

	WATER RESOURCES DIVISION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: June 3, 2009 Revised Date: Reformatted Date: November 19, 2013	Subject: Part 303 - Minor Correction of a Recorded Conservation Easement		Category: <input type="checkbox"/> Internal/Administrative <input checked="" type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
	Program Name: Water Resources Program		
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A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

Note: This policy and procedure was previously numbered as 303-08-02.

PURPOSE:

To provide guidance to Water Resources Division (WRD) staff regarding the correction of a conservation easement.

BACKGROUND:

The WRD currently holds 1,200 recorded conservation easements (CE) and receives 150-200 new ones annually, generally in fulfillment of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, permit conditions. The CEs are conveyances of interests in real property. The WRD receives occasional requests to amend the legal description of a CE to correct a scrivener's error. A scrivener's error is a minor change in the legal description or a minor correction to the document that requires re-recording of the CE. The WRD establishes the following procedures for processing requests for amendment of CEs.

PROCEDURES:

Step	Who	Does What
1	Requester	Submits, in writing, a request to amend the legal description of a CE held by the DEQ to correct an error. The request needs to include the following: <ol style="list-style-type: none"> 1. A copy of the recorded CE. 2. The reasons and need for the amendment. 3. The current fee simple title holders and any other interest holders. 4. Legal description of proposed change or revised CE document. 5. Fee to re-record the document.

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2	Conservation Easement Coordinator	Reviews the request for completeness. <ul style="list-style-type: none">• Determines if the error is minor in nature; i.e., the boundary of the CE area will not change with the correction.• Determines if the correction will require re-recording of the CE document or may require an affidavit signed by requestor to re-record.• Prepares the documents necessary for proper conveyance and recording.• Arranges for the recording of the CE modification with the Register of Deeds in the county where the CE is located.
3	County Register of Deeds	Returns the original of the recorded CE modification to the CEC.
4	Conservation Easement Coordinator	Retains the original for the DEQ files and sends copies to the requester and the appropriate WRD staff.

DIVISION CHIEF APPROVAL:



William Creal, Chief
Water Resources Division