

Basic Components of Management Plans
Associated with Conservation Easement Acquisitions Where A Land Trust
Or other “third party”
Is the Grantee

April 17, 2012

Key:

Text in normal font, without highlight, indicates language that should appear in every management plan. Italicized text indicates an explanatory note to the writer of the plan, or that something may need to be adapted or inserted to suit a particular property. Gray highlight indicates that a paragraph or more needs to be written for the property, with the highlighted guidelines and examples in mind.

Note:

This management plan template is for Conservation Easements that are held by a land trust (the land trust is the Grantee). For Conservation Easements held by CPW, the management plan is very similar, except CPW is referred to as the Grantee of the Conservation Easement, land trust references and signature are absent, and CPW bears all responsibility for monitoring the condition of resources on the property in compliance with the easement and in accordance with the management plan.

THIS EASEMENT MANAGEMENT PLAN (“Management Plan” or “Plan”) is entered into this day ____ of _____, 20__ (the “Effective Date”), by and between _____ hereinafter referred to as “_____ Ranch” [address], the _____ Land Trust [address], (“Land Trust”), a Colorado nonprofit corporation qualified to hold Conservation Easements, and the **STATE OF COLORADO** acting by and through the **DEPARTMENT OF NATURAL RESOURCES** for the use and benefit of the **DIVISION OF PARKS AND WILDLIFE** and **THE PARKS AND WILDLIFE COMMISSION**, whose address is 6060 Broadway, Denver, Colorado 80216 (“CPW”).

RECITALS

A. WHEREAS, _____ Ranch intends to grant a Conservation Easement in Gross (“Conservation Easement” or “Easement”) to the _____ Land Trust a Conservation Easement burdening approximately ___ acres of real property, (the “Easement”) located in _____ County, Colorado, for the purpose of forever conserving the agricultural productivity, open space character, wildlife habitat, and scenic qualities of the Property. [*Modify this list as appropriate, for example, if the property is not an agricultural property*]

B. WHEREAS, _____ Ranch, its successors and assigns, are referred to in the Easement as the “Grantor”; and

C. WHEREAS, the Land Trust is referred to in the Easement as the “Grantee”; and **D. WHEREAS**, the Property remains in a substantially undisturbed, natural state, and therefore in addition to its agricultural value, has significant ecological, open space, and wildlife habitat value, and also important value for hunting and other outdoor recreational values (collectively the “**Conservation Values**”), [*NOTE: The description of the Conservation Values in the Management Plan should be identical to the summary of Conservation Values in the Conservation Easement.*]

E. WHEREAS, the purpose of a Management Plan is to provide management direction to maintain and/or enhance the Conservation Values of the Property as they exist at the time of the placement of the Conservation Easement; and

F. WHEREAS the funding for the Conservation Easement was provided in part by CPW; and

G. WHEREAS, Paragraph __ of the Easement references a “Management Plan” developed and approved by the Grantor, the Land Trust and CPW; and

H. WHEREAS, if the Easement is conveyed from _____ Ranch to the Land Trust, then this document shall constitute the Management Plan referenced in it, which is hereby approved, dated, and signed by the parties hereto.

NOW, THEREFORE, the parties hereto agree that, if the Easement is conveyed from _____ Ranch to the Grantee, then the Property shall be managed in accordance with this document.

The Management Plan should be used in conjunction with the Baseline Report, which indicates the Present Conditions of the _____ Ranch to be protected at the time of the placement of the Conservation Easement. Any conflict between the Management Plan and the terms of the Conservation Easement shall be resolved in favor of the Conservation Easement.

The Management Plan is based on the best available information, and provides a foundation for long-term adaptive management of the property and its resources. It is a working document which will change and evolve with the Property and should be updated at least every five years. As recommended actions are implemented, and as objectives change, the Management Plan should reflect these changes. The Management Plan should be used to:

- Describe the management objectives for the ____ Ranch and ensure that all actions support those objectives;
- Create a foundation for individual resource management plans as needed;
- Identify partnering opportunities with resource agencies; and
- Monitor the state of resources on the _____ Ranch.

I. Ecological Landscape

1) A brief, one or two-paragraph description of the dominant ecological communities, including vegetation types. Reference to the Baseline is appropriate.

A thorough description is not necessary, because this should be covered in the Baseline.

2) A description of the agricultural activities on the property. More details describing current options may be included in an Appendix. This may be appropriate if details on operations of the property were not in the baseline report.

An example follows:

The Gilmore Ranch supports an active agricultural operation, and these operations will continue after the property is under easement. About 300 acres of upland are planted in perennial hay crops. Most of the remainder of the property is grazed, with varying duration and intensity, depending in part on the accessibility of the various pastures. Some areas are grazed only for short periods each year because during much of the year access is cutoff by high water in the river and sloughs.

