

## Land Protection and Conservation



Future land steward enjoys the floodplain on conserved land in Lee.  
Photo by Breakaway Media.

### Background

The land that affords protection to a river is often found along the river, but not always. The land that protects small headwater streams, wetlands, and groundwater recharge areas is also important to the overall condition of a river. Protecting the best and/or most sensitive land helps to protect the water and the overall environment that relies on that water.

Non-binding, voluntary land stewardship practices are helpful, but are not permanent. Often they vary from one landowner to the next. Regulations such as shoreland protection rules are often minimal and subject to modification by town or state governance. Deed restrictions and covenants might seem to protect land, but they are impermanent, subject to interpretation and amendment, and difficult to enforce.

The most effective long-term strategy for protecting the water and ecological integrity of rivers, therefore, is voluntary land protection, either through a conservation easement with landowners or land acquisition by a municipality, conservation group, or agency. A conservation easement is a legal agreement between a landowner and a conservation organization or agency in the form of a deed that permanently protects the land from development. Conservation easements are granted in perpetuity and apply to the land regardless of who might own it in the future. Land under easement often remains privately owned

and managed. Typically, such land is used for agriculture, forestry, wildlife habitat, watershed protection, recreation, and education. The landowner may continue to live on and use the land as long as the terms of the easement are not violated. One of the key strengths of conservation easements is that the land trust, municipality, or agency that holds the easement is obligated to monitor the land annually and seek enforcement of its terms if necessary.

The Wild and Scenic portion of the main-stem Lamprey River flows from West Epping to the confluence with the Piscassic River in Newmarket. The quarter mile wide corridors that parallel the river in this section are eligible to receive funding from the National Park Service which may be used for land protection with willing sellers. The Committee's land protection policy is to match or leverage these funds with those of other conservation groups, town conservation commissions, state grants, federal programs, foundations, offsets paid by developers, and private donations of land or money. Combining funding from multiple sources helps to further the collective conservation goals of communities, landowners, and environmental protection partners.

Thus far, LRAC's land protection efforts have been consistent with the criteria of the 1995 Lamprey River Management Plan (referenced in the federal designation of part of the Lamprey into the National Park Service Wild and Scenic Rivers Program, Appendix C). The Committee's funding is intended for the purchase of lands or conservation easements that protect or enhance the assets for which the river was designated (ecology, archaeology, and anadromous fisheries protection).

The act designating the Lamprey as Wild and Scenic precludes the National Park Service from owning or managing land within the Wild and Scenic portion of the river and does not allow condemnation of land along the river. Federal funds for land protection are subject to the following conditions:

- The acquisition is from willing sellers only.
- Local municipal authorities approve the acquisition.
- An appropriate local, state, or nonprofit entity, and not the National Park Service, holds the title and management responsibility for any purchased land or easements.

Because funds are limited, the Lamprey Rivers Advisory Committee's criteria for prioritizing lands for conservation easements are considered through a 3-tiered approach that identifies frontage on the river, significant acreage, key natural features, proximity to other conserved areas, wildlife habitat, and other ecological values. (See Appendix B for the Land Protection Priority Ranking Sheets.) Funding for land protection in the Wild and Scenic portion may also be received from other sources, but the provisions stated above still apply.

In addition to outright purchase or fee simple purchase of an easement, helping landowners understand the ecological value of their land and encouraging best management practices for conserving it are a priority. Recognition of the positive efforts of landowners should be a part of any land conservation program.

## **Goals**

- Protect lands that support the ecological health and recreational uses of the Lamprey and its surrounding landscape.
- Continue to work with landowners and municipalities to foster interest and action in permanent conservation of lands associated with the rivers.

## **Accomplishments**

- As of December 2012, LRAC had leveraged funding totaling \$9,547,210 to protect 2,771 acres. Every three dollars of National Park Service funding that was spent was matched by seven dollars from landowner donations of land value and matching funds from towns and conservation organizations.
- The Committee presented stewardship workshops and provided notebooks detailing land conservation practices in partnership with the Strafford Regional Planning Commission.

## **Key Future Actions**

- Identify individual properties that are located in areas identified by the State of New Hampshire as high priorities for permanent protection. Inform landowners about their property's special features that make them priorities for permanent protection. Inform them of conservation options and offer support with the process of protecting their land.
- Continue to support research on the resources of the Lamprey rivers and their corridors to identify additional key lands to protect. This includes inventories of rare wildlife and plants, important agricultural soils, sensitive or otherwise important habitats, and recreation and cultural assets. Other topics to study include how climate change could impact river flow dynamics or the degree to which wildlife can connect with the critical resources they need while identifying the barriers that prevent these animals from reaching these resources.
- Seek out funding opportunities and partnerships that support permanent land protection efforts in the landscape of all the Lamprey rivers.
- Support broad outreach programs that foster stewardship of private lands by landowners and seek ways to reward those who are good stewards.