

APPENDIX D

Property Management Plan Checklist

Given the unique history and landscape, each management plan will vary with the individual property. Yet all management plans must be consistent with the maintenance of the conservation values of the property stated in the conservation easement and the historical context in which the land exists. Common to all should be a consideration of the whole property, including the size and diversity of ecosystems and their arrangement on the property and within the landscape. While specific goals may be developed for individual properties, each management plan should contain the following (*may be taken from the Baseline Documentation Report):

- *Title page
 - Title of the Conservation Easement
 - Date the Management Plan was prepared
 - Names and affiliations of person(s) who prepared the plan
 - Property owner's name, address, and phone number
- *Purpose of the Conservation Easement
 - Recite conservation values as stated in the Conservation Easement
 - Summary of restrictions and reserved rights
- *Description of the property
 - Location of /directions to the property
 - Acreage of the conservation easement
 - Aerial photo with precise property boundaries superimposed (NOTE: also be sure that the property boundaries are well-marked on the ground with corner monuments, well-marked blazes, etc.)
- Uses and Management of the Open Space (all that apply)
(PLEASE NOTE: such activities do not exempt grantor from any and all applicable Federal, State, and local permits)
 - Agriculture: If agriculture will be permitted it must be made clear that farming practices will be consistent with and not impair the conservation values of the property, and that it is compatible with the adjacent residential use of a conservation development. If commercial farming is allowed, a management plan prepared by a competent professional is recommended.
 - Archeological Investigations: If archaeological activities are anticipated include the following: "archaeological activities are

permissible, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Rhode Island Preservation and Historical Commission (or appropriate successor official)".

- Forestry: If forestry is to be allowed, it must be conducted in accordance with a Forest Management Plan and Forest Cutting Plan approved by the Rhode Island Department of Environmental Management through its State Forester (or any successor agency) and designed to protect and enhance the conservation values of the Premises, including, without limitation, water quality, water features, scenic views, wildlife habitat, etc.
- Habitat: If there are specific habitat management needs that have been identified to preserve conservation values they should be specified. For example, if a field needs to be mowed to prevent woody vegetation from growing, then it should be made clear as to how many times per year and what time of year it will take place to avoid impacting ground nesting birds, and who will be responsible for mowing. If no specific management needs are currently identified the following should be added to reserve the right in the future: "With the prior written permission of the Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species are permissible".
- Historic Resources: List any historic features that are present such as cemeteries or buildings. The alteration, repair, or maintenance of said resources must be done in accordance with an approved Historic Resources Plan. The approval of said plan shall be in writing by the Grantee and the Rhode Island Historic Preservation Commission, or appropriate successor official.
- Motorized Vehicles: If allowed activities will involve the use of motor vehicles (such as forestry or agriculture) and the parties wish to make it clear that vehicles used for these purposes are allowed, the following language should be used: "Use of motorized vehicles only as necessary (1) to conduct [the permitted activities such as forestry, agriculture, etc.] but not including recreational activities, and provided such use is not detrimental to water quality, wetland integrity, fragile habitat, soil, wildlife, and plant conservation. Moreover such use is restricted to designated areas such as roads or trails designated as suitable with approval of Grantee. (Where appropriate) (2) to allow Grantee to carry out inspection of the Premises".
- Recreation: Conservation development may include two broad types of recreation-- active and passive. Active recreation would include, but not be limited to, uses such as hunting, fishing, playgrounds, and athletic fields. Passive recreation would include,

but not be limited to, uses such as hiking, cross-country skiing, bird watching, or horseback riding. Recreation can be limited to the residents of the development or open to the public. However, the type(s) of recreation to be allowed must be specified and not impair the conservation values, materially alter the landscape, degrade environmental quality, or involve commercial recreational activities. It should be clear who will be responsible for operating and maintaining the uses. The areas where recreational uses may be allowed must also be delineated on the site plan.

- Scenic Vistas: If there is a scenic vista, it should be made clear what uses and activities are permissible within the vista to protect and maintain this conservation value.
 - Signs: The erection, maintenance and replacement of signs with respect to hunting, trespass, recreational access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, and the protected conservation values should be identified.
 - Trails: If trails are to be allowed it should be made clear that the marking, clearing and maintenance of footpaths no wider than four feet are permissible. The locations of trails should be delineated on the final site plan.
 - Vegetation Management: This involves allowable non-forestry practices. In accordance with generally accepted management practices, removing of brush, selective *de minimis* pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas, woods roads, fence lines and trails and meadows, is allowed [vistas and woods roads need to be defined to prevent clear cutting for a 360° vista; multiple 50' wide woods roads, etc. – tie into a defined area, by using language such as “as shown on Baseline Survey or final site plan”]. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality is also allowed.
- Amendment Procedure
- It is best to amend the management plan and not the conservation easement as circumstances may change over time. Therefore, to allow maximum flexibility for unforeseen circumstances or needs, you may want to consider the following language: “Such other non-prohibited activities requested by the Grantor and expressly approved in writing by the Grantee, in its sole and exclusive discretion, which permission may only be given if the Grantee expressly finds that the activity is consistent with, and does not materially impair, the purposes or conservation values of the Premises.”