

Guidelines for Conservation Easement Stewardship and Monitoring.
New Hampshire Forest Legacy
DRED-Division of Forest and Lands

1. Administration
No additional documents
2. Record Keeping
Electronic record keeping guidelines are provided in the *Conservation Easement Stewardship Guidelines*.
 - a. NH Forest Legacy Record Keeping Policy
 - b. Electronic File Folder template
3. Baseline Documentation Report
A Baseline Documentation Report (BDR) is required for every easement in order to record the condition of the property at the time an easement is granted. The BDR serves as a record that forms the basis for future monitoring and enforcement of the terms of the easement over time. The BDR establishes the initial conditions against which the terms of the easement are measured and against which changes to the land (human-caused and natural) are evaluated. BDRs must be developed and approved prior to the closing of the easement. Content requirements for BDRs is outlined in the *Conservation Easement Stewardship Guidelines*.
 - a. BDR Instructions
 - b. Table of Contents
 - c. Acknowledgement of Property Conditions Template
4. Monitoring
Regular conservation easement monitoring is essential to ensure compliance with the terms of the easement. DRED and OEP staff will coordinate to ensure the regular monitoring of all easement properties.
 - a. Monitoring Form
 - b. Memorandum of Understanding, DRED-OEP
5. Violations, Enforcement and Defense
No additional documents
To be developed:
 - a. Violation Protocol
 - b. Enforcement and Defense
6. Amendments
No additional documents
7. Stewardship Fund
 - a. Land Conservation Endowment Contribution Policy for Forest Legacy Conservation Easements

Section 1. Administration
No Additional Materials

Section 2. Record Keeping

- Record Keeping Policy
- Electronic File Folder Template

Record Keeping Policy
New Hampshire Forest Legacy Program
DRED-Division of Forest and Lands

I. Record Organization, Maintenance and Storage

The Division of Forest and Lands maintains the records for all New Hampshire Forest Legacy projects. The documents for each project are maintained as follows:

1. Paper files (original or copy) are stored in a standard locking file cabinet, at the Department of Resource and Economic Development, Bear Brook State Park DRED warehouse in Pembroke, NH, or at the State Archive Department, Concord, NH.
2. Electronic files are stored in three locations:
 - a. On an independent network server maintained by the State of NH.
 - b. On a portable hard drive, stored off-site at the Bear Brook State Park DRED warehouse in Pembroke, NH, in a fire / flood proof safe; and
 - c. On CD-ROMs, stored in a standard locking file cabinet, at the Department of Resource and Economic Development Concord headquarters office.

Project files are organized in accordance with the *State of New Hampshire Forest Legacy Forest Legacy Program Electronic File Folder Template* (May 2012).

II. Project Documents

The following documents are required or recommended Forest Legacy projects. Documents are held in perpetuity by the state. Mandatory and recommended documents are listed below for conservation easement acquired and fee acquired projects. For a complete listing of project documents maintained, see *New Hampshire Forest Legacy Program Electronic File Folder Template*.

State of New Hampshire Mandatory Documents

1. Current landowner contact information (name, address, phone, email).
2. Forest Legacy Application.
3. Grant Management including the grant award letter, progress reports, close-out report.
4. Governor and Executive Council Approval.
5. Recorded copy of the Conservation Easement Deed for parcel, and each subsequent landowner. Copy of Snowmobile Agreement Deed if applicable.
6. Survey.
7. Baseline Document Report (original), and all updates. (Not required for Fee.)
8. Forest Stewardship Plan, and all amendments and updates. (Not required for Fee.)
9. Title Insurance Policy.
10. Appraisal Report.
11. Appraisal review approval.

12. Certification of appraiser qualifications if non-federal review appraiser was used.
13. Certificate of Ratio of Value.
14. Amicable Agreement.
15. Environmental Hazard Assessment. Level I Environmental site inspection including Hazardous Materials review.
16. Settlement statement. Includes signatures, or other proof of payment, e.g. copy of check or Electronic Funds Transfer. (Not required for Fee.)
17. Monitoring records. Documentation of monitoring history. (Not required for Fee.)
18. Cost Share Match property documentation of value for all cost share match, including cost share tracts will be maintained by the Conservation Easement Holder and Fee Owner. Documentation of value may include appraisals, documentation for an IRS donation, signed documents from landowners, agreements between the State and the cost share source.

State of New Hampshire Recommended Documents (if applicable)

1. Copies of any leases, covenants, or other restrictions on the use of the property, if applicable as part of the Title Policy.
2. Option agreement or Purchase and Sales Agreement.
3. Public hearings or meetings held with the municipal government.
4. Additional landowner agreements (such as public use agreements)
5. Relevant correspondences and documentation.

III. Recipients of Project Documents

The State of New Hampshire will provide the following final project documentation to the following Project parties:

Federal Government / US Forest Service Mandatory Documents

1. Grant documents
 - a. Application (State Forester request)
 - b. Award Letter
 - c. Project narrative
 - d. SF 424, SF 424C, and SF 424D
 - e. SF 425 Federal Financial Form
 - f. FLP Close-Out Report from state, including certification of cost/share match
 - g. FS6500-235, De-Obligation/Close-out Request Form
 - h. All modifications and invoices
 - i. All financial and progress reports.
2. Copy of recorded Acquired Interest in Land (whether CE or fee deed) with signatures, and book and page stamp from recording.
3. Final Title Insurance Policy or letter from the state assuring title.

