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OTHER OPTIONS



# Land Conservation Agreements Project Guidance

Stakeholder Informed



# Introduction

Enhanced or permanent protection of corporate lands through land conservation agreements means that companies have voluntarily chosen to temporarily or permanently prevent development of an identified property or group of properties. These are lands that have been set aside for a variety of conservation-related purposes. Land conservation agreements can be used to protect water quality, scenic values and wildlife habitat, as well as serve as sites for education on a broad range of conservation issues.

# Building Your Program

Projects are divided into four categories: **Habitat**, **Species Management**, **Education and Awareness** and **Other Options**. You can build a program with more than one of each category but you must associate your program with at least one habitat. This Land Conservation Agreements Project Guidance is in the **Other Options** category. You must associate your land conservation agreement project with your habitat, and you may associate also it with a **Species Management** or **Education and Awareness** project.



**Habitat** – Projects that focus on conservation actions to protect, restore and manage different habitats.



**Species Management** – Projects addressing the conservation needs of targeted wildlife species or groups of species.



**Education and Awareness** – Projects to improve awareness, understanding and skills relating to conservation and the environment.



**Other Options** – Specialized projects that add value to your conservation efforts.

Browse the Project Guidance library at [wildlifehc.org/pg](https://wildlifehc.org/pg).

# What Do Land Conservation Agreement Projects Look Like?

Land conservation agreement projects are corporate lands that have been put under temporary or permanent protection by the landowner, often in cooperation with another organization that facilitates the protection of land.

Land conservation agreement projects will have at least one of the following characteristics:

1. Have ecological values that warrant protection of a natural habitat for fish, wildlife or plants
2. Preserve open space such as, wetlands, farmland or forests
3. Provide identified opportunities for either outdoor recreational use or conservation education by and for the general public

# Considerations for Corporate Lands

Projects implemented on corporate-owned lands or through corporate initiatives have different circumstances and challenges to those carried out by government and NGOs.

## **Which types of corporate lands are best suited for land conservation agreement projects?**

Many companies own lands that they either cannot or do not want to develop. These lands may have important natural or recreational values that the companies want to protect. Land conservation agreements are a way in which companies can be recognized for preserving their lands with important conservation values and, in some cases, making those lands available to the public for recreational or educational purposes.

Land conservation agreement projects are suitable for many corporate lands. Both large and small sites may be considered if the land has been placed under restrictions that prevent development of the land and that preserve conservation values on the site. However, the proposed site must be protected at a level that exceeds existing regulatory requirements for that site.

Lands to be considered by companies for land conservation agreements can be surplus lands, lands under long-term hold, existing buffer lands where permanent protection is preferable to condemnation, or non-operating lands.

## Addressing challenges

The corporate context presents certain challenges for implementing land conservation agreement projects. Understanding these concerns and potential ways to overcome them can help your project succeed in the long term.

Concern	Response
Some companies may be adverse or reluctant to place land in permanent land conservation.	<i>Time-limited agreements are available.</i>
The company may be concerned about public access to its protected land.	<i>This is not a requirement; public access can be prohibited or strictly regulated.</i>
The company may wish to retain certain development rights.	<i>Agreements can be written to allow for specified activities in designated areas.</i>
Protection of remediated lands may raise concerns about activities that may lead to environmental liability issues.	<i>The use of engineering controls or prohibitions on activities that would create a remediation-related liability concern can be written into agreements, and surface disturbance can be limited.</i>
The company may be concerned about a partner or third party over-reaching its oversight responsibilities.	<i>Suitable partners can be selected with expectations for the level of involvement clearly defined ahead of time.</i>

<b>Concern</b>	<b>Response</b>
<p>The company may wish for assurances that the land remains protected and only agreed-upon activities are occurring on the protected land, when it is being managed under the oversight of a land trust or government agency.</p>	<p><i>The inclusion of annual monitoring and evaluation of the protected land can be negotiated into the agreement to ensure that the terms of the agreement are being adhered to.</i></p>

# Getting Started with Land Conservation Agreement Projects

**For a project to qualify toward Conservation Certification, you must be able to answer “yes” to five questions.**

1. Is the project locally appropriate?
2. Does it have a stated conservation or education objective?
3. Does it provide value or benefit to the natural community?
4. Have outcomes been measured and is there supporting documentation?
5. Does it exceed any pertinent regulatory requirements?

## **Conservation and education objectives**

It is a requirement of Conservation Certification that land conservation agreement projects be designed to meet one or more conservation objectives.