Note: a separate, more detailed section on agricultural operations follows in Section VI.

3) A description of the wildlife values supported by this landscape – backed up by, and not repetitious of, information in the Baseline. The statement should identify habitat on the property associated with the life cycles of the species identified as important to the wildlife values of the property.

4) A brief statement of why the property is important in the larger landscape, and what protection of this property means for protecting wildlife values in the area, region and/or statewide. If applicable, reference to this Property's association with an existing conservation strategy for particular species would be appropriate.

II. Overall Management Goals

CPW's basic reason for participating in any Conservation Easement with wildlife values is that a particular property supports the wildlife species that currently or historically have depended on it. Our primary objectives should be described, including identification of the priority species on this property.

- An example of an overall goal:*

The goal of the Easement and of this Plan is to protect in perpetuity and, where appropriate, to enhance the habitat of the ABC Ranch for the benefit of Greater Sage-Grouse and Columbian Sharp-tailed Grouse ("the Grouse") while allowing the flexibility necessary to maintain sustainable agricultural operations.

- The Plan will ensure that the property remains a mix of native sagebrush interspersed with grassy meadows and riparian systems that continue to support Greater Sage-Grouse habitat. This mix of habitats will also provide an excellent habitat mosaic for a myriad of other species including, but not limited to..... The strategies to achieve management objectives include vegetative management, protection of riparian areas and wet meadows Finally, the Plan must allow for continued sustainable agricultural operations and be acceptable to ABC Ranch while providing habitat for the Grouse.*

III. Vegetative Management

Objectives

- *A brief list of measurable objectives related to the condition of vegetation. Examples could include an objective for preventing the spread of noxious weeds, or managing for residual cover and/or age class of vegetation.*

Management Actions

- *A list of Actions for each objective listed above. The Actions could address, for example, haying, timber removal, fire, irrigation, chemical treatment, mechanical treatment, control of noxious weeds, and any other management practices affecting the vegetation on the property. (Grazing management is addressed in a separate section related specifically to agricultural practices.)*

Sample language for some Actions related to weed control:

ABC Ranch shall map and monitor the status of invasive species with special attention given to Colorado A-list species known from the Yampa watershed (meadow knapweed, and yellow starthistle) and high priority B-list species including Dalmation toadflax, yellow toadflax, leafy spurge, spotted knapweed, Russian knapweed, white top, tamarisk, and Russian olive. Early infestations should be controlled using the most effective integrated weed management approach for the species, including but not limited to cutting, mowing, grazing, pulling, and application of appropriate biological controls and chemicals. ABC Ranch is responsible for covering the costs of weed control on the Property.

- *This section of the plan should also address catastrophic events and enhancement plans.*

In the event of a catastrophic event such as range fire, flood, or other acts of god that require reseeding, the development of a reseeding plan shall be required. If reseeding is in the best interest of habitat management, ____ Ranch and the CPW shall jointly agree in writing on the reseeding plan; however, reestablishing the native communities shall be a priority.

Nothing in this Management Plan shall prohibit the ____ Ranch from participating in any State, Federal or private enhancement programs (such as EQIP, WHIP, and Partners for Fish and Wildlife, etc). However, the CPW shall be involved in any enhancement planning on the Property, and the enhancements shall not violate this Management Plan or the Easement.

IV. Game Species

The Conservation Values associated with game species are described in the baseline report.

Objectives

- *A brief list of measurable objectives related to protection of habitat important to big game and not covered in the Vegetative Management Objectives. Examples could include protecting important movement corridors on the property; DAU harvest objectives on the property; and integrating wildlife population objectives into other resource management objectives.*

Management Actions

- *A list of Actions for each objective listed above. The Actions could address, for example, maintaining particular habitat on the property for use by big game species.*

V. Threatened and Endangered Species Conservation

The Conservation Values associated with Threatened and Endangered Species are described in the baseline report.

Objectives

- *A brief list of measurable objectives related to protection of habitat for species of concern, not covered in the Objectives above. Examples could include protecting specific habitat locations for protected species known to be on the property or nearby; minimizing impacts and/or enhancing brood-rearing areas, critical winter range, or migration corridors for protected species.*

Management Actions

- *A list of Actions for each objective listed above. The Actions should address all known factors influencing the objectives described above.*

VI. Agricultural Features and Operations

Objectives

- *A brief list of measurable objectives for the management of agricultural operations so that they support the wildlife values identified on the property. Examples:*
 - *Manage areas of permanent vegetation for continued plant health and diversity, ground cover, and agricultural production;*
 - *Ensure agricultural features and operations are consistent with the wildlife habitat values of the property;*
 - *Ensure efficient use of the encumbered water rights to the benefit of biodiversity and agricultural production.*

