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Conserving the Pawtuckaway River Focus Area and Kennard Hill Focus Area : Final Report

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Conserving the Pawtuckaway River Focus Area and Kennard Hill Focus Area

A Final Report to

The Piscataqua Region Estuaries Partnership

Submitted by

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September 28, 2010

This project was funded in part by a grant from the Piscataqua Region Estuaries Partnership as authorized by the U.S. Environmental Protection Agency's National Estuary Program.



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Abstract

The Piscataqua Region Estuaries Partnership provided \$8,000 to support the Southeast Land Trust of New Hampshire's land conservation work within the Pawtuckaway River and Kennard Hill Focus Areas, two areas identified by the *Land Conservation Plan for New Hampshire's Coastal Watershed*. Through this grant, the Southeast Land Trust has:

- Permanently conserved two parcels totaling 90.55 acres within the Pawtuckaway River Focus Area;
- Entered into four agreements to acquire and conserve 221.4 acres within the Pawtuckaway River Focus Area and 190 acres within the Kennard Hill Focus Area; and
- Facilitated, through the Wetlands Reserve Program, the protection of 60 acres within the supporting landscape of the Kennard Hill Focus Area and Pawtuckaway River Focus Area.

In total, more than 560 acres will be conserved upon the completion of all of these projects.

Executive Summary

The Piscataqua Region Estuaries Partnership granted \$8,000 to support the Southeast Land Trust of New Hampshire's land conservation work within two focus areas identified by the Land Conservation Plan for New Hampshire's Coastal Watershed. These areas, known as the Pawtuckaway River and Kennard Hill focus areas, are large, relatively unfragmented blocks of forestland and farmland in a rural yet threatened portion of Epping, Raymond, and Nottingham. At the time of application, the Southeast Land Trust was working to conserve five properties totaling 319 acres within the Pawtuckaway River Corridor. Through work performed between January 2009 and August 31, 2010 and supported by the PREP grant, the Land Trust has acquired and protected two properties totaling 90 acres, secured agreements to conserve two other properties totaling 221 acres, and continues to reach out to the owner of the remaining parcel.

Within the Kennard Hill Focus Area, the Land Trust intended to focus its work reaching agreements with the primary landowner. When these discussions stagnated, the Land Trust reached out to other landowners, and secured agreements to acquire and protect 190 acres of forestland, wetlands, and farmland. In addition, the Land Trust assisted in the completion of a conservation easement on a 60 acre property with marsh and forestland within the supporting landscape of both the Pawtuckaway River and Kennard Hill Focus Areas. These properties help link the conserved portions of the core areas of the Pawtuckaway River and Kennard Hill Focus Areas.

Introduction

The Southeast Land Trust of New Hampshire (SELTNH) is a non-profit conservation organization whose mission is to conserve the significant land and natural resources of southeastern New Hampshire, including water, working farms and forests, wildlife habitat and natural areas, and community landscapes.

At the time of application in September 2008, SELTNH was actively pursuing land conservation in the Pawtuckaway River and Kennard Hill focus areas of the *Land Conservation Plan for New Hampshire's Coastal Watershed*. This work entailed reaching out to landowners, negotiating possible conservation outcomes, securing the necessary funding, and implementing projects until closing. Significant progress has been made in securing agreements to permanently conserve land along this vital water body and unfragmented lands.

This final report describes accomplishments achieved with the assistance of the PREP grant, including Action Plans LND-15, LND-2, LND-6, LND-26 and LNH-36 from the PREP Management Plan.

Project Goals and Objectives

The goals of this project were to 1) complete the acquisition of 319 acres of land within the Pawtuckaway River Focus Area and 2) reach agreement with landowners on the conservation of priority lands within the Kennard Hill Focus Area. Specific tasks were planned for each focus area, as outlined below:

Pawtuckaway River Focus Area

- Execute sales agreements with each landowner
- Apply for matching public and private grant funds
- Complete due diligence and manage project
- Draft and execute easements or deeds for each property

Kennard Hill Focus Area

- Meet, discuss and negotiate conservation outcomes with primary and secondary landowners
- Complete appraisal of priority lands
- Execute sales agreement with primary landowner
- Apply for federal CELCP funds
- Draft and execute easements or deeds for each property

Activities

The specific activities completed for each of these objectives and focus areas were generally consistent with the grant application and are discussed in more detail below.