Objectives can guide the direction of the project, help motivate others to participate and provide a basis for evaluation.

The following are suggested objectives for land conservation agreement projects. Your team may choose one or more of these objectives, or develop your own relevant objectives.

- Protecting or restoring a specific type of wildlife or habitat
- Increasing habitat connectivity
- Increasing biodiversity
- Using the land to provide conservation education opportunities for the surrounding community
- Providing opportunities for employee engagement through conservation activities
- Providing recreational opportunities for the community

### **At least one of the following strategies must be undertaken for land conservation agreement projects:**

- Enter into a nonbinding agreement with a private conservation organization or government entity that protects or commits to restoring the property's natural resource values
- Create a legally-enforceable agreement with a private conservation organization or government entity to protect land for a specified period of time
- Place land into permanent protection with conservation restrictions, by either donating it to a government entity, or by donating a conservation easement with an endowment for stewardship to a land trust

### **The following strategies are recommended to strengthen the conservation impact of your project:**

- Establish a baseline of plant and animal species in the protected area, upon which desired outcomes can be based and evaluated
- Be located adjacent to or near an existing protected area and managed in alignment with that protected area
- Establish and work towards specific conservation goals that will be met by the land conservation agreement project within the time frame outlined
- Connect to larger local, regional and landscape-scale initiatives for land conservation
- Provide public access to the property, either open or limited, for recreational or conservation education purposes
- Serve as a demonstration of an effective land conservation agreement project for employees, other corporations and community members

- Establish conservation education programs on the site
- Provide recreational opportunities on the site
- Donate the property title or the land in fee with conservation restrictions to a land trust or government agency
- When land has been donated to a land trust or government agency, continue to be engaged in managing the land to provide conservation or educational benefits
- Provide opportunities for credible, scientifically rigorous research by college students, professors and other scientific professionals that informs the project
- Include credible collection of data relevant to management of the protected site that contributes to a citizen science project or the database of an established land conservation organization, and that is use to inform the project

## Partnerships

Land conservation agreement projects will benefit from, and in many cases must have, a partnership with either a national, regional or local government agency or a private land trust. The land conservation agreements developed in partnership with agencies or land trusts will serve as the basis for the documentation that will allow companies to seek certification for land conservation agreement projects. Such agreements will differ across jurisdictions.

The following are examples of partnerships that would meet the requirements for land conservation agreement projects. There may be other programs in certain locales that would qualify a project as a land conservation agreement project.

- Agreements with private NGOs to place land in permanent protection through an easement or a transfer of real estate ownership
- Agreements with government entities to place land in permanent protection through donation or sale of land into an existing land management program
- Agreements with governmental entities to implement government-backed programs on private lands for a variety of conservation outcomes
- Agreements with government entities to receive tax credits or rebates for implementing conservation practices for finite period of time
- Agreements with local NGOs to provide land to increase size of habitat for specific conservation reasons like recovery of imperiled species

## Resources

Your project may benefit from online or printed resources available for your region to support the design, delivery, maintenance and monitoring of land conservation agreement projects.

A search for “land conservation agreement” in the Conservation Registry returns several projects implemented through WHC’s certification program. This is a great place to find inspiration for your project and see what others are doing in and around your location.

The following terms, in any combination, may be useful when searching online for items related to this theme:

<b>land conservation</b>	<b>voluntary conservation agreement</b>
<b>conservation easement</b>	<b>property tax relief</b>
<b>protected land</b>	<b>financial assistance conservation program</b>
<b>land trust</b>	<b>Habitat Conservation Plan</b>
<b>conservation covenant</b>	<b>Safe Harbor Agreement</b>
<b>conservation restriction</b>	
<b>conservation servitude</b>	

# Understanding the Application Process

## Documentation

When applying for Conservation Certification, you will provide documentation of the planning, implementation, maintenance and monitoring of your land conservation agreement project. The following documentation is required or strongly recommended for land conservation agreement projects.

**Copy of the land conservation agreement** and other relevant agreements and land use plans, such as a binding conservation easement, agreement with a government agency, reclamation plan for the property, or public use plan or guidelines

**Monitoring logs** that show the frequency, type, and results of monitoring of the project, whether in an informal manner or a scientifically rigorous manner.

**Map/image** of the project area, showing the relative size and approximate location of the project (other relevant information can be shown in the map as well, but is not required).

