

## **Easement Conservation Easement Amendment Policy**

It is the mission of the Watershed Agricultural Council to conserve agricultural land and support the economic viability of agriculture and forestry through the protection of water quality and the promotion of land conservation in the New York City Watershed region. It is the purpose of the Deed of Conservation Easement “to protect the water quality of the New York City watersheds, and to protect agricultural and forestry lands by limiting the form, location, and density of development and promoting good stewardship by the implementation of Whole Farm Plans.”

Therefore, it is the policy of WAC to ensure that any amendment to a WAC conservation easement: 1) be consistent with the conservation purposes of the easement; 2) be consistent with the clause pertaining to “amendments and waivers” in the conservation easement; 3) satisfy the terms of any other clause(s) in the easement relevant to amendments.

### **Council Guidelines**

Amendments to conservation easements will be authorized only under the following terms:

- The Easement Committee shall develop guidelines for considering, reviewing and approving non material and material Amendment requests.
- All material requests, as defined by the NYS Attorney’s General Office, to Amendments, if approved by the Easement Committee, must also be approved by WAC and the NYS Attorney’s General Office.
- In no case will an amendment be allowed that adversely affects the qualification of the easement (under IRS regulations) or under any applicable federal, state, and local laws or regulations, including Issues of private benefit or inurnment.
- Unless waived or reduced by written agreement approved by the Easement Committee, any party requesting a conservation easement amendment shall pay all costs, which may include staff time (direct and indirect costs) and other costs (survey, title services, etc.) for reviewing the request, and for processing the amendment application, regardless of whether the amendment is granted.
- Any market values obtained to determine the value of potential changes to an easement resulting from an amendment must be determined by a New York State certified, independent appraisal at the landowner’s expense.

- Amendments will not be approved in a manner that would jeopardize WAC's tax-exempt status or status as a charitable organization under federal or state law.
- Amendments shall be consistent with the conservation purpose(s) and intent of the easement.
- Amendments shall have a net beneficial or neutral effect on the relevant conservation purposes protected by the easement.
- Amendments shall allow the minimum change necessary to satisfy the purpose of the request.
- Because every property is unique, no decision by WAC with respect to an amendment of a conservation easement shall be deemed to create a precedent with respect to any other request for an amendment.
- WAC may request an additional Conservation Easement Stewardship Fund donation if the nature of the amendment would increase the WAC's stewardship responsibilities. There will be no fees charged to the landowner for corrections due to the WAC's errors or omissions.