Why Land Trusts are well suited for Floodplain Buyout opportunities...

Land Trust Alliance
Lunch-n-Learn
September 17, 2020
Melanie Cirillo

PECONIC LAND TRUST
Take away’s today:

• Are you laying the groundwork so that you’re ready when the opportunity arises?

• When looking for funding, who is your audience? Cast your project in the right light.

• Instead of saying no, leverage resources, public & private, to get the job done.

Example projects.....
We Focus on . . .

Planning
GIS mapping; Conservation Planning

Acquisition
Private Donations/Public Funding

Stewardship
Monitor 2,700-acres Conservation Easements, Manage over 1,265-acres of woodland and farmland on LI

Education
Over 50 nature-inspired activities each year at Trust-owned properties, private farms, woodlands, beaches, and with/our partners

Public Policy
Members of National Land Trust Alliance; Connect legislators with landowner issues. Network.
What Land Trusts do............

- Listen to the landowner's goals, needs & circumstances.

- What tools might be appropriate?
  - Conservation Easement?
  - Purchase of Development Rights?
  - Outright acquisition?
  - Bargain Sale?
  - Installment Sale?
  - Historic Facade Easement?
  - Post Mortem Election?

- What are the Conservation Features of the land?
  - Agricultural?
  - Meadow?
  - Wetlands/Shoreline?
  - Floodplains?
  - Climate Change resiliency?
  - Restoration of land?
  - Source Water Quality?
  - Surface Water Quality?

- What are Funding options?
  - USDA?
  - NYS DEC?
  - Suffolk County?
  - Local municipality?
  - Private donations?
  - Leverage a few sources!
How does the Peconic Land Trust work?

With Landowners to meet their goals and needs within the context of their land and pay close attention to Public Policy that impacts land use & its tax implications.
Being in the know....

**Identifying the properties:**

- Knowledge of Critical Environmental Areas and regional conservation goals are key to bringing together the landowner and the right entity that want to protect land in that area.

- Letting the landowner know you have their interests in the forefront of the conversation builds trust.

- **Cultivating Partnerships** so they know you are a resource to call on

- **Networking** beyond the local community to regional initiatives

**Identifying the properties:**

- Landowner contacts us?

- Local Municipalities's Conservation Goals/Comp Plan

- NYS Open Space Plan

- Hudson River Valley goals?

- Peconic Estuary goals?

- Long Island Sound?

- South Shore Estuary goals?
Are you ready?

• Qualified? Accredited? Reputable?

• Do you have the skills & understanding of how to build a personal relationship with the landowner to build trust and consensus? (Get training)

• Start your due diligence – have your list of resources ready.

• What are the criteria of the funds?

• Get good legal advice to review contracts and terms so it is spelled out before your organization makes a management decision to move ahead.

• Regular communication/weekly meetings to keep project on track and moving
New York State Holdings in Conscience Bay, Setauket

The 1.12 acre parcel is the first upland portion of the already existing 52-acre Conscience Bay State Tidal Wetland Property.

(this project provided the model for more conservation)
• Make sure details are spelled out upfront because years go by and staff change.

• Don’t be afraid to question procedures that create roadblocks and inhibit the Land Trust to do what the funding was awarded to them for!

Mr. John V.H. Halsey, President
Peconic Land Trust
296 Hampton Road
P.O. Box 1776
Southampton, New York 11969

Re: Lands of Thaddeus Bartkowski
Strong's Neck, New York

Dear Mr. Halsey:

This letter shall serve as an expression of interest by the New York State Department of Environmental Conservation ("Department") in working with the Peconic Land Trust ("PLT") to acquire the above referenced property (the "Property") for preservation purposes. The Property is critical for providing both public and administrative access to State-owned tidal wetlands on Conscience and Little Bays. In addition, its preservation will help protect the water quality of Conscience Bay and Long Island Sound. This project is being undertaken consistent with the State Open Space Plan as part of the Region 1 Long Island Sound protection, priority project number 3.

The Department will work to acquire the Property from the PLT, subject to all conditions, approvals, rules and policies generally applicable to the Department's land acquisitions, including but not limited to acceptable title, as determined by the Department and the Office of the Attorney General, approval of contract and other documents by the Office of the Attorney General and the Office of the State Comptroller, and negotiation of a purchase price that does not exceed the Department's determination of fair market value. Furthermore, acquisition of the Property by the Department is expressly contingent upon funding being available. The parties mutually acknowledge that the Peconic Land Trust is not acting as a broker or real estate agent or other representative of the Department in connection with this acquisition.

The Department, in the event it ultimately acquires the Property from PLT, acknowledges that PLT will seek reimbursement for its reasonable and documented costs incurred in connection with its acquisition and ownership of the Property, including but not limited to appraisals, title charges and debt service. To receive reimbursement, Peconic Land Trust must coordinate the procurement and performance of any services for which it may seek reimbursement with Keith Matteson of the Department's Real Property Bureau and Region 1 Real Property Supervisor Heather Amster. The Department can not consider reimbursements unless services and products are procured in accordance with the Real Property

PECONIC LAND TRUST
Conserving Long Island's working farms, natural lands, and heritage for our communities now and in the future.

