



Delaware River Watershed Protection Fund Conservation Easement & Stewardship Standards (March 2018)

All projects funded through OSI's Delaware River Watershed Protection Fund must be managed to sustain and enhance the land's ability to maintain surface and ground water quality through intact function of ecological systems and ecosystem processes.

Prior to submitting a grant proposal, applicants should review OSI's standards for fee land stewardship and Conservation Easement (CE) terms. Grant proposals should describe how land stewardship and/or CE terms will meet these standards and the goals of the Fund.

CE terms and land management on OSI funded projects must directly and appropriately address water quality concerns. Grantees must demonstrate that the permanent land steward can meet the requirements detailed below (through enabling legislation, deed restriction, or CE, for example).

OSI staff will work with Grantees to ensure that CE language and/or stewardship plans are consistent with the Fund's goals. We understand that every CE is different and there are multiple ways to craft a CE that meet the same goals. OSI does not, therefore, require particular language, but we will provide examples and guidance. OSI staff must approve the final CE prior to distribution of grant funds. If a land stewardship plan is available before closing, OSI will review and comment on the plan.

Land Stewardship for Fee Projects

The conservation entity that will own and manage the land should have as a primary goal the protection of land for water quality or other closely related conservation values. In addition, the permanent land steward should have a demonstrated track record and sufficient funding and expertise to manage the land for these values.

Land stewardship should focus on protecting the property's natural land cover and soils, native biological diversity and ecological processes that support high quality surface and ground water. More specifically, land management activities should:

- Protect and/or enhance the property's surface and groundwater resources;

- Forest management may be allowed in some instances but must be secondary purposes to conservation of water resources on the property;
- Minimize road building, road paving and stream crossings;
- Prohibit mining and oil/gas extraction;
- Prevent disturbance and erosion of soils and concentrated flow paths that permit nutrients and sediment to enter water bodies;
- Prohibit mining and oil/gas extraction.
- Minimize or prohibit intensive recreational uses (ATV's and RV camping, for example) that can disturb sediment and create flow paths for stormwater, nutrients and sediment runoff;
- Retain mature, native forests and native understory and prohibit conversion of native forests to agriculture, forest plantations or other uses; and,
- Retain existing wetlands and protect supportive wetland hydrology and buffers.

Conservation Easement Projects

The conservation organization or agency that will hold a CE on the project should have 1) a demonstrated track record in CE monitoring and enforcement, and 2) sufficient funds and staff to monitor and defend the CE.

To ensure consistency with the Fund's goals, CE provisions should address all of the following:

- The CE Purposes should place priority on protecting the property's native forest and vegetative cover, soils, surface and ground water quality and ecological processes;
- Restrictions and reserved rights should establish clear and enforceable standards for permanent protection of the property's ground and surface water quality, soils, native vegetative cover, and native biodiversity including:
 - Restriction of water extraction except for irrigation within the guidelines of applicable water allocation permits;
 - Clear designation of buffer width on all water resources (streams, river, wetlands); and,

- Provisions to ensure continuous vegetation and appropriate management restrictions within designated buffers of all water resources.
- If commercial forest management is allowed, the CE must ensure that forestry is conducted in a manner that protects the property's native vegetation, soils, ecosystem processes and water quality and prevents concentrated flow paths that would increase inputs of nutrients and sediment into streams. Timber harvesting must be governed by a Forest Management Plan that specifies how forest management will be conducted to meet the CE's purposes, that is regularly updated and that is reviewed by the CE Holder. Allowable commercial timber harvesting must comply with Best Management Practices for forestry near streams and wetlands and minimize road building, paving and stream crossings;
- Prohibit mining and oil/gas extraction. The CE may include limited exceptions for removal of gravel or sand to be used only on the protected property;
- Prohibit farming, except for Farm Buffer projects where agricultural activities must be conducted in compliance with an approved Farm Conservation Plan;
- Include effective and practical monitoring and enforcement provisions;
- Ensure a process for regular, productive communication between the easement holder and landowner; and,
- Require a baseline documentation report.

Farm Buffer Projects – Farm Conservation Plan Standards

- On Farm Buffer projects, all agricultural activities on the adjacent conserved farm must be conducted in compliance with an approved Farm Conservation Plan that meets federal Natural Resource Conservation Service (NRCS) Resource Management Systems standards for water and soil conservation. The Farm Conservation Plan must 1) require 100 foot minimum vegetated buffers on all water bodies and/or meet NRCS standards for preventing fine sediment and nutrient flow to streams, 2) must control runoff, 3) eliminate concentrated flow paths, and 4) enhance the maintenance of natural ecosystem processes. OSI must approve the plan prior to closing.