

Rhode Island Conservation Stewardship Collaborative

Baseline Documentation and Inventory Protocol, Version 2



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Project Goal:

To develop a standard protocol for documenting conservation values with a baseline documentation report, or baseline inventory, on protected land in Rhode Island.

Project Description:

There is currently no uniform protocol for preparing baseline documents on conservation land in Rhode Island. The purpose of a Baseline Documentation Report (BDR) is to document the existing condition of the property and its conservation values at the time it is conserved. For transactions that may generate tax benefits, the Internal Revenue Service requires that a land trust maintain “documentation sufficient to establish the condition of the property at the time of the gift.” In addition, BDRs provide a baseline for future stewardship and monitoring, and may generate information that informs management decisions.

The purpose of this project, undertaken by the Rhode Island Conservation Stewardship Collaborative, was to:

- Provide a basic understanding of the importance of developing baseline documentation on conserved lands;
- Develop a protocol outlining the information that should be included in a BDR for it to be lasting and effective;
- Identify resources for obtaining property-specific information;
- Share model documents for representative properties throughout the state.

Each property, and each conservation group, is unique. This protocol seeks to provide information as simply and accessibly as possible, while still maintaining standards that provide a sound foundation for future stewardship to ensure that our conservation efforts today truly can be maintained and enforced in perpetuity.

This document is provided as guidance for conservation groups in Rhode Island. It conveys no regulatory authority. While we have made an effort to provide recommendations that reflect best management practices, land trusts seeking national accreditation should refer to guidelines provided by the Land Trust Accreditation Commission (<http://www.landtrustaccreditation.org/>).

Acknowledgements:

2009, Version 1 (by Scott Ruhren)

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Preparing a Baseline Documentation Report

Why do a BDR?

Baseline Documentation Reports document the conservation values inherent to a property and are essential to the permanent protection and legal defense of protected land. The preparation of BDRs is a core *Standard and Practice* promoted nationally by the Land Trust Alliance and provides a 'baseline' against which future monitoring, management, and enforcement efforts can be measured.

If a conservation transaction qualifies as a charitable deduction and the donor(s) can receive tax benefits, the IRS requires that a BDR be completed. The documentation is meant to provide specific information about the conservation values of the property and must be signed by the donor and a representative of the done organization affirming that the documentation is an accurate representation of the property prior to transfer.

A BDR also provides the basis for all future monitoring and enforcement activities, which necessitates that it portray a clear and accurate representation of the property at the time of completion. Information collected in a BDR is often the basis for management planning decisions and can be a great source of public interest and community outreach material for land trusts and conservation groups. Landowners and donors generally love them, as they celebrate the unique and valuable attributes of each individual piece of land.

What is a BDR and what is it not?

BDRs are static documents, meant to be a snapshot in time. While they can be supplemented and upgraded as new information and resources become available, the original document should always be maintained in an unaltered form.

It is important to be reasonable when assessing the resources available to complete a BDR. While a primary purpose is to document existing conservation values, the detail with which this is undertaken is somewhat subjective. In general, priority should be given to documenting property boundaries and existing human-made features that will be the basis of future monitoring efforts, as well as describing general characteristics and features of the property that qualify its conservation purpose.

The facts are the facts. BDRs document the best available information at the time of creation, given the resources available. A BDR completed in November for a last minute deal at the end of the tax year cannot offer a comprehensive list of species active during other seasons. Four hours of field time is not enough to generate a complete inventory of existing flora. When creating a BDR, use the best available resources as wisely as possible and then reference whatever unavoidable limitations constrain your efforts. If outside materials or sources are used, be sure to provide explicit and accessible citations.

A BDR is fundamentally different from a Management Plan, though at times (especially for fee owned properties) they may be merged into a single document. While a Management Plan may contain guidance and policy governing the stewardship of a property's conservation values, a BDR is simply meant to objectively document their existence. A Management Plan catalogues and attempts

to address threats to the integrity of existing conservation values. A BDR simply documents the facts at the time of the transaction.

Best Practices for BDRs

Ideally, a BDR should be created for each individual property at the time of the conservation transaction. An accepted BDR should be signed and acknowledged by all involved parties (both grantor/seller/donor and grantee/accepting conservation organization). If the mechanism for conservation is a Conservation Easement or other form of Conservation Restriction, the BDR should provide adequate information for future monitoring and enforcement and should be directly referenced as an Exhibit to the primary legal document.

Many organizations do not publically record BDRs with their easements due to the associated expense or concerns about landowner privacy. However, if conservation values are being protected in the public's interest, regardless of whether or not properties remain privately owned, adequate documentation of these conservation values should be a matter of public record. In addition, publically recorded documents are archived, fire safe and readily accessible, insuring their availability for future enforcement or legal defense.

At a minimum, a BDR should include a complete property description, summary of existing conservation values, appropriate resource and/or boundary maps, and boundary photo documentation.

