


Using Easements to Conserve Biodiversity

A photograph of a large flock of geese in a field. In the foreground, many geese are gathered on the ground, some standing and some sitting. In the background, several geese are flying in the sky. The field is a mix of green and yellow grass, and there are trees in the distance under a clear sky.

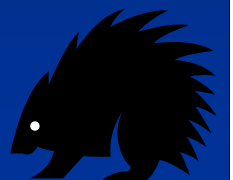
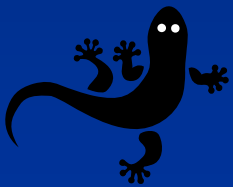
Jeff Lerner
Defenders of Wildlife
jlerner@defenders.org

Northeast LTA
June 10, 2006



Defenders of Wildlife

- Mission: to protect native wild animals and plants in their natural habitats, with a focus on conserving biological diversity
- Focus: conservation policy and incentives for private lands
- Approach: collaboration, diverse partnerships

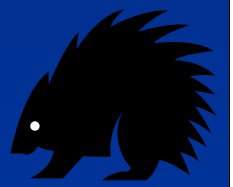
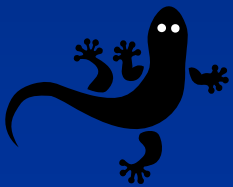




Outline of Talk

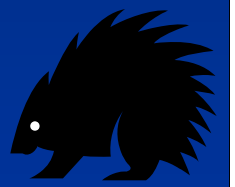
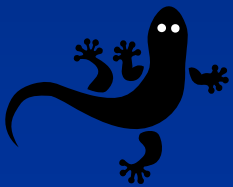


- Living Lands Project
- Strategic Conservation Planning for Biodiversity
- State Wildlife Action Plans
- Funding for Biodiversity Conservation
- Future Opportunities





Living Lands Project

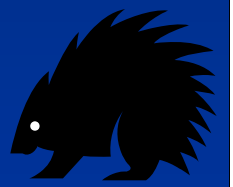
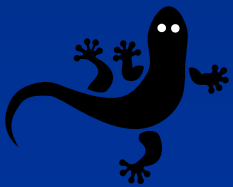




Living Lands Project



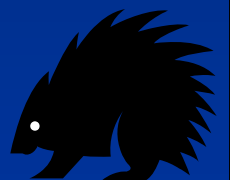
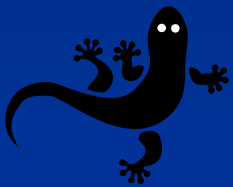
- Purpose: to increase the capacity of local land trusts to enhance, restore, and protect wildlife habitat and biodiversity values
- New project – 1st year of 5+ years
- Partnership with LTA
- Project manager: Cheryl Hummon in Oregon (chummon@defenders.org)





Biodiversity Definition

- The variety of life and natural processes, including species, variation within species, communities, and ecosystems

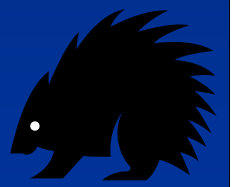
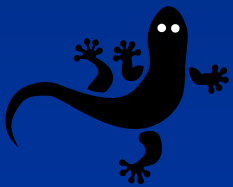




Importance of Biodiversity



- Many species at risk or in decline
- Protection cheaper than recovery
- Natural heritage and legacy
- Balance of nature
- Ecosystem services and natural functions (clean air / water, food, medicine, recreation)

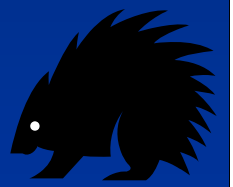
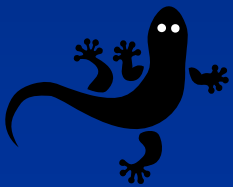




Living Lands: Why Now?



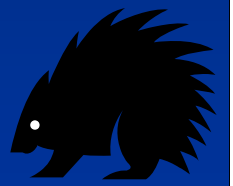
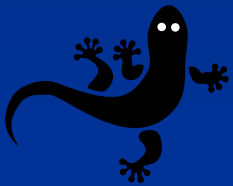
- LTA wants land trusts to be more strategic
- Standard 8: Evaluating and Selecting Conservation Projects
 - Project selection and site planning
 - Demonstrating conservation value and public benefit
- For a federal tax deduction, conservation donations should be worthy of a federal tax benefit
 - IRS regulations (“significant” habitat)
 - Fair use of taxpayer dollars
- Funders (public and private) want more strategic planning and project selection





Becoming Strategic

- Opportunistic:
 - Early stage for most land trusts
 - Projects are scattered, not linked
 - Unlikely to have significant long-term conservation value
- Strategic:
 - Most land trusts become more strategic
 - Identify highest priorities for conservation
 - Seek opportunities to conserve these areas
 - Projects add up to long-term significant conservation value at the landscape scale

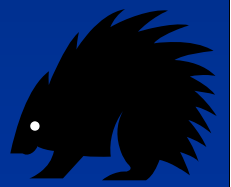
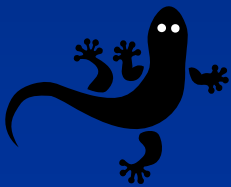




Living Lands: Assessment



- Purpose: determine the current extent of local land trust work that contributes to biodiversity conservation
- Interviews with LTA staff, land trusts, conservation organizations
- Web survey, January 2006
 - Sent to ~800 land trusts
 - 135 responded (18%)
 - From 28 states (including all states in NE LTA region)

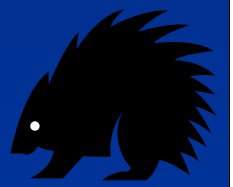
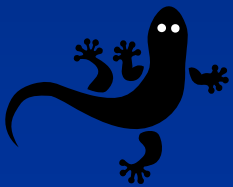




Survey Results: Mission and Projects



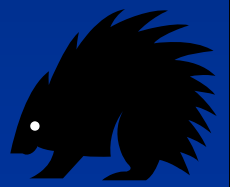
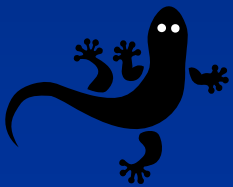
- Most local land trust's missions include wildlife, habitat, and/or biodiversity
- However... most land protected by land trusts does not include a conservation plan or restoration and management for biodiversity
- Most land trusts are interested in increasing their capacity to conserve biodiversity





Survey Results: Federal Funding

- Only about half of land trusts have used federal funding
- Each federal funding program is only used by 10 - 30% of land trusts

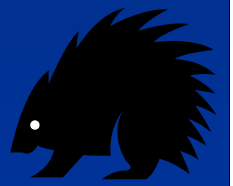
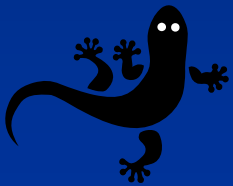




Survey Results: Major Barriers and Training Needs

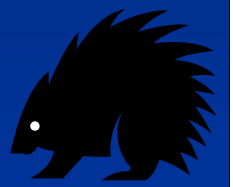
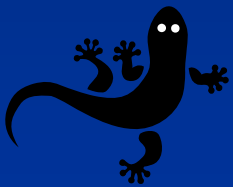


