

Conservation Stewardship Collaborative

Inventorying, Monitoring, and Managing Natural Resources on Conservation Lands



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Goal:

Develop a statewide land management protocol that includes procedures, pointers and resources for inventorying, monitoring and managing conservation land.

Brief Description:

There is no uniform protocol for inventorying and monitoring the plant, animal, and ecosystem resources on the conservation land of Rhode Island. For conservation easements, the Internal Revenue Service requires that a land trust maintain “documentation sufficient to establish the condition of the property at the time of the gift.” In addition to meeting IRS requirements, the baseline documentation report provides information useful in the ongoing stewardship of the conservation easement and design of management plans. Furthermore this approach can be a model for all land held in conservation. However, significant challenges for land managers are following these standards and obtaining the necessary natural resource expertise. The purpose of this project was to develop such a protocol, identify sources of data to support its application, and educate the conservation community of its availability and use. Admittedly, there is no perfect, one-size-fits-all protocol. The ultimate goal of this protocol is to develop rigorous conservation management that is both adaptable yet translatable from property to property.

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Background:

Through a series of meetings, presentations and conversations some themes emerged.

Audience feedback revealed some uniform goals and desires of managers of conservation land. Often expressed as challenges, the list includes realistic invasive species control, public issues and misuse (e.g., loose dogs, trash, fires, ATVs), knowledge and enforcement of state and federal regulations (e.g., hunting, wetlands), maintaining land records and plans, access to experts

These considerable challenges are in addition to the primary focus of this document, monitoring properties and efficient ways to.

Many conservation land managers wishing to pursue accreditation with the national Land Trust Alliance standards and practices will be required to upgrade documentation including management plans and summaries of properties.

In many cases, documentation of natural resources and other land features is either sparse or nonexistent. Thorough and effective plans drafted as early as possible in the land protection process will help land managers address challenges and be well equipped for a long-term commitment to protection.

Finally, neither regulatory nor enforcement power are implied in this document. These are *recommendations* and *guidelines* for Rhode Island’s conservation land managers.

INVENTORYING NATURAL RESOURCES

Basic documentation needs to be completed for every conservation easement and it is good idea for all conservation lands. Remember, it is the ‘present condition of the land’ that is the standard for future monitoring. Since many conservation easements are set up to qualify as tax-deductible charitable gifts, the value of the development rights relinquished through the easement is considered the value of the charitable gift. To comply with IRS regulations, a record of the condition of the property at the time of the donation—the “baseline documentation report”—is required by law.

Baseline information is the compass that directs future action.

The more information documented the better.

Though many natural areas are protected because of special habitats, plant and animals, the common species and their composition are important. It is recommended that the State’s Threatened and Endangered databases and other T&E sources (e.g., state offices of the US Fish and Wildlife Service) are checked. Occurrences, either historical or current should be noted and mapped. If no records are found this should be stated. Likewise if no T&E species are seen during inspections of the property this should be noted.

A safe place to start is to record the approximate percentage cover of habitat types as well as any special species or features. In general the following are the broad categories encountered on conservation land: **Forests – 1. Closed Canopy Forests** are tree-dominated (60-100% cover) habitats with their crowns overlapping; **2. Open Woodlands** are open stands of trees with 25-60% cover with crowns, not usually touching; **Shrublands** are dominated by shrubs generally greater than 0.5 meter tall with individuals or clumps overlapping to not touching, generally forming more than 25% canopy coverage and tree cover generally less than 25%; **Grasslands** are habitats dominated by herbs, grasses and grass-like species, forbs, and ferns with woody plants (trees and shrubs) generally less than 25% cover; **Wetlands** are either wooded or open habitats that are saturated for some part of the year with special soils and plants; **Aquatic** habitats include pond, lakes, rivers and streams; **Special** habitats include, but are not limited to, vernal pools and bedrock ledges.

SAMPLE BASELINE DOCUMENT FORMAT

(Modify as needed)

Land Information

- Owner Information
- Parcel Data
- Conservation Easement Name
- Conservation Easement Information
- Acknowledgements and Signatures
- Conservation Values, Uses, and Restrictions

Property Description

- Land
- Structures
- Boundaries
- Topography
- Wetlands
- Soils Report
- Roads
- Other

Legal Documents

- Recorded Deed to Development Rights
- Recorded Survey page
- Exhibits: Metes and Bounds Description, Restriction of Property

Purpose of Protection or Use

Photo Documentation of Parcel

- Listing of Photos –date, photographer, locations and views shown
- Photo location map
- Photos

Maps for clear depiction of the following

- Survey boundaries (preexisting or new)
- Aerial Orthographic maps
- Soils
- Wetlands
- Watersheds
- Other plan maps (context for protection)
- Nearby protected lands and open space
- Other

ADDITIONAL CONSIDERATIONS FOR BASELINE DOCUMENTATION

When compiling information for the baseline document report it is an acknowledgement of the property's condition. Each property is unique and the list may be too detailed or not detailed enough for your protection plan. In addition to the list you may want to consider the following.

