

Sixteen Steps to Conservation Easement Acquisition

**Documents Provided by
USDA And NCDA&CS
Conservation Programs**

Introduction

- Goal: Promote environmental conservation, water quality and farmland preservation
- Tool: Conservation Easements
- Appendix - 1 (Legal Glossary)

Step One – Landowner Contact

- Landowner meeting to discuss conservation and preservation desires and ideas.
- Encourage landowner to invite children or potential heirs to the discussion.
(Farm Transition Plan)

Step Two - Landowner Questionnaire

- Discuss and complete questionnaire to help landowner identify conservation goals and objectives.
- Appendix - 2 (Landowner Questionnaire)

Step Three – Preliminary Site Visit

- Visit site to evaluate its conservation values and any potential environmental hazards. Encourage the landowner to be present

Step Four – Landowner Plan of Action

- Encourage the landowner to give the cooperating entity a written outline of the project that includes their desires and intent.
- Landowner and cooperating entity develop and accept a plan of action prior to seeking funding.

Step Five – Funding Source

- Complete appropriate request for funding documentation for specific program.
- Cooperating entity needs to be prepared to provide documentation for their business plan.

Step Six – Funding Contract Approval

- Complete appropriate contract between cooperating entities and program funding source.
- Reimbursement for expenditures are not guaranteed until funding contract is completed.

Step Seven – Property Assessment

- Landowner should be notified of site visits
- Complete Baseline Documentation
- Complete Environmental Audit and hazardous materials search
- Appendices - 3 (Hazardous Materials Checklist) and 4 (Baseline Documentation Report)

Step Eight – Project Development

- Prepare and/or update conservation and forest management plans along with project plans
- Review objectives of landowner and funding source with all parties.

Step Nine – Easement Documents Development

- Survey of easement area
- Easement Language
- Appraisal (If required for funding source)
- Title search and preliminary opinion
- Preliminary Title Policy
- Appendices - 5 (Preliminary Title Opinion), 6 (Preliminary Title Commitment) and 7 (Survey)

Step Ten – Finalize the Conservation Easement

- Obtain prior approval from funding source
- Provide draft to owner for review and comment
- Encourage landowner to seek legal and financial representation
- Appendices - 8 (CREP), 9 (ADFP), and 10 (ADFP / FRPP)

Step Eleven – Final Inspection

- Determine that conditions have not changed since baseline report prepared
- Encourage landowner to be present
- Cooperating entity needs to ensure funding source checklist is completed
- Appendices - 11 (ADFP checklist) and 12 (FRPP checklist)

Step Twelve – Closing of Easement Acquisition

- Easement signed before notary public
- Update title to property
- Record easement and survey in local registry

Step Thirteen – Post Closing Documentation

- Recorded copy of easement
- Signed copy of HUD-1 Closing statement
- Final title opinion
- Final title policy
- Appendices - 13 (Settlement Statement / HUD-1), 14 (Final Title Opinion), and 15 (Final Title Policy)

Step Fourteen – Publicity

- Opportunity for all partners involved to get positive PR
- Contact Media
- Contact local newspapers and other conservation and farmland preservation publications

Step Fifteen – Finalize Grant Obligations

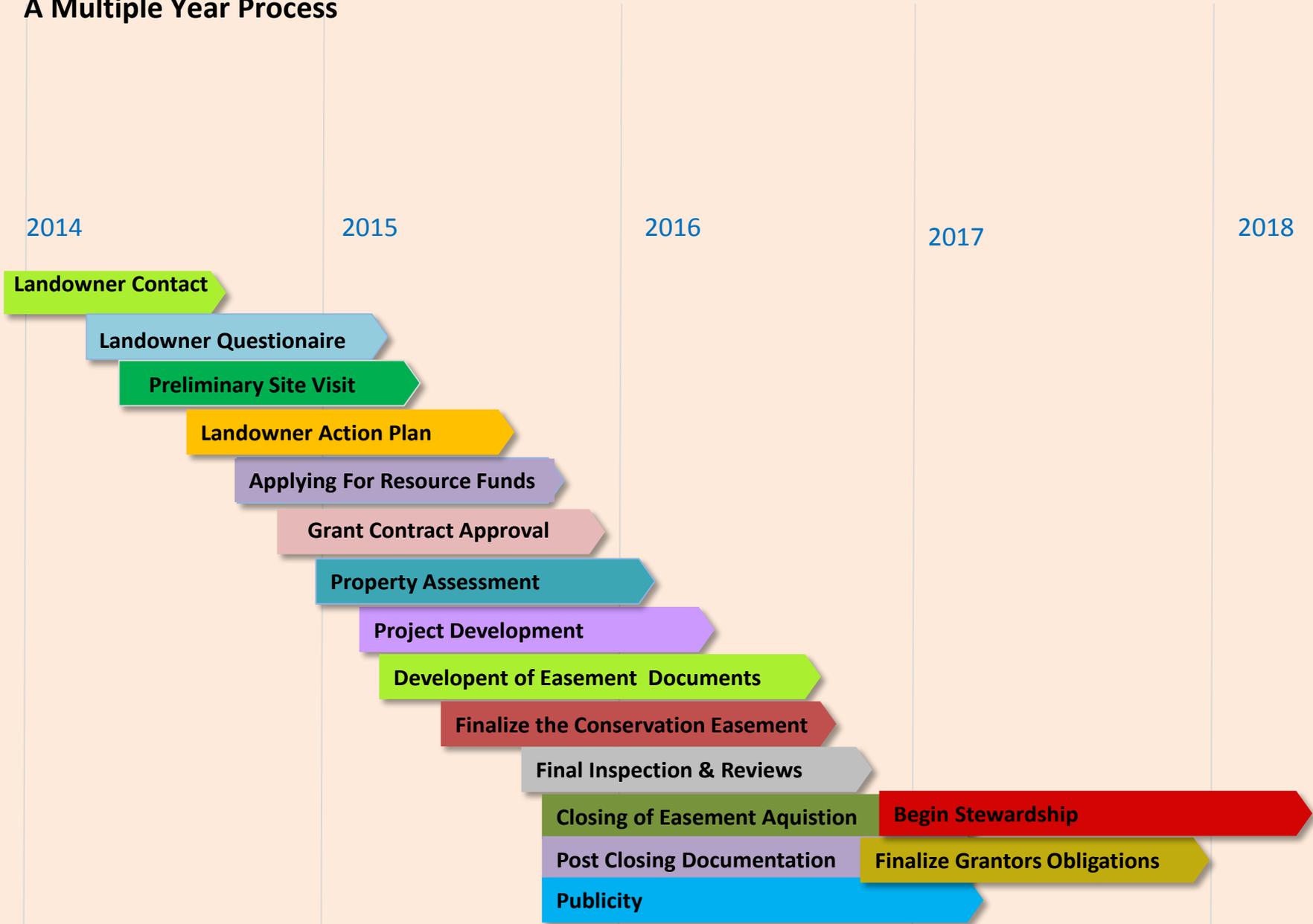
- Ensure all required items are submitted per program checklist.
 - Final Budget Reports
 - Final Progress Reports
 - All Closing Documents

Step Sixteen – Begin Stewardship

- Annual inspection of property
- Encourage landowner to be present
- Discuss compliance with easement
- Maintain positive working relationship with landowner

Conservation Easement Planning

A Multiple Year Process



For More Information

- www.ncadfp.org
- www.ncagr.gov/SWC/costshareprograms/AgWRAP/index.html
- www.nrcs.usda.gov/wps/portal/nrcs/site/nc/home/