4. Minerals determination (if mineral rights are severed).
5. Cover page of the original approved Stewardship Plan (the original version approved before project closing) and the signature page or other documentation that the plan was completed and approved by both the landowner and the State Forester. (Not required for Fee.)
6. Appraisal Review Report indicating appraisal conformance to UASFLA.
7. Amicable Agreement letter.
8. Proof of cost share/match, including cost share tract documentation.
9. Baseline Documentation Report Acknowledgement signatures. (Not required for Fee.)
10. GIS shape-files of the boundaries of the CE or fee acquisition, to be held by DRED Survey Department. (File will be provided to FLIS.)

Federal Government / US Forest Service Recommended Documents

1. Settlement statement, including signatures, or other proof of payment, e.g. copy of check or Electronic Funds Transfer.
2. Maps of Forest Legacy project tracts of conservation easement or fee acquisition.
3. Evidence of publicly crediting USFS as a source of funding for the project through a publicly available periodically, or photographic proof of the posting of a FLP sign.

Landowner Mandatory Documents

1. Baseline Documentation Report, acknowledgement signatures. (Not required for Fee.)
2. Amicable Agreement letter.
3. Certificate of the Ratio of Value.

Electronic File Folder Template
New Hampshire Forest Legacy Program
DRED-Division of Forest and Lands

PN = Project Name (abbreviation)
Date = year-month (if necessary) ex 2012-July
BDR = Baseline Documentation Report
CEM = Conservation Easement Monitoring
EHA = Environmental Hazard Assessment
G & C = Governor and Executive Council
NHB = Natural Heritage Bureau
PUA = Public Use Agreements
Sender = Company, Agency, or Person
Research = old deeds
Corr = Correspondence
Doc = Document

Folder – Project Name

Folder – Application

PN_Application-Final_Date
PN_Application-Original_Date
PN_Application-Corr

Folder - Appraisal

PN_Appraisal-Report
PN_Appraisal-Fed-Task-Assign
PN_Appraisal-Fed-Review
PN_Appraisal-Corr_Date

Folder - Baseline Documentation Report

PN_BDRDoc_Date
PN_BDRCorr_Date

Folder - Closing

PN_Amicable-Agreement
PN_Certificate-Of-Ratio
PN_Fund-Transfer
PN_Settlement-Statement

Folder - Conservation-Easement

PN_CE-doc_Date
PN_Other-deeds_Date
PN_Snowmobile-Agreement_Date

Folder - CE-Monitoring_Date

PN_MonitoringRpt_Date (Year – If more than once/year follow by month)
PN_Monitoring-Corr_Date

Folder – Correspondence

PN_Corr_Sender-Receiver_Date

Folder – Environmental Hazard Assessment

PN_EHA_Date

Folder – Financial_Date

PN_Direct-DepositDoc

PN_Fed-Financial-Corr

Folder – Grants-Management

PN_Grant-App-Request

PN_Grant-Acceptance-Packet

PN_Grant-Progress-Rpt_Date

PN_Grant-Close-Out-Report_Date

Folder – G&C

PN_G&C_Date

Folder – Match Tracts

PN_Match-CE

PN_Match-BDR

PN_Match-Appraisal

PN_Match-Corr

Folder – Media

PN_Media_Date

Folder – Natural Heritage Bureau

PN_NHB_Date

Folder – Photos

PN_Photos_Date

Folder – Public Use Agreements

PPN_PUA_Date

Folder – Research

PN_Research_Date

Folder – Stewardship Plans

PN_Stewardship-Plan_Date (year only)

PN_Stew-Plan-Amendment_Date

PN_Stew-Plan-Amendment_ltr_Date

PN_Stew-Plan_Corr_Date

Folder – Survey-Plans-Maps

PN_Survey-Plans-Maps_Date

Folder – Title

PN_Title-Review

PN_Title-Policy

PN_Title-Corr

Forest Legacy Project Names

Androscoggin Headwaters (AH)_2011-2013
AH-North_2011 (AH-N)
AH-South_2012 (AH-S)
AH-Greenough-Pond_2013 (AH-GP)

Bunnell Mountain (BM)_2002

Cardigan Highlands (CH)_2010 -2011
Green Acres Woodlands (GAW)_2011
Bailey Hill (GAW-BH)_2011
South Branch (GAW-SB)_2011
Groton Hollow (GAW-GH)_2011

Crotched Mountain (CM)_2011

Connecticut Lakes Headwaters (CLH)_2003

Jahoda / Jahoda-Johnson (J-JJ)_1996-97
Jahoda_1996
Jahoda-Johnson_1997

Kimball Pond (KP)_2002

Moose Mountain (MM)_2006

Ossipee Mountain – Chocorua (OM)_2002

Ossipee Pine Barrens (OPB)_2009

Piermont Mountain – Lake Tarlton (PM)_1997

Pillsbury-Sunapee Highlands (PSH)_2005

Pond of Safety (PS)_2001

Rossvie (RV)_2007

Thirteen Mile Woods I (TMW-I)_1997

Thirteen Mile Woods II (TMW-II)_2005

Trout Pond (TP)_2005

Willard Pond
Bald Mountain (WP-BM)_2007
Robb Reservoir (WP-RR)_2007

DFL: 6/20/2012

Section 3. Baseline Documentation Report

- BDR Instructions
- Table of Contents
- Acknowledgement of Property Conditions Template

