



COLD HOLLOW
TO CANADA

Land Conservation Options

Groups that conserve land in the Cold Hollow to Canada Region, 2023

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CONSERVATION EASEMENTS

Option 1: Work with a Nonprofit Land Trust

Vermont Land Trust

Historically, VLT has been CHC's most frequent partner in land conservation. The template easement works well for working forests, but as VLT also protects farmland, this is a good option for properties of mixed farm/forest use. While working forests require an approved management plan, a plan enrolled in UVA (Current Use) will often suffice, so this does not tend to be a barrier to most landowners. Easements sometimes require additional protections of sensitive ecological features. Public access is not required, though it can make a project more attractive.

Priorities:

Minimum of 50 acres, with a preference for larger parcels. As Vermont partners, Vermont Land Trust is well aware of Vermont Conservation Design, forest blocks, and CHC's other prioritization methods.

New England Forestry Foundation

Easements from NEFF function in a very similar way to those from VLT, though NEFF specifically focuses on working forests. While they are known for their easements on very large tracts of land in Maine and elsewhere, they are also well versed in working with forests in fragmented landscapes, and they may consider parcels smaller than VLT's threshold. NEFF also requires an approved forest management plan, in a process similar to VLT. They do require that public access be allowed. (This means that landowners may not post their land, unless access is posing a concern to either ecological features or the functioning of the working forest. It does NOT mean that access is promoted or maintained.)

Priorities

Working forest.

The Nature Conservancy

TNC protects ecologically important land with a high "[resilient lands](#)" value that will be managed in an ecologically mindful way or remain unmanaged. The organization is also interested in conservation ownership.

Priorities

Expanding the Burnt Mountain Block and land along the Missisquoi River.

Northeast Wilderness Trust (NEWT)

NEWT protects land as “Forever Wild.” In other words, a NEWT easement is much more prohibitive than many other easements, and timber extraction is *not* allowed. The organization is even more interested in conservation *ownership*, so this may be the best fit for landowners looking to sell their land.

Priorities

Large acreage blocks (1,000+acres, or building onto an existing block of conserved forever wild land) with a high “resilient lands” value (using TNC’s maps).

Vermont River Conservancy

VRC conserves waterways. Historically, they have targeted water access areas (such as swimming holes or beaches) and river corridors (protecting a wide buffer area around a river that allows the river to meander over time). They are also beginning to protect forested headwater areas. However, they do not currently have the capacity to steward working forests, so these are limited to “forever wild” type easements.

Priorities

Rivers and headwater streams

Green Mountain Club

GMC is interested in easements (or land purchases) that abut the Long Trail within a 1000-foot corridor.

Priorities

Land located within the Long Trail corridor

The Funding Aspect of Land Trust Easements

Appraisals

While a small percentage of the overall project cost, an appraisal ultimately drives the funding of the project and tells a landowner whether the project is financially viable. In this case, we’re appraising the easement value. In other words, the appraisal compares the value of the parcel as developable land to the value of the parcel with the easement in place, as undevelopable forest land. Values vary depending on how accessible the property is, how buildable, and how

much buyers have been willing to pay for nearby conserved and nonconserved land. In some cases, appraisals are conducted (and paid for) by landowners. In other cases, CHC is able to help with these costs, using the funds below. In the case of a purchased easement, the land trust generally arranges for the appraisal.

VHCB Feasibility Funds

VHCB (Vermont Housing and Conservation Board) has a pot of money reserved for this purpose. If a landowner shows a demonstrated interest in conserving land, CHC can apply on the landowner's behalf for funding for an appraisal.

CHC Canaday Funds

CHC has a grant through the Canaday Foundation that includes funding for appraisals and other acquisition costs.

Easement Value

Once an appraisal has been done, the value of the easement itself—that difference between the value of developable and non-developable land—is set. In all cases, the property is considered to lose financial value once “encumbered” by an easement, but most landowners are able to recuperate some of this value through one or more of the following options.

Easement Donation

Often, landowners donate the easement to a land trust. Because land trusts are non-profit organizations, the landowner can then include the value of the easement as charitable giving in their state and federal income taxes, allowing them to get some of the value back.

Easement Purchase

Occasionally, a land trust purchases an easement at the appraised value. This is most often done only for very targeted projects, such as public river access areas, land within the Long Trail corridor, etc.

Bargain Sale

In some situations, as with a high priority parcel due to size, ecological features, or strategic location, a land trust is willing to purchase an easement, sometimes with an accompanying fundraising effort, as above. However, land trusts often can't afford to pay the full purchase value, so they might arrange a “bargain sale,” in which the landowner is compensated, but at a “deal” to the land trust.

Vermont Housing and Conservation Board (VHCB) Working Forest and Sugarbush Funds

For working forests and sugarbushes, VHCB has funding available to compensate a landowner for (potentially) the full value of an easement (up to \$1,400/acre of forestland). A full project description is [here](#). While VHCB prefers easements with

public access, a reduction in funding is available to help parcels without. VHCB then co-holds the easement with a land trust. This means that a land trust easement holder must agree to go this route before applying for funding. It's a bit of an extra burden on the other easement holder, so this can lower the priority of a project in the eyes of a land trust.

River Corridor Easement Funds

Land within a river corridor and its associated buffer may be eligible for [these state funds](#). The intention of this program is to protect and restore the river corridor area, allowing the river to meander as it would naturally do and settle into an equilibrium condition. This is part of the Vermont Rivers Program of DEC. If the land being conserved is larger than the river corridor area, this funding may be layered with other options.

