15 for more information.)

Another excellent resource is Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire. This guide provides practical recommendations for ensuring your forest is healthy and productive. (See page 8 for more information.) The more extensive your management goals are, the more we advocate for bringing in a forester or natural resource consultant to work with you on your plan. The benefits of having a stewardship plan for your Property are many and can include protecting water quality, improving or expanding production of forest products, enhancing wildlife habitat, and ensuring fiscally prudent actions. The process of creating a plan will help you define your desires and objectives for your Property and become better acquainted with your land.
The NH Wildlife Action plan is another great source of information useful in the development of a plan. (See below.) Having a stewardship plan in place may also make you eligible for some government cost-share programs and grants. Below are two informative resources for every New Hampshire landowner.

The 2015 NH Wildlife Action Plan is a blueprint for conserving Species of Greatest Conservation Need (SGCN) and their habitats in New Hampshire. New Hampshire's Plan identifies 169 SGCN, which represent a broad array of wildlife, and it focuses on the 27 habitats that support these species, such as lowland spruce-fir forest, salt marsh, shrublands, warm water lakes and ponds, vernal pools, and many others. Each SGCN and habitat has an individual profile that includes information about the population, threats, and actions needed to conserve these features in New Hampshire. The many actions listed in the Plan include activities like on-the-ground habitat work and research, land conservation, habitat management, collaborating with many conservation partners, and providing public education. It will take active participation by all Granite staters to implement the actions in the Wildlife Action Plan, and the Taking Action for Wildlife program is the best place to start. The complete plan and associated maps and materials can be found at [https://wildlife.state.nh.us/wildlife/wap.html](https://wildlife.state.nh.us/wildlife/wap.html).

The Good Forestry in the Granite State guidebook gives background and practical tips to help woodlot owners take care of their land. It starts by encouraging them to think about what they want for the land and encourages them to develop some objectives, a plan and to work with professionals. Topics covered include forest health, staying safe in the woods, stream crossings, invasive plants, wildlife of greatest conservation need, steep slopes, seeps, cultural resources, forest products, maple sugaring, silviculture (the art and science of growing trees), vernal pools, wildlife habitat, riparian forests (forests along rivers and streams), and much more. A free online version of Good Forestry in the Granite State is available at [www.goodforestry.org](http://www.goodforestry.org). Hard copies of this 225-page guide are sold for $25.00. Ordering information is on the website and at 800-444-8978.
Monitoring Visit

The Holder of a CE, the State of New Hampshire, is legally bound to ensure a Property’s conservation values are protected forever. To meet this obligation, CLS staff will typically monitor your Property once per calendar year and produce a monitoring report documenting any issues and changes to the Property and/or boundary encroachments. The landowner receives a copy of this report. We may revisit a Property multiple times within a year if conditions warrant, e.g., a major management activity is underway, or the landowner requests a visit to review a project plan.

Monitoring provides an ongoing record of the Property’s condition and use over time, establishes a record of stewardship, detects violations early and helps maintain a good relationship between CLS staff and landowners. A monitoring visit is an information gathering event in which CLS staff observe portions of the Property’s interior and boundaries, and document any changes. During most visits we collect GPS information. CLS also collects photo and / or video images during every visit, and satellite and / or aerial imagery are often added back in the office. CLS staff does not typically make determinations or interpret an easement in the field.

CLS staff notifies easement landowners prior to a monitoring visit and landowners are invited, but not required, meet with and /or to accompany staff during the visit. If we cannot connect with you, CLS staff must still visit your Property to fulfill our duties as the CE Holder.

The pre-visit email we send and / or an on-site meeting are both opportunities for the landowner to communicate to CLS any events or activities that have occurred since the last visit, and any that are being contemplated in the future. This is your opportunity to gather information from CLS before putting the proverbial shovel in the ground.

To ensure timely communication, please notify CLS staff of any changes to your contact information as well as your preferred method for our staff to reach you. If you would like us to use an alternate contact, such as a forester, we ask you to send us a written notice. Successful easement stewardship is an ongoing commitment which depends on open communication between you and CLS.