Instructions for Conservation Easement Baseline Documentation Report
New Hampshire Forest Legacy Program
DRED-Division of Forest and Lands

Baseline Documentation Report Submittal Requirements

The Baseline Documentation Report (BDR) includes the *Conservation Easement Baseline Documentation Report and Acknowledgement of Condition* and supporting materials, as outlined in 'Baseline Documentation Report Table of Contents'. Completion of the BDR is required prior to the close of each Forest Legacy project and distributed to the following:

- State of NH, Division of Forest and Lands (DFL).
- State of NH, Conservation Land Stewardship Program (CLSP).
- The Landowner.

It is the responsibility of the landowner, and/or the organization serving as the Project Partner serving on behalf of the landowner, to provide the following:

1. Three (3) complete paper BDRs, including all materials and maps.
 - DFL receives one (1) BDR with the original signature by the landowner and the State.
 - CLSP and Landowner each receive a BDR with the signature as copy for the *Conservation Easement Baseline Documentation Report and Acknowledgement of Condition*.
2. The DFL and CLSP two (2) paper BDRs should be single sided, and collated in a three-hole loose leaf binder. The Landowner one (1) paper BDR may be single or double sided and may be collated in a three-hole loose leaf binder.
3. Three (3) electronic versions (CD-ROM) of the BDR, including all BDR maps and materials, shall be provided to DFL, CLSP and the Landowner. The materials in the electronic version of the BDR may be in MS-Word format and/or pdf format.
4. Clarifying Survey and Map submittal requirements.
Survey:
 - Submit for each BDR (total 3) one (1) full size paper, 24" x 36" or 22" x 34", depending on the requirements of the County Registry..
 - Submit for each BDR (total 3) one (1) 11" x 17" paper copy.
 - Submit for each BDR (total 3) an electronic version of the survey (pdf) on the CD-ROM.
 - GIS shape files of survey shall be submitted through email directly to the following state departments:
Department of Resources and Economic Development, Division of Forest and Land
Ron.Duddy@dred.state.nh.us

Office of Energy and Planning, Conservation Land Stewardship Program
Tracey.Boisvert@nh.gov

Maps:

- Submit for each BDR (total 3) one (1) paper copy of all maps. Map dimensions may be 8.5" x 11" or no larger than 11" x 17".
- Submit for each BDR (total 3) electronic versions of all maps on the CD-ROM.

Review and Approval Process

The Landowner shall submit, either directly to the DFL or through the Project Partner to the DFL, a draft BDR for review prior to the closing of the Forest Legacy conservation easement. The DFL will review the BDR and provide revisions, as needed. The *Conservation Easement Baseline Documentation Report and Acknowledgement of Condition* shall be completed to the satisfaction of the DFL, and signed by the Landowner and State prior to the completion of the project (signing of the conservation easement).

Completed BDR

The Landowner and/or Project Partner shall provide the one original and two copies of the BDR, at the time of closing. It is acknowledged that the recorded conservation easement deed will be provided by the Landowner and/or Project Partner after the County Registry has completed filing the deed. The completed BDRs for DFL and CLSP should be delivered to:

Bill Carpenter, Lands Bureau Manager
State of New Hampshire, DRED
Division of Forest and Lands
New Hampshire Forest Legacy Program
Pembroke Road
Concord, NH 03301

Property Name

Grantor: *NAME*

Grantee: State of New Hampshire, DRED, Division of Forest and Lands

Date: *201X*

**New Hampshire Forest Legacy Program
Conservation Easement Baseline Documentation Report**

TABLE OF CONTENTS

1. Summary Page
2. Conservation Easement Baseline Documentation Report and Acknowledgement of Condition. (*executed*)
3. Maps
 - Map 1: Property Location
 - Map 2: Property Access Points
(*Note: may be a separate map, or included on another map*)
 - Map 3: Survey
 - Map 4: Topographic (*includes Property Boundaries*)
 - Map 5: Aerial Photography (*includes Property Boundaries*)
 - Map 6: Soils
 - Map 7: Water Resources
(*includes ponds, lakes, rivers, streams, wetlands, vernal pools, bogs*)
 - Map 8: Recreational Features (*includes state designated Snowmobile trails, hiking trails, camp sites, other features*)
 - Map 9: Special Features (*includes gravel pits, cultural, historical, archeological features, other known features*)
 - Map 10: Existing Conservation Lands (*regional context*)
 - Map 11: Property condition photograph location map
 - Optional Maps:
 - Map 12: Property Boundary Condition Maps (*optional- based on boundary condition*)
 - Map 13: Special Management Area (optional)
4. Grant of Conservation Easement and Snowmobile Agreement (*if applicable*). (*executed and recorded copy*).
5. Property condition photographs and corresponding photo map (*Map 11*)

Supporting Documents:

