

AMERICAN CHESTNUT LAND TRUST LAND PRESERVATION POLICY

Introduction

The following written policies are adopted by the Board of Directors to achieve compliance with the Revised 2017 Land Trust Alliance (LTA) Standards and Practices and the Revised 2023 Requirements Manual.

Project Selection Criteria for Land Protection Projects

The following project selection criteria are recommended for use in evaluating land preservation projects that are expected to require a substantial allocation of either staff/volunteer time and/or financial resources. This would include both purchased and donated conservation easements as well as land acquisition projects. LTA suggests four central elements to any Project Selection Criteria:

- I. Consistency with the land trust's goals and purposes
- II. Project has natural/cultural resource and public benefit values
- III. The feasibility of the project
- IV. Significance or Priority of the Project

I. Consistency with ACLT mission and goals

A project should always be consistent with the land trust's articles of incorporation, mission statement and five-year plan. The ACLT mission statement, as revised in 2024 provides:

The American Chestnut Land Trust (ACLT) preserves and conserves the natural and cultural resources of the Parkers Creek and Governors Run watersheds for the benefit of this and future generations. We provide environmentally sustainable public access to managed properties for educational, scientific, recreational, and cultural purposes. We promote land conservation and preservation throughout Southern Maryland.

The Strategies for achieving ACLT's Land Acquisition and Preservation Goal, offer additional guidance:

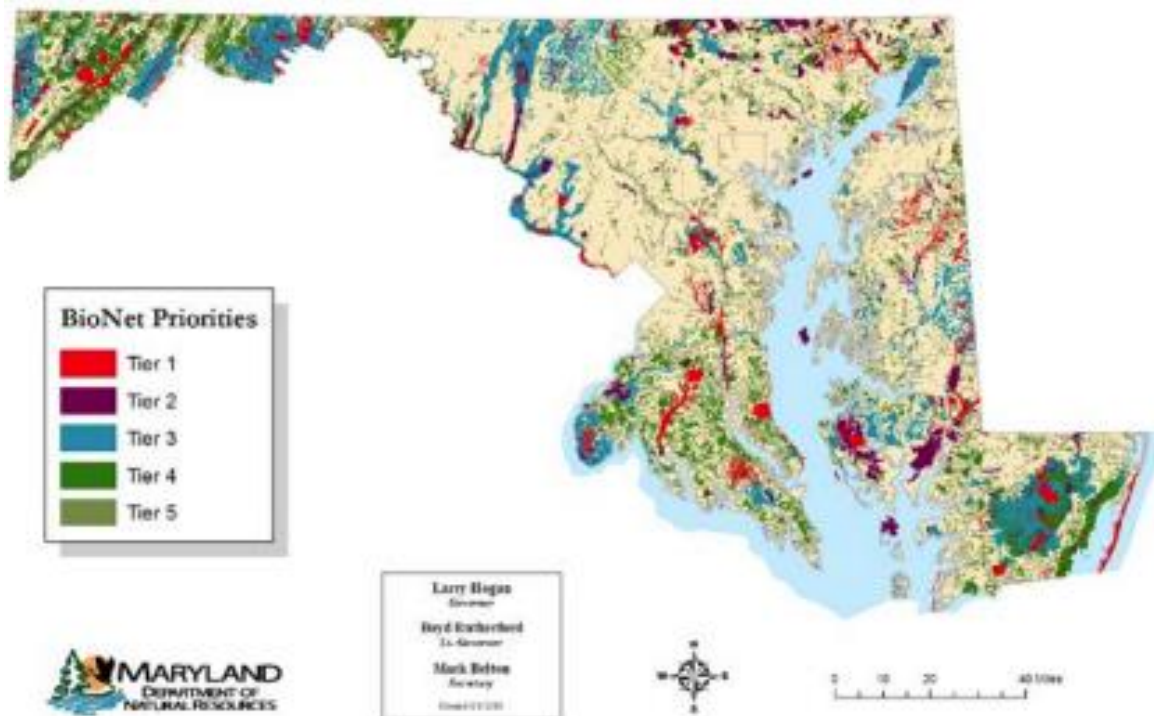
1. Parkers Creek Watershed and Governors Run Watershed - Complete, wherever possible, watershed preservation using all tools available.
2. Battle Creek Watershed – support the efforts of the Calvert Nature Society (CNS) and Calvert Farmland Trust (CFT)
3. Analyze, recommend and, when needed, protect new properties for Calvert County using the purchase, conserve, and resell approach.

These documents demonstrate that any purchase located within the Parkers Creek and Governors Run watersheds would be consistent with ACLT's mission, provided other criteria are met. ACLT's strategies for achieving its land preservation goal make clear that Parkers Creek watershed is ACLT's highest priority.