- Limited staff capacity / expertise
 - Conservation planning
 - Habitat restoration and management
 - Monitoring
- Lack of funding / match
 - Funding sources
 - Funding for stewardship / monitoring
 - Grant writing
- Not a priority with community / landowners
- More partnerships





Strategic Conservation Planning for Biodiversity

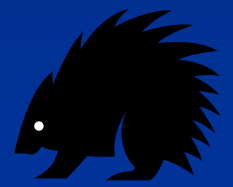
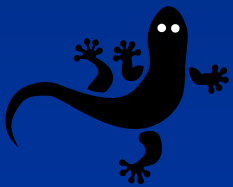




Landscape-level Planning



- Identify priorities in your local area based on priorities from a state or regional biodiversity or habitat conservation plan
- Focus on:
 - At-risk / rare habitats
 - Habitats for multiple at-risk species
 - Functioning ecosystems
- Many landscape-level plans already exist (SWAP, TNC, GAP, NH, some larger land trusts)

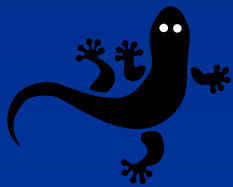
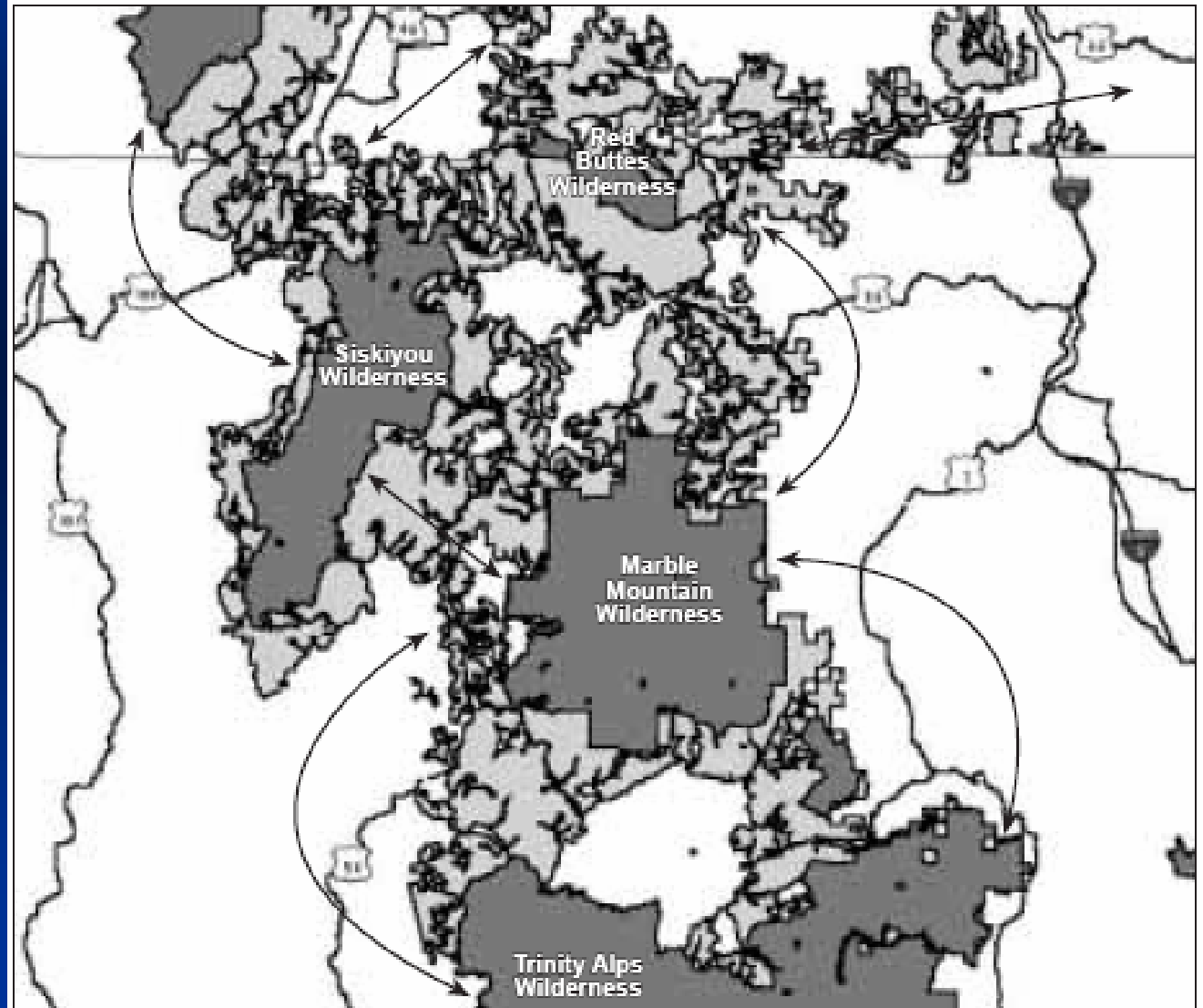




Site Selection



- Find sites in your area that fit into landscape-scale priorities
- Core, buffer, and connectivity areas

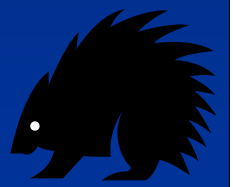
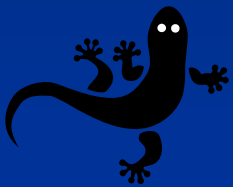




Site Planning (New or Existing Project)



- Inventory species, habitats, conditions:
 - Start with: What's there now?
 - Historical context: What was there?
 - Landscape context: What's nearby?

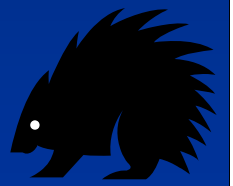
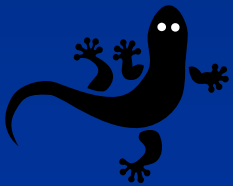




Site Planning



- Functioning ecosystems with diverse native species may need restoration and management to:
 - Restore or enhance native habitat (vegetation, structure)
 - Control invasive species
 - Remove barriers / constraints (fish passage, roads, structures)
 - Mimic or restore natural processes (e.g. fire, flood)

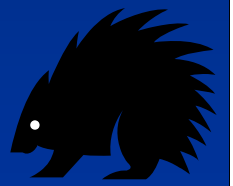
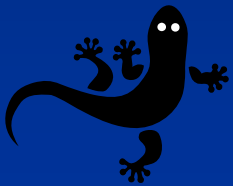




Habitat Restoration and Management on Easements



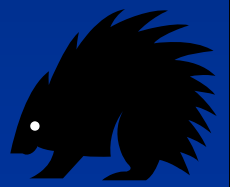
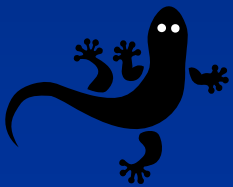
- Easement document options:
 - Refer to a management plan
 - Affirmative clauses (tricky)
 - Amend (if existing)
- Landowner options:
 - Build landowner's interest and knowledge
 - Use landowner resources
 - Education and resources
- Involve other partners
 - Funding
 - Expertise
 - Volunteers





State Wildlife Action Plans:

