

Tools and resources for protecting the stream in your community

Part 2:

Conservation Easements and Other Strategies for Watershed and Riparian Buffer Protection

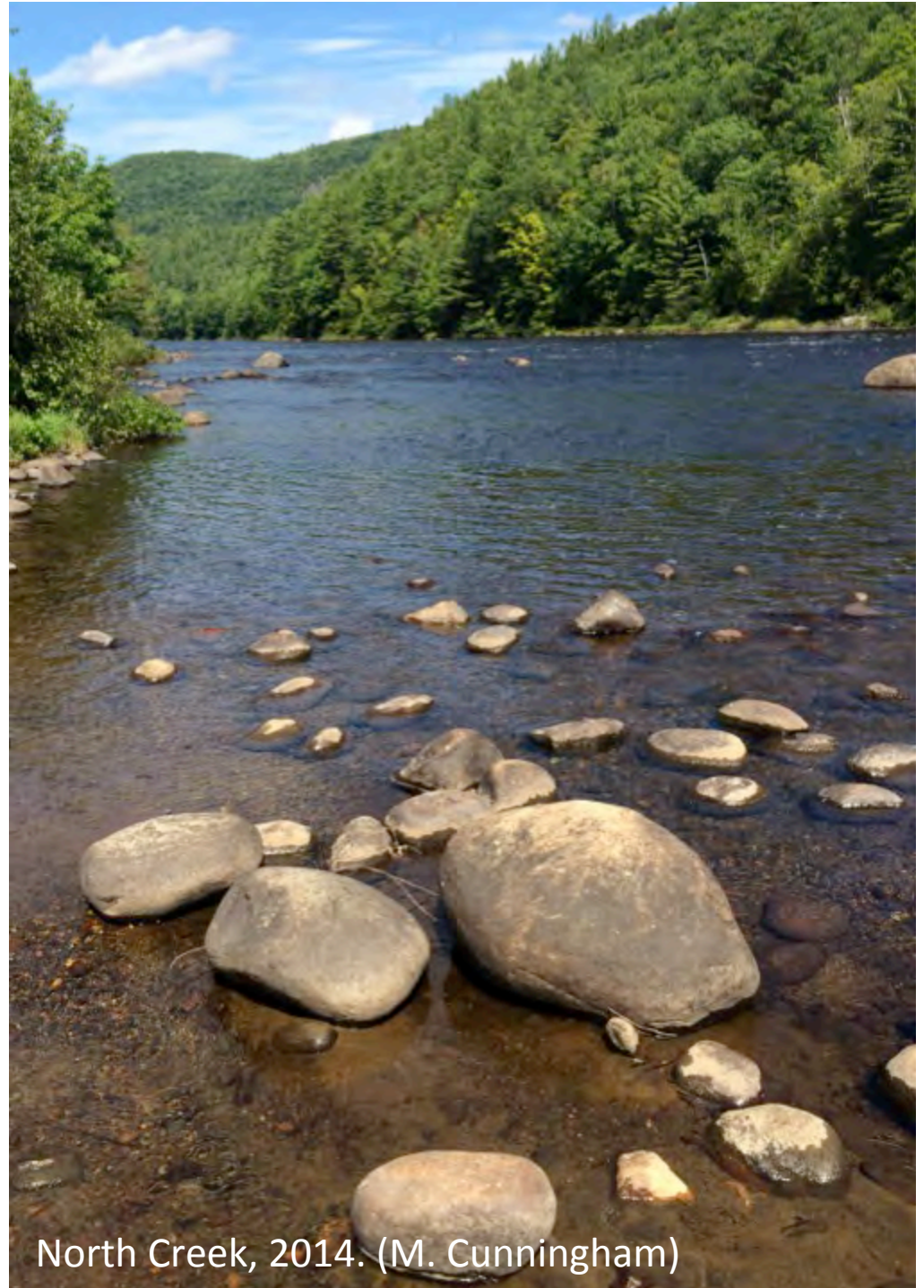


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Why are buffers so important?

- Stabilize stream banks
- Reduce erosion
- Reduce flooding damage
- Filter pollutants, e.g. nitrogen, pesticides
- Filter overland sediments
- Provide shade/regulate water temperature
- Support wildlife habitat