II. Natural/Cultural Resource and Public Benefit

Given all the knowledge that has been acquired since the ACLT was founded in 1986 about the Parkers Creek and Governors Run watersheds, this priority appears well-placed. The Maryland Biodiversity Conservation Network (BioNet) Map has identified nearly all of the two watersheds as Tier One: Critically Significant for Biodiversity Conservation. In addition, the US Fish & Wildlife Land Protection Map prepared in 2023 shows nearly all of both watersheds as in need of conservation.

Maryland's Biodiversity Conservation Network (BioNet)



The contiguous Parkers Creek and Governors Run watersheds contain the **largest unbroken woodlands left in Calvert County**. These surround **the only pristine salt-water/fresh-water marsh on the Western Shore of the Chesapeake Bay**. Parkers Creek flows through the woods and marsh, across a barrier beach, and into the Chesapeake Bay. The high cliffs at each end of the beach, the open bay, the creek, the marsh, wetlands and woods are all still in a natural state. Governors Run is one of the few larger freshwater streams along the Calvert Cliffs flowing directly into the Bay. These combinations are unique.

One can paddle a canoe two miles up the creek from the Bay, to where it emerges from the woods, seeing **virtually no sign of human activity**.

The area is a **haven for wildlife**, some of which is becoming scarce elsewhere. It reflects Calvert County's rich agricultural heritage, with scattered scenic farms, small tobacco fields, and winding country roads, and contains significant archeological remains of former times.

The population of the eastern seaboard is growing quickly and open land is being developed with increasing speed. **Large reserves of biological diversity are rare**.

This area offers a great opportunity for conservation, outdoor recreation, science, tourism, education and aesthetic wilderness experience easily reached by local residents and the people of metropolitan Washington and Baltimore.

Likewise, the Maryland/DC Chapter of The Nature Conservancy and the Maryland Department of Natural Resources have consistently endorsed ACLT's efforts in Parkers Creek. In a letter from TNC in support of inclusion of the Parkers Creek Nature Preserve into the Chesapeake Gateways Network, dated June 20, 2003, TNC stated that:

The Parkers Creek watershed is one of the most pristine creeks on the Western Shore [of the Chesapeake Bay]

and provides **habitat for two federally listed species and numerous state listed species**. The forested area of the Parkers Creek watershed lies within the State of Maryland's Green Infrastructure and is a priority area in the Chesapeake Bay Lowlands Ecoregional Plan recently completed by The Nature Conservancy.

These statements suggest a number of criteria that weigh in favor of selecting a particular project, including:

- The property adds to the large, unbroken woodlands quality of the watershed by connecting with already preserved woodlands
- The property contributes to water quality protection in the creek and marsh due to its proximity to the creek and its tributaries
- The property contains endangered, threatened or rare species or could provide habitat that would support such species
- If the property is not contiguous to other preserved properties, it is of sufficient size to provide public benefit and its resource values are likely to remain intact even if adjacent properties are developed
- The property initiates or serves as a precedent that leads to additional protection
- The property buffers, adds to, or otherwise helps to protect or improve already protected areas

- The property provides publicly accessible open space valuable to a community due to its proximity to developed areas
- The property includes forested or potentially forested “upland” substrates and topography, greatly under-represented among preserved areas.

ACLT has received widespread support, at all levels of government, for its conservation to date. Now that the core properties within the Parkers Creek watershed have been preserved, however, its strategy of “securing the boundaries of the Parkers Creek watershed and, wherever possible, completing the Parkers Creek and Governors Run watershed acquisition/easements to their headwaters” could come into conflict with local government zoning. The most difficult issue relates to those areas of the Parkers Creek watershed that lie within the Prince Frederick Town Center zoning categories. The Calvert County Comprehensive Plan and Zoning Ordinance encourage future residential and commercial growth to be located in these areas. However, at present, this area is largely undeveloped and heavily forested. It contains steep slopes and erodible soils adjoining the creek and its tributaries which the Planning Commission has already found creates unsuitable land conditions for development.

ACLT should monitor new developments in this area throughout the planning and development process to ensure that maximum efforts are made to protect stream quality. ACLT should also consider establishing a Purchased Conservation Easement Program to contact landowners in the Town Center/Employment Center either before or during the planning of new development in order to: 1) obtain streamside buffers greater than those required by county regulations; and 2) create publicly accessible corridors from within the Town Center to ACLT owned or managed lands.