A New Tool for
Biodiversity
Conservation
Planning

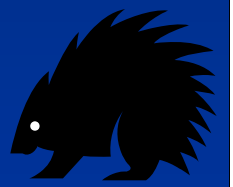
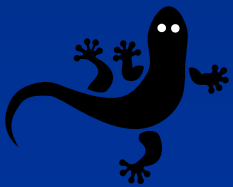




State Wildlife Action Plans



- Brand new, all 50 states
- Required for states to continue receiving State Wildlife Grants
- Approved by U.S. Fish and Wildlife Service
- Originally “State Comprehensive Wildlife Strategies” (some states use other names)
- Purpose: proactive conservation of “Species of Greatest Conservation Need” and their habitats

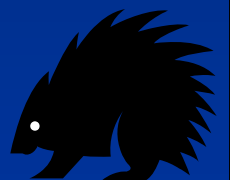
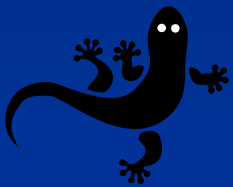




State Wildlife Action Plans: 8 Required Elements

- At-risk species
- At-risk habitats
- Threats
- Conservation actions
- Monitoring
- Review
- Coordination
- Public Participation

- 50 experiments in wildlife conservation

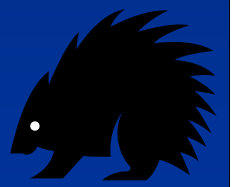
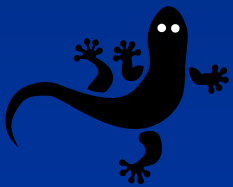




Action Plans and Land Trusts



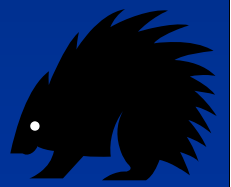
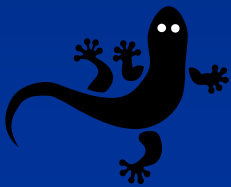
- 44 states list easements in conservation actions (not CT)
- Some states partnered with local land trusts in developing their wildlife action plan





State Wildlife Action Plans: Useful Maps

- Why map priorities?
 - Conservation planning is a spatial exercise
 - Maps help partners work together
- Some states included these non-required maps:
 - Priority habitats
 - Conservation focus areas
 - Ecoregions
 - Watersheds
 - Historic habitat distribution





Maine



- Focus Areas
- Beginning with Habitat



What do you want your town to look like in 50 years?

To ensure a rich complement of plants and animals, which are so important to many Maine communities, we must find ways to conserve wetland and riparian areas, plant and animal habitats, and large habitat blocks, weaving them together in a landscape tapestry. **There are many ways your town can use the plant and wildlife habitat data on these maps:** You can use it for land-use planning; to inform and direct land protection initiatives; to develop joint conservation strategies with neighboring towns; and for outreach and education.

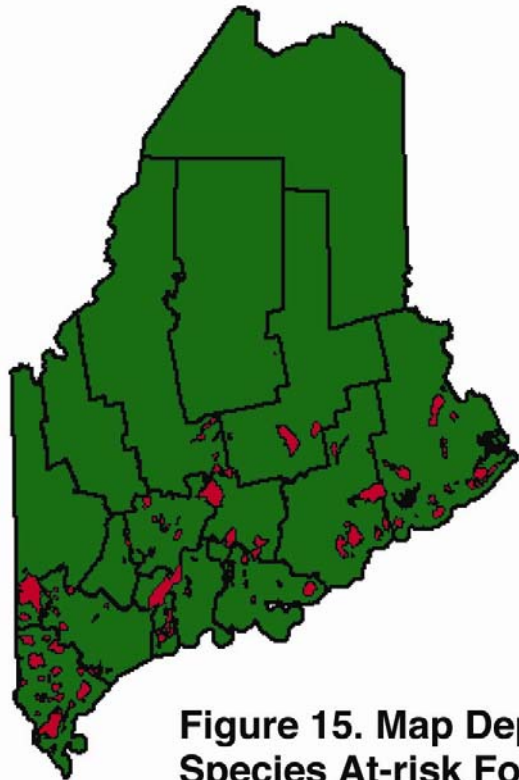
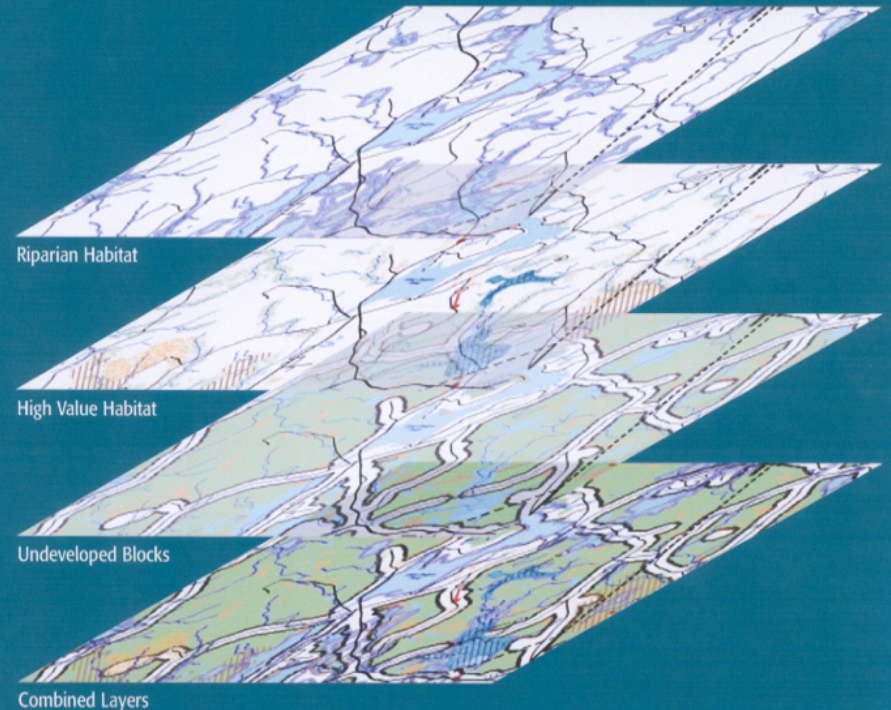


Figure 15. Map Depicting Species At-risk Focus Areas Identified through 2004.