Good communications between landowners and CLS are the most important aspect of our program. You, the landowner, and the State of New Hampshire are partners. You are our best information resource and we strive to be yours. We work closely with the CE Holder agencies to administer the stewardship and monitoring responsibilities. All reports are provided to the CE Holder. If any questions or issues arise out of the monitoring visit we make special note of this to the CE Holder and CLS provides follow through support. Please read your annual monitoring report carefully and contact us immediately with any questions, concerns, or corrections you might have.

A Special Note: The monitoring visit typically lasts 1-2 hours a year and staff never see the whole of the property. You as landowner are responsible for communicating to CLS throughout the rest of the year new activities and / or events that you have conducted, or plan to conduct that were not covered in the regular visit. This enables CLS and the CE Holder to evaluate and confirm whether a given activity or event is in compliance with the purposes and terms of the CE. This kind of communication helps avoid difficult and often costly situations.
While some conservation easements (CEs) cover all land owned by the Holder, other CEs protect only a portion. Every CE document includes a legal description of the protected area, the “Property,” and has a boundary survey recorded at the time the easement is established. A professionally surveyed Property will have its corners marked with permanent survey monuments (e.g., iron pins, drill holes, stone posts). Other information such as surveys of abutting properties, municipal parcel maps, and GIS data can be used to identify boundaries for monitoring and enforcement purposes.

The conservation easement defines the protected “Property” with a capital “P.” This is important when figuring out what land is subject to the CE’s terms and conditions. The CE’s appendix typically includes the metes and bounds of the Property. These bounds should align with a registered survey. Separate tracts, map and lot numbers, or tax bills do not constitute or define a preexisting subdivision.

Knowing the location of your CE boundaries is essential for protecting your Property’s conservation values, conducting monitoring visits, and informing your neighbors and others that your Property is covered by a conservation easement. Placing boundary tags along your easement boundaries is recommended and is a good proactive management tool.

Tags and other markers identifying easement boundaries readily allow current and subsequent landowners—and neighbors—know where the easement borders are and help protect your Property from trespass and third party encroachments. CLS has several varieties of tags and signs available for landowners.

CLS staff may place a limited number of tags on CE boundaries to highlight points of access, Property corners, or places where boundary problems might develop. Only licensed land surveyors can set or alter permanent boundary markers such as iron pins or monuments. A forester can assist a landowner with boundary maintenance, such as repainting blazes if identified as a landowner goal in a stewardship plan.
Exercising Reserved Rights

A typical CE has a few standard reserved rights. Exercising these reserved rights often requires landowners to notify the CE Holder. CLS is most often the conduit for initial communications and can coordinate communications often with our partner agencies. Final decisions about reserved rights or otherwise interpreting the CE lie with the holding agency. In these instances, CLS serves as a liaison and a source of information for the landowner and the agency.

If you are unsure whether notification is necessary, it is always better to check in with CLS before beginning your project. Each CE holding agency has its own processes for reviewing and approving reserved rights, so checking in ahead of time with CLS can save you time and effort.

Every conservation easement is unique. Prior notification gives the CE Holder the opportunity to ensure your planned activity or use is carried out in a way consistent with the terms of your CE. If the described activity is not in compliance, the CE Holder will work with you to refine the plans and protect your Property’s conservation values within the context of the CE.

As a first point of communications CLS recommends landowners provide prior notification to CLS staff. This may be as simple as a phone call or e-mail. If the item appears to warrant more consideration or interpretation, CLS may ask that you fill out and send in an Activity Information Form especially when exercising an activity outside of commonly allowed practices, such as normal forestry or agricultural activities. The form CLS has on file asks for some basic information about the planned activity. CLS can then share the information with appropriate agency partners. With newer CEs there may be very specific requirements that only the agency, not CLS, is authorized to act on. Some activities or events might require review by the Charitable Trusts Division of the Department of Justice.

Using the Activity Information Form helps the landowner and CE Holder more fully understand the scope, scale, and impacts of the activity and ensures the landowner will receive an appropriate written response. For the landowner, the form becomes a written record that should be added to their Property file.