6. Ecological Inventory and/or NH Natural Heritage Bureau
(letter and if available, copy of report)
7. Hazardous Waste Assessment
(executive summary and signature page)
8. Title Policy
(copy)
9. Appraisal Report Summary
(approved final report's signed executive summary)
10. Stewardship and Forestry Plan
(executive summary and signature page)

Property Name
Grantor: NAME

Grantee: State of New Hampshire, DRED, Division of Forest and Lands

Date: 201X

**Conservation Easement Baseline Documentation Report
& Acknowledgment of Property Condition**

Property Name:

Conservation Easement Acreage:

Property Address:

Town(s):

County(s):

Road(s):

Fee Owner (Landowner):

Address:

Phone:

Landowner (local/regional contact): *If Appropriate*

Address:

Phone:

Easement Grantee / Easement Holder:

State of New Hampshire
Department of Resources and Economic Development.
Division of Forest and Lands

Address: P.O. Box 1856
Concord, NH 03302-1856

Phone: (603) 271-2214

Executory Interest Easement Grantee (if applicable)

Name:

Address:

Phone:

Easement Baseline Documentation Prepared by:
NAME PREPARER for the ORGANIZATION

Preparer

Date

Property Name
NH Forest Legacy Conservation Easement Property

1. Conservation Easement Acreage and Deed Information:

Conservation Easement Acreage:

Conservation Easement: Name (Grantor), to the State of New Hampshire (Grantee).

Book #

Page #

Subdivision Plan:

Date: Signed _____, Recorded _____

2. Method of Acquisition

Conservation Easement Purchase

3. Property Access and Road Frontage

- Property Access Point Map
- Directions (*narrative: directions to property and description of access points into property*).

Maintained Public Roads:

Unmaintained Public Roads (Class VI):

Private Roads:

4. Property Survey, Maps, Plans

Property Survey and Boundary Map

Condition of Boundaries

- Determined by:
- Marked blazes, corner monuments / pins

5. History of Transaction

6. Additional Ownership Information

7. Summary of Conservation Easement

- Provide Summary of Conservation Easement and Snowmobile Agreement (If applicable)
- Provide specific information on the Reserved Rights of Fee Owner – Section 3
- Provide specific information on the Affirmed Rights of Conservation Easement Holder – Section 5

8. Public Access Conveyed

- Snowmobile Trails
- Hiking/walking
- Cross Country Skiing
- Hunting/trapping
- Other Traditional, non-motorized low impact uses

9. Property Acreage Description

- Total Conservation Easement Area:
- Forested acres:
- Non-Forested (include all other land uses) acres:
- Water Resource acres:

10. Description of Property - Natural Resources

Provide description and acreage. Include sources (author and date) used to provide description such as Stewardship and Forestry Plan, Natural Heritage Bureau Report, Appraisal Report, Forest Legacy Application.

- **Forest Resources**
- **Non-Forest Resources**
(Such as open field - hay, pasture, cultivated - early successional, steep slopes, gravel pits, other.)
- **Water Resources**
 - Watersheds
 - Wetlands (NWI types; Prime Wetlands)
 - Aquifers
 - Riparian Resources
 - Lakes and Ponds (natural and man-made)
 - Vernal Pools
 - Bogs
- **Geology and Predominant Soil Types**
 - Soils
 - Bedrock
 - Topography
 - Mountain Tops
 - Ledge and rock outcrop
 - Geologic landmarks
- **Principal wildlife habitat types**
- **Natural and Exemplary Communities; Rare, Threatened and Endangered Species**
- **Scenic, Historic and Cultural Resources**
 - Scenic Resources *(view sheds, frontage on a scenic road)*
 - Historic Resources and landmarks
 - Archeological features
 - Cultural Resources
 - Other known features

11. Description of Property Condition

- **Historical Land Use Management**
- **Property Conditions**
- **Environmental Hazard Assessment**
Reference document, summarize findings.

12. List Buildings and/or Structures on Property

13. Nearby state, federal, or private conservation lands

14. Maps

ACKNOWLEDGEMENT OF PROPERTY CONDITION

In compliance with Section 1:170A-14 (g) (5) of the federal tax regulations, the undersigned accept and acknowledge that this Baseline Documentation Report is an accurate representation of the property at the time the conservation easement was transferred to the grantee.

Landowner (s):

By: _____

Name:

Title:

Date: _____

Easement Grantee:

State of New Hampshire

Department of Resources and Economic Development.

Division of Forest and Lands

By: _____

Brad W. Simpkins

Interim Director, Division of Forest and Lands

Date: _____

Section 4. Monitoring

- Monitoring Form
- Memorandum of Understanding DRED-OEP

List man-made alterations and management activities (conducted or planned) noting extent, location, purpose, individual responsible (if appropriate) – Examples: construction, dredging, filling, trails, timber harvest, clearing new fields, etc. Also, list natural alterations / occurrences - Examples: erosion, fire, ice, invasive species, flora / fauna, etc. Note location and attach maps, photos, and illustrations as necessary and all persons in attendance.

- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...

The following additional information / updates are attached to the office copy of report:

GPS Photos Other List other additional attached information here...