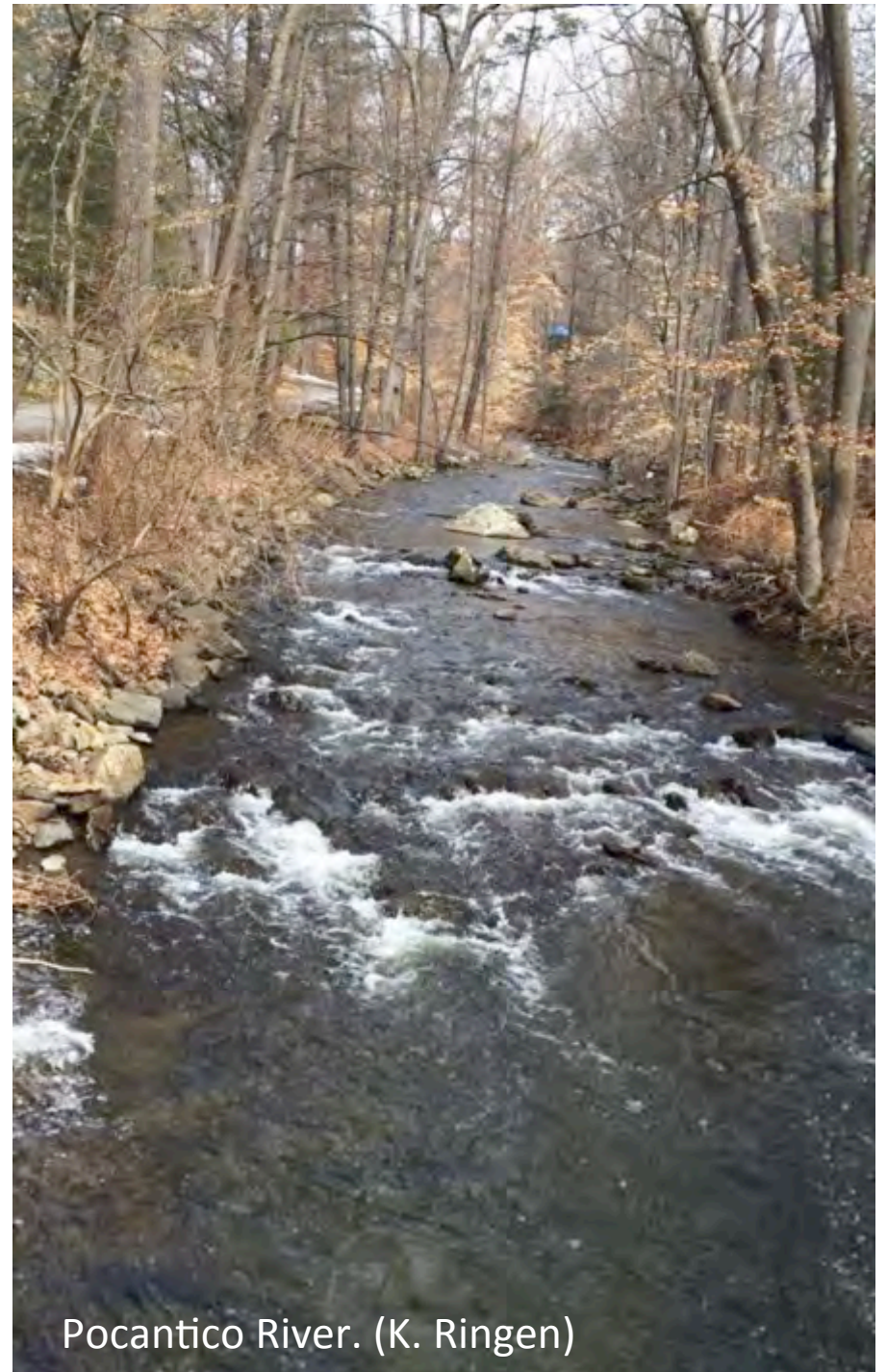
North Creek, 2014. (M. Cunningham)

Tools to protect existing riparian buffers

- **Fee simple acquisition** – gaining full ownership through sale/donation of land
- **Municipal planning, zoning, overlay zoning, ordinances** – e.g. Town of Colonie Watercourse Area Management
- **Development tools** – TDR, open space development, etc.
- **Conservation easements**

What is a conservation easement?