Management Actions

- *A list of Actions for each objective listed above. Typical Actions would address the timing, intensity and duration of grazing (for example, by reference to a Grazing Management Plan); fencing; irrigation management; timing of haying; and any reasonable adjustments in agricultural operations that provide protection for habitat and priority species identified in the Conservation Easement. Note to writer: Specific monitoring protocol (e.g., a Grazing Response Index (GRI) or other tool for measuring the condition of the landscape) are not appropriate in the body of the Plan; they may be included in an appendix to the Plan.*

VII. Water Management (if applicable)

On some properties, management of water resources (all water in and on the property) can be critical to maintenance of the conservation values protected by the Conservation

Easement. Where so, identifying objectives and actions for this management is appropriate, as long as these are consistent with the water resources (including water rights, well permits, etc.) encumbered by the deed of Conservation Easement or required for protecting the property's conservation values.

Objectives

- A brief list of objectives for management of water resources on the property. Examples could include protection of sage grouse brood rearing habitat in the hay meadows, or protection of other avian species' nesting habitat., or production of vegetation for winter range.

Management Actions

- A list of actions for each objective listed above. Actions might include continuing irrigation practices in the hay meadows in specific months, or restricting the time of field cultivation or haying operations.

VIII. Recreation Management (if applicable)

Objectives

- *A brief list of objectives for management of recreation on the property, other than hunting objectives addressed previously in the document. Examples could include avoiding disturbance to wildlife at critical points in the year, or avoiding disturbance to particularly sensitive habitat areas.*

Management Actions

- *A list of Actions for each objective listed above. Actions might include limiting the number of people on the Property using off-road vehicles; avoiding recreational activity in critical wildlife areas during breeding, production, and winter periods.*

IX. Other Management Opportunities

Grantor and CPW may consider other habitat management opportunities consistent with the terms of the Easement and this Management Plan and implement such opportunities upon mutual agreement.

X. Monitoring

Describe the requirements to access and monitor the property (including water resources if applicable), in support of the conservation values identified for the property and consistent with the terms of the Conservation Easement. Monitoring protocol for all parties may vary considerably depending on, for example, overall management objectives and the wildlife species involved.

CPW may reserve the right in the deed of Conservation Easement to monitor particularly sensitive wildlife populations and habitat. The point would not be to duplicate the land trust's monitoring responsibilities and activities, but to bring CPW's expertise to bear in these sensitive wildlife situations, and only where and when needed to meet the agency's additional objectives and requirements. For example, CPW will probably reserve the right

to monitor sage grouse leks in order to gather population counts. Another example could include the monitoring of wetlands. Sample language:

The conservation goals discussed above will be met using an adaptive management approach, which includes regular monitoring and re-visiting the management plan.

[Land Trust will insert their monitoring requirements here.]

As outlined in the Conservation Easement, CPW will monitor the condition of the property as needed to support the terms of the Management Plan, and may conduct additional monitoring on special request. Access to the property for monitoring purposes will be with the permission of the landowner, consistent with Section ___ of the Conservation Easement. Such monitoring shall not unreasonably interfere with _____ Ranch use, management, and quiet enjoyment of the Property. If monitoring indicates a possible compromise of conservation values, CPW will discuss the situation with the landowner and recommend appropriate management practices to address the problem. While CPW cannot require improvement of the CE property's conservation values, we can require that they be maintained.

This Management Plan shall be reviewed no less than every five years. Therefore, on or before _(date)_____ the Management Plan shall be reviewed by the CPW, the ___ Land Trust and the _____ Ranch. If changes are necessary, it shall be modified upon written agreement by all parties. Updated versions of the Management Plan will be signed and filed with all parties. If changes cannot be agreed upon, the existing Management Plan shall stay in place. However, if in the interim, _____ Ranch and the CPW and the _____ Land Trust determine that this Management Plan should be modified before that date, the parties can modify it at any time upon written agreement among all parties.

WHEREFORE, the parties have agreed to this Management Plan for the _____ Ranch on the day and year first written above.

_____ **Ranch**
By: _____, LLC (if applicable)
Name: _____
[signature above; typed name below]

_____ **Land Trust (or Local Government)**
By: _____
Name: _____
[signature above; typed name below]

**THE STATE OF COLORADO, DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF WILDLIFE AND WILDLIFE COMMISSION**
By: _____
_____, CPW _____ Regional Manager

Possible Appendices:

- *Monitoring protocol (i.e., GRI)*
- *Other land management agreements in place on the property (i.e., NRCS)*
- *Other partner agreements (i.e., Partners for Fish and Wildlife)*
- *Other plans mentioned in this document, if they exist (i.e., hunting management plan, vegetation management plan, grazing plan)*
- *More detailed descriptions of the property's grazing regime than were provided in the body of the Management Plan.*