1. It may be prudent to establish a back-up or Executory Interest Easement Grantee if applicable.
2. For record keeping and compliance it is recommended that you record the method of acquisition: gift, purchase, bargain sale, bequest, other (specify).
3. List approximate acreage or indicate occurrence of natural and physical features: forest, grassland, hay field, pasture, cultivated land, ledge/rock outcrop, natural pond or lake, stream or river, man-made pond, bog, wetlands, other (specify).
4. List and describe buildings and other manmade structures. Consider maintenance, modifications and even removal in the future.
5. Document all reasonable points of access: maintained public roads, un-maintained public road, private road, legal right-of-way from public road, private road, water etc.
6. If permitted, describe how public access is conveyed and special considerations: hiking/walking, hunting boating, none, and other (specify).
7. Document property frontage conditions and orientation.
8. Record all known border markers and conditions including corner monuments/pins found, well-marked blazes, survey(s) with date(s), not defined.
9. Describe the property condition, including land use and management; unusual ecological, historical, geological, or other features.
10. Include rare or unusual plant species, ecological communities and wildlife.
11. Note condition of any specific property areas or features that may change when the landowner exercises reserved rights.

MANAGING CONSERVATION LANDS

Management Plans are developed to guide the active management of the land and its associated resources. The most useful plans are thorough yet written in plain English. If you do not understand a Management Plan, you are less likely to follow it.

In general, Management Plans must identify and describe actions to protect, manage, maintain and enhance relevant resources in a manner compatible with the landowner objectives. Thus, goals of a Management Plan are to record current status and productivity and outline methods to reach the desired future conditions. The Management Plan records objectives, an inventory of resources, economic and social conditions, and the management decisions necessary to achieve the objectives. The Management Plan guides the land manager as to which activities are to be completed each year.

Effective Management Plans are working documents, and should be amended as necessary, by the landowner and/or associates, to take into account changing environmental, social and economic conditions. Habitat types on the conservation land will influence practices (e.g., forest versus field).

A conservation land Management Plan requires a clear purpose. The more explicit the purpose, the easier it is to follow. The Management Plan should also state its context. How does management of this land fit into town and state plans?

Plans will vary in length and detail depending on the diversity of natural resource needs and situations. You should know the land the best.

Just as each protected acre is unique, each Management Plan is unique. Exceptions and special conditions will exist. For completeness and enforceability these should be documented and the handling of each clearly stated. We recommend that you adopt a single format for your office and modify as needed.

This is not an exclusive list but some key questions for conservation land Management Plans include:

1. How do you rank in importance the following land values: habitats, aesthetics, recreation, resources (e.g., timber) water, soil, other?
2. Are there special plants or animals that need monitoring and special protection?
3. Are there current activities (e.g., hunting, firewood collection, agriculture) that will be allowed to continue or will end at certain time or event (e.g., death of conservation easement grantor)?
4. If there are existing structures, will renovations and additions be allowed?
5. Are there existing land management plans (e.g., forest stewardship, farmland preservation, United States Department of Agriculture)? Are these congruent with current goals and land protection objectives? (To effectively collaborate and meet regulatory requirements, please consult with agencies responsible for any preexisting plans.)
6. What recreational uses, if any, are permitted? How will these be regulated?
7. What scientific research activities will be permitted? Will this be documented? How will these be regulated?
8. What educational activities will be permitted? How will these be regulated?

SAMPLE MANAGEMENT PLAN

(Modify as needed)

Date:

Parties:

("Grantors")

("Grantee")

Property:

Name of Property or Conservation Easement

Current Land Owners (Grantors):

Location of Protected Property:

Town, State, County

Plat / Lot Information:

Plat ___ Lot(s) ___ Parcel (if applicable)

Acreage:

Introduction

This document is a management plan for the land owned by _____. This plan describes in general terms, the vegetative cover and wildlife habitat and makes recommendations regarding the management of these resources.

The species of plants and animals observed on the property are listed in a separate document (Exhibit B - Baseline Document). The baseline document is intended to be only a partial list in order to establish a baseline of the most common species present at the time of inspection of the Easement area on [date(s)].

General Description

The property described in the Deed is a (physical description) parcel of approximately ___ acres. Access is via _____. The easement property consists of (habitat types).

Soils:

According to an estimate using the USDA Soil Survey of Rhode Island, the dominant soils on the property consist of the following: _____.

SAMPLE MANAGEMENT PLAN CONTINUED

A soils map of the area is attached (Attachment #).

Soils descriptions –

Habitat Types within Easement:

For management purposes, the property is divided into areas on the map entitled Conservation Map (Attachment #1). Management practices for all areas must follow existing state and federal laws.