CLS post-report follow-up needed? No Yes: *If yes, add a description here of each issue that staff needs to follow up on*

To Review During Next Monitoring Visit: *List specific areas or issues to reviewed or viewed in the field during the next monitoring visit (examples, active boundaries, projects to be completed in upcoming year, problem areas identified in previous reports, etc.)*

Monitored by: Monitor Name, Title and / or
 Monitor Name, Title

Signature: _____ (*signed original in file*)

Address: NH Office of Energy and Planning <http://nh.gov/oep/programs/CLSP/index.htm>
Conservation Land Stewardship Program
107 Pleasant Street
Concord, NH 03301 E-Mail: tracey.boisvert@nh.gov
603-271-2155 E-mail: steve.walker@nh.gov

cc (electronic): DRED Forests & Lands
list executory interest holder or other parties as appropriate here...

Exhibit A

MEMORANDUM OF AGREEMENT
between the
OFFICE OF ENERGY AND PLANNING
(Conservation Land Stewardship Program)
and the
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

SUBJECT: Agreeing that the Conservation Land Stewardship Program (CLS), within the Office of Energy and Planning (OEP), will provide conservation easement monitoring capabilities for the Department of Resources and Economic Development (DRED) and providing for the transfer of funds to accomplish this purpose (the AGREEMENT).

The AGREEMENT sets forth the responsibilities of DRED and OEP (the PARTIES) relative to the administration and completion of conservation easement monitoring on those easement lands held by DRED for the State of New Hampshire. Monitoring responsibilities are differentiated for the properties listed in Appendix A and Appendix B.

The AGREEMENT is subject to annual review and update; however, it is the intention of the PARTIES to ensure the long-term protection of these lands and the State's interest is achieved by providing for a timely renewal of the AGREEMENT. It is understood that monitoring of conservation easements, while performed annually, may not coincide perfectly with the fiscal year. The period of the AGREEMENT shall be from the date of Governor and Council approval through June 30, 2013.

For the purposes of the AGREEMENT, the PARTIES agree to cooperate as follows:

NH Department of Resources and Economic Development

For properties in Appendices A & B, DRED agrees to:

- 1) transfer an amount not to exceed \$31,000.00 for FY 12 and \$31,000.00 for FY 13, from the Forest Management and Protection Fund to OEP for the purposes of providing conservation easement monitoring support as outlined below; and
- 2) provide OEP with all necessary deeds, survey plans, maps, GIS shape files if available, photographs, addresses, and baseline documentation, as needed, for the included parcels; and
- 3) provide technical support to OEP regarding the prevention, interpretation, and / or enforcement, of violations or diminution of the terms of any conservation easement deed which is part of the AGREEMENT. DRED shall have final determination of the disposition of the enforcement of the terms of any easement; and
- 4) provide technical advice and assistance to CLS regarding forest management and trail construction/maintenance practices as they may occur; and
- 5) assign appropriate staff to serve as the contact person to meet with OEP as needed to review progress of the program and develop the next annual AGREEMENT, and assist OEP when necessary regarding matters rising from the AGREEMENT; and
- 6) provide on an as available basis and as appropriate, a high clearance vehicle if needed for DRED properties with difficult access; and

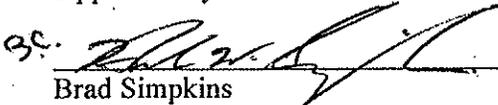
- 7) assign the CLS Coordinator, or other CLS staff as necessary to oversee and ensure that easement monitoring is conducted at levels consistent with the CLS monitoring protocols.

For properties in Appendix B, CLS will provide administrative coordination for the monitoring of North Country properties by Forest & Lands staff to:

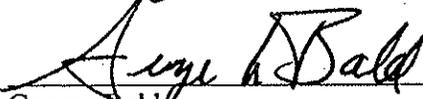
- 1) maintain all monitoring records and files consistent with other DRED conservation easement property files as provided by DRED staff; and
- 2) ensure monitoring report copies are provided by USDA / WMNF personnel for 13 Mile Woods I. Jahoda, and Joahoda / Johnson Forest Legacy parcels as agreed upon between USDA and DRED; and
- 3) provide quality assurance of DRED monitoring and reporting through developing monitoring protocols, training and support, joint site visits, periodic meetings, regular communications, and other means; and
- 4) provide interpretation support to assure consistency of interpretation and enforcement matters

In witness whereof, the respective parties have hereunto set their hands on the dates indicated.

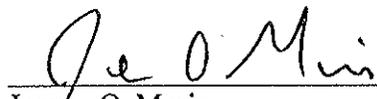
Approved By:

95. 
Brad Simpkins
Interim Director, Division of Forest and Lands

6/15/11
Date


George Bald
Commission, Department of Resources and Economic Development

6/15/11
Date


Joanne O. Morin
Director, Office of Energy and Planning

6/15/11
Date

Approved as to form, substance and execution:

STATE OF NEW HAMPSHIRE
OFFICE OF THE ATTORNEY GENERAL


Anthony Blenkinsop
Senior Assistant Attorney General

6/15/2011
Date

Exhibit B

Background on the Office of Energy and Planning – Conservation Land Stewardship Program

In 1994, the State of New Hampshire established a stewardship program to protect, in perpetuity, the conservation values and investments acquired through the former Land Conservation Investment Program. This stewardship program, now known as the Conservation Land Stewardship Program (CLS), is housed within the Office of Energy and Planning.