Pawtuckaway River Focus Area

Within this focus area, SELTNH identified five parcels for permanent protection. Of these five parcels, SELTNH has acquired parcels 1 and 5, and has parcels 2 and 4 under agreement, with closings scheduled for the fall of 2010. These projects will ultimately result in the permanent protection of 309 acres of land along the Pawtuckaway River with more than 6,500 feet of shoreline (with 5,600' on both sides). Unfortunately, we have been unable to secure a commitment from the owner of Parcel 3. Please see map in Appendix for a visual representation of this progress.

For Parcel 1 (60.55 acres) (43,3'45"N, 71,8'10"W), SELTNH successfully acquired this 60-acre property in November 2008 and permanently conserved it in June 2009 through the conveyance of a conservation easement to Bear-Paw Regional Greenways and NH Fish and Game Department with a reverter interest in the land to the Town of Raymond. This property included:

- 58.6 acres of Core Area within Pawtuckaway River Focus Area
- 13 acres of Highest Ranked Wildlife Habitat (WAP)
- 2,030' frontage on Pawtuckaway River (1,140' on both sides)
- 5 acres of wetlands
- Exemplary alder-dogwood-arrowwood alluvial thicket plant community
- Upland forests of hemlock-pine, mixed hardwoods and oak-beech-pine in varying stages of growth

For Parcel 2 (158.8 acres) (43,3'25"N, 71,8'0"W), SELTNH entered into two option agreements with the landowner to acquire this property, including one in March 2009 and the current agreement in July 2010. Originally, SELTNH anticipated using the federal Coastal and Estuarine Land Conservation Program (CELCP) as the primary funding source for this property. However, the project did not receive funding from CELCP's FY09 or FY10 grant round. Based on the property's natural resources, SELTNH facilitated the landowner's submission of the

property to the federal Wetlands Reserve Program (WRP) for a February 2010 application period. The property was ranked first for this program and received a funding commitment of \$705,000. SELTNH submitted an application to the North American Wetlands Conservation Act (NAWCA) program in October 2009 and awarded funding of \$75,000 in March 2010. In March 2009, SELTNH submitted a grant application for \$200,000 to the Open Space Institute and was awarded funding in June. SELTNH also submitted an application for Parcel 2 and 4 to the state Land and Community Heritage Investment Program in October 2009. The project was awarded \$87,000 from LCHIP in January 2010. Finally, SELTNH secured a private foundation grant of \$25,000 for this property in May 2010.

Parcel 2 will be acquired by the end of 2010. All of the necessary due diligence is completed, including survey, hazardous waste review and title commitments, but the closing is delayed due to the WRP closing process.

This property includes:

- 148 acres of Core Area within the Pawtuckaway Focus Area
- 34 acres of Highest Ranked Wildlife Habitat (WAP)
- 2,800 feet of river frontage on Pawtuckaway River (1,700' on both sides of the river)
- 135 acres of oak-beech-pine and mixed wood upland forest
- 21 acres of wetlands
- Exemplary alder-dogwood-arrowwood alluvial thicket plant community
- Diverse wetland shrub communities along the river, vernal pools and shrub/forest wetlands in the uplands with unique species including black gum and black ash, rich wetland ground flora and woody debris

For Parcel 4 (62.6 acres) (43,3'5"N, 71,8'0"W), SELTNH entered into an option agreement in March 2009 to acquire this critical property. The land trust then exercised the option in January 2010. As part of the due diligence for acquiring this land, a survey and title search were completed, revealing a clouded title. After extensive additional title work, a suit to quiet title was filed for the western most portion of the property. This suit will be heard by the Superior Court in November 2010, with a favorable outcome anticipated. In addition, the heirs of prior owners of portions of the property were asked to and provided Quit Claim Deeds to convey any interest they may have in the properties to the SELTNH. Due to these title issues, SELTNH extended the closing date until December 31, 2010 and anticipates closing by the end of November. Funding of \$60,000 from the Lamprey River Advisory Committee and a portion of the LCHIP and OSI funds will be used to acquire this property. This property's natural resources include:

- 57.6 acres of Core Area within Pawtuckaway River Focus Area
- 16.6 acres of Highest Ranked Wildlife Habitat (WAP)
- 1,440' frontage on the Pawtuckaway River (2,880' on both sides)
- 5.6 acres of wetlands, including vernal pools

