

LAND PROTECTION AND CONSERVATION



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

Background

The health and integrity of a river is determined by more than what happens within its riverbanks. Rivers are defined and protected by the land along the river, but also by the land that surrounds small headwater streams, wetlands, and groundwater recharge areas. Protecting the best and/or most sensitive land helps to protect the water and the ecosystems that rely 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 often set minimum standards and are subject to modification by town or state governance. Deed restrictions and covenants might seem to protect land, but they are subject to interpretation and amendment, difficult to enforce, and can be changed (with concurrence of the person who first imposed the restriction).

The most effective long-term strategy for protecting the water and ecological integrity of rivers 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 LRAC's Land Protection Workgroup seeks to prioritize, preserve, and connect important riverfront properties that support the resources for which the river was designated, notably ecological, historical, and anadromous fishery protection. Highest priority is given to properties that include exemplary natural communities, species of concern, natural corridors that provide essential cover for animal movement across the landscape, archaeological resources, or opportunities for access to the river for recreation. The Workgroup collaborates with willing landowners to permanently protect these priority properties through donation of land, fee simple purchase, or acquisition of conservation easements.

Funding from the NPS or funds that the LRAC receives from other sources can be conveyed to land trusts and local communities for land acquisition. The LRAC seeks 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 conservation partners.

The Act of Congress (PL 104-333) designating the Lamprey River as Wild and Scenic prohibits federal acquisition of lands by condemnation and limits acquisition to donation or with the consent of the owner. Criteria in the 1995 *Lamprey River Management Plan* (page 39) further guide land use management and land acquisition: NPS will not own or manage and lands along the river and there is no authority for NPS to manage, regulate, zone, or otherwise restrict the use of nonfederal lands. In addition, federal funds intended 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.

The LRAC's guidelines for land protection projects prioritize properties through a 3-tiered approach that considers frontage on the river, significant acreage, key natural features, proximity to other conserved areas, wildlife habitat, and other ecological values ([Appendix B for the Land Protection Priority Ranking Sheets](#)).

The highest ranked properties are those with important river-related resources and significant frontage along the main stem of the Lamprey River. Parcels with frontage of tributaries or located within a quarter mile of the main stem may also be considered.

In addition to fee simple purchase or purchase of a conservation easement, helping landowners understand the ecological value of their land and encouraging best management practices for conserving it are priorities. 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 River 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.

River Profiles

Over the ten years I have actively worked in land protection for the Town of Lee and the Lamprey River Advisory Committee, the dominant theme of the process has been partnership. Some projects are relatively simple, such as the donation of a conservation easement or property by a single generous landowner to a single land trust organization. There can also be the complexity of a single project that encompasses multiple properties, landowners, land trusts, state agencies, and all the accompanying transaction personnel (banks, lawyers, surveyors, and appraisers).

The most important partnership in land protection work is with the landowner. It is a daunting task for a farmer or forester to commit to a permanent legal restriction over family land. For some people, a conservation easement can be a logical decision for a life spent in active environmental conservation. For other projects, the decision is much more difficult: are the owners ready to trust the legal system, town, state, or federal government to understand how to wisely manage the farm to which they have devoted their lives? Positive, trustworthy relationships are important at every stage. The bottom line for the success of these projects is that all the entities involved are working cooperatively toward the common goal of protecting the forests, fields, and rivers of our neighborhood for the long term benefit of our future generations. I am proud to have played a role in helping LRAC with 21 projects that protected almost 900 acres.

contributed by Laurel Cox, LRAC land protection administrator

LRAC Partners in Land Protection

Center for Land Conservation Assistance
Great Bay Resource Protection Partnership
Land and Water Conservation Fund
landowner donations
National Park Service
Natural Resources Conservation Service
The Nature Conservancy
New England Grassroots Environmental Fund
New Hampshire Cooperative Extension Service
New Hampshire Department of Environmental Services
New Hampshire Division of Historical Resources
New Hampshire Fish and Game Department
New Hampshire Estuaries Project
New Hampshire Land and Community Heritage Investment Program
Piscataqua Region Estuaries Partnership
private donations
Society for the Protection of New Hampshire Forests
Southeast Land Trust of New Hampshire
Strafford County Conservation District
Strafford Regional Planning Commission
Strafford Rivers Conservancy
Town of Durham
Town of Epping
Town of Lee

Accomplishments

- As of October 2016, LRAC had invested funding totaling \$4,915,781 to protect 3,497.09 acres and 15.9 miles of river frontage. For every dollar LRAC provided, more than two dollars from other sources such as landowner donations of land value and matching funds from towns and conservation organizations were used. (See Appendix A: Conserved Land along Wild and Scenic Lamprey River)
- The LRAC 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 River, its tributaries, 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 River and its tributaries.
- Support broad outreach programs that foster stewardship of private lands by landowners and seek ways to reward those who are good stewards.

Sample of LRAC's Land Protection



Mast Road Natural Area, Epping, NH Photo courtesy of Southeast Land Trust

Excerpted and adapted from <http://seltnh.org/gallery/mast-road-forest/>

The Southeast Land Trust acquired over 525 acres of forestland and wetlands along the federally-designated Wild and Scenic Lamprey River in early 2011. These lands, subject to a conservation easement held by the Natural Resources Conservation Service (NRCS), represent the Land Trust's second largest ownership and the culmination of over two years of work.

Located in Epping, the land falls within a conservation focus area identified in 2005 by the Southeast Land Trust as a top priority for our work. The property represents the highest co-occurrence of natural resource values within the area, with significant wetland resources, including more than 350 acres of diverse wetlands that include streams, extensive vernal pools, red maple floodplain forest, black gum basin swamp, pitch pine-heath swamp, and over 3,200 feet of frontage on the Lamprey River. In addition, the acquisition includes over 150 acres of upland hemlock-hardwood-pine forest.

The property, previously owned by NH Public Golf Courses, Inc. was considered at one time as a potential site for an extensive golf course and related residential and commercial development. However, its location on the Lamprey River and proximity to thousands of acres of conservation land in Epping, Exeter, and Newfields conserved by the Great Bay Resource Protection Partnership, made its protection a top priority for local, regional, and state conservation organizations. Its protection will help connect a vast corridor of conservation land stretching to the Piscassic Ice Pond in Newfields. Where the soils and site conditions are appropriate, public access opportunities will be provided for passive outdoor recreation including hiking, skiing, fishing, and hunting.

“Because of the many public benefits, this land was a conservation priority both regionally and statewide,” notes David Viale, land protection and stewardship specialist with the Land Trust. “Conserving this land will help protect the water quality of the Lamprey River, preserve critical wildlife habitat, and ensure that large blocks of open space will remain undeveloped and available for passive recreation and enjoyment by the public.”

LRAC had long sought the protection of the NH Public Golf Course property, and agreed to provide key funding to match the WRP application and to support the long-term management of the property.

“This new property will continue to be a focus of the Land Trust for several years, as we work to restore the property's wetlands and reverse damage done by unauthorized users,” explains Viale. Illegal off-road vehicle use has created new trails, rutted wetlands, and damaged sensitive habitat. In addition, Birch Road, an unmaintained dirt road in Epping, has been illegally widened onto the property by users, beyond the road right of way. The Land Trust will be working with the Town and NRCS to block illegal access points, retire inappropriate trails and woods roads, and restore wetlands functions to the property.

By the Numbers: Land Protection and Conservation

Item Description	Count
dollars invested	\$4,915,781
dollars leveraged	\$15,880,067
leveraging ratio	>2:1
funding partners	>60
acres conserved	3,497.09
miles of riverfront land protected	15.9
stewardship workshops held	1