



HOW TO REGISTER A CONSERVATION EASEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Introduction

Subsection 49-0305 (4) of New York's Conservation Law states:

An instrument for the purpose of creating, conveying, modifying or terminating a conservation easement shall not be effective unless recorded. A person causing any such document to be so recorded shall forthwith forward a copy thereof to the department, which shall maintain a file of conservation easements.

This means that every New York land trust that accepts or purchases a conservation easement needs to send a copy of the easement to the Department of Environmental Conservation.

Most land trusts have been diligent in registering their easements with DEC, but some have not fully understood that this was their responsibility. With the implementation of the new Conservation Easement Tax Credit, all easements should be registered with DEC as soon as possible. Unless the easement restricting a landowner's property is registered with DEC and assigned a control number, it will be impossible for the landowner to claim the tax credit.

How to register a Conservation Easement with DEC

A conservation easement must be recorded in the county land office before it can be registered with DEC. After the easement is recorded and returned to you with the recording information, make a copy of it and send it to:

NYSDEC
Bureau of Real Property
625 Broadway, 5th Floor
Albany, NY 12233-4256

The folks who maintain the data base very much appreciate it if you include a cover page listing Grantor, Grantee, Liber and Page, location, and the approximate acreage of the easement property.

After receiving the easement, DEC will send you an acknowledgement letter containing a control number that has been assigned to the easement. Be sure to keep this letter on file! The landowner will very likely need to provide this control number to the Department of Taxation and Finance when claiming the tax credit.

If you have questions about registering conservation easements with DEC, contact the Bureau of Real Property at 518-402-9442. You can also contact the Land Trust Alliance Northeast Office at (518) 587-0774 or northeast@lta.org.