



The New York State Wetlands Forum 2001 Fall Meeting:

“Wetlands: Capacity Building for NY Land Trusts”

Friday, November 16, 2001

Ramada Inn Geneva Lakefront, Geneva, NY

*Cosponsored by Save the County Land Trust, Land Trust of the Saratoga Region,
and the National Fish and Wildlife Foundation*

Hosted by the Finger Lakes Land Trust

AGENDA

8:30a.m.-8:45 a.m. - Welcome and Introductions – Jennifer Brady-Connor, NYSWF and Gay Nicholson, Finger Lakes Land Trust. Each individual will introduce his or her self

WETLANDS PRIMER

8:45a.m.-9:30a.m. Wetlands Characteristics, Functions and Values, and Regulations – Barbara Beall, The Chazen Companies.

PRIORITIZING WETLAND ACQUISITION

9:30a.m.-10:00a.m. Prioritizing Wetlands for Protection and Leveraging Funds – Dr. Richard Smardon, Save the County Land Trust

10:00a.m.-10:30a.m. GIS as a Tool for Wetland Restoration, Agriculture, and Development – Scott Ingmire, Madison County Planning Department

10:30a.m.-10:45a.m. Break

10:45a.m.-11:15a.m. The NYSDEC as a Resource in Wetland Acquisition – Kevin Bliss, New York State Department of Environmental Conservation.

11:15a.m.-11:45a.m. Creating a Wetland Land Trust & Wetland Banking – Michael Patane, Great Swamp Conservancy

11:45a.m.-12:15a.m. Land Trust Perspective: Rochester Cornerstone Wetland Mitigation Bank – Thomas Frey, Genesee Land Trust

12:15a.m.-1:30p.m. Luncheon Field Trip (carpool) – Joseph McMullen, Terrestrial Environmental Specialists, Inc.

MANAGING TO MAINTAIN OR IMPROVE WETLANDS

1:30p.m.-2:00p.m. Managing the Impacts of Beaver on Wetlands and Humans – Sharon Brown, Beavers: Wetlands and Wildlife

2:00p.m.-2:30p.m. Invasive Species: When and How to Manage – Jessica Murray, The Nature Conservancy

2:30p.m.-3:00p.m. Monitoring: How, Why, with Precious Resources – Sandy Bonanno, The Nature Conservancy

3:00p.m.-3:30p.m. Public accessibility: Why, How, and Minimizing Impacts – Jennifer Brady-Connor, Land Trust of the Saratoga Region

3:30p.m.-3:45p.m. Break

LOOKING TO THE FUTURE

3:45p.m.-4:15p.m. Roundtable discussion: Wetland Acquisition Criteria - Should wetland acquisition criteria be different than any other land-type acquisition? What information is needed for a meeting with a developer? Should a different stewardship/monitoring fee per acre be calculated due to differing, possibly more challenging management? Discussion of important components of criteria for wetland acquisition. All.

4:15p.m.-4:30p.m. Looking to the Future: What Next? - Everyone will participate in this discussion about what additional information is needed to effectively acquire and manage wetland resources.

ABSTRACTS

WETLANDS PRIMER

WETLANDS CHARACTERISTICS, FUNCTIONS AND VALUES, AND REGULATIONS

Barbara B. Beall, PWS, The Chazen Companies, 97 Mannis Road, Queensbury, NY 12804; 518-812-0513; FAX 518-812-2205; bbeall@chazencompanies.com. Summary enclosed.

PRIORITIZING WETLAND ACQUISITION

PRIORITIZING WETLANDS FOR PROTECTION AND LEVERAGING FUNDS

Dr. Richard Smardon, Save the County Land Trust, SUNY ESF, 107 Marshall Hall, Syracuse, NY 13210; 315-470-6576; FAX 315-470-6915; rsmardon@mailbox.syr.edu.

ABSTRACT: This presentation draws upon the experience of negotiating numerous wetland acquisitions by Save-the-County Land Trust of Central New York. The presentation will cover criteria for assessing qualities and problems of wetland areas prior to acquisition. It will also cover different acquisition strategies including gifts, straight fee acquisition, wetland settlements to avoid penalty, in lieu of fee acquisition, and partnerships and fund matching strategies. Maintenance concerns post acquisition will also be covered.