Bureau's standards. Reimbursement of all such expenses is also subject to the approval of the Office of the State Comptroller.

This letter is not intended, and will not be construed, as an offer by the Department to acquire the Property. It is mutually understood that this letter is an expression of intent only, and is not intended to create any binding obligations. Accordingly, should PLT acquire the Property, it may at any time enter into other agreements or contracts as it may deem necessary to recover its investment.

Please coordinate your acquisition efforts with the Department's Region 1 Real Property Supervisor, Heather Amster at (631) 444-0300.

Sincerely,

[signature]
Kathleen Moser
Assistant Commissioner for Natural Resources

C:  R. Davies
     K. Matteson
     F. Sheehan
     J. Konz
     R. Marsh
     P. Scully
     P. Grandone
     H. Amster
• Property on Open Space Plans pave the way for more immediate approval.

• Meet with, get to know the boss’s boss of the regional director…Relationship with municipality, federal, state or local official is critical for communication throughout.

• Being accredited, reputable as capable to implement an acquisition and using resources that are pre-approved (appraisers, surveyors, title companies) – Very Important for expediting transaction.
Dunes and beaches that protect our fragile coastlines, homes and businesses.
History of Widow's Hole Preserve

Figure 1. Widow's Hole Preserve during the peak of its operation as a petroleum storage facility. Photo taken circa 1940.

History

ExxonMobil Oil Corporation purchased the property in 1924 with the intention of using it as a petroleum product storage and disbursement facility. Fuel oil, kerosene, and gasoline, were stored in six above-ground cylindrical tanks.
Widow’s Hole Preserve
Restoration

Town of Southold
(Village of Greenport)

+/~ 2.4 acres

Restoration and Management

• Removal of invasive species
• Native species plantings
• Coastal erosion mitigation
• Fencing and signage
• Limited and passive public access
LIVING SHORELINES SUPPORT RESILIENT COMMUNITIES

Living shorelines use plants or other natural elements—sometimes in combination with harder shoreline structures—to stabilize estuarine coasts, bays, and tributaries.

- **One square mile** of salt marsh stores the carbon equivalent of 76,000 gal of gas annually.
- Marshes trap sediments from tidal waters, allowing them to **grow in elevation** as sea level rises.
- Living shorelines improve **water quality**, provide fisheries **habitat**, increase **biodiversity**, and promote **recreation**.
- Marshes and oyster reefs act as natural **barriers** to waves. 15 ft of marsh can **absorb 50%** of incoming wave energy.
- Living shorelines are **more resilient** against storms than bulkheads.
- **33%** of shorelines in the U.S. will be **hardened** by 2100, decreasing fisheries habitat and biodiversity.
- Hard shoreline structures like **bulkheads** prevent natural marsh migration and may create seaward **erosion**.

The National Centers for Coastal Ocean Science | coastalscience.noaa.gov

Some graphics courtesy of the Terrestrial and Aquatic Network, University of Maryland Center for Environmental Science (accesseums.edu/terrestrial)
Stewardship Restoration, Greenport

The Trust is working with Cornell Cooperative Extension and Peconic Estuary Program to attempt to establish a living shoreline to protect Greenport communities from the impacts of climate change and sea level rise.

April 2019

February 2020
Land Acquisition Tool

Town of Brookhaven
Forge River

4 acres

**Watershed & Wetland Protection**

Acquisition

Sale of Development Rights & Conservation/Restoration
Forge River Preserve Restoration

Town of Brookhaven (Village of Mastic Beach)
4 acres

Comprehensive Floodplain Restoration Plan

• Demolition completed
• Next steps:
  • Grading and water runoff plans
  • Removal of invasive non indigenous species
  • Restore native species and wildlife habitat
Sea Level Rise & Water Table Impact
Island’s End Golf Club
Greenport, NY

The Trust worked with the King family and Island’s End Golf Club to protect these 126 Acres from development in perpetuity because:

- There is limited supply of drinking water available on north fork so more development will contribute to the saltwater intrusion into fresh water supply;

- Residential development 53 lots, all with individual septic systems.
Cleo’s Corner/1747 Lt. Moses Case House

August 22 - Demolition of dilapidated house on Hortons’ Lane to begin

August 24th - Gardiner Grant application deadline (Requesting 50% match, or, $215,000)

September/October - Foundation construction

November - Move 1747 Lt. Moses Case House from 46770 to 43600 Rt. 48/Horton’s Lane

January 2019 - Restoration commence.
Peconic Land Trust as a Facilitator

- Negotiating these complex transactions requires cooperation, coordination and communication
- Our professional staff cultivate relationships for years with public officials, landowners and community groups to better collaborate, partner and leverage funds.
- No “Silver Bullet” – Not “All or Nothing” Approach
- Conservation Planning is a “Process” not a “Product”
- We are more nimble than government to pre-acquire properties while the opportunity exists