

SOP

Title: Procedure for Stewardship of Conservation Easements Held by the Vermont Fish and Wildlife Department	
State of Vermont Vermont Fish & Wildlife Department Standard Operating Procedure	
Issued by: Commissioner - Wayne Laroche Chief of Operations – Thomas Decker	
Applicable to: Department staff in Wildlife Division	
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Section I. Purpose:

This procedure serves to guide Vermont Fish and Wildlife Department (VFWD) staff in monitoring, management and stewardship of lands subject to conservation easements where the VFWD is grantee. It is essential that the VFWD be vigilant to the management needs of any lands for which it is responsible, including lands subject to easements for purposes of conserving wildlife, habitat and public use values. This procedure identifies the responsibilities of the VFWD for regular monitoring of these properties, coordination with landowners and others involved in the management and conservation of these properties, administration of easement documents, boundary maintenance, and management of the lands.

Section II. Background:

The VFWD maintains several types of conservation easements including: (1) easements purchased with Landowner Incentive Program (LIP) funds; (2) easements purchased with other state or federal funds such as Pittman Robertson funds; (3) easements granted by developers for purposes of mitigating impacts to important wildlife habitats associated with regulated development, and 4) USDA Farm Services Association easements.

LIP is a federally funded program to protect and restore habitats on private lands to benefit species and natural communities determined to be at-risk and in need of conservation (see VFWD LIP implementation plan 2003). LIP funds are provided to state fish and wildlife agencies through a national grant program administered by the U.S. Fish & Wildlife Service (USFWS). Lands eligible for conservation through LIP funds include any lands not already owned by a state or federal government organization. Species at risk include rare, threatened and endangered plants and animals and state-significant natural communities tracked by the VFWD. Conservation easements are important for the

VFWD's implementation of the goals included in Vermont's LIP plan for the long-term conservation of habitats and natural communities for species-at-risk.

VFWD supports a state and federally funded technical assistance project for the protection of significant wildlife habitats that may be impacted by regulated development. In accordance with VFWD procedures, the habitat impact assessment process includes an option for mitigating unavoidable impacts to significant wildlife habitats through the permanent protection of other similar habitat. This mitigation process typically requires the application of a conservation easement, usually granted to the VFWD, to ensure the perpetual conservation of the habitat and make clear the short and long-term stewardship needs and interests of the habitat.

This document outlines the VFWD's responsibilities with respect to the long-term stewardship of lands subject to conservation easements. The goal is to provide effective stewardship of easements from monitoring to enforcement in order to meet the VFWD's fiduciary responsibilities, as well as for the proper and effective conservation of the species and habitats associated with the easement. This document should be used in conjunction with the Department's *Process for the Orderly Development and Review of Conservation Easements for the Protection of At-Risk Species through Vermont Fish and Wildlife Department's LIP*, the *Process for Addressing Violations of Conservation Easements*, and the *Process for the Orderly Development and Review of Conservation Easements for Mitigating Impacts to Significant Wildlife Habitat Associated with Regulated Development in Vermont*.

Section III. Procedure for Conservation Easement Stewardship:

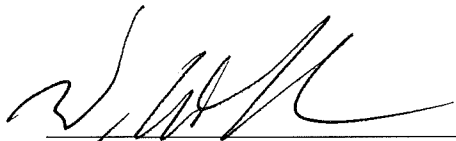
The following procedure describes the responsibilities for VFWD staff associated with monitoring and stewardship of conservation easements. Responsibilities for monitoring and stewarding conservation easements are addressed by the VFWD's Wildlife Division, Habitat Conservation and Management Section (HCMS). The Director of Wildlife will coordinate with the HCMS Scientist IV to determine monitoring schedules and assign staff for easement stewardship.

- a. Prior to closing on any conservation easement, the VFWD shall provide for, or otherwise ensure the development of, an associated Baseline Documentation Report (BDR) for the property as well as a management plan associated with the easement that directs the stewardship of the property. These documents shall typically be developed by VFWD staff and/or a partner organization in cases where VFWD is applying funds to secure the easement. In such cases, including the use of LIP funds, the costs of developing a BDR may be incorporated into the overall costs of the project. In the case of mitigation easements, the responsibility to develop a BDR is typically associated with the developer who is conveying the easement to VFWD.