New Hampshire



- Landscape analysis
- Focal maps to communities
- Land protection strategy
- Landowner incentives

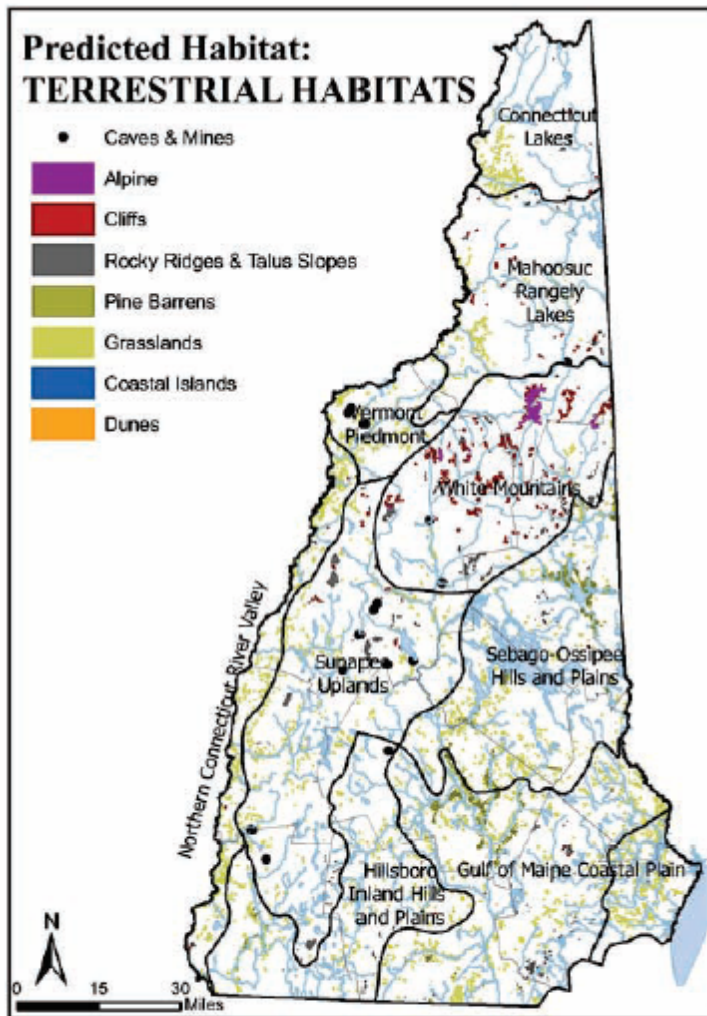


FIGURE 3-8. Predicted Terrestrial Habitats. Terrestrial Habitat maps were created by NHFG and NHB. Map validation is a priority WAP objective.

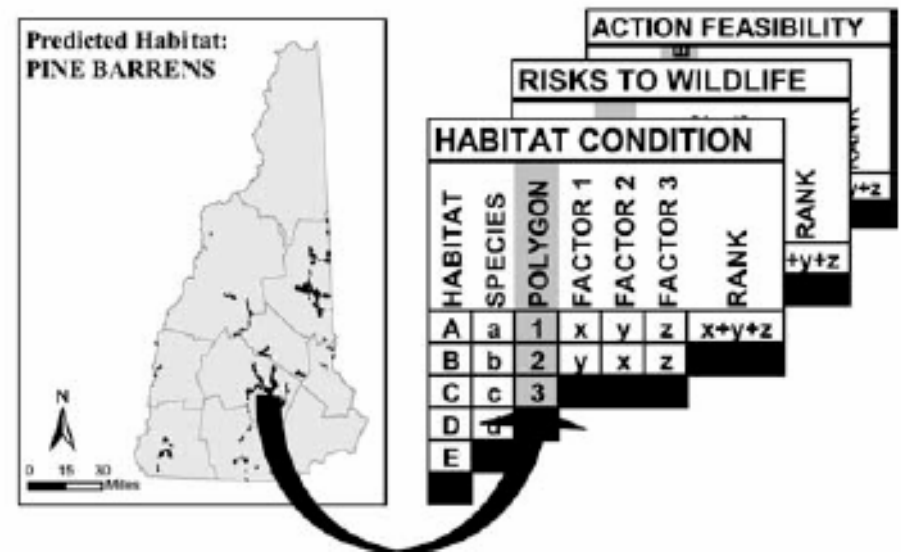
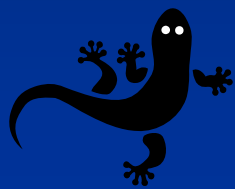


FIGURE 3-2. Mapping and Data Diagram. Data describing the condition of each habitat polygon were entered into a database for use in comparative analyses.

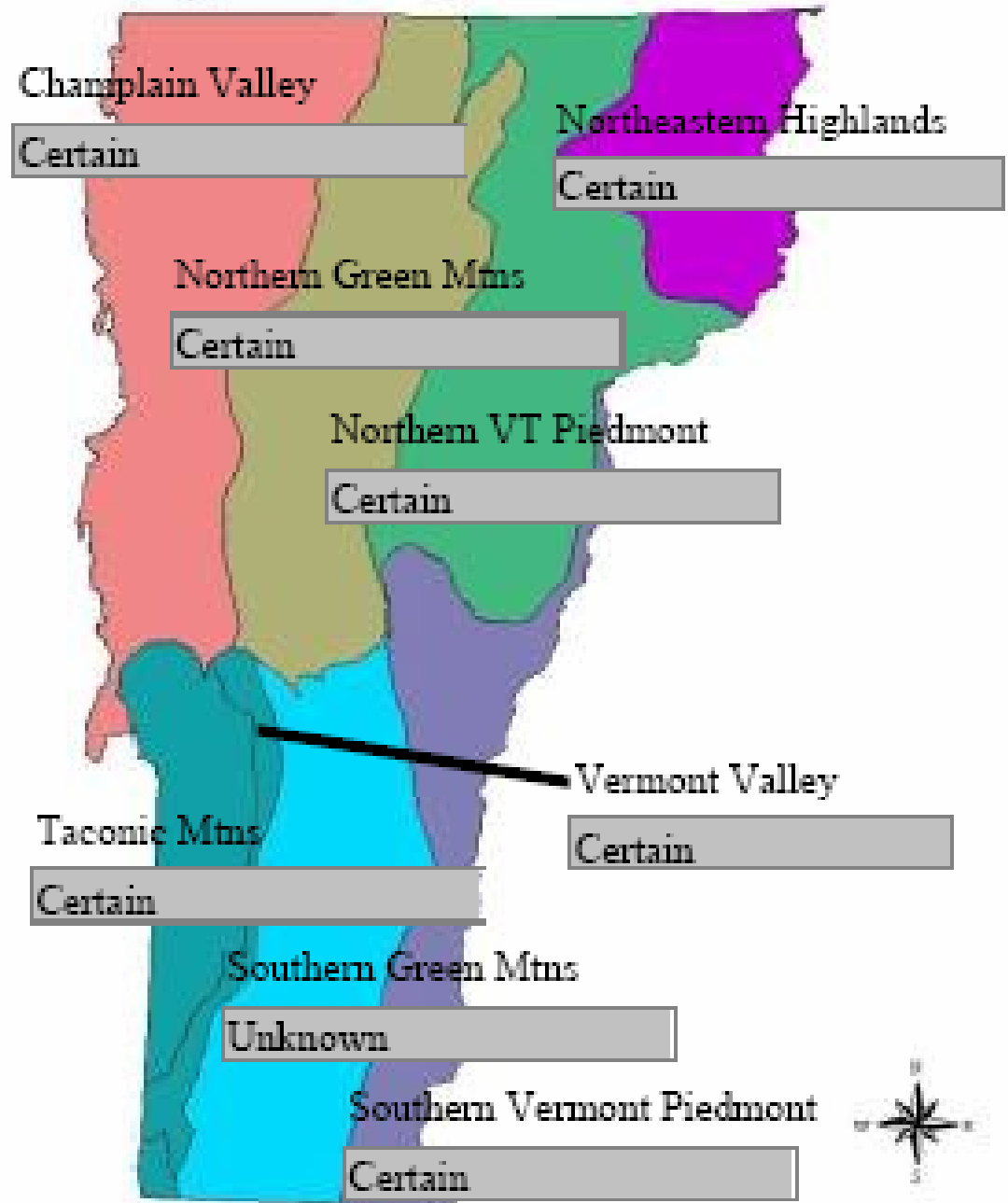


Vermont

- More emphasis on restoration than protection
- Ecoregional reference maps for distribution
- Working with communities and agencies to mitigate habitat losses