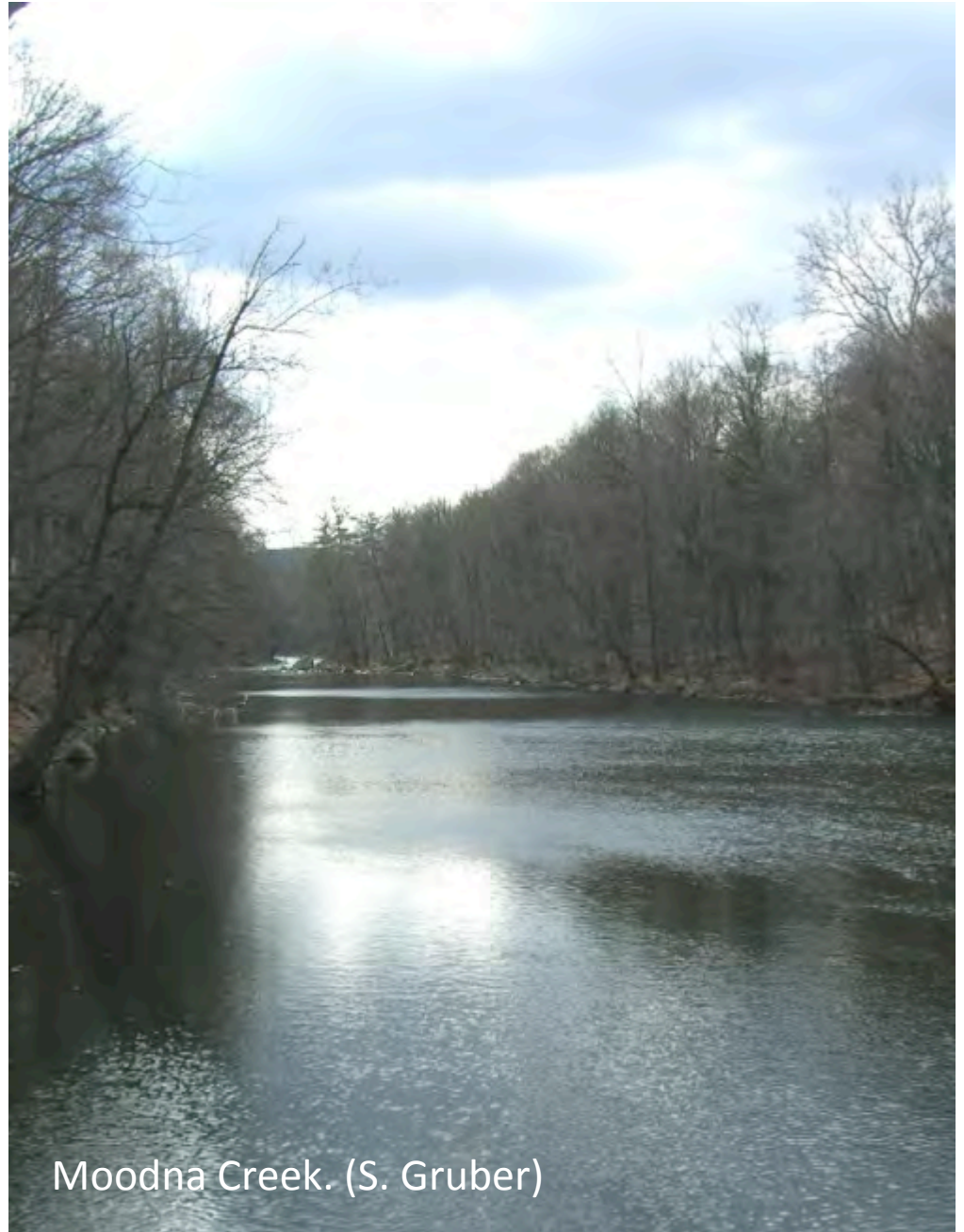
Legal, voluntary agreement between a landowner and a land trust or government agency that restricts the development or use of property



Pocantico River. (K. Ringen)