The former Land Conservation Investment Program¹ was established in 1987 as Senate Bill 1. From 1987 until 1993 in cooperation with its private partner, the Trust for New Hampshire Lands, the program permanently protected over 379 individual conservation parcels totaling over 100,000 acres of land. This significant land protection effort is considered to be one of the most successful and wide reaching public-private conservation partnerships in the State's history.

At the end of the program's acquisition phase in 1993, authority for the Land Conservation Investment Program was transferred to the Council on Resources and Development (CORD) in accordance with the former RSA 221-A (now RSA 162-C). In transferring authority to CORD, the general court reaffirmed the conservation purposes of the Land Conservation Investment Program. It recognized the need to respect investments in the conservation of natural resource lands in the state for the perpetual use of the people of New Hampshire. The general court also recognized that the Land Conservation Investment Program was undertaken in part with significant donations of cash and land value by citizens of the state who intended that the conservation values of these lands be protected in perpetuity. In addition, lands and interests in lands acquired through the Land Conservation Investment Program are held in "public trust" and, per RSA 162-C:10, there can be no deviation in the uses to uses not consistent with this section. The sale, transfer, conveyance, or release of any such land from the public trust is prohibited.

Since 1994, the CLS Program has been responsible for two key functions intended to ensure that the State is meeting its responsibilities under RSA 162-C to protect its conservation resources in perpetuity. First, it monitors and stewards the 83 state-held conservation easements acquired through the Land Conservation Investment Program. It works with landowners and others to resolve potential violations or other issues and helps landowners understand the conservation values and restrictions on their land. Secondly, the CLS Program oversees the 240 municipally held interests acquired through the Land Conservation Investment Program and provides technical assistance to those 78 participating municipalities.

These stewardship and monitoring responsibilities are becoming increasingly important as easements age and land ownership changes to new owners who may not understand the legal significance of the restrictions or the unique protected conservation values of the property. One of the primary goals of the CLS Program is to educate and work with landowners to resolve

¹ Although in many ways the Land Conservation Investment Program was a predecessor to the current Land and Community Heritage Investment Program, known as "LCHIP," the former Land Conservation Investment Program should not be confused with this newer historic property and land protection program.

Conservation Easements

South Country - bold indicates properties added to 2012-13 MOA

<u>Property</u>	<u>Town</u>	<u>Acres</u>
Creek Farm / Noel	Portsmouth	30
Crotched Mountain	Greenfield	1,165
Green Acres Woodlands - South	Groton / Dorchester	324
Green Acres Woodlands - Bailey Hill	Groton / Rumney	1,436
Green Acres Woodlands - Groton	Groton / Plymouth / Hebron	4,344
Kimball Pond	Dunbarton	1,024
Moose Mountain	Brookfield / Middleton	2,197
Ossipee Mountains / Chocurua	Ossipee / Tamworth / Tuftonboro	5,372
Ossipee Pine Barrens	Madison / Freedom	2,224
Piermont Mountain	Piermont	1,650
Belliveau - Pillsbury	Lempster	218
Pillsbury Sunapee Highlands	Alexandria	751
	Groton	952
	Bradford / Goshen / Washington / Newbury	5,174
Pisgah - Woodman	Chesterfield	63
Willard Pond I - Bald Mtn	Antrim	376
Willard Pond II - Robb Reservoir	Stoddard	1,660
Rossvie Farm	Concord	547
Rhododendron - Slavic	Fitzwilliam	196
Trout Pond - Freedom Town Forest	Freedom / Madison	2,661
	Total Acres	32,363

Conservation Easements

North Country

<u>Property Name</u>	<u>Town</u>	<u>Acres</u>
Thirteen Mile Wood I	Cambridge / Dummer / Errol	2,938
Jahoda	Pittsburg	344
Jahoda / Johnson	Clarksville	56
Pond of Safety	Randolph / Jefferson	10,198
CT Lakes Headwaters	Pittsburg / Clarkesville / Stewartstown	146,326
Bunnell Mountain - TNC	Columbia	9,757
Bunnel Mountain - Bunting	Stratford	8,673
Thirteen Mile Wood II	Cambridge / Errol	5,269
Beaver Brook Falls	Colebrook	33
Jasper Mountain	Berlin	27
	Total Acres	183,621

Section 5. Violations, Enforcement and Defense
No Additional Materials

Section 6. Admendments
No Additional Materials

Section 7. Stewardship Fund

Land Conservation Endowment Contribution Policy for Forest Legacy Conservation Easements

**DRED DIVISION OF FORESTS AND LANDS
LAND CONSERVATION ENDOWMENT CONTRIBUTION POLICY
FOR FOREST LEGACY CONSERVATION EASEMENTS**

This document is intended to provide information and guidance to assist project partners in approximating the amount of endowment resources that will be required by the State of New Hampshire to effectively steward, monitor, and enforce conservation easements acquired through the New Hampshire Forest Legacy Program.

Each time the State protects a property with a conservation easement, it is accepting the legal and ethical responsibility to uphold the terms of that easement in perpetuity. Quality easement stewardship involves many components to ensure that protected lands are managed and used in accordance with the terms of the easement and that conservation values are being protected over time. Stewardship activities include annual monitoring, keeping accurate records, developing and maintaining positive landowner relationships, providing easement interpretations, working with the landowner or others to resolve issues, and enforcement action if necessary.