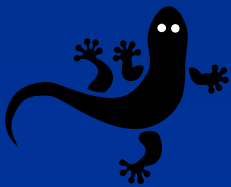
Biophysical Regions in Vermont





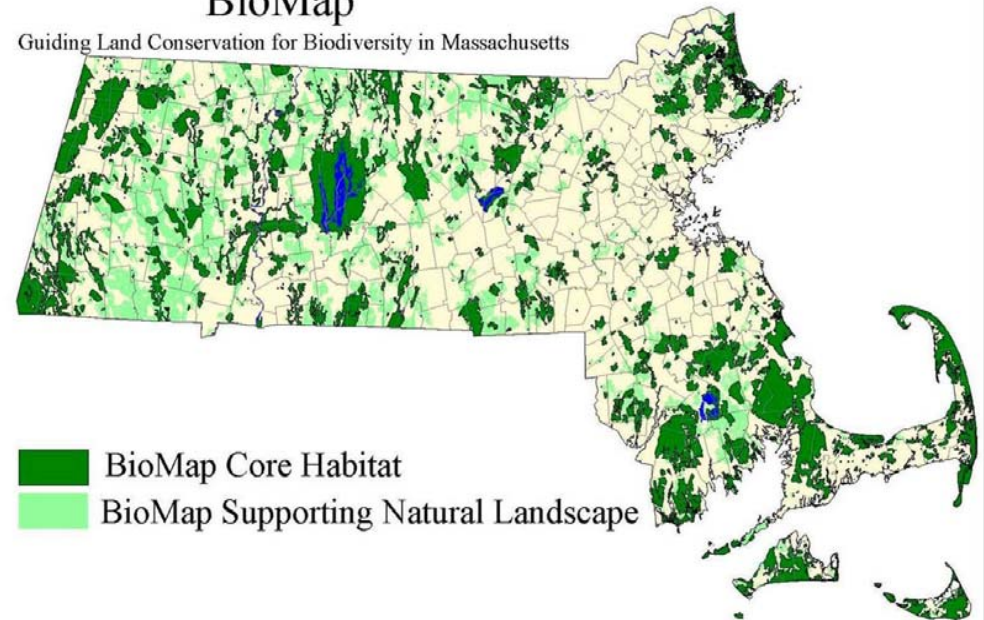
Massachusetts

- BioMap and Living Waters
- Maps incorporated into local planning

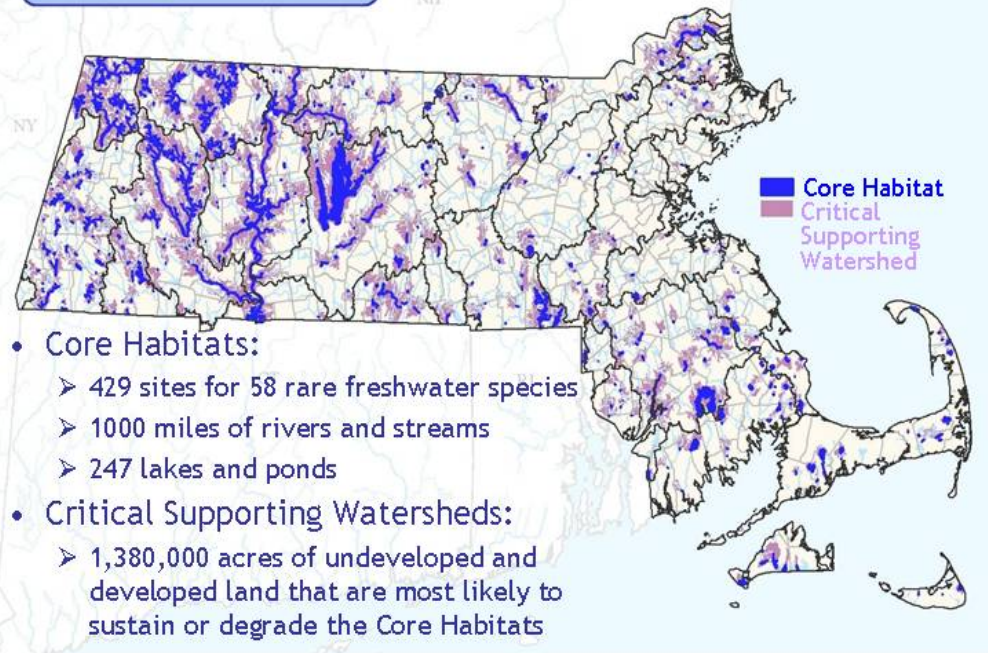


BioMap

Guiding Land Conservation for Biodiversity in Massachusetts



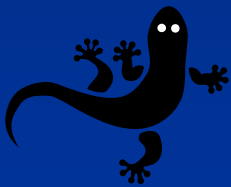
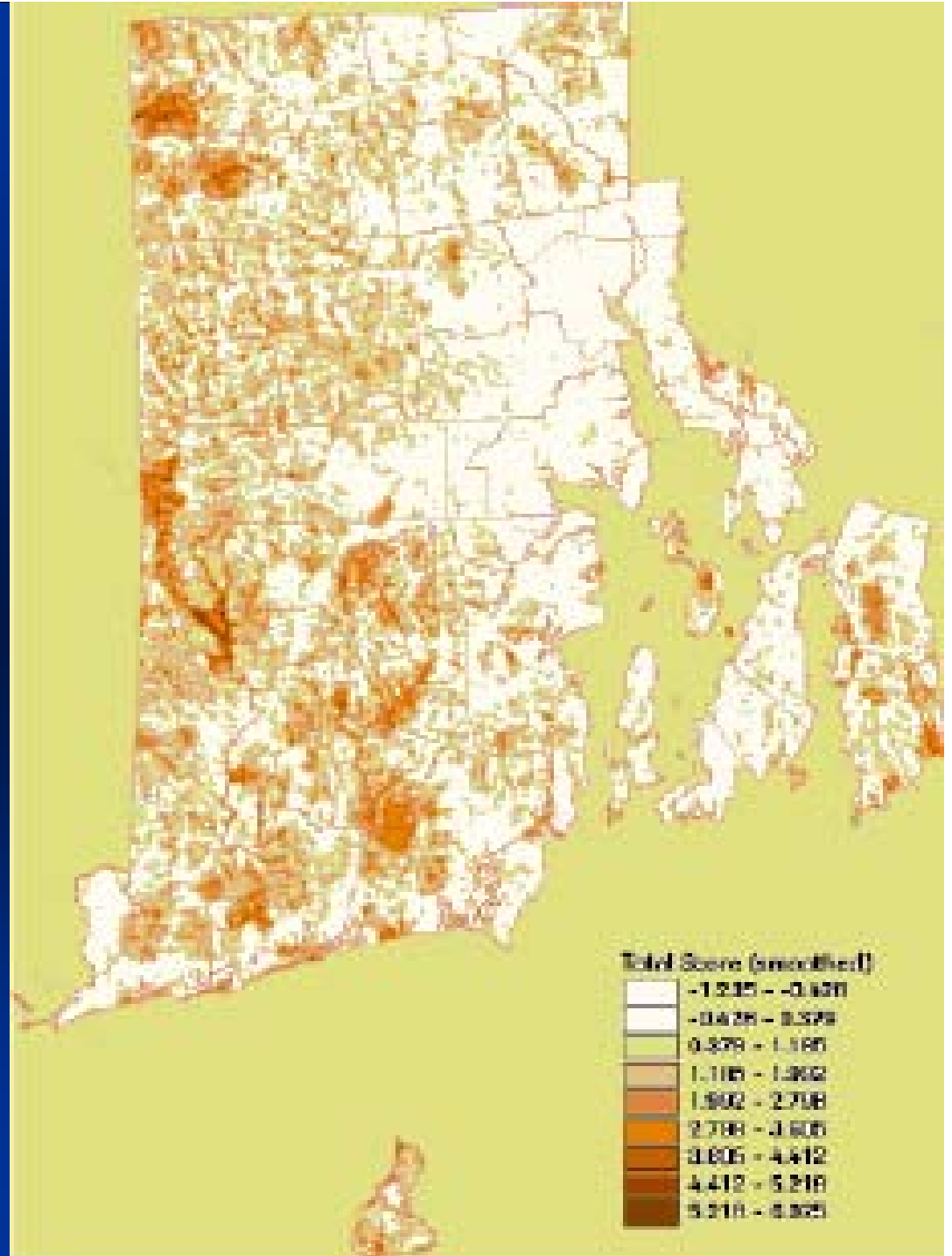
Living Waters