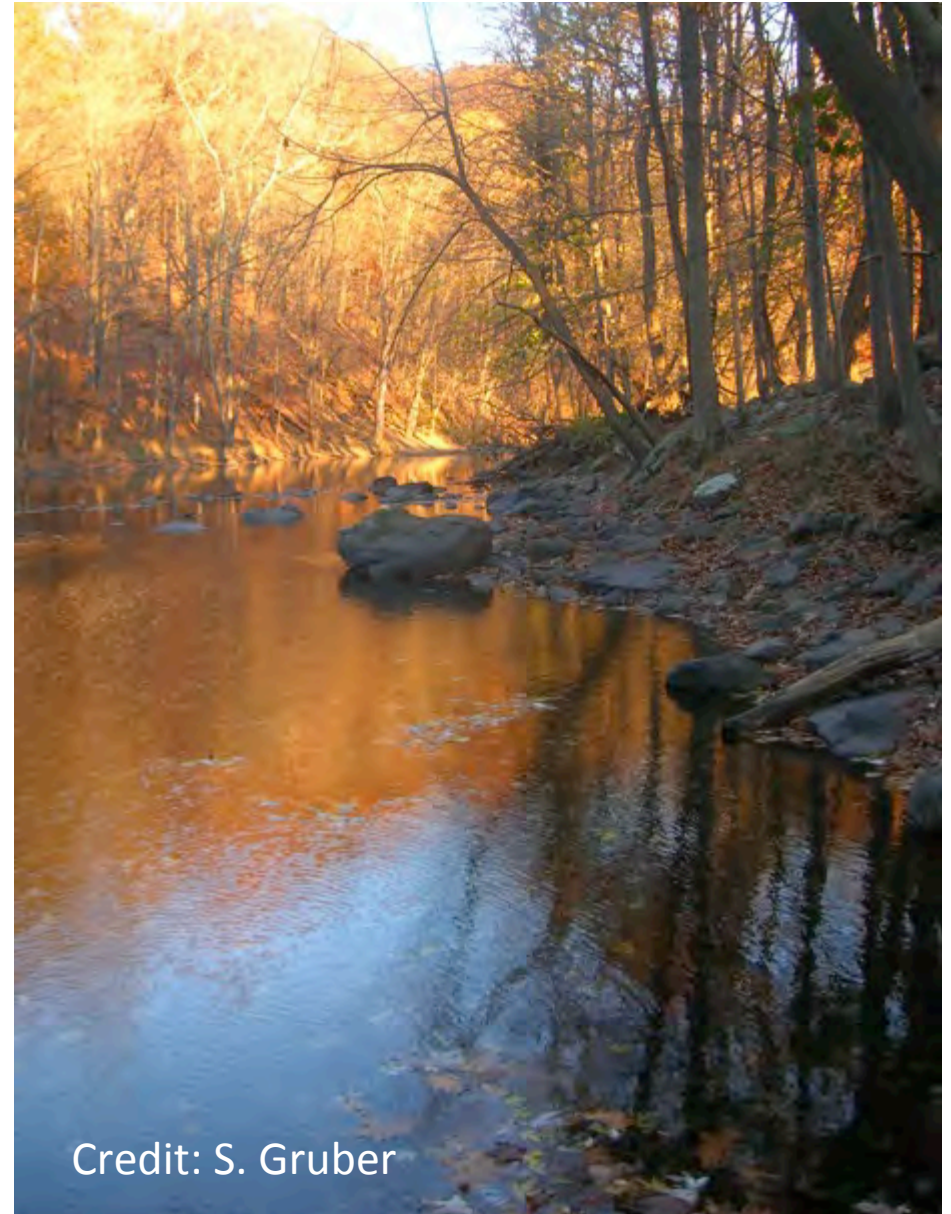
Kinds of easements

- **Permanent, in perpetuity:** property remains in prescribed state, easements “run with the land” because they bind both current and future landowners
- **Temporary, term easement:** property remains in prescribed state for determined, agreed upon period of time



Conservation benefits of easements

- Protection of unique natural resources
- Protection of headwaters, wetlands, riparian buffers or other sensitive segments
- Provide open space
- Provide habitat for wildlife
- Maintain forested areas
- Prevent or restrict development
- Provide vegetated buffers
- Provide contiguous corridors for plants/wildlife



Credit: S. Gruber

What is a land trust?

A non-profit organization that holds land and/or the rights to enforce the provisions of conservation easements “in trust” for the public good

Land Trusts in the Hudson Valley:

Mohawk Hudson Land Conservancy
Rensselaer Land Trust
Columbia Land Conservancy
Dutchess Land Conservancy
Winnakee Land Trust
Oblong Land Conservancy
Wallkill Valley Land Trust
Rondout Esopus Land Conservancy
Hudson Highlands Land Trust
Orange County Land Trust
Putnam County Land Trust
Westchester Land Trust
Scenic Hudson
Open Space Institute
The Nature Conservancy

Municipalities as conservation easement holders

- NYS municipalities as conservation easement holders authorized by NYS Real Property Tax Law Section 491 and/or NYS General Municipal Law 247
- Being used in Elma (2005), Orchard Park (2010), Clifton Park (1996), Perinton (1976) and Bethlehem (2014)
- Although used as a tool for protecting agricultural lands and open space, this could be a tool for water resource protection

Basics on conservation easements

- Used to protect agricultural areas, sensitive natural areas
- Landowner retains ownership of parcel with easement
- Restricted activities depend on purpose of easement
- Qualified conservation easement holder *maintains, monitors and enforces* the easement

Benefits of conservation easements to landowners

- Preserve land in existing state
- Relief of management responsibility
- Potential source of income
- Tax benefits (property, income, estate)

Challenges of protecting riparian buffers through easements

- **Costs** - associated with setting up the easement (baseline report, survey, closing costs), monitoring and enforcing
- **Stewardship** (e.g. in a case where the surrounding area is highly developed)
- **Valuation of land** (e.g. if in the floodplain)

Water-focused land trust: Vermont River Conservancy

- State-wide, water-focused nonprofit land trust
- Started purchasing easements to provide river access for paddlers and to popular swimming holes
- Has grown to fill an important niche in stream corridor conservation

Other resources

- Watershed Agricultural Council (NYC Watershed)
- NYS Farmland Protection Program and Land Trust Grant Program
- NYS DEC Conservation Partnership Program
- Dutchess County Open Space and Farmland Protection Program
- Land Trust Alliance

Could we establish a riparian land trust in NYS?

How can land trusts and municipalities in the Hudson River Estuary help protect stream buffers?

What other tools and resources exist to protect stream buffers?

What other models can we look at for use in our communities and watersheds?