Parcel 5 (30 acres) (43,2',5"N, 71,7'50"W) was acquired in December 2008, prior to the grant period, using funding from the Lamprey River Advisory Committee. Due to tax reasons, the

landowner agreed to sell the property, so long as the closing occurred in 2008. This property protected:

- 28.3 acres of Core Area within the Pawtuckaway River Focus Area
- 8 acres of Highest Ranked Wildlife Habitat (WAP), including floodplain forest
- 2,000 feet of river frontage on Pawtuckaway River (abuts conservation land on opposite side of river)
- 26.5 acres of regenerating mixed forests
- 3.5 acres of wetlands
- Red maple floodplain forest with several large red maple and yellow birch
- Regenerating gravel pit, ideal for nesting turtles of concern

Kennard Hill Focus Area

Discussions with the primary landowner within this focus area stagnated in 2009 due to complex family dynamics. However, SELTNH worked with two other landowners in the supporting landscape of both the Kennard Hill and Pawtuckaway Focus Areas.

The land trust facilitated the submission of an application by landowner Isobel Parke to the Wetlands Reserve Program (WRP) for approximately 60 acres of her land. This land is adjacent to another 109 acres owned by her and previously conserved with the land trust. Our work included hiring a wildlife biologist to provide additional wildlife and natural resources information to the Natural Resources Conservation Service, the agency responsible for the administration of WRP. This property was protected in August 2010. The natural resources of the Parke II property (43,3'40"N, 71,7'0"W) included:

- 25.9 acres of Highest Ranked Wildlife Habitat (WAP) and 10.8 acres of supporting landscape
- 0.56 acres of emergent marshlands
- 29.1 acres of Appalachian-Oak-Pine forest

In the spring of 2010, the land trust learned that approximately 200 acres of farmland and woods were going to be sold, due to the death of the family matriarch. This property, owned by the Sullos family, is a critical link between the core of the Kennard Hill Focus Area and the Pawtuckaway River Focus Area. The land trust quickly completed an appraisal of the properties and secured agreements to acquire the 17-acre farmstead with its historic home and the nearby 175 acres of woodlands for their appraised value. Due diligence revealed no hazardous waste or title issues. The land trust applied for \$100,000 from the Farm and Ranch Land Protection Program (FRPP) to acquire a conservation easement on 15-acres of the farmland. In addition, the land trust facilitated the landowner's application to the WRP for the sale of a conservation easement on the woodlands. Both applications were awarded funding. In August 2010, the land trust submitted an application to LCHIP for \$50,000 to support the protection of both the farmstead and woodlands. A decision is expected in November. Under the terms of the current agreements, the land trust will acquire a conservation easement on the 15-acre farm by July 2011 and will acquire the fee ownership of the 175-acre woodlands, subject to a WRP easement, by July 2011. The Sullos woodlands (43,4'25"N, 71,7'50"W) includes:

- 91.51 acres of highest ranked in NH and 16.65 of highest rank in biological region
- 107 acres of Appalachian-Oak-Pine forest
- 9.6 acres of grasslands

- 45 acres of Hemlock-Hardwood-Pine forest
- 15.3 acres of marshland
- 1.5 acres of floodplain

The Sullos farmland (43,3'43", 71,7'38"W) includes 13 acres of agriculturally valuable soils and is nearly all open fields.

Please see map in the Appendix to locate these properties.