Rhode Island

- Compilation of previous planning efforts
- Figure 4.3
CWCS
Composite Score
Smoothed





Connecticut



- Habitat maps from previous efforts
- EPA and CT DEP 1996

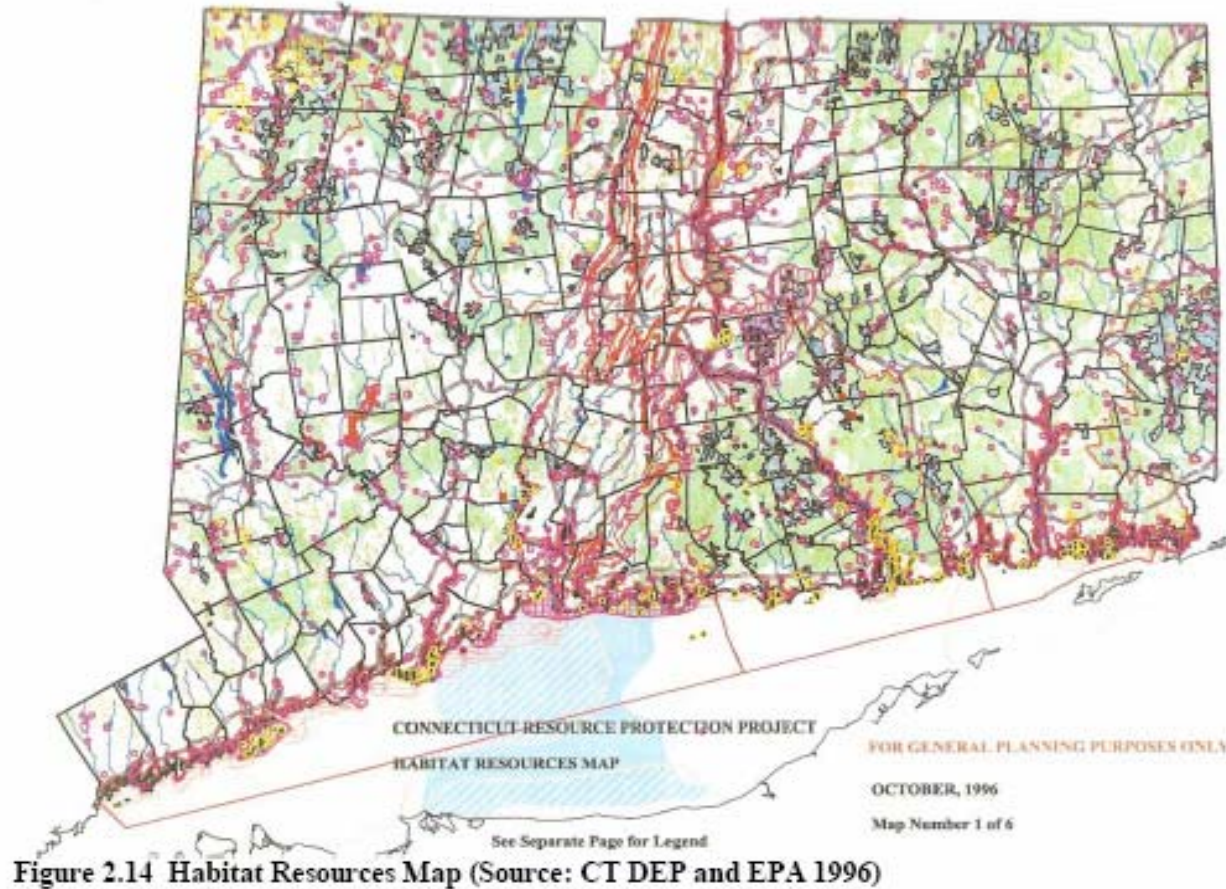
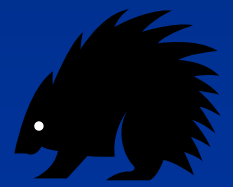
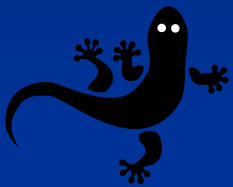