**Photographs or videos** that depict the progress of the project implementation and management.

**Maintenance plans** that demonstrate appropriate activities that meet the needs of the habitat to fully support the target species and support the conservation and education objectives.

**Baseline data** that provides a biological baseline upon which post-implementation monitoring can be based and used to evaluate the progress of the project and determine next steps. Baseline data should be gathered for one or more of the following, depending on the conservation and education goals of the project:

- Description of the project landscape with existing conditions
- Description of activities, if any, planned for the property

Baseline data can be as simple as a checklist of species on site (presence/absence), or can be more detailed with information such as the size of species populations/stands, locations of each species on site, and percent cover in each location.

## Application questions

As you complete the application online, you will be asked the following questions about your land conservation agreement project. These questions will help us understand and evaluate your project.

	Question	Why this question is important
<b>Objective</b>	What are the project's conservation or education objectives?	<i>Having a conservation objective is a requirement for certification.</i>
<b>Overview</b>	What is the total size of the project being placed under a conservation agreement?	<i>This provides us with a description of your project to allow us to assess it.</i>
	Please describe the project.	
	Upload a map showing the project location.	
<b>Agreement Type</b>	Have you entered into this land conservation agreement in a voluntary capacity?	<i>The type of agreement will determine the conservation value of the project.</i>
	What agreement have you entered into?	
	Name the organization or agency the protected status agreement is with.	
	In what year did you enter into the agreement?	
	Upload a copy of the agreement.	
	How many years is the agreement for?	

	Question	Why this question is important
<b>Permanent Protection</b>	If you have placed the land in permanent protection, have you provided an endowment for stewardship?	<i>For lands in permanent protection, stewardship is critical for quality conservation outcomes.</i>
	If yes, please upload evidence of the endowment.	
	If no, please explain why not?	
	Is there monitoring to ensure that you are meeting the requirements of the protected status agreement?	
	Describe how you are monitoring the requirements.	
<b>Public Access</b>	If there is public access to the protected land, how does the community utilize the land?	<i>Public access to permanently protected lands provides value to community and support for stewardship efforts.</i>
	Characterize the type of access provided to the public.	
<b>Regulatory Requirements</b>	Are any aspects of this project done in relation to regulatory requirements?	<i>Going beyond compliance is a requirement of certification.</i>
	Explain how the project exceeds these requirements.	

	Question	Why this question is important
<b>Alignments</b>	Is the project part of a corporate level commitment to land preservation?	<i>Aligning conservation efforts with large-scale conservation plans and other regional conservation initiatives allows a site-based activity to support a landscape-scale objective.</i>
	Upload documentation of your corporate commitment to land preservation.	
	Does the project align with any larger scale conservation initiatives?	
	List the plans or other large scale initiative the project aligns with and provide website links if available.	

## Content development for Conservation Certification

To inform the development of Conservation Certification, WHC analyzed the projects it was recognizing through its certification program to assess whether they were aligned with contemporary conservation and education priorities.

Following this assessment and using information from it, WHC convened Advisory Committees around conservation and education themes to develop the content that would guide practitioners and applicants in the future. This content is the basis for the Project Guidance and the online application process.

The following provided feedback on the initial draft of the Land Conservation Agreements Project Guidance:

**Sylvia Bates**, Land Trust Alliance  
**Raghu Chatrathi**, CSX Transportation, CSX Cooperation  
**Leslie Deavers**, Natural Resources Conservation Service, U.S. Department of Agriculture  
**Matthew Filsinger**, U.S. Fish and Wildlife Service, U.S. Department of the Interior  
**Danielle Flynn**, Natural Resources Conservation Service, U.S. Department of Agriculture  
**Brent Handley**, The Trust for Public Land  
**Wendy Jackson**, The Freshwater Land Trust  
**Amy Martin**, ERM, Inc.  
**Linda Mead**, D&R Greenway Land Trust  
**Laura Napoli**, ExxonMobil Biomedical Sciences, Inc.  
**Cary Ridder**, Cary Ridder Consulting  
**Jim Shissias**, PSEG Power LLC; James A. Shissias LLC  
**Ted Weber**, The Conservation Fund

More information can be found about this process in the “Our Impact” section of [wildlifehc.org](http://wildlifehc.org) under “Commitment to Transparency.”

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The WHC Strategy and Planning team can help you build a successful project by identifying needs, making connections with partners and resources, and providing strategies that meet business and conservation goals. Contact us today.

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Every act of conservation matters.

