

Conservation Easement Stewardship

Agricultural Stewardship Association



When your land is protected with a conservation easement with the Agricultural Stewardship Association (ASA), we commit to the long-term responsibility of upholding your conservation vision for the land.

We take this obligation seriously to ensure that your land stays protected forever.

Like all easement holders, ASA works closely with easement landowners, our partners in conservation, to ensure that activity on your protected property is consistent with the terms of the conservation easement. If ownership of a property changes, ASA works with the new owner to make sure that they understand the terms of the easement and ASA's role.



Below are some answers to often-asked questions. We are always available by phone or email to respond to any questions you may have about the easement or the approval process for various activities. We also will try to assist with resources for land management issues.



WHAT CAN I EXPECT WHEN PROTECTING MY LAND?

As we work on an easement project, ASA prepares a baseline documentation report with maps and photographs that depict the condition of the property at the time the conservation easement was completed. This report helps us track changes over time. Once the land is conserved, ASA will steward your property annually. For more detailed information, please see our "Conservation Easement: A tool for protecting your land" brochure."



WHY DOES ASA NEED TO VISIT MY PROPERTY EACH YEAR?

Once ASA protects a property, we are legally obligated to enforce the terms of the easement. ASA conducts annual site visits, whether on site or aerial flyovers, to view every conserved property we steward. Changes are documented with photos and a written report. Violations of the easement are rare, but when they occur, we first try to work with the landowner to address them. As an easement landowner, you have the responsibility of ensuring the easement terms are upheld.



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WHEN DO THE VISITS OCCUR, AND DO I NEED TO BE PRESENT DURING THE SITE VISIT?

Early in the year, ASA sends out questionnaires to landowners to fill out to help us learn about any recent or planned changes on the property. Before any site visit, ASA gives notice to the landowner by phone, e-mail, or letter and tries to schedule a convenient time to visit the property. Although it is not required, we invite and encourage landowners to walk the property with us and discuss any issues or questions.



WHEN SHOULD I CONTACT ASA ABOUT AN ACTIVITY ON THE LAND?

Landowners should contact ASA before undertaking certain activities on their land. Every farm and every conservation easement is different, so landowners should first review their easement when contemplating a proposed activity on the land. Depending on the easement terms and activity, some projects will require prior notification or approval, while others might be prohibited. We are always available to answer questions, so landowners are encouraged to contact us for peace of mind prior to starting any project to avoid potential conflicts with the easement terms.

Here are a few examples of when to contact ASA:

- When planning to build a permanent structure or expand an existing structure
- When seeking approval for a structure outside of a building area

- When planning large surface alterations (like a new pond or manure storage system)
- When changing any boundary or gifting or selling a deed on your land
- When siting, building, or relocating a reserved house right
- When harvesting trees (except for your own firewood)
- When planning for renewable energy infrastructure
- When experiencing encroachment of third-party impacts
- When not sure if an activity is allowed by the easement



HOW DOES ASA ENFORCE AN EASEMENT?

If a violation of an easement occurs, ASA works with the landowner to find an appropriate resolution. Most violations are minor or technical in nature, but ASA has the ability to pursue legal action to enforce or defend the easement if the need arises. ASA is obligated to uphold the terms of the conservation easement. All costs associated with easement defense and remediation of the violation would be the responsibility of the landowner. Open communication between the landowner and ASA is vital.



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HOW DOES ASA DEFEND AN EASEMENT?

For every easement we accept, funds are set aside in an investment account that covers the expenses to steward, defend, and if necessary enforce an easement. The funding is provided through donations and grants. ASA accepts donations to our stewardship fund at www.agstewardship.org/get-involved/donate-now.cfm. ASA also has special insurance coverage to help uphold the easement terms in case of violations that may result in litigation. While we have never had a violation occur that required court involvement, if this does happen, the landowner is financially responsible for all costs to remedy the violation and ensure the terms of the easement are upheld.



IS IT POSSIBLE TO CHANGE THE TERMS OF AN EASEMENT?

Conservation easement amendments are very rare and typically result in a conservation or stewardship gain. Amendments are used to alter the terms of the conservation easement when necessary. In this case, the landowner is responsible for all costs associated with the amendment process.



WHO SHOULD I ASK IF I HAVE QUESTIONS ABOUT MY EASEMENT?

ASA is grateful to all the landowners who work with us to protect their land. We are always available to answer your questions.



For more information on conservation easement stewardship, please contact:

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518.692.7285



asa@agstewardship.org



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See our website for more information

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