GIS AS A TOOL FOR WETLAND RESTORATION, AGRICULTURE, AND DEVELOPMENT

Scott Ingmire, Madison County Planning Department, PO Box 606, Wampsville, NY 13163; 315-366-2498; FAX 315-366-2742; ingmire@co.madison.ny.us.

ABSTRACT: Land use activities in the Cowaselon Creek Watershed Area (CCWA) have moved forward without a well-defined set of goals. Using GIS, three activities receiving recent attention: development; agriculture; and wetland restoration, were intensively examined and modeled with the ultimate goal of prioritizing the most suitable uses. A simple modeling approach was used to mathematically combine GIS layers relevant to each of the three land use categories. In addition, GIS was used to show the plethora of factors effecting the area including: hydrology, soils, topography, land cover, sites of wetland restoration, agricultural areas, and much more. Five hundred and twenty one soil cores were taken on over 6,000 acres and were used in an agricultural suitability model that showed that 1,694 acres of the muck remain most viable. A cumulative suitability model created for wetland restoration showed that 11,214 acres of the CCWA are best suited for wetland restoration.

THE NYSDEC AS A RESOURCE IN WETLAND ACQUISITION

Kevin Bliss, New York State Department of Environmental Conservation, 6285 Perryville Rd., Chittenango, NY 13037; 315-687-6554; FAX 315-426-7425; krbliss@gw.dec.state.ny.us

ABSTRACT: Assisting land trusts in the acquisition of wetland property is one means by which the NYS DEC may accomplish its objective of protecting and promoting New York's wetland areas. Specific programs exist to help accomplish that goal. The State Bond Act provides millions of dollars annually to eligible applicants with acceptable water quality-related plans. A master plan of sorts is being updated now in the State Open Space Conservation Plan. But lesser-known programs also exist. Techniques specifically used with success on a smaller scale involve the Environmental Benefit Project Policy, and mitigation as required through wetland permitting. Discussions of these, and other means by which DEC may serve as a resource in wetland acquisition, are the intent of this session.

CREATING A WETLAND LAND TRUST AND WETLAND BANKING

Michael J. Patane, Executive Director, Great Swamp Conservancy, Inc., 2815 Pine Ridge Road, Canastota, NY 13032

ABSTRACT: Great Swamp Conservancy Inc. is a grass roots 501(c)(3) organization that was developed to preserve existing wetlands and educate the local public about wetland restoration. Our nature center, boardwalk and trails are used both public recreation and environmental education. We have dealt with federal, State and local governments as well as private landowners in regard to wetland creation, restoration and mitigation. The Great Swamp Conservancy acts as a middleman or facilitator between government and the private sector to create partnerships for wetland restoration and management for the Canastota area south of Oneida Lake and north of the NYS Thruway.

LAND TRUST PERSPECTIVE: ROCHESTER CORNERSTONE WETLAND MITIGATION BANK

Thomas Frey, Genesee Land Trust, 10 Tobey Vilg Oakland Park, Pittsford, NY 14534; 716-381-7310; FAX: 716-387-9234; hatemath@frontiernet.net.

ABSTRACT: Wetland mitigation banks may be the wave of the future, and they may even be good things, but they have pitfalls for a non-profit environmental organization.

FIELD TRIP

Joseph McMullen, Terrestrial Environmental Specialists, Inc., 23 County Rte. 6, Suite A, Phoenix, NY, 13135; 315-695-7228; FAX: 315-695-3277; tes@dreamscape.com

ABSTRACT: As compensation for impacting state and federally regulated wetlands, a new manufacturing facility in the City of Geneva created a 1.5 acre wetland. The wetland was created in spring of 1997 adjacent to an existing state-regulated wetland. Design features of the wetland related to the stormwater management plan will be presented. Acquisition of such areas by Land Trust groups will be discussed.

MANAGING TO MAINTAIN OR IMPROVE WETLANDS

MANAGING THE IMPACTS OF BEAVