

Working Forest Conservation Easements

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Society for the Protection of NH Forests

- Founded in 1901
- Mission is to both promote protection and wise use of natural resources
- First land acquisition in 1904
- 65,000 acres owned in fee (172 properties)
- 135,000 acres of conservation easements/restrictions (more than 660 easements)
- First conservation easement acquired in 1971

Early Conservation Easements

- Purposes included conservation of “scenic” qualities, protection of open space, wildlife habitat
- Forestry was almost always a “permitted use”
- Oversight of forestry was limited to “scientific forestry” as defined by Cooperative Extension and other public resource agencies

The Transition to Working Forest Conservation Easements

- 1994 – Forests Forever Study of CEs in New England
- 1996 First Land Trust Alliance Rally workshops on WFCEs
- 2000 – Working Forest CE learning circle
- 2001 – LTA WFCE book published
- 2006 – Forest Guild Perspective

A Definition

- Working Forest Conservation Easements add language to affect forest management in order to protect specified forest values.
 - To ensure professional forest planning, careful management and use of BMPs.
 - To protect ecological and landscape values.
 - To ensure forestry activities do not jeopardize tax benefits of an easement donation under Sec. 170 (h).

What belongs in a WFCE?

- All the usual CE restrictions and elements plus... Its not all about forestry – it's a conservation easement!
- Purposes relating to forestry:
“The conservation of open spaces, particularly the conservation of the productive farm and/or forest land of which the Property consists, and the long-term protection of the Property's capacity to produce economically valuable agricultural and forestry products”;

What belongs in a WFCE?

Include Goals for Forest Management

- maintenance of soil productivity;
- protection of water quality, wetlands, and riparian zones;
- maintenance or improvement of the overall quality of forest products;
- conservation of scenic quality;
- protection of unique or fragile natural areas, such as habitat for state or federally recognized rare, threatened, or endangered species.....
- protection of unique historic and cultural features; and
- conservation of plant and animal species.

What belongs in a WFCE?

Require A Forest Management Plan Containing:

- A statement of landowner objectives;
- Forest type map;
- A map showing soil types, access roads, wetlands, and surface waters.....;
- Prescriptions for each described stand, including commercial and non-commercial treatments; and
- Explanation of how wetlands, riparian areas, vernal pools, and soils will be protected in association with road construction, other soil disturbing activities, and the implementation of stand prescriptions;
- Forestry doesn't conflict with the Purposes the Easement;

Why does a WFCE put emphasis on Forest Management Plan?

- Can adapt to changes over time
- Reduces the details/prescriptions in the CE
- Provides guidance for monitoring and enforcement
- Gives landowners greater certainty about expectations
- Allows professional judgment in planning and management

Additional steps to ensure WFCE are implemented correctly

- Approval of the forester
- Buffers, natural area delineations, other specific restrictions (if applicable)
- Plan needs to be developed by a licensed NH Forester
- Forester's certificate due before harvesting (stating they have reviewed the easement the plan meets the requirements of the CE)
- 30 day harvest notice
- Harvest supervised by forester
- *Forester's guide to Conservation Easement* provided to all new foresters

- Plan approval
- Mandatory meetings