



# FACT SHEET



## Natural Resources Conservation Service's New Landowner Information on Easements

### *Grasslands Reserve Program*

Congratulations on your purchase of land with a Grasslands Reserve Program conservation easement. You are joining a growing group of individuals who are concerned with protecting Indiana's natural resources for future generations. As of 2013, the GRP has protected over 884 acres of land in Indiana, joining over 72,000 acres of NRCS conservation easements statewide protecting wetland, grassland, forest, and floodplain habitat. The Natural Resources Conservation Service is eager to work with you to maintain and enhance the conservation values of your easement.

This Fact Sheet is intended to give you an overview of the purpose and intent of the Grasslands Reserve Programs, and the regulations governing the easement on your property. At times the easement process can seem overwhelming. This fact sheet is not all encompassing. Please contact your local Natural Resources Conservation Service representative to set up a time to meet and discuss your new easement. There is a District Conservationist that supports every county within the state. You may find the contact information for your county on the Indiana NRCS website: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/in/contact/>

### **Goals of GRP**

The GRP program emphasizes the support of grazing operations, enhancement of plant and animal biodiversity, and protection of grassland/pastureland under threat of conversion to other uses. Limit future development and cropping uses of the land while retaining the right to conduct common grazing practices and operations related to the production of forage and seeding, subject to certain restrictions during nesting seasons of bird species that are in significant decline or are protected under Federal or State law. A grazing management plan is required for participants.

### **Conservation Easement Deed**

The Conservation Easement Deed is the overarching document governing the rights and prohibitions on the easement property. This document is recorded at the county courthouse, and should have been provided to you, or referenced in title insurance documentation, at the time you purchased the

property. The Conservation Easement Deed remains in effect, despite future changes to program policies and legislation, and should be referenced prior to any action on the property. There are two types of Conservation Easement Deeds for the GRP: 30-year Duration, and Permanent (in perpetuity). Be sure to review your deed to identify which type of easement is found on your property.

### **Management and Monitoring**

The United States, through the Natural Resources Conservation Service, retains the rights to access the easement area for the purposes of monitoring, enforcement, maintenance, add management activities. It is the NRCS's responsibility to ensure the terms and conditions of the easement are being met, and the natural values of the easement are being protected and maintained.

To fulfill its responsibility, the NRCS conducts annual and periodic monitoring activities on the easement. These may include onsite review of the easement. The Landowner will be notified prior to the monitoring activity. This a good opportunity to meet with NRCS to update any management plans, discuss easement concerns, and review the status of the easement.



*Photo taken by Robert Zupancic, NRCS Grazing Land Specialist*



Photo taken by Robert Zupancic, NRCS Grazing Land Specialist

### **Rights of the Landowner**

The Conservation Easement Deeds have some variability, depending on when the easement was recorded, and the document specific to your property should be referenced for details. In general, rights reserved to the landowner include:

- 1. Grassland Use of the Property:** The Landowner is permitted to graze, hay, harvest seed for production, mow, and conduct common grazing practices, such as forage management. This may also include the maintenance or repair of existing fence and watering facilities. Any changes to the current structure and management of the property must be approved by NRCS and incorporated in the active management plan for the property.
- 2. Quiet Enjoyment:** The landowner reserves the right of quiet use and enjoyment of the property without disturbance from others.
- 3. Recreational Uses:** undeveloped, passive recreational use of the property such as hiking, primitive camping, bird watching, hunting and fishing are permitted.
- 4. Title:** Includes the right to transfer or sell the property. The easement survives transfer. Some versions of the Conservation Easement Deed restrict the subdivision of the easement.
- 5. Control of Access:** The right to control general public access to the land. The land remains in private ownership. It is the Landowner's responsibility to control trespassers. The NRCS or its representative may periodically access the property to monitor the condition of the easement and enforce the terms of the Conservation Easement Deed.
- 6. Subsurface Resources:** The right to oil, gas, mineral, etc. resources underlying the easement area, provided that any drilling or mining activities are located outside the easement. No surface extraction is permitted within the easement area.

### **Prohibitions**

See the Conservation Easement Deed for a complete list of prohibitions. In general, any action that has the potential or intent to alter vegetation or topography is prohibited on the easement. Prohibited actions include, but are not limited to: plowing, cropping, dumping waste, planting orchards, draining, dredging or filling channels, disturbing or interfering with nesting, recreational vehicle trails. The repair maintenance, or replacement of existing structures necessary for common grazing practices, is permitted within the existing footprint. Construction of new structures necessary for common grazing practices may be permitted with NRCS review and approval. In some instances, certain prohibited actions may be authorized that will further the grazing use and conservation values of the easement. The NRCS has the authority to approve certain activities on the easement that will benefit and further the intent of the grazing and conservation values of the easement. In such instances, the landowner may request those activities in writing. Such requests are subject to the approval, terms and conditions stipulated by NRCS, and may be revoked if deemed they impact the intent of the easement.

### **What if I do not have any livestock?**

If you have purchased land with a GRP easement, but do not have any livestock, you are still subject to the terms and conditions of the Conservation Easement. The land must still be maintained in a manner that protects the grassland conservation values of the property. This may include periodic maintenance activities to remove woody growth and enhancement of the grassland condition. Contact your local NRCS office to development a management plan that will be consistent with purposes of the GRP.

### **For More information**

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/in/programs/easements/grassland/>