Outcomes

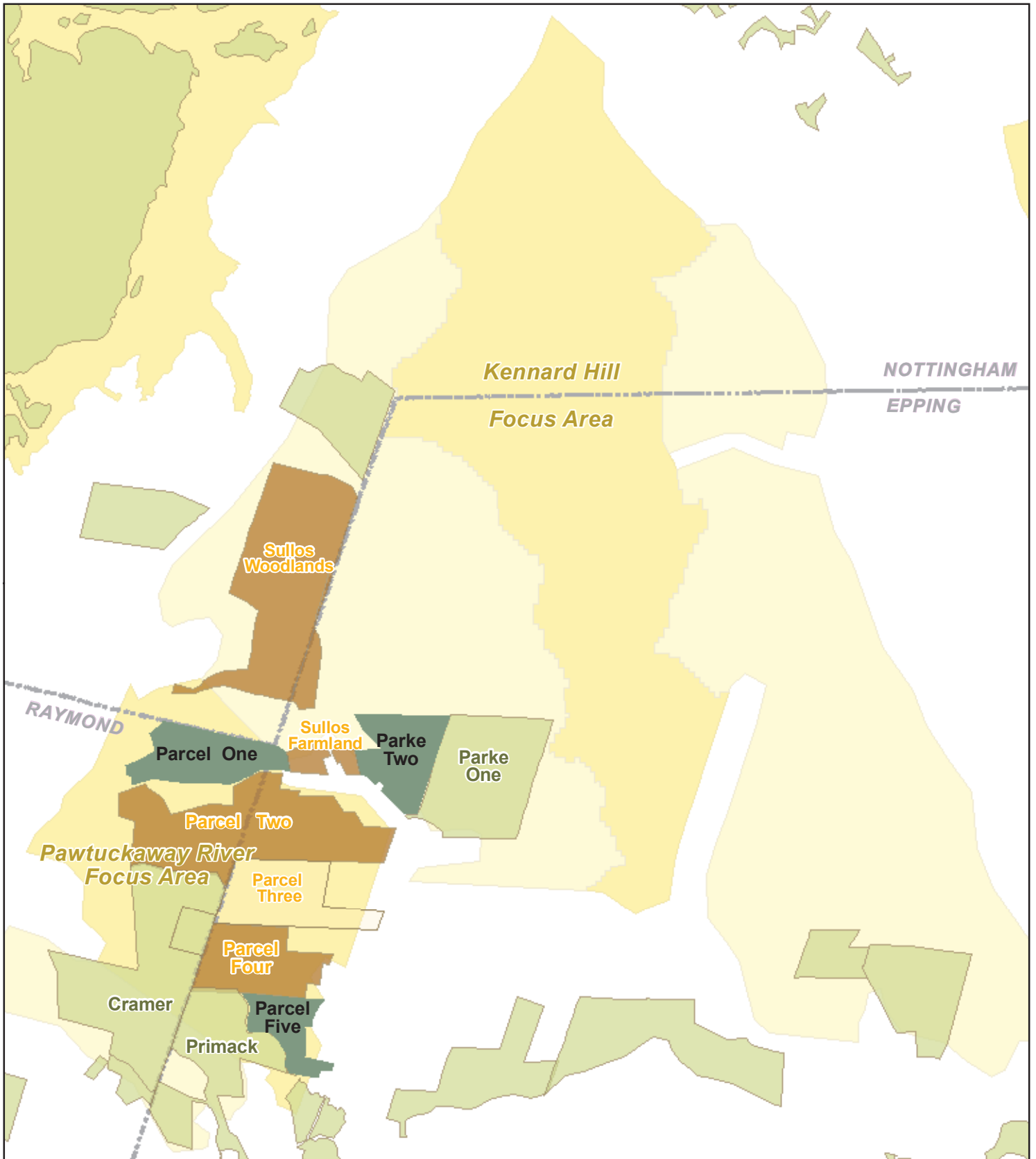
The support of PREP has allowed the Southeast Land Trust to focus its limited resources in a priority geographic area and have resulted in significant progress being made for the protection of the Pawtuckaway River and Kennard Hill Focus Areas. In just four short years (2007 through 2010), more than 10 properties have been protected or are under agreement. This level of progress is achieved for a variety of reasons, from availability of funding to landowner interest. However, without the ability to focus staff time and resources within a specific area, such success is not possible.

By the end of the grant period, the land trust had:

- Permanently conserved two parcels totaling 90.55 acres within the Pawtuckaway River Focus Area;
- Entered into four agreements to acquire and conserve 221.4 acres within the Pawtuckaway River Focus Area and 190 acres within the Kennard Hill Focus Area; and
- Facilitated, through the Wetlands Reserve Program, the protection of 60 acres within the supporting landscape of the Kennard Hill Focus Area and Pawtuckaway River Focus Area

In total, more than 560 acres will be conserved upon the completion of all of these projects.

PREP's continued support for direct land conservation work by local and regional land trusts is needed. In addition, PREP's flexibility in the administration of the grants and their timeframes is appreciated, as the issues for each project vary greatly, delaying or advancing a project's completion. These delays are often unpredictable and unavoidable, and out of the control of the conservation partner. As demonstrated by this project, additional time was needed to advance the project goals – successfully!



- Existing Conservation Land
- Completed
- Pending
- Core Focus Area
- Supporting Landscape

Pawtuckaway River & Kennard Hill Focus Areas
Epping & Raymond, NH