Other Acquisition Costs

There are costs associated with easement acquisition beyond the cost of the easement itself: legal fees, surveys, closing costs, tax professionals, and sometimes more. Some of these costs fall on the land trust, and others on the landowner, and both often need help covering them.

CHC Conservation Fund

CHC's Conservation Fund can often be used for these additional project costs.

Town Conservation Funds

Enosburgh and Montgomery have additional funding to help. In Enosburgh, there is a cap of \$5,000 for each project. In Montgomery, the number can fluctuate a bit more.

CHC Canaday Grant

Funds from the Canaday grant can be used for additional acquisition costs.

Stewardship Costs

In order to uphold the terms of the easement, a land trust must interact with the landowner periodically to discuss management plans and activities, and they must visit the parcel on a regular (often annual) basis to monitor. If there were ever a case in which easement terms were broken, the land trust also needs to have the funding to enforce the easement terms. At the time of easement acquisition, land trusts generally require that additional funds go into a Stewardship Endowment.

Donation by the Landowner

When possible, landowners often make an additional contribution to cover these costs, on top of the value of the easement. In cases in which the landowner was compensated for the value of an easement, this may mean donating some or all of that compensation back to the land trust. In many cases, this additional contribution can be claimed as a "charitable gift" on state and federal income taxes.

Fundraising

For high priority projects, land trusts may conduct fundraising efforts to cover stewardship costs. However, this takes a pretty enticing project and is unlikely to happen for most CHC projects.

CHC Canaday Grant

Limited funds from the Canaday grant can be used for stewardship endowments.

Option 2: Sell an Easement to the State

Forest Legacy

This is a federally-funded program administered by the Vermont Department of Forests, Parks and Recreation (FPR). FPR then works with conservation organizations around the state to conserve land through the program. Parcels need to be competitive for funding at both the state and national level, so only the most ecologically significant parcels or those with the highest degree of public benefit will be likely candidates. State and local municipalities are eligible entities to hold legal interests under the Forest Legacy Program. Generally, FPR acquires lands in fee or conservation easements through the program. The Legacy program funds up to 75% of a conservation project, which can go toward the appraised value as well as project costs, and requires a 25% non-federal cost share. Learn more [here](#).

Priorities

Large, contiguous and productive forest blocks, wildlife habitat, connected lands, threatened or endangered species habitat, fragile areas, undeveloped shoreline, significant wetlands, additions to public lands, recreation corridors. A Forest Legacy easement requires dispersed public access.

Option 3: Sell an Easement to the Federal Government

Natural Resources Conservation Service (NRCS): Regional Conservation Partnership Program (RCPP) Easements

There is a new grant option through the federal government that offers US-held conservation easements for forest land, through the RCPP program. VT DEC has one of these grant agreements with the RCPP program, and they have partnered with CHC to find appropriate

projects. The #1 priority of these projects is to protect water quality, though there can be additional project purposes set out in each individual easement.

Easement Compensation

Projects fall into three categories, with three rates of compensation:

Low Restrictions

Few restrictions other than development. For example, agriculture is compatible. Compensated at 50% easement value.

Moderate Restrictions

Requires an approved Stewardship Plan, but this works with working forests and is compatible with UVA (Current Use). Compensated at 75% easement value.

High Restrictions

A “forever wild” easement that is not compatible with working forests. Compensated at 100% easement value.

Other project costs

All costs directly associated with the easement acquisition process should be eligible for funding/compensation (appraisals, closing costs, surveys, etc.) There is no stewardship contribution required. The landowner will need to pay for any personal legal fees, tax consultation, etc.

Timeline

VT DEC is supposed to use this funding within the next 2-3 years. They are looking to line projects up *now*, as each project may take 2 years to complete. An initial application deadline occurred in January of 2023. Assuming all funding is not used by these initial applicants, the next deadline will likely be late in 2023 or early in 2024.

Natural Resources Conservation Service (NRCS): Wetland, Grassland, Healthy Forest Reserve Easements

These are additional easement options through NRCS. Wetland and Grassland Reserve programs are most often used to restore ecosystem functions on agricultural land. The Healthy Forest Reserve Program can be used in cases with habitat for rare, threatened, or endangered species and natural communities. All easements are compensated. Timeline and “other project costs” are similar to the RCPP program above.

CONSERVATION OWNERSHIP

VT Agency of Natural Resources (ANR)

ANR acquires, owns, and manages land for a diverse suite of conservation values and in the form of State Forests, State Parks, and Wildlife Management Areas (and more). ANR often works with conservation partners and land trusts to facilitate public land additions.

Vermont Department of Forests, Parks, and Recreation (FPR)

FPR conserves land as both State Forests and State Parks. The department is generally interested in expanding existing land holdings, but there could be additional project opportunities in places with high public value. FPR protects lands with significant forest, ecological, hydrologic, scenic and recreational values.

Vermont Fish & Wildlife Department (VFWD)

Wildlife Management Areas (WMAs) are under the purview of VFWD. Conservation options could include expanding existing WMAs or the creation of new WMAs in communities where they are currently lacking. (Currently, Avery's Gore in Montgomery is the only WMA in the CHC region.)

Land Trusts

The Nature Conservancy, Green Mountain Club, and Northeast Wilderness Trust all own conserved lands and could potentially be interested in purchasing **land** (not just an easement) for the right parcel. (In fact, this may be the preferred choice!)