

Easement FAQs

How much do easements cost?

The two direct costs associated with acquisition of a new easement are:

- Application Fee: This fee is \$750 and is due once an easement application has been reviewed and accepted by the agency. It is not due at the time the application is submitted.
- Easement Rental: Rental is a one-time cost that is also due once the application has been reviewed and accepted by the agency. Rental is set by the Easement Price Schedule or by property appraisal, as determined by agency staff.

How long will it take to get a new easement?

Typical processing time for new easement applications is 90 days. This depends heavily on the completeness of the application and the responsiveness of the applicant when additional information or surveys are requested.

What studies or surveys are required for a new easement?

All new easements require a surveyed legal description produced by a professional land surveyor. Other studies that may be required are cultural resources (archaeological), paleontological, and biological. The applicant is notified which of these, or other, studies are required once the application has been reviewed by the agency. All required studies or surveys, including their costs, are the responsibility of the applicant.

I have had a road/pipeline/power line running across trust lands for many years. Do I not have a prescriptive right for it?

Easements cannot be acquired by prescriptive rights on trust lands. However, if the facility was constructed prior to the property becoming trust land, there may be federal or state laws granting right of way for those facilities. Evidence of a facility's existence prior to the underlying property becoming trust land should be submitted to the agency. The agency will review the evidence and, if accepted, will issue a document acknowledging the pre-existing right of way.