Area A – Grasslands (+/- 10 acres)

This area is comprised of nearly contiguous fields along the southern border of the property. A mixture of grasses and forbs with an occasional mature tree dominates each field. A 10-12 foot deep hedgerow borders each field. Hedgerows are dominated by native and invasive tree saplings, shrubs and vines and obscure the rock walls. Fields are maintained by yearly summer mowing. Exact species determination was difficult at the time of the visit.

- *Permitted Activities within the Area – manage as grassland habitat.*
Maintain habitat richness by once yearly mowing in late summer. To minimize impact to nesting birds and nectar-feeding insects, mowing should take place in or about the last week of August. Removal and control of diseased trees and invasive species is highly desirable in the hedgerow borders of the grasslands. This will expose more of the walls, increase connectivity of the three contiguous fields and facilitate bird movement. Hedgerow reduction can be accomplished without sacrificing privacy boundaries for the grantors. To accomplish this, larger woody plants should be removed and the smaller brush mowed at the time of grass mowing. Subsequent mowing will control reestablishment of woody plants. To enhance wildlife use of these parcels, bird boxes could also be erected.

Area B – Upland Forest (+/- 25 acres)

This area is dominated primarily by oak, beech and hickory. The forest contains four layers - a mature canopy, two understory layers with saplings and shrubs and a diverse herbaceous ground cover.

- *Permitted Activities within the Area – manage as closed-canopy forested area.*
Maintain habitat richness by minimal disturbance. Removal and control of invasive species is highly desirable. Portions of this area are subject to seasonal high water table. Therefore, removal of any vegetation should be confined to the winter when the ground is frozen. The laneway traversing this habitat exhibits erosion from water flowing west toward area C. Water bars should be installed to diffuse surface flow and reduce further erosion. This remediation should not impede access by grantors.

Area C – Forested Wetlands (+/- 15 acres)

The wetland habitat is comprised of seeps with stream braided in spots. The over story trees are dominated by red maple, white oak and black gum. The understory layer in the wetlands contains a shrub layer of spicebush and viburnum, as well as herbaceous plants such as skunk cabbage, ferns and sphagnum moss.

SAMPLE MANAGEMENT PLAN CONTINUED

- Permitted Activities within the Area – minimal disturbance to maintain wetland functioning and habitat value. Control of invasive species if necessary, should be confined to winter months, when the ground is frozen due to the high water table and so as not to disturb the understory and wildlife habitat during the growing season. Scattered small Japanese barberry (*Berberis thunbergii*) exist within this habitat and manual eradication is feasible with minimal effort.

The parties hereto agree that (Grantor name) and (Grantor name) individually, and the (insert Grantee) and their respective successors, heirs and assigns shall be bound by the terms of this Management Plan. The Plan shall be updated and revised on or about five years from the date hereof, and every five years successively thereof, if the parties hereto cannot agree to a mutually agreeable updated Management Plan, then this Management Plan shall continue to govern until such time the parties can agree.

IN WITNESS WHEREOF, the parties hereto have caused this Management Plan to be duly executed as of the day and year first written above.

Grantor(s):

Owner

Owner

Grantee:

ORGANIZATION

Officer (e.g., President, Director)

SELECTED SOURCES OF INFORMATION AND EXPERTISE

“The Internal Revenue Service requires that a land trust receiving a donated conservation easement maintain ‘documentation sufficient to establish the condition of the property at the time of the gift.’ In addition to meeting IRS requirements, the baseline documentation report provides information useful in the ongoing stewardship of the conservation easement.”
(http://www.uvlt.org/html/conserving_your_land.html)

Sources of expertise and assistance, some more local in nature:

The Nature Conservancy, USDA Natural Resources Conservation Service, USDA Farm Service Agency, USDA Forest Service Legacy Program, US Fish and Wildlife Partners for Fish and Wildlife Program

BDR Examples:

www.cwmtf.net/bdr.htm

www.gatheringwaters.org/.../Conservation_Easement_Baseline_Documentation_and_Hazards_Assessment.pdf

<https://www.state.nh.us/oep/programs/CLSP/documents/03.BaselineDocumentationChecklist.pdf>

www.massland.org/pages/tools/documents/T3CCRpolicy.pdf

www.glcp.georgia.gov/.../portal/cit_1210/19/11/88547853Policy%20Guidance%20for%20Conservation%20Easements.pdf

Some Helpful Resources (quick and free):

www.dem.ri.gov/maps/index.htm (many types of quick maps capable, user friendly, self-service but helps to know general map use)

<http://websoilsurvey.nrcs.usda.gov/app/> (NRCS’s soil site, comprehensive and fairly easy with a brief introduction and practice, generates soils maps with descriptions for areas of interest)

www.ars.usda.gov/is/graphics/photos/ (USDA’s photo gallery of all kinds of species, great for identification and presentations)

www.rinhs.org (Rhode Island Natural History Survey home page, information, contacts and more on RI biota)

www.natureserve.org/explorer/ (“An Online Encyclopedia of Life,” great resource for rare and endangered species information)

www.naturesongs.com/birds.html (North American bird song identifier)