Who prepares them?

BDRs can be prepared by skilled volunteers, paid land trust staff, college-level interns, professional conservation biologists, and every imaginable combination of these options.

What goes into a BDR?

Basic Property Information.

This section should include the permanent file name for the property, a brief description of donor/transaction history, orienting information (street address, plat/lot), acreage, general land description (farmland, woodland, subdivision open space, publicly accessible, etc), protection type (conservation easement, deed, or other), and landuse history (as available). Plat maps, survey plans, and road maps using aerial or satellite photography can support this element.

Statement of Intent.

This may be found as a 'Statement of Purpose' within an associated Conservation Easement, or could more generally reference the organization's mission. This section provides a brief description of the purpose for conserving the property.

Property Description

Property boundaries should be clearly identified, within the BDR, as well as in the field. A description of surrounding landuse and landscape context is also helpful. Is the property a wooded parcel in a rural area? An urban park in a heavily developed neighborhood? Is it adjacent or nearby to other protected land?

This section may also describe the topographic setting (is the property very steep? nearly level?), hydrologic setting (drainage, watershed) and the mapped soil types that are present. A topographic map and soil survey map can be used to support this description.

Conservation Values Documentation

The conservation values described within the BDR will be specific to each property. For the conservation transaction to qualify as a charitable deduction, conservation values must meet the definitions given in the regulations of the Internal Revenue Service (see link for the IRS Conservation Easement Audit Techniques Guide under 'Resources'). Some of the common elements you might consider when listing cataloging conservation values are:

- **Agricultural/Forestry Values** – Is the property currently farmed? Was it farmed historically? Does it contain Prime Farmland Soils or Soils of Statewide Importance for Agricultural? Is agriculture an important element of the surrounding landscape? Are forest products derived from the property, or might they be in the future?
- **Wetlands** – Does the property contain wetlands? Of what type? Freshwater or coastal? Are there any rivers or streams on the property? Wetlands maps that are not developed as part of a regulatory boundary determination should include the disclaimer 'not RIDEM verified' or 'not intended for regulatory use'.
- **Water Resources** – Does the property contain significant water resources, in addition to wetlands? Is it in a drinking watershed? Within a wellhead protection area? Or a sole source aquifer? Groundwater resources (recharge areas, groundwater quality standards) may also be of interest to include, especially in communities that rely on well water.
- **Flora & Fauna** - Every BDR should contain an inventory list of flora and fauna documented on the property. In many cases, BDRs are drafted after only a single site visit, so inventory lists will not be a complete representation of the vegetation and wildlife using the property year round. Instead, focus on cataloguing the natural community types that are present on the site, and the representative plant species characteristic of them. Are any rare plant or animal species known to inhabit the property? If rare species habitat exists, that can be noted as well, provided documentation of its use (or unknown use) is clearly stated. Are invasive species present? Does the property provide landscape connectivity of benefit to wildlife?
- **Historic and Cultural Values** – Are there any known historic resources located on the property? Does it fall within a historic district, or contain a historic site, designated by the National Historic Register? Does it contain a historic site recognized by the RI Historic Preservation Commission for candidate listing? Does it contain a historic cemetery? Or historic fieldstone walls, recognized by many communities as a valuable cultural resource?
- **Educational & Recreational Values** – Does the property contain resources with educational value? Is public access or recreational use a part of the property's conservation value? If so, is use passive or active? What community is served?

- Scenic Values – Whether or not it is publically accessible, does the property provide scenic and/or aesthetic value? Is it visible to the public? Does it contain frontage on a public road or waterway? Is it located within a State-designated scenic area?

Documentation of Human-made Features

It is critically important that a BDR document all human-made features existing on a property at the time it is conserved. Structures, roads, trails, utility infrastructure, dams, walls, fencing and other indications of human alteration should be cataloged and photographed for future monitoring and enforcement reference.

Boundary Photo Documentation

Photos documenting the property's boundaries and existing condition at the time of the conservation transaction (or as soon thereafter as possible) should be taken from locations that can be readily relocated during future monitoring visits - such as permanent boundary markers, trail/wall/road intersection points, or other distinguishing locations. Digital photos should be date-stamped and hard copy photo documentation should be signed and dated by the photographer. Each photo should be linked to a specific location (photos can be numbered with corresponding locations indicated on a property map) and be accompanied by text describing the orientation of the photographer when the photo was taken.

The 'Suggested Baseline Documentation Report Format' and 'Links & Online Resources' sections that follow may be helpful in setting up your BDR and finding appropriate local sources of information to reference each of the components described above.