Agriculture or Agritourism?

Most LCIP CEs and earlier CEs in particular, define “Agriculture” very narrowly. Typically, this is described as “ancillary” farm related activities such as PYO fruit, hay rides, etc. That original definition stays with the CE and does not change over time, or change with the addition of new legislation such as that of “Agritourism”. You cannot substitute yesterday’s definition with today’s, and conflict with the purposes and terms of the CE. To avoid difficult and costly situations it is incumbent upon the landowner to communicate new activities and / or events that have occurred between monitoring visits, as well as upcoming plans. In advance of each monitoring visit CLS requests this information from the landowner. If you engage in an activity or event that is not allowed by the CE, that is discovered after the fact, you the landowner remain responsible for any corrective measures that may be required, including the legal fees of the State. “It’s better to beg forgiveness than to ask permission” does not apply to conservation easements. Please contact CLS, we are here to help.
Change in Ownership

Every CE Property will change ownership through the years. To ensure perpetual protection of your land, we advise you to convey to your realtor and prospective new landowners that a CE exists on the Property. It is important that your realtor and the prospective new owner of your Property understand the significance of the easement:

- Why it exists
- How it works
- Specific restrictions and allowances, and
- The CLS’s monitoring protocol.

If CLS has been notified of the sale, the staff will contact the new landowners, introduce the organization, make certain the CE is understood, explain our stewardship program and answer any questions the new owners may have. Establishing contact quickly with new landowners helps minimize potential problems, ensuring continued protection of the Property’s natural resources.

Record Keeping

We strongly recommend keeping track of your Property and all stewardship documentation like any other asset. This information can be especially important to future landowners. Keep a copy of all monitoring reports and let us know if you are planning to transfer legal ownership within your own family, to a real estate trust or a limited liability corporation. We need to maintain records of the correct legal ownership of all our CE properties.

Can a Conservation Easement be Changed or Removed?

No, in general. All CLS CEs are in perpetuity and run with the land. The bar for changing a conservation easement has been set extremely high, and rigorous standards are in place to prevent conservation values being eroded. Typically, amendments are only granted for public safety or public benefit purposes, e.g., straightening a dangerous curve in a road or replacing a failed culvert on a public highway.

In general, amendments to conservation easements are not even considered unless the prospect of amendments is specifically contained in the CE deed or the purpose is to strengthen the CE. Examples that would be favorably considered include adding acreage to a Property or eliminating a reserved right. Any amendment consideration needs agreement from the Holder and is subject to full legal review.

Amendments and terminations are subject to review by the NH Department of Justice (DOJ). The Charitable Trusts Unit of the DOJ developed a guiding document, available on their website, for landowners, ‘Amending or Terminating Conservation Easements: Conforming to State Charitable Trust Requirements.’ Some circumstances might also require consideration of Internal Revenue Service laws and rules.

CE Definitions do not Change with the Times

The terms of a conservation easement are defined at the time the CE is executed. For example, the definition of “agriculture” in a CE remains constant with the statutes that defined the term when the CE was put into place. The definition does not change with the times.
Violations and Enforcement

The best way to avoid most violations is through open, timely, and honest communication. One of our primary goals is to maintain a positive working relationship with landowners and solve problems efficiently and effectively. Due to the individual and unique characteristics of each easement, violations can range from minor, inadvertent infractions like improperly posting bounds, to major issues that violate the specific language of the easement and significantly degrade the protected conservation values. A permitted activity can become a violation if executed improperly. If conservation values have been compromised, it is likely that consideration may be needed for remediation.

“Third party” violations are violations by anyone other than the Grantor and Holder. Third party violations most often come in the form of boundary encroachments. CLS staff will work with landowners to resolve third party issues, but if you discover a violation on your CE property consider notifying appropriate town authorities as the event may have criminal implications. There may be other law enforcement resources available to you as well. For example, State Forest Rangers (through the Division of Forests and Lands) would be able to assist in the event of a timber trespass and a Fish and Game Conservation Officer may be able to help if there has been documented unauthorized ATV use. (See page 15 for more information.) In any event, if you find a third party violation, document it as thoroughly as possible and notify our office immediately. For properties monitored by CLS but with easements held by other state agencies, decisions regarding violations and enforcement actions are made by those agencies in consultation with CLS and the DOJ, as appropriate.