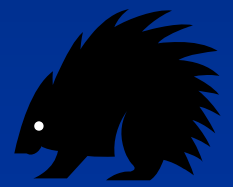
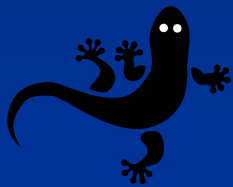
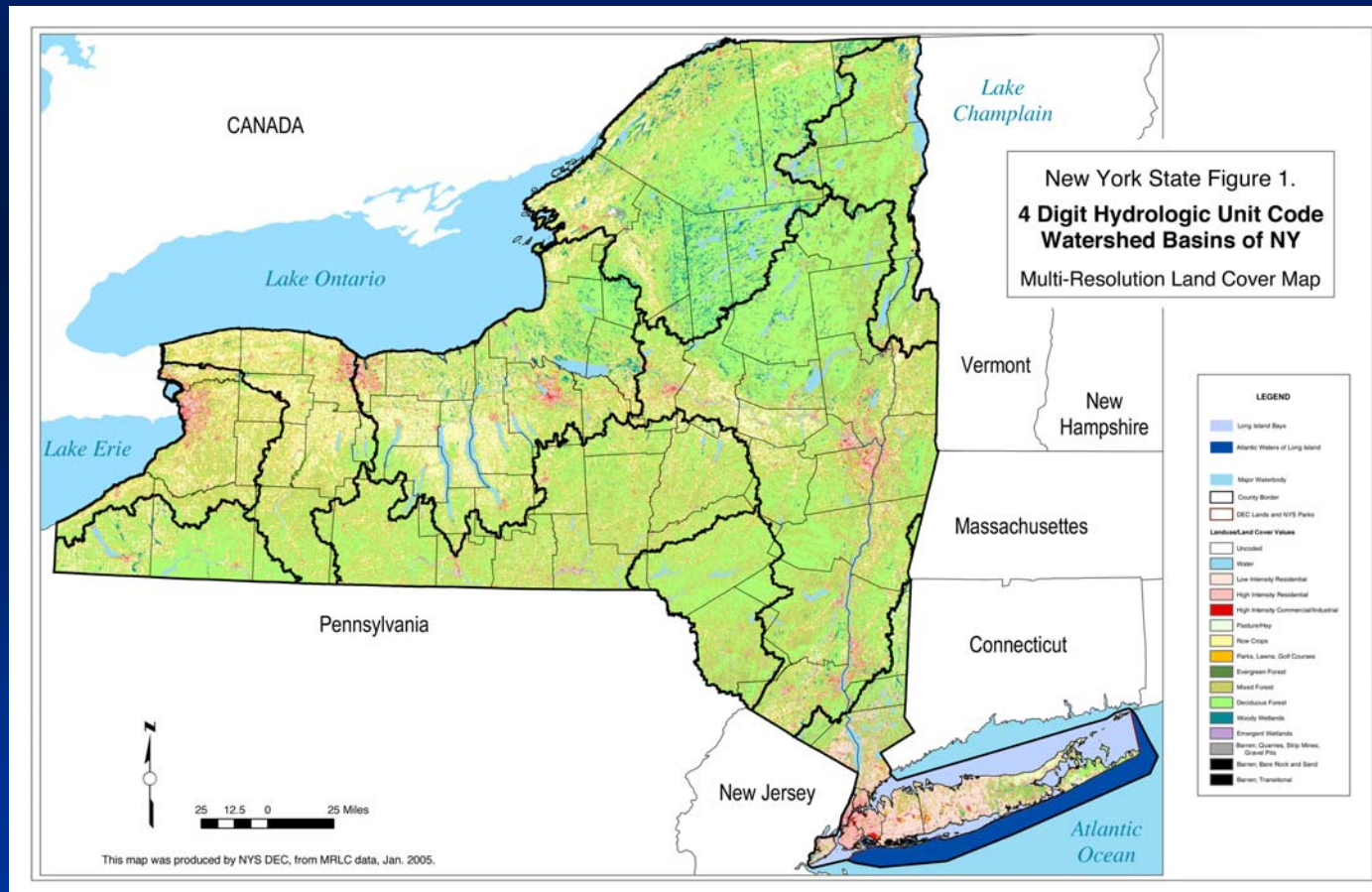
Figure 2.14 Habitat Resources Map (Source: CT DEP and EPA 1996)





New York

- Habitat Maps
- Watershed planning

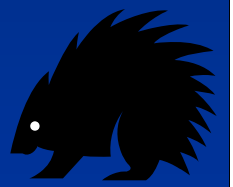
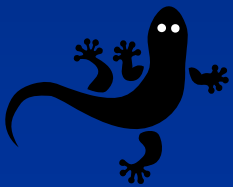




More Information and Links



- Biodiversity Partners:
www.biodiversitypartners.org/bioplanning/wildlifestrategies.shtml
- Teaming With Wildlife:
www.teaming.com/state_pages.htm

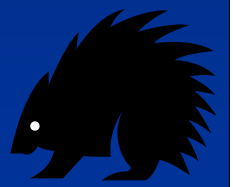
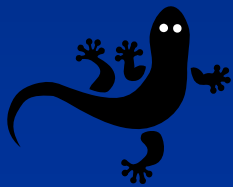




For States w/o Mapped Priorities



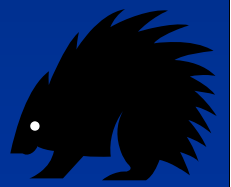
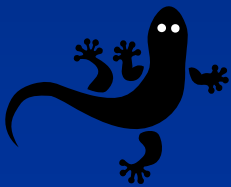
- The Nature Conservancy – ecoregion priorities
www.nature.org
- NatureServe – ecosystem / rare species data
www.natureserve.org
- Audubon – Important Bird Areas
www.audubon.org/bird/iba
- Gap Analysis Program (GAP)
<http://gapanalysis.nbii.gov>





Federal Funding for Biodiversity Conservation

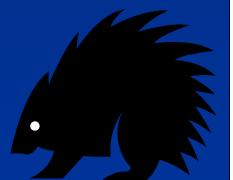
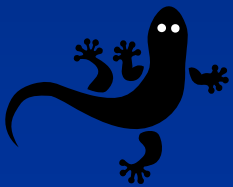
www.biodiversitypartners.org/incentives





Types of Federal Incentive Programs

- Purchase conservation easements
- Cost share (restoration, conservation)
- Rental payments
- Incentive / bonus payments
- Technical assistance

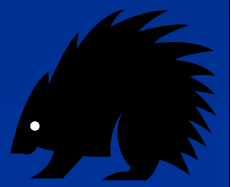
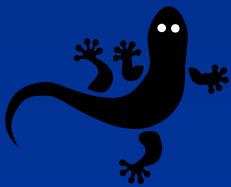




Easement Programs (NRCS)



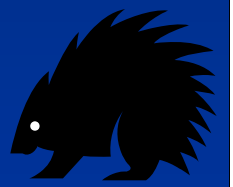
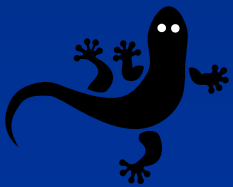
- Emergency Watershed Protection Program (EWPP)
 - Floodplains after flooding, restoration too
 - Permanent
- Farm and Ranch Lands Protection Program (FRLP)
 - Agricultural lands
 - Permanent; must be held by land trust
- Grassland Reserve Program (GRP)
 - Grasslands vulnerable to conversion
 - 30 year or permanent
- Wetlands Reserve Program (WRP)
 - Restore farmed wetlands
 - 30 year or permanent





Easement Programs (not NRCS)

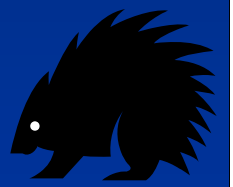
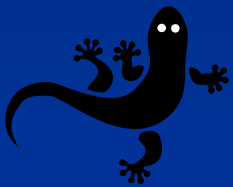
- Healthy Forests Reserve Program (HFRP; USFS / NRCS)
 - Forests with at-risk species
 - 30, 99 year easements + restoration
 - 2006 focus areas: Maine, Arkansas, Mississippi
- Forest Legacy Program (FLP; USFS / states)
 - Environmentally sensitive forest land
 - Permanent easement or acquisition
- Landowner Incentive Program (LIP; USFWS / states)
 - Listed and at-risk species, multiple species
 - Long term or permanent benefits → can be used for easements
 - Some states link to State Wildlife Action Plan