Suggested Baseline Documentation Report Format

Acknowledgements and Signatures (acknowledge and accept the document in its entirety; should be signed and dated by both grantor and grantee if Conservation Easement)

1. Land Information

- Owner Information
- Parcel Data (e.g., plat, lot, acreage, street address)
- Land Description (general description and current land use)
- Conservation Easement Name
- Conservation Easement Information (brief description, references to recorded book/page)
- Conservation Values, Uses, and Restrictions (summary as recognized in CE or deed)
- Land-use History (from historic aerial or others as available, previous land uses)

2. Purpose of Protection or Use

- Statement of purpose from land conservation organization (often found in Conservation Easement or Deed)

3. Property Description (as appropriate)

- Boundaries - landscape position, surrounding land use
- Topography
- Soils survey map
- Agricultural values (if appropriate, current or historic)
- Wetlands – freshwater & coastal resources; vegetated, open water, rivers & streams
- Water resources - ground water, surface water supply area, drainage basin / watershed
- Flora and fauna list - wildlife values, natural communities, species of conservation concern, invasive species
- Historic, Educational, Cultural, Recreational and Scenic Values
- Roads and trails (existing)
- Structures, human disturbances, alterations

4. Photo Documentation of Parcel

- Listing of Photos –date, photographer (with signature), locations and views shown
- Photo location map
- Photos – perimeter boundaries, others representative

5. Maps for clear depiction of the following:

- Copy of Plat Map
- Copy of Survey Plan (if available)
- Aerial photographs showing property location, boundaries, etc.
- Topographic map
- Soil survey map

- Wetlands (with disclaimer “Not RIDEM Verified”, “not intended for regulatory use”)
- Watersheds
- Other plan maps (context for protection, existing trails etc.)
- Nearby protected lands and open space, trails, connectivity

6. Appendices

- Preparer’s qualifications
- Recorded deeds (as appropriate)
- Additional survey plan (if not included above)
- Any additional property Exhibits: metes and bounds description, other restrictions, funding conditions, etc.

Links & Online Resources

Model BDRs from Rhode Island

<http://www.landandwaterpartnership.org/documents/Ballard.pdf>

<http://www.landandwaterpartnership.org/documents/Bradner.pdf>

<http://www.landandwaterpartnership.org/documents/Hopkins.pdf>

<http://www.landandwaterpartnership.org/documents/Ray.pdf>

Additional Links to BDR Resources

Rhode Island Land and Water Partnership – Online Library
Land Stewardship Resources

<http://www.landandwaterpartnership.org/library.php>

Land Trust Alliance Standards & Practices: Standard 11 – Conservation Easement Stewardship
<http://www.landtrustalliance.org/training/sp/lt-standards-practices07.pdf>

Land Trust Accreditation Commission Guidance Document: Practice 11.B
http://s3.amazonaws.com/conservationtools/s3_files/1083/AccredCom-BaselineGuidance2011sep.pdf?AWSAccessKeyId=1NXAG53XSSG82H0V902&Expires=1386357611&Signature=JG3trqAWvdV7uoPrgArlZfQ33Q0%3D

Land Trust Alliance Publication: Conservation Easement Stewardship
http://iweb.lta.org/Purchase/ProductDetail.aspx?Product_code=CURR_CESTEWARD

IRS Conservation Easement Audit Techniques Guide
<http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Conservation-Easement-Audit-Techniques-Guide>

Inventory and Mapping Resources

RIDEM Environmental Resources Maps
<http://www.dem.ri.gov/maps/>

Rhode Island Digital Atlas
<http://www.edc.uri.edu/atlas>

NRCS Soil Survey Mapping
<http://websoilsurvey.sc.egov.usda.gov/>

Rhode Island Conservation Stewardship Collaborative: Maps to Support the Work of RI Land Trusts
<http://bit.ly/tUhyDp>

Vision Appraisal

<http://www.vgsi.com/vision/Applications/ParcelData/RI/Home.aspx>

RIGIS Historic Aerial Photos

<http://www.edc.uri.edu/rigis/data/imageryBaseMapsEarthCover.html>

RIGIS Data

<http://www.edc.uri.edu/rigis>

Bing Maps

<http://www.bing.com/maps/explore>

Google Maps

<http://maps.google.com>

Resources for Local Expertise and General Species Identification

The Rhode Island Natural History Survey

www.rinhs.org

NatureServe Explorer

www.natureserve.org/explorer

Rhode Island Ecological communities Classification

<http://www.rinhs.org/wp-content/uploads/ricommclass.pdf>

Rare Native Plants of Rhode Island

http://www.rinhs.org/wp-content/uploads/ri_rare_plants_2007.pdf

Invasive Plant Atlas of New England

<http://www.eddmaps.org/ipane/>

Rare Native Animals of Rhode Island

http://www.rinhs.org/wp-content/uploads/ri_rare_animals_2006.pdf

US Fish & Wildlife Services – Ecological Services, Northeast Region

<http://www.fws.gov/northeast/EcologicalServices/endangeredspecies.html>

Cornell Lab of Ornithology – bird identification

<http://www.allaboutbirds.org>

Amphibians of Rhode Island

<http://www.uri.edu/cels/nrs/paton/amphibs.html>