

#	Provision	Required <sup>1</sup>	Optional <sup>2</sup>
	WHEREAS A (however, text in italics is not required)	X	
	WHEREAS B (if applicable)	X	
	WHEREAS C (if applicable)	X	
	WHEREAS D - if a Resource Protection Area is part of the easement, it must be described in the Whereas Clauses	X	
	WHEREAS E	X	
	WHEREAS F	X	
	WHEREAS G (if applicable)	X	
	WHEREAS H	X	
	WHEREAS I (if applicable)	X	
	WHEREAS J (if applicable)	X	
	WHEREAS K	X	
	NOW, THEREFORE - \$ amount of consideration must be stipulated	X	
<b>1</b>	Grant of Conservation Easement	X	
<b>2</b>	<b>Purpose (language required as is)</b>	X	
<b>3</b>	<b>Implementation (last sentence required as is)</b>	X	
<b>4</b>	<b>Definitions (specific definitions must be addressed in the easement as listed below)</b>	X	
	<b>Farm Labor Housing (language required as is)</b>	X	
	<b>Farm Operation (language required as is)</b>	X	
	<b>Impervious Surfaces (language required as is)</b>	X	
	<b>Sound Agricultural Practices (language required as is)</b>	X	
	Use Area Definitions - may be named differently than that in the Model Easement	X	
<b>5</b>	<b>Reserved Rights Retained by Grantor (Agricultural Uses, Rural Enterprises, and Recreational Uses must be stipulated as reserved rights; Agricultural Use must stipulate "in accordance with Sound Agricultural Practices")</b>	X	
<b>6</b>	Conservation Plan		X
<b>7</b>	Access ( <b>public access shall not be required in this clause</b> )	X	
<b>8</b>	<b>Construction of Buildings and Other Improvements (each topic listed below must be addressed)</b>	X	
<b>a</b>	Impervious Surfaces	X	
<b>b</b>	Fences	X	
<b>c</b>	Agricultural Structures and Improvements	X	
<b>d</b>	Residential Dwellings	X	
<b>e</b>	Rural Enterprises	X	
<b>f</b>	Recreational Structures and Improvements		
<b>g</b>	Utility Services and Septic Systems ( <b>those servicing permitted structures within the easement area must be allowed</b> )	X	
<b>h</b>	Alternative Energy and Communications Structures and Improvements ( <b>limited to no more than 2% of easement area</b> )	X	
<b>9</b>	Maintenance and Improvement of Water Sources	X	
<b>10</b>	<b>Water Rights (language required as is)</b>	X	
<b>11</b>	Subdivision ( <b>if subdivision is allowed, each resulting parcel must meet viability test</b> )	X	
<b>12</b>	Forest Management		X

#	Provision	Required <sup>1</sup>	Optional <sup>2</sup>
13	Mining and On-Site Extractive Activity	X	
14	Road Construction	X	
15	Dumping and Trash	X	
16	Permission of Grantee	X	
17	Ongoing Responsibilities of Grantor and Grantee ( <b>each topic listed below must be addressed</b> )	X	
a	Taxes	X	
b	Upkeep and Maintenance	X	
c	Liability and Indemnification	X	
18	Extinguishment of Development Rights	X	
19	Baseline Documentation	X	
20	Right of Inspection ( <b>last sentence required as is</b> )	X	
21	Enforcement	X	
22	Third Party Enforcement (by NYSDAM) ( <b>if inserted, language required as is</b> )		X
23	Dispute Resolution		X
24	Transfer of Easement ( <b>last sentence required as is</b> )	X	
25	Transfer of Property	X	
26	Amendment of Easement ( <b>last sentence required as is</b> )	X	
27	Extinguishment of Easement	X	
28	Proceeds - select ONE: 1) local partner(s) retain proceeds with written notification to Department, or 2) local partner(s) and Department share proceeds in proportion to their respective contribution to appraised value of conservation easement (i.e., sum of such proceeds must always equal 100%)	X	
29	Interpretation	X	
30	Successors	X	
31	Severability	X	
32	Notices	X	
33	Title	X	
34	Subsequent Liens on Property	X	
35	Subsequent Encumbrances	X	
36	Grantor's Environmental Warranty	X	
37	Duration of Easement ( <b>must be perpetual</b> )	X	
38	Entire Agreement	X	
39	Waiver	X	
40	Binding Effect	X	
41	Captions	X	

**Footnotes:**

<sup>1</sup> If identified as required, the easement must contain a provision that deals with the title subject. Only in cases noted in bold in the chart must the easement match verbatim the language included in the NYSDAM model agricultural conservation easement.

<sup>2</sup> Use of this clause in the easement is at the discretion of the Grantee.