Cost Share Programs (NRCS)

- Environmental Quality Incentives Program (EQIP)
 - 4 priorities include at-risk species habitat
 - Focus is livestock operations and water quality
- Wildlife Habitat Incentives Program (WHIP)
 - All private land and some public land are eligible
 - State NRCS develops priorities

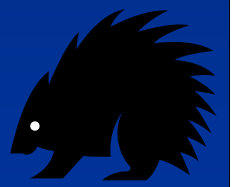
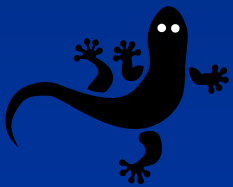




Cost Share Programs (USFWS)



- North American Wetlands Conservation Act Grants Program (NAWCA)
- Partners for Fish and Wildlife (PFW)
- Private Stewardship Program (PSP)

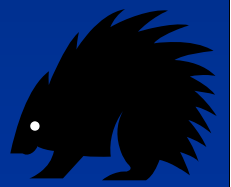
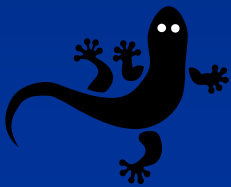




Cost Share Programs (USFS)



- Forest Land Enhancement Program (FLEP)
 - Delivered by states

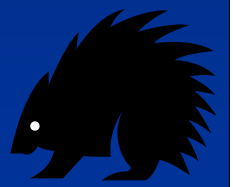
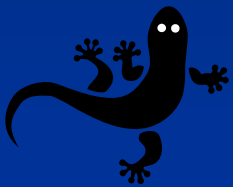




Rental Programs (NRCS)



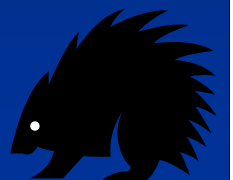
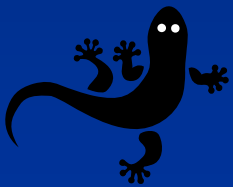
- Conservation Reserve Program (CRP)
 - Highly erodible lands
 - Recently expanded – rare and declining habitats
- Conservation Reserve Enhancement Program (CREP)
 - State / federal partnership; not all states
 - Often for riparian restoration for habitat and/or water quality





Stewardship Programs (NRCS)

- Conservation Security Program (CSP)
 - Rewards ongoing stewardship on producing land
 - Whole-farm approach
 - Available to all producers (any size, crop)
 - Only available in selected watersheds each year
 - Tier III requires wildlife component

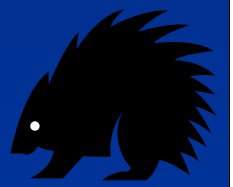
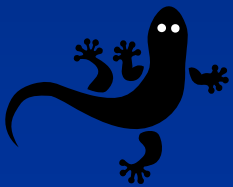




Challenges

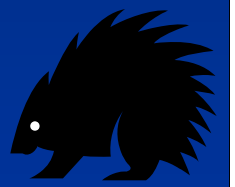
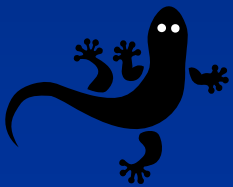


- Program delivery opportunistic
- Most programs focus on soil and water, not habitat
- Programs numerous and complex
- Lack of funding
 - Demand > funding
 - Technical assistance
 - Ag > forestry
- Lack of knowledge of programs
 - Landowners
 - Land trusts
- Cost share: landowner pays up front





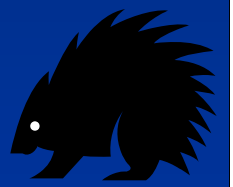
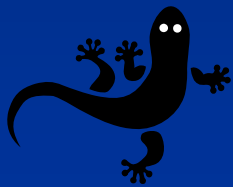
Future Opportunities





Opportunities

- Partnerships with State Wildlife Action Plans
- NRCS State Technical Advisory Committees; Basin Work Groups
 - Is a local land trust on yours?
- 2007 Farm Bill Reauthorization

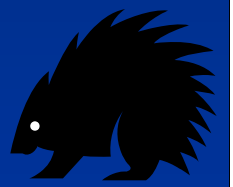
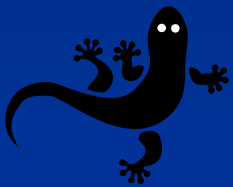




Living Lands Opportunities (2006 – 2008)



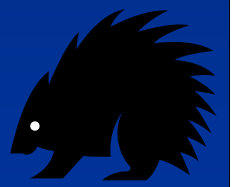
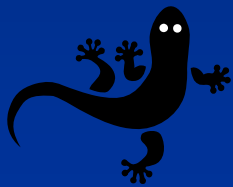
- Case studies – highlight good examples
- Pilot projects – funding, assistance
- Trainings – Rally, Leadership Courses
- Revolving fund for up-front cost of restoration in cost-share program
- Other web resources – sample easement language, sample conservation plans, links to more





Closing Thoughts on Biodiversity Conservation...

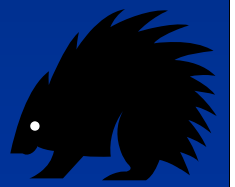
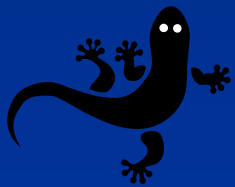
- Identify local priorities based on landscape-level priorities
- Habitat restoration and management may be needed
- Living Lands Project: developing resources to help





**Questions?
Comments?**

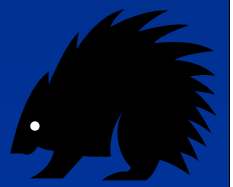
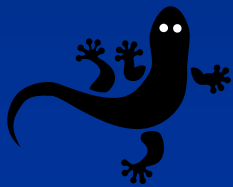
**jlerner@defenders.org
chummon@defenders.org
www.biodiversitypartners.org**





Living Lands: Standards and Practices

- Standard 8: Evaluating and Selecting Conservation Projects
 - A. Identifying focus areas
 - B. Project selection and criteria
 - D. Public benefit of transactions
 - F. Documenting conservation value
 - G. Project planning
 - H. Evaluating the best conservation tool
 - I. Evaluating partnerships
- Standard 11: Conservation Easement Stewardship
 - D. Landowner relationships (management)
 - E. Amendments

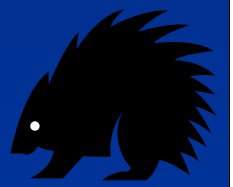
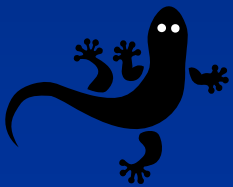




IRS and Habitat



- IRS income tax deduction for “qualified conservation contributions” must meet conservation purpose (section 170(h))
 1. Recreation or education for general public
 2. Protection of relatively natural habitat
 3. Open space (including farm or forest land)
 4. Historically important land or structure





Treasury regulation definition



- Significant habitats and ecosystems:
 - habitat for rare or listed species
 - high quality natural community
 - natural area near a park, preserve, refuge, or other conservation area
- (Section 1.170A-14)