III. Feasibility

The financial feasibility of each project undertaken by the ACLT is of paramount importance. The trust should first attempt to solicit the landowner’s participation in the preservation process, through donation or bargain sale of the property. Second, renewed efforts should be made to enlist landowners in the Maryland Rural Legacy or Calvert County Agricultural Preservation Programs. Third, a number of properties ACLT is tracking are already in Agricultural Preservation Districts, although not permanently protected. Recent pricing for Transferable Development Rights (TDRs) make it reasonable to initiate renewed contacts with these landowners about their interest in selling TDRs either to the PAR fund or on the private market, provided the properties are eligible for the TDR program. Finally, in areas where property values would make fee simple acquisition impractical, such as the Prince Frederick Town Center/Employment Center zones, ACLT should consider establishing a purchased conservation easement program to acquire easements on the most environmentally sensitive areas of these properties. If such efforts are unsuccessful and a full market price is the only option acceptable to the landowner, the Board must review and approve a plan that demonstrates that the organization can:

- Responsibly pay for the acquisition within a reasonable period of time;
- That the price is justified by a qualified independent appraisal (or letter of opinion from a qualified real estate professional when a property has a very low economic value or a full appraisal is not feasible); and
- That the trust has the capacity to perform any perpetual stewardship responsibilities.¹

In addition, the trust should consider whether:

- Adjacent properties are likely to be developed in a manner that would significantly diminish the conservation value of the property in question;
- Whether there is adequate access for management and monitoring;
- Whether the property is irreparably contaminated or the clean up cost is too high; and
- Whether the property can be acquired with reasonable effort and at a reasonable cost in relation to the property's conservation value.

IV. Significance or Priority

Ranking projects helps target limited time and financial resources towards the most worthwhile projects. Priorities, however, should be flexible and subject to change based on new information or new directions chosen.

At this time ACLT should continue to place high priority on the Parkers Creek and Governors Run watersheds.

The Land Acquisition/Preservation Committee should continue its practice of annually updating its priorities considering all of the factors enumerated above.

¹ The trust has already taken action to establish a Land Management Endowment to fund the long-term costs of managing lands ACLT owns and/or manages. Those conservation easements that ACLT has accepted through the Rural Legacy Program come with a 1.5% endowment for future monitoring costs. The trust should, wherever possible, negotiate a similar endowment with respect to other conservation easements it acquires.

V. Final Project Selection

Before buying or accepting donations of conservation land or conservation easements,

1. Visually inspect properties before buying or accepting donations of conservation land or conservation easements to determine and document whether:
 - a. There are important conservation values on the property
 - b. The project meets the land trust's project-selection criteria
2. Evaluate potential threats to the conservation values on the property and structure the project to best protect those conservation values
3. Evaluate any current or potential risks associated with the project, including to the land trust's reputation or to the land trust community, and modify or decline the project if the risks outweigh the benefits

Policy Relating to Participation in Activities beyond Direct Land Protection

ACLT is frequently asked to participate in forums designed to elicit comments from a broad cross-section of the community. For example, ACLT appointed committee in the process of developing the 1997, 2004, 2010, and 2019 Calvert County Comprehensive Plans. ACLT is also an active force in the Sustainable Calvert Network and the Southern Maryland Conservation Alliance. ACLT views these forums as positive, community building and environmental education opportunities. In most cases, ACLT is represented by its Executive Director or Board President who are the authorized spokespersons for the organization under our Roles & Responsibilities document. Occasionally a Board member or other individual is appointed by the Board to represent ACLT for a particular purpose. Any individual representing ACLT must receive specific, prior approval from the Board for public statements made on the organization's behalf.

On occasion, ACLT has decided to take a public position on a regulatory matter. ACLT is mindful of the conventional wisdom that maintaining a neutral, non-adversarial stance offers land trusts the best opportunity to work with the largest variety of landowners to conserve their lands. Nevertheless, ACLT has decided on a case-by-case basis to take a position on issues that are perceived by the Board as directly affecting our ability to accomplish our mission. For example, ACLT decided to oppose the reactivation of the Prince Frederick Wastewater Treatment Plant located directly on the banks of Parkers Creek and the PEPCO power line that ultimately was stopped. Additionally, we participated in the Planning Commission penalty hearing pertaining to the Prince Frederick Woods subdivision due to the destruction of wetlands at the headwaters of Parkers Creek. While such activities bear a certain amount of risk that ACLT will be viewed negatively by some members of the community, they also have the benefit of providing an opportunity to educate the public and government officials about ACLT's mission and the importance of preserving Parkers Creek. Therefore, each decision involves a balancing. Factors to be considered include:

- Will ACLT-owned or managed lands be directly affected by the proceeding?

- Does the issue directly affect land conservation in Calvert County, i.e., will the issue directly affect ACLT's ability to accomplish its mission?
- Are other organizations with similar interests in a better position to address the issue?
- What is the perspective of ACLT's partners?
- Are there any resource allocation issues (time, money, other priorities, etc.)?

Each decision to participate in a regulatory matter requires specific approval of the Board of Directors.

Adopted by the ACLT Board of Directors on May 18, 2024