Well marked and maintained boundaries are the best deterrent to third party encroachments.

Please thoroughly read your CE to determine which activities are allowed or prohibited on your Property, and do not hesitate to contact CLS if you need help interpreting the easement. We take all violations very seriously and in most instances will ask for voluntary restoration or reparation. If a resolution is not possible we refer matters to the DOJ for further action; however, it is our goal to communicate and cooperate with easement landowners, and resolve violations without legal action.

Leases

On occasion a Landowner may have an interest in leasing their land to another party. This is most often seen with farming and agricultural activities. We strongly advise you to seek legal counsel when creating any lease, or entering into and legally binding agreement, and that any lease references the conservation easement so the lessee is aware of its existence. It is important to understand that if any problems occur that place the conservation easement out of compliance with the purposes, terms, and conditions, it is the Landowner who is held responsible for correcting any issues and bringing the conservation easement back into compliance.
Conclusion

We welcome you to the conservation community in New Hampshire and look forward to working together with you. Please keep in mind that your actions today may be of critical importance decades from now. We hope the information in this brochure is helpful to you. If you have any questions, please contact us. (CLS’s contact information is available on page 2.)

Thank You to Contributors and Reviewers

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Page 7: Kari Lygren, Moose Mountains Regional Greenways
All others: CLS Staff
Resources Available to Conservation Easement Landowners

University of New Hampshire Cooperative Extension (UNHCE)  extension.unh.edu
UNHCE has an office in every county, staffed with knowledgeable people with local expertise. Agricultural specialists, foresters, wildlife biologists and others are on hand to answer your questions about how to best steward, conserve and protect your land. Find contact information for your local office on the UNHCE website. UNHCE county foresters will visit your property, free of charge, and help you achieve your objectives including sustainable forestry, recreation, enhancing wildlife habitat and water resources, preserving scenic beauty, maximizing income during a harvest, and planning for the future. They are also prepared to share information about a variety of stewardship funding opportunities such as the Taking Action for Wildlife, NH Fish and Game Small Grants, and NRCS Farm Bill Programs including one that may provide financial assistance with developing a stewardship plan.

GRANIT  www.granit.unh.edu
GRANIT is New Hampshire's statewide Geographic Information System (GIS) clearinghouse. Use GRANITView (an online mapping tool) to enhance your stewardship management planning. The data is presented as layers you can add and overlap on a map, allowing you to see what natural and human-made resources border and intersect with your Property. For example some layers available include recreational trails, public lands, wetlands, utility lines, and soil types.

Land & Community Heritage Investment Program (LCHIP)  www.lchip.org/index.php
LCHIP is an independent state authority that makes matching grants to NH communities and non-profits to conserve and preserve New Hampshire's most important natural, cultural and historic resources.

New Hampshire Land Trust Coalition (NHLTC)  nhltc.org/
The NHLTC advocates for land conservation in New Hampshire and organizes workshops, events and other educational opportunities for the public on the values of private land conservation. Their website provides links to a variety of funding sources for land conservation projects.

State Agencies
The state government departments listed below hold conservation easements on land in NH and their websites are very informative about best practices related to conservation, wildlife, and land management.

NH Fish and Game (NH F&G)  www.wildlife.state.nh.us
(603) 271-3421  Guardian of New Hampshire’s fish, wildlife, and marine resources.

NH Division of Forest and Lands  www.nhdfl.org
(603) 271-2214  The Director of the Division of Forest and Lands is responsible for the enforcement of timber harvesting laws under RSA 227:G:3.

NH Department of Agriculture  www.agriculture.nh.gov
(603) 271-3551  Their mission is to support and promote agriculture and serve consumers and business for the benefit of the public health, environment and economy.