

## Green Mountain Conservation Group

*Protecting the Natural Resources of the Ossipee Watershed since 1997*

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### **Conservation Easement Policies and Criteria**

#### **I. Purpose:**

Since 1997, the Green Mountain Conservation Group has focused its education, research and advocacy efforts on natural resource conservation in the Ossipee Watershed, which includes the towns of Effingham, Freedom, Madison, Ossipee, Sandwich and Tamworth. GMCG also works with property owners who are interested in voluntary conservation of their land, either through donation of a conservation easement or outright ownership.

The Ossipee Watershed is home to many valuable natural resources worthy of conservation and protection. Among the most important is New Hampshire's largest stratified drift aquifer, which serves as an important regional and statewide groundwater resource. GMCG is particularly interested in land and easement acquisition that advances our goal of protecting this valuable resource and the land that serves important recharge functions for the aquifer. In addition to aquifer protection, GMCG's land protection goals include maintaining large blocks of forested land, encouraging wildlife habitat and wildlife corridors, linking already protected parcels, maintaining important viewsheds, and conserving agricultural lands.

#### **II. General Operation Limits**

- A. Conservancy "Service Area": GMCG confines its land acquisition and conservation easement efforts to the six town-wide Ossipee watershed as defined by the organization's mission statement.
- B. Community Support: Community support for activities is important to the board, although not mandatory. Support may come in the form of popular sentiment for protecting a parcel of land, support from individuals, monetary support from community members, or in the form of consistency with a written community plan.
- C. Appropriateness of Conservancy Action: The board recognizes that land protection may be achieved in a variety of ways other than acquisition. Land protection may be accomplished through a Conservation Easement or through cooperation with other organizations and institutions.

#### **III. Evaluation Criteria**

- A. General
  - 1. The protection of this property is consistent with local zoning

2. GMCG is interested in holding a Conservation Easement on land that has value for conservation, education, or recreation purposes.
3. GMCG is interested in holding a Conservation Easement on land only if GMCG can fulfill whatever stewardship responsibilities, i.e. monitoring, management, and enforcement associated with the given property.
4. The property is of sufficient size whereby its conservation resources are likely to stay intact, even if adjacent properties are developed, or sufficient neighboring property is either already protected or to be included as to have the same result.

#### B. Natural Resource Criteria

*In order for GMCG to prioritize land protection, we will base natural resource criteria on the Natural Resource Inventory maps of the six watershed towns, the Newton Aquifer recharge map and USGS aquifer map of the Ossipee Watershed. We will use these resources to make our decisions and determine if holding a Conservation Easement on land in question is consistent with GMCG's conservation values and mission.*

1. Land important for protecting surface and underground waters, and or located within aquifer recharge area or for providing natural control of flooding (sited in the USGS or GMCG Newton Ossipee Watershed Aquifer/recharge map/s.)
2. Land connecting existing protected areas that enhance movement and protection of wildlife.
3. Habitat for plant or animal species classified by the state or federal government as rare, endangered, or threatened that is not protected in the surrounding area
4. Land important for resource or open space protection in a targeted area
5. Scenic outlook or key element within a scenic landscape
6. Productivity for agricultural and/or forest products based on soil mapping
7. Land providing public recreational opportunities consistent with the protection of natural resources
8. Land providing important educational or research opportunities which also relate to other natural resource criteria

#### C. Other favorable factors

1. Land at risk of imminent development in a way that threatens natural resources
2. Low level of existing protection
3. Ease of future monitoring, management, liability, or minimal enforcement
4. Proximity to population centers for purposes of recreation, education, or scenic enjoyment by the public
5. Stewardship funding

#### D. Complicating Factors – GMCG will also review the following factors:

1. Freedom from hazardous waste contamination—Any hazards such as but not limited to fuel tanks or abandoned buildings must be detailed in the project proposal. GMCG is not able to proceed with protection of properties at risk from

hazards or risks of contamination without prior clean up or removal or without a remediation plan in place.

2. Title considerations—Significant problems or defects should be brought to the Board’s immediate attention. Any encroachment, easement or boundary dispute which could affect GMCG’s ownership or management of the property must be described in the proposal presented to the Board.
3. Conservation Easement Amendments—as a general rule conservation easements will not be considered for amendment. Only for extenuating and compelling reasons should the Board consider amending an easement and then only after evidence has been presented that there would be no net loss of conservation value that the easement was designed to protect. An amendment to a conservation easement may occur only if the change would strength or have a neutral effect on the easement provisions and provide no private inurement or private benefit.
4. GMCG Access—Appropriate access to the property by GMCG representatives will be provided for stewardship and monitoring purposes.
5. General Public Access—GMCG is interested in working to preserve land within the watershed area that will include some degree of public access or usage where appropriate. Various types of access may include, but are not limited to such uses as:
  - walking,
  - hiking trails: construction or maintenance
  - swimming
  - camping
  - skiing
  - fishing
  - hunting

The degree to which a protected property is accessible may be negotiated with the landowner, but must be agreed to in writing prior to acceptance of Conservation Easement. Other related issues needing to be defined are property owner’s right(s) to signing or posting and GMCG’s right to inform the public, through signage or other means, as to the property’s conservation status. (Does the landowner wish her/his name to be on the signage?)

**6. Restrictions and Management Plan (see LTA handbook for new rules)**

**7. Stewardship Fund Plan**

Conservation Easements, gifted to or purchased by the organization, are accompanied by ongoing obligations to monitor the property in perpetuity. It is the intention of GMCG to project to the best of our ability what the financial costs to monitor conservation easements will be, and to ask for a contribution to an endowment fund sufficient to generate income to cover these ongoing costs.

GMCG has adopted the position that a, one time, minimum sum of \$5000 be contributed or pledged to the monitoring endowment prior to acceptance of a conservation easement. This sum could be a gift, grant or be the result of fundraising by giftor or others.

**IV. Board conflicts of interest**—once a property has been brought to the Boards consideration, all directors with potential conflict of interest will be expected to recuse themselves from the deliberative process. (See GMCG Conflict of Interest Policy below)

**GMCG Conflict of Interest Policy**

*Any possible conflict of interest on the part of any member of the Board, officer or employee of the Corporation, shall be disclosed in writing to the Board and made a matter of record through an annual procedure and also when the interest involves a specific issue before the Board. The Board will comply with all the requirements of New Hampshire law, including RSA 7:19-a, where conflicts of interest are involved, including but not limited to the requirements of a two-thirds vote where the financial benefit to the director or trustee is between \$500 and \$5000 in a fiscal year, and to the requirement of a two-thirds vote and publication in the required newspaper where the financial benefit exceeds \$5000 in a fiscal year.*

*The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting, and the actual vote itself. Every new member of the Board will be advised of this policy upon entering the duties of his or her office, and shall sign a statement acknowledging, understanding of and agreement to this policy. The Board will comply with all requirements of New Hampshire law in this area and the New Hampshire requirements are incorporated into and made a part of this policy statement.*