

# CONSERVATION RESTRICTION (CR) & CONSERVATION AREAS LAND STEWARDSHIP

## CHALLENGES AND OPPORTUNITIES



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# What is stewardship?

Land Trust Stewardship is guided by Standards & Practices (S&Ps) as outlined by the Land Trust Alliance (LTA) including record keeping, funding, monitoring, documentation, reporting and enforcement policies.

Land Trusts have a legal and moral obligation to the Grantors to uphold the restriction through enforcement and manage conservation areas in an ecologically sound manner.

# Hurricane Irene- A Timely Lesson

- An un-named land trust in western MA recently learned just how important it is to:
  - know where your project files are,
  - have them archived (or at least a second set of the important documents stored elsewhere).
  - have an off-site computer backup system such as Carbonite

Land Trust Business as Usual –  
Busy with a Bike Ride Fundraiser August 27<sup>th</sup>,  
**12 hours before the Deluge**



# Saving the files from the flood

## August 28<sup>th</sup>



# Saving the Office & Moving to Dry Ground



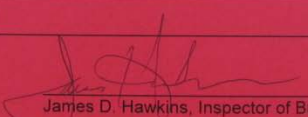


FRANKLIN COUNTY COOPERATIVE INSPECTION PROGRAM  
Inspector of Buildings

**UNSAFE BUILDING**

VIOLATION: Roof Supports are gone -

DATE: 8/30/11

  
James D. Hawkins, Inspector of Buildings

FINE OF UP TO \$1000 and/or UP TO 1 YEAR IMPRISONMENT FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

# A Stewardship Program Includes:

- Good record keeping according to policy.
- Baseline documentation reports that illustrate and describe the conditions of the CR property at closing and that are archived.
- CR's that can be monitored and enforced.
- Funding to support the program.
- Annual monitoring with periodic reports.
- Conservation Areas with management plans.



# The Bible

- The Massachusetts Audubon Society's 2006 Publication:

"Massachusetts Conservation Restriction Stewardship Manual"

Every land trust both big and small should read this manual and use it as a guide.

Don't leave home without it.

# Stewardship Challenges

- Lack of funding to support stewardship staff or consultants.
- All volunteer land trusts capacity to steward CR's and Conservation Areas according to S&Ps.
- Land Trusts facing backlog of incomplete stewardship files (no baseline reports, files not archived, no documented monitoring visits).
- Incomplete or missing files (copies of CRs, deeds & plans).
- Limited funding to enforce CR using litigation.
- Poor landowner relations.

# Step 1: Baseline Documentation Report (BDR)

## What is it? What does it look like?

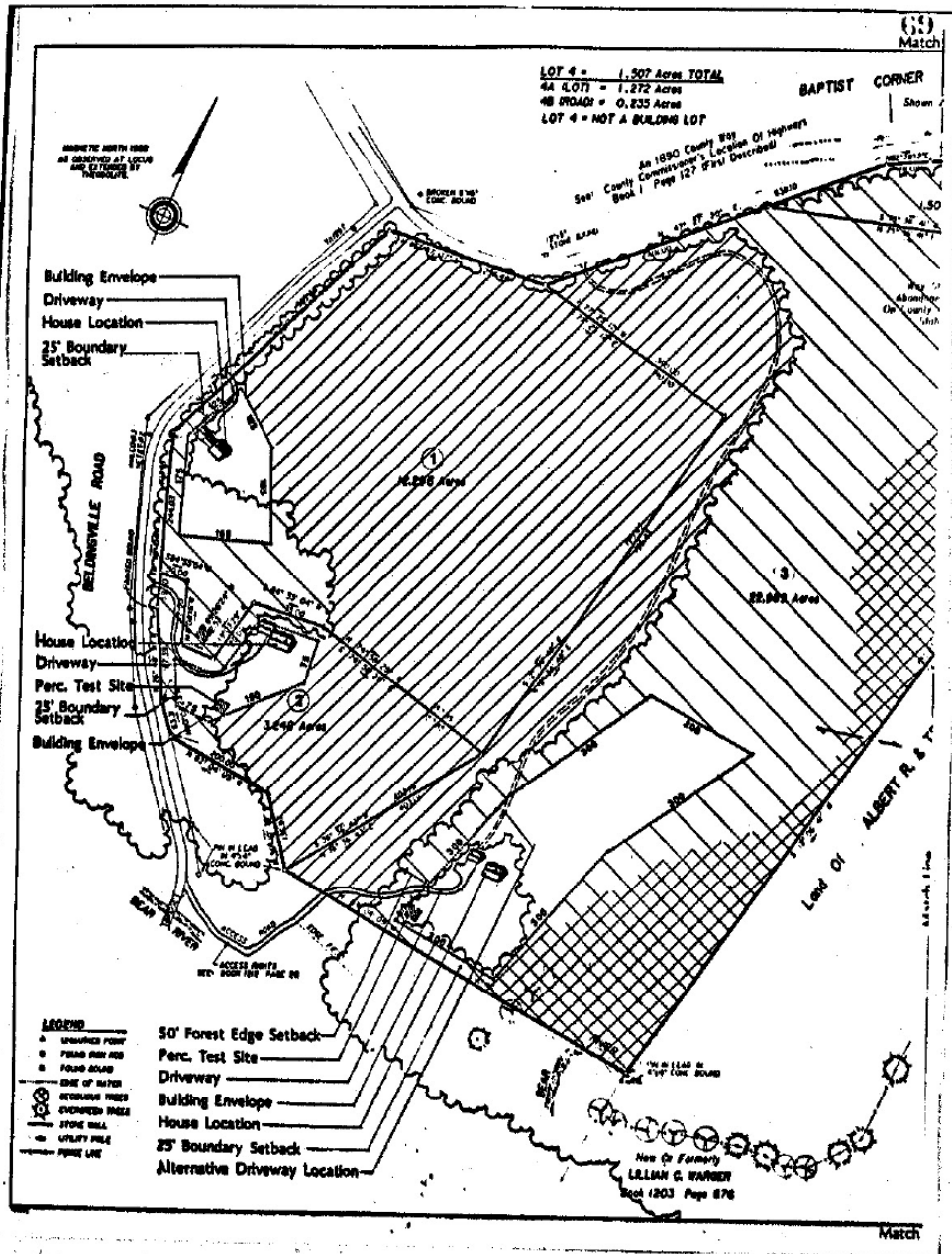
- Refer to MassAudubon Manual: pages 19-34: Baseline Documentation Contents and sample BDRs being passed around.
- Purpose of Baseline Report is to document the condition of the conservation land as of the date of the CR recording or as close to then as possible. Better late than never.
- Includes photos, maps, copy of deeds, and CR.

- Substantiate the conservation values with facts and photos.
- Complete BDR close to signing of CR.
- Make sure to have landowner sign BDR
- Use aerial photos from period closest to closing date.
- Complete in a manner which can be presented in court as complete, honest and convincing.
- At a time when you and every other soul involved in the transaction have long left this beautiful earth.

## A fantasy map

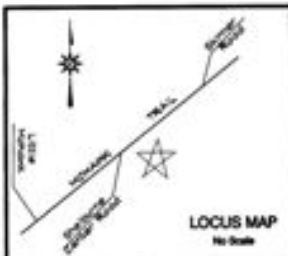
The next map looks good on paper  
But it's not worth the paper  
it's printed on

13 guesses why?



Bad Map

# Good Maps



FRANKLIN COUNTY  
REGISTRY OF DEEDS  
**JUNE 19, 2002**  
2:47 PM  
RECEIVED FOR RECORD  
GREENFIELD, MASS.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY  
WITH THE RULES AND REGULATIONS OF THE REGISTER OF  
DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Date: August 25, 2001  
Signed: My Ann R. Lewski, P.L.S.



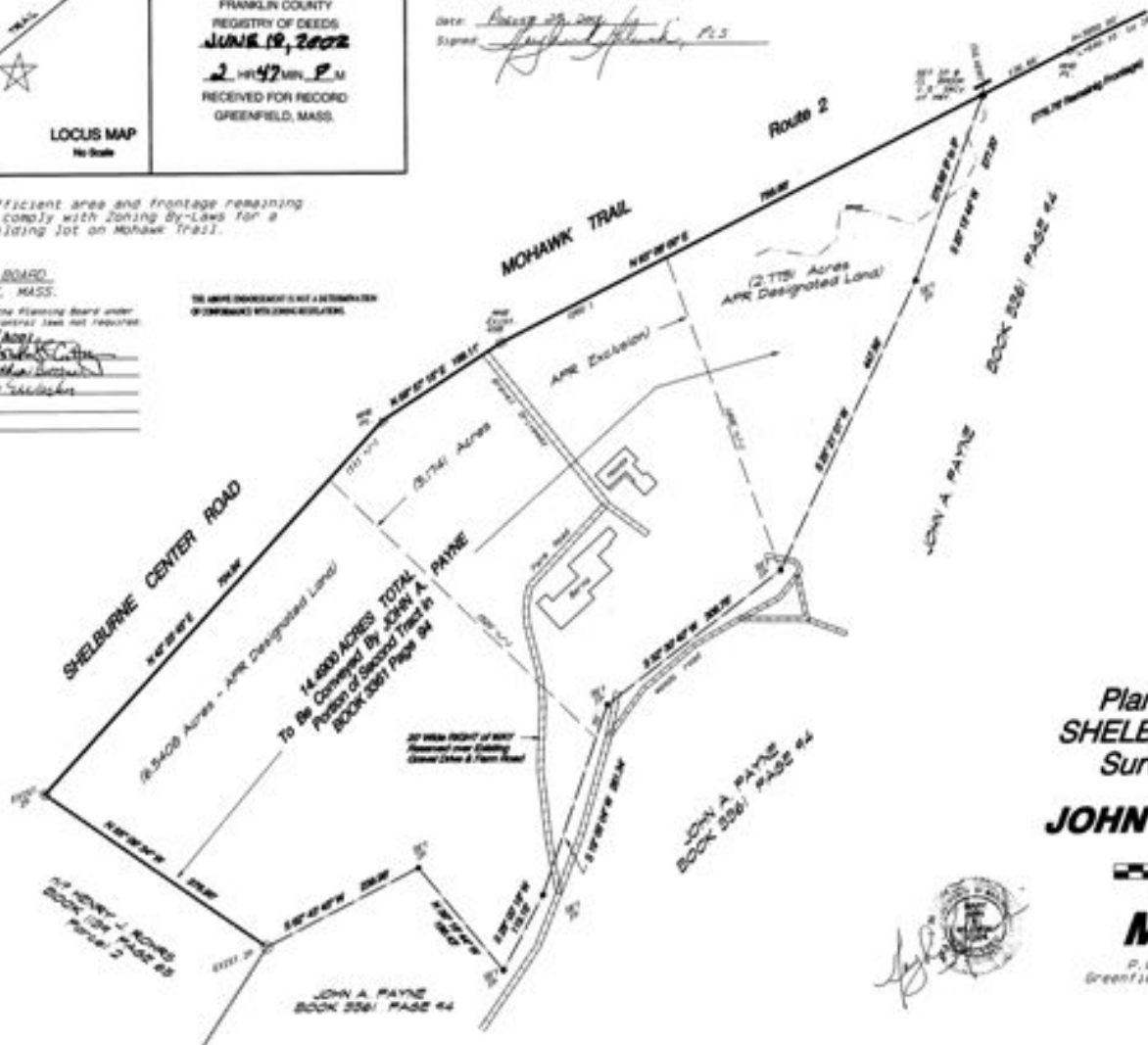
NOTE: Sufficient area and frontage remaining  
to comply with Zoning By-Laws for a  
building lot on Mohawk Trail.

PLANNING BOARD  
SHELBURNE, MASS.

Approved by the Planning Board under  
subdivision control (see not required)

Date: 7/6/2001  
Signed: [Signature]  
[Signature]

THE ABOVE INSTRUMENT IS NOT A SUBSTITUTION  
OF CONFORMANCE WITH REGULATIONS



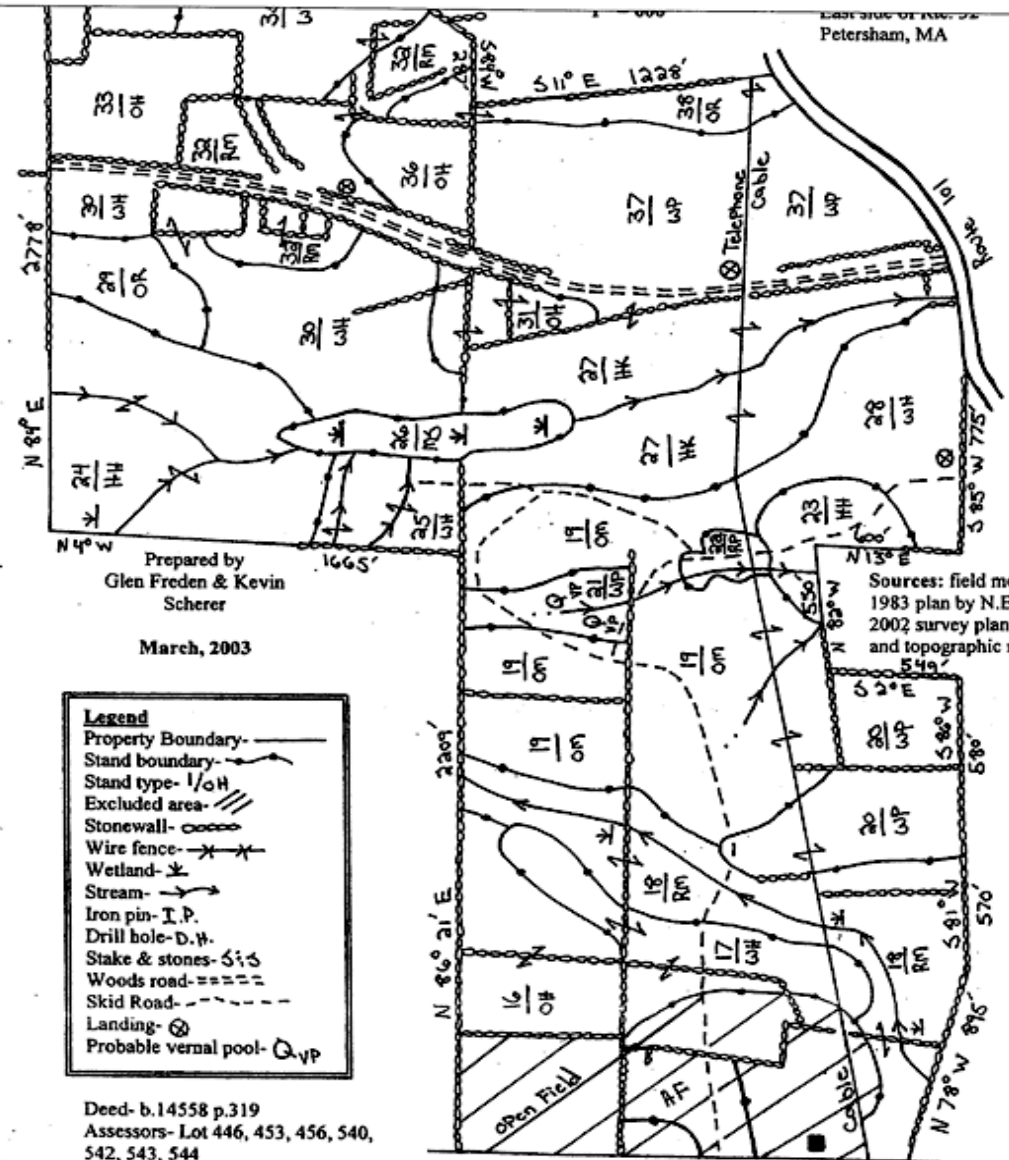
Plan Of Land In  
SHELBURNE, MASS.  
Surveyed For  
**JOHN A. PAYNE**

SCALE 1"=100'  
August 25, 2001

**M**ay Ann R.  
Lewski, P.L.S.  
P.O. Box 518  
Greenfield, Mass. 01302



East side of Rte. 2  
Petersham, MA



Prepared by  
Glen Freden & Kevin  
Scherer

March, 2003

**Legend**

- Property Boundary - ———
- Stand boundary - - - - -
- Stand type- 1/0H
- Excluded area - // // //
- Stonewall - ○ ○ ○ ○ ○
- Wire fence - X X X X X
- Wetland - ~ ~ ~ ~ ~
- Stream - ~ ~ ~ ~ ~
- Iron pin- I.P.
- Drill hole- D.H.
- Stake & stones- S;S
- Woods road- = = = = =
- Skid Road- - - - - -
- Landing- ⊗
- Probable vernal pool- Q.v.p

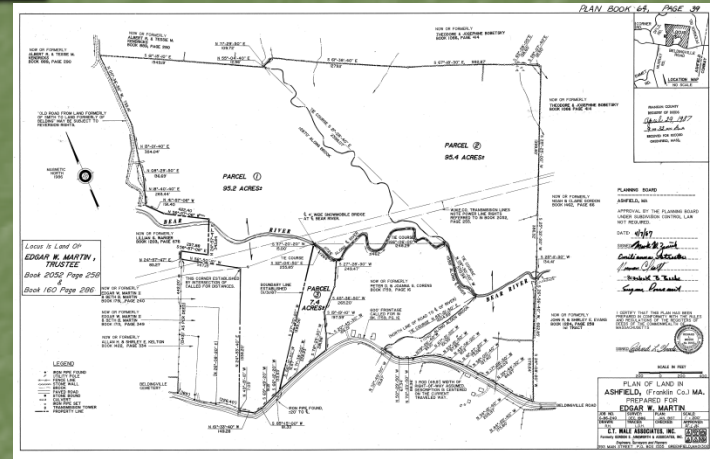
Sources: field measurements,  
1983 plan by N.E.F.F.,  
2002 survey plan, orthophotos,  
and topographic maps

Deed- b.14558 p.319  
Assessors- Lot 446, 453, 456, 540,  
542, 543, 544

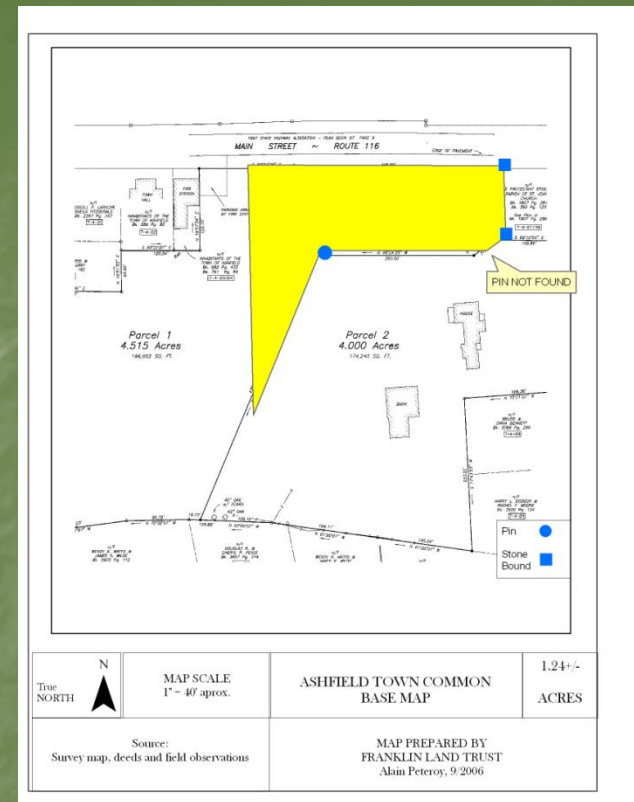
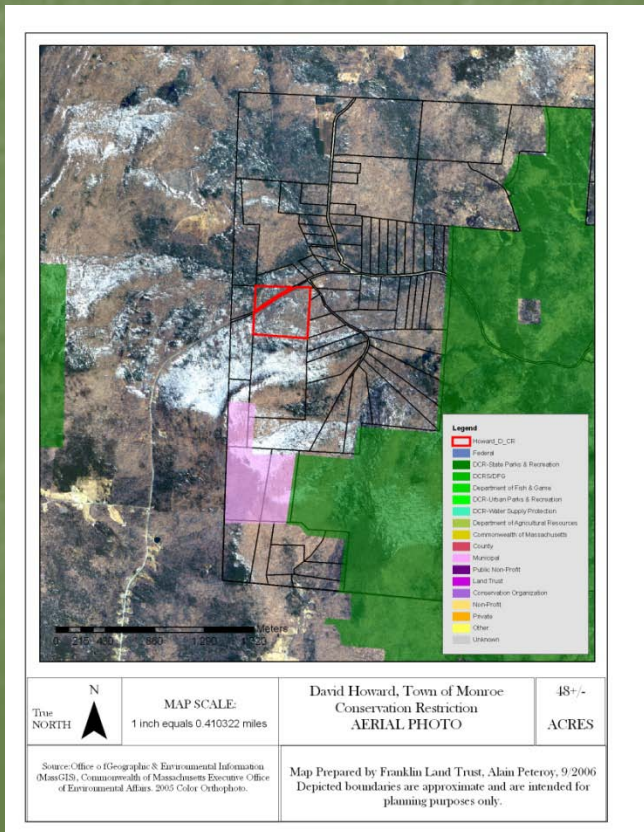


# Basic Map Skills, GIS and GPS

- Learn to read surveys and navigate in the woods using a map and compass.
- Locate and flag all pins and critical boundary areas.



- Create baseline and photo-point maps using GIS and GPS if available. Use MA GIS OLIVER- a free mapping program from the state at
- <http://www.mass.gov/mgis/>



- Network with regional or statewide land trusts, local foresters or eager students for assistance with BDRs and mapping protected lands.

# Monitoring Program- An Information

## Gathering Activity

- The regular and systematic gathering of information about CR land to identify changes over time & ensure that the property is being used in accordance with the CR.
- Focus on boundary issues, forestry, abutter activity, access sites, old dumps, & trails.
- Document changes- man-made & natural with written reports and photos.
- Review Registry listing each year to catch land transfers.
- Meet with new owners & share BDR
- Walk, fly or bike. Drive-bys are not sufficient.

- Train monitors- staff, board, or volunteers to use maps, compasses, and GPS. Keep monitors consistent to foster positive relations with landowners.
- Notify landowners in advance of visit, Invite along. Send them copy of report but NEVER discuss observations or possible violations during site visit.
- Do not allow monitors to interpret CR language for landowner during visit.
- Landowners are your partners, not your enemies. Invite them to land trust gatherings, make them members, give them free hats and free membership!

## Develop Basic Policies to guide Stewardship Funding

- Board approved policy outlining voluntary donation guidelines for financial support of perpetual "stewarding" - could be based on size of property and complexity of CR. See MassAudubon Manual, **sec. 6G, pg. 59**
- Alternative ways of funding including bequests, fund raising/grants, stock gifts...

# Opportunities

- Ask a nearby staffed land trust to help with training for baseline report completion, monitoring, using a map and compass, making GIS maps or using the GPS units. *Offer them baked goods and hot coffee!*
- Go to MLTC, LTA and MACC workshops & conferences.

# Conservation Area Stewardship- challenges & opportunities

- Challenge: limited staff and funding to oversee land, respond to management issues such as encroachment, invasive species and public access needs.
- Most Important: know boundaries & mark them
- Opportunities: funding sources to support forest management plans

[www.mass.gov/dcr/stewardship/forestry/service/documents/stewarshipplanappl.pdf](http://www.mass.gov/dcr/stewardship/forestry/service/documents/stewarshipplanappl.pdf)

- Opportunities: funding sources to support wildlife habitat management and trail building.

## Wildlife Habitat Incentive Program (WHIP)

[www.in.nrcs.usda.gov/programs/whip/whip.html](http://www.in.nrcs.usda.gov/programs/whip/whip.html)

- Recreational Trails Grant Program

[www.mass.gov/dcr/stewardship/greenway/regionalGrants.htm](http://www.mass.gov/dcr/stewardship/greenway/regionalGrants.htm)

- The Department of Justice (DOJ) has issued new rules regarding access to recreation facilities by people with mobility disabilities.

[www.ada.gov](http://www.ada.gov) &

[www.americantrails.org/resources/accessible/power-mobility-federal-register.html](http://www.americantrails.org/resources/accessible/power-mobility-federal-register.html)



# Don't Wait to Start Good Stewardship Practices

- Step 1: locate files
- Step 2: Make copies of all critical records & archive
- Step 3: Begin to put together baseline report documentation
- Step 4: Meet with landowner, monitor the CR land, create monitoring visit report
- Seek assistance if needed