Forest Legacy easements typically have unique responsibilities and factors affecting the cost of long term stewardship. Among these are the exceptionally large size of the land blocks subject to easement; the nature of the Forest Legacy easements as traditional “working” landscapes and allowing for relatively intense use of the property; management of special resource management areas; specific requirements involving review and approval of comprehensive stewardship plans and oversight of plan implementation; annual meeting requirements; and issues relating to the public use of the protected property. In addition, Forest Legacy easements that allow subdivision or the transfer of individual tracts, have multiple reserved rights, special management areas, etc., further increase the amount of resources necessary to steward the easement and therefore the annual cost.

The two sections that follow are intended to allow project partners to estimate the amount of endowment resources necessary for the State to adequately meet its stewardship, monitoring, and enforcement responsibilities over time. It is expected that project partners will use this information to provide a preliminary endowment contribution estimate at the time the Forest Legacy application is submitted. Forest Legacy projects often take years to complete. They sometimes change as the project progresses and many elements affecting long-term stewardship costs (such as easement language) are not finalized at the time of application. Therefore it is understood that the final endowment contribution may be different, if the conservation project changes substantially from that which is originally submitted. Final endowment contribution amounts may also need to be adjusted as the project elements, such as easement language, are finalized. This document however, should assist partners in planning at the earliest project stages for adequate stewardship endowment funding and aid in their project fundraising.

It is the state’s intent to regularly review and update this information as it better understands the long-term costs of stewarding easements such as Forest Legacy, refines its methodology for monitoring large working easements, incorporates new technologies, and assesses program costs.

The NH Treasury Department is required by statute to manage the Land Conservation Endowment for the sole purpose of providing a perpetual source of income. It has determined that in order for the endowment to grow over time, no more than 4% of the market value of the endowment (using a 12-quarter rolling average) may be withdrawn in any given year. It is important to recognize that this is a

maximum, and given the current economic volatility, the Treasury Dept. may advise that this percentage be reduced in which case the amount of income available for easement stewardship would decrease.

Project partners should first use the guidelines in Section 1 to determine the base (or minimum) endowment contribution for a particular project. These amounts are intended to capture the costs associated with routine annual monitoring and other associated annual tasks, including the required annual meeting, as well as occasional minor issues or questions that may arise. It is also intended to capture costs associated with non-routine activities that may occur periodically to respond and/or review reserved rights or allowed uses that are part of the *standard* Legacy easement template language. It assumes that there is minimal potential for significant additional staff time required over the course of any given year, over time. This assumes a minimum contribution amount of \$30,000 in all cases (which would generate a maximum of \$1,200/year income based on 4%) and provides for larger contributions as the property acreage increases. Project partners should use the figures from this section as a starting point for estimating an endowment contribution for their project.

Section 2 (Additional Contribution Assessment) should then be used to determine whether optional or other non-standard easement provisions, as may be desired by the owner, will require additional endowment funds to be added to the base amount. Project partners should evaluate an individual project using both the base (minimum endowment) and the criteria outlined in Section 2 and be prepared to discuss these at the time of application submission.

For the purposes of this document and the NH Forest Legacy Program, “tract(s)” is defined as a parcel or group of parcels that are included in the project that are under a single ownership and intended to be closed on at the same time.

In addition, at the time of application, project partners should also complete the attached “Stewardship Considerations Questionnaire” and provide the State with preliminary GIS shape files approximating the project boundaries. This information will assist the State in assessing whether an individual project contains unusual or unique factors that could further increase the State’s overall stewardship responsibility over time. The State reserves the right to adjust the overall stewardship contribution amount as appropriate in such situations and will determine, on a case-by-case basis, if any additional contribution (beyond that estimated in Sections 1 and 2) is necessary. Endowment adjustments by the State will be determined early in the application process, following additional consultation with the project partner.

For questions regarding this policy & the worksheets contact:

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Section 1: Base Contribution Amount

Acres	Base Contribution Amount
2000 acres or less	\$30,000*
2,001 – 6,000 acres	\$40,000
6,001 – 10,000 acres	\$50,000
10,001 – 20,000 acres	\$70,000
Greater than 20,000 acres	\$80,000 (or more as determined in consultation w/ CLS and DRED depending on total acreage)

* \$30,000 = \$1,200 (max. annual disbursement based on 4%)

\$40,000 = 1,600

\$50,000 = 2,000

\$70,000 = \$2,800

\$80,000 = \$3,200

Section 1: Base Contribution Amount = \$ _____

Section 2: Additional Contribution Assessment
(Forest Legacy – Reserved Rights and/or Other Non-Standard
Easement Provisions)

The Forest Legacy Sample Easement Template contains multiple easement provisions, which are marked as *Optional*, or in the case of Lot Subdivision, *Alternative*. Many of the *Optional/Alternative* provisions, although potentially necessary to complete a particular conservation project, result in increased stewardship responsibility after that particular optional provision is exercised.