- b. If an easement is co-held by the VFWD and another organization or individual, a Stewardship Memorandum of Understanding must be developed prior to closing on the easement. The MOU must identify the responsibilities of each holder for monitoring, management and stewardship. It shall also include a reporting schedule that establishes deadlines for complying with monitoring and stewardship requirements. VFWD will monitor its interests in all easements regardless if they are co-held by another organization.
- c. VFWD staff shall ensure that the easement and related documents, including but not limited to the notice of grant agreement, are recorded in the town land records. Paper copies of all final documents including: easements; notice of grant agreement; baseline documentation reports; maps; surveys; management plans; and confirmation of recording in the town land records shall be provided to Forests, Parks and Recreation Lands staff and shall also be filed in the VFWD's lands database. All pertinent documents associated with an easement shall be recorded in VFWD's lands database within 1 month following the complete execution of the easement. In addition, copies of all paper documents associated with an easement shall be filed in a central filing system maintained by the VFWD which shall be supervised by the HCMS Scientist IV. In the case of mitigation easements, copies of these documents shall also be provided to the permit issuing authority (e.g., Act 250 District Environmental Commissions).
- d. The HCMS Scientist IV shall ensure that a copy of all easement documents in the file for a property are conveyed to the VFWD staff biologist responsible for monitoring and stewarding that property. These documents shall be provided to the assigned staff person within 1 month of the complete execution of the easement.
- e. VFWD staff, typically the LIP Coordinator, will develop a monitoring plan immediately after closing on the conservation easement. This will include: (1) a summary of the easement as it relates to the VFWD's responsibility; (2) a schedule for monitoring as it relates to the best time to monitor the biological resources at the site (e.g. plants in bloom, bats roosting, etc); (3) a monitoring template that will be completed annually for LIP and other easements, and once every 3 years for mitigation easements, or more frequently as needed that addresses the purposes of the easement; and (4) maps needed for field visits.

- f. Field monitoring shall be conducted annually for LIP and other easements by the LIP coordinator or other VFWD staff assigned to monitor a property. Field monitoring shall be conducted at least once every three years for lands associated with mitigation easements. Prior to all field visits the LIP coordinator, or other VFWD staff, will contact each landowner and offer the opportunity to be present during the field inspection. VFWD staff will discuss with the landowner any changes to the property or management over the past year (e.g., habitat management, land uses, intent to sell). If the easement is co-held with a conservation partner, they will be notified of the site inspection and provided an opportunity to participate.
- g. VFWD staff assigned to monitoring and stewardship oversight of lands subject to conservation easements (e.g., LIP coordinator or other wildlife biologists) will visit the property and complete the monitoring form associated with the monitoring plan for the property. The monitoring form will be filed in the appropriate project files (e.g., LIP, Act 250 files), and recorded in the VFWD lands database. Photo documentation of the site shall be taken once every three years or more frequently as needed. An annual summary of all easement monitoring shall be prepared and submitted to the HCMS Scientist IV and included in applicable annual federal grant reports or other applicable reports.
- h. VFWD staff assigned to monitoring and stewardship of properties subject to conservation easements shall ensure that the boundaries of the properties are properly marked. Easement boundary marking shall include VFWD signs. VFWD shall maintain boundaries on a regular basis. Conditions of boundaries shall be checked during each monitoring event, and boundaries shall be re-marked or maintained as determined necessary, but with the overall goal of having the boundaries clearly marked at all times. Any points of formal public or management access shall be clearly marked and maintained by VFWD.
- i. If a violation(s) of the conditions of an easement is discovered, then VFWD staff will follow the *Process for Addressing Violations of Conservation Easements*.
- j. VFWD will report to USFWS annually on the status of all easements in the appropriate federal aid performance reports (e.g., Technical Assistance PR grant, LIP, Recovery Land Acquisition grant). If the easement is co-held, all reporting from partners will be compiled by the appropriate VFWD staff person (e.g., LIP Coordinator) and included in the report to the USFWS. Annual

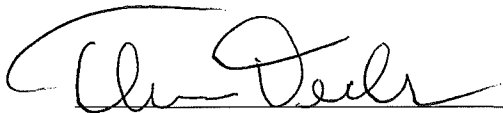
reports will be required beginning one year after the initial closing and thereafter. The LIP Coordinator will also provide copies of the annual monitoring reports to the HCMS coordinator to include in the VFWD database.



Wayne Laroche, Commissioner

12/4/09

Date



Thomas Decker, Chief of Operations

12/3/09

Date