Project partners should use the criteria and information in Section 2 to assess whether the conservation easement language for their particular project will include any of the *Optional/Alternative* easement provisions listed below. If so, project partners can anticipate that an additional contribution beyond the base amount will be required for each of the provisions as specified. Other non-standard easement provisions proposed by project partners beyond those listed below, should be listed individually and will be assessed on a case-by-case basis by the CLS Program in consultation with DRED to determine the additional endowment contribution needed, if any.

The totals from Sections 1 and 2 will equal the preliminary endowment cost estimate.

(Note: Optional provisions listed below are based on Legacy Template dated 10-13-2010. This list may expand or be modified based on future template easements.)

<u>LOT SUBDIVISION “ALTERNATIVE” (2.H.):</u>	
This particular reserved right has the greatest potential to exponentially increase easement stewardship and monitoring costs over time. Each division or separate conveyance of an individual tract essentially creates a new easement with a new landowner, different management goals, new management plan, additional annual meetings, etc.	
If the conservation easement will allow the owner to subdivide and/or convey individual tracts separately from the rest of the property, project partners can anticipate an additional contribution of \$10,000 for each allowed subdivision and/or allowed conveyance of an individual tract.	
# OF ALLOWED SUBDIVISIONS AND/OR CONVEYANCES OF INDIVIDUAL TRACTS: _____ X \$10,000	\$ _____

<u>WITHDRAWAL LOTS (3.J.):</u>	
If the tract(s) include one or more proposed withdrawal lots, project partners can anticipate an additional contribution of \$2,500 for each allowed lot withdrawal.	
# OF WITHDRAWAL LOTS PROPOSED: _____ x \$2,500 =	\$ _____

(continued on page 5)

Section 2 (continued) : Additional Contribution Assessment
Forest Legacy - Reserved Rights and/or Other Non-Standard
Easement Provisions

CAMP SITES (Camp Sites, Lean-To Shelters, and Yurts) (3.K.):

If the tract(s) includes one or more proposed camp sites, lean-to shelters, and/or yurts, project partners can anticipate an additional contribution of \$2,500 for each structure.

# OF CAMP SITES, LEAN-TO SHELTERS, AND YURTS PROPOSED: _____ x \$2,500 =	\$ _____
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OTHER EASEMENT PROVISIONS PROPOSED BY THE APPLICANT:

List any other easement provisions below that are proposed by the applicant but not included in the Template Language. Additional contribution amounts, if any, will be determined in consultation with the CLS Program and DRED.

	\$ _____
	\$ _____
	\$ _____

Section 2: Additional Contribution Assessment Total = \$ _____

PRELIMINARY ENDOWMENT COST ESTIMATE SUMMARY

To be completed by Project Partner:

Section 1 - Base Contribution Amount (from Page 3) = \$ _____

Section 2 – Additional Contribution Assessment Total (from Page 5) = \$ _____

TOTAL PRELIMINARY ESTIMATE = \$ _____

To be completed by the State:

Additional adjustments (if any) to preliminary estimate based on review by the State \$ _____

Forest Legacy: Stewardship Considerations Questionnaire

Project partners should complete the following questionnaire and provide preliminary GIS shape files approximating the project boundaries to the CLS Program and/or DRED Division of Forests and Lands. This information will assist the State in assessing whether an individual project contains unusual or unique factors that could further increase the State’s overall stewardship responsibility over time. The CLS Program staff, in consultation with DRED, will determine on a case-by-case basis, whether any additional contribution (beyond that estimated in Sections 1 and 2) is necessary. Endowment adjustments by the State will be determined early in the application process, following additional consultation with the project partner. Provide additional pages and/or accompanying map as appropriate.

1) Please provide information regarding the anticipated condition of the property boundaries at the time of closing. Will surveyed boundaries be blazed/painted? Marked with boundary signs (provided by DRED), etc.? Will there be provisions for future boundary maintenance provided by the owner?

2) Please describe adjacent land uses (including any known future abutting land uses). Examples might include (but not be limited to) abutting developed residential lots or in-holdings, intensely logged adjacent lands, adjacent commercial/industrial activity, abutting conservation/ protected lands, etc. Are there any known encroachments or other problems affecting the proposed project land from any of these areas?

3) Please describe the ease of access into the property by motorized vehicles. Do power line rights-of-way or utility line corridors bisect the conservation property? Are they gated? Currently being used to provide wheeled access into the property? Does the property have Class VI roads and/or other internal roads/trails with a history of motor vehicle use (such as ATV)? Does it have other unrestricted points of access? If so, how many? Please describe any other known wheeled vehicle access issues, or potential issues, on the property.

Forest Legacy: Stewardship Considerations Questionnaire (continued)

4) Please describe any existing buildings or other infrastructure within the bounds of the easement that will exist on the property at the time of closing. Please provide details regarding the types of structures, number, location, intended uses, etc.

5) Please provide a summary of any known endangered or threatened species, species of special concern, exemplary natural communities, prime AG soils, wetlands, other natural resources, or other unique communities/land features that will require additional protections as part of the project. Please describe the types of protections that are anticipated to adequately protect these resources.

6) Describe any other unusual features, property uses (existing or anticipated), project components, funding sources, notification requirements, or other unusual project elements not previously covered in this assessment that are unique to this particular project as compared with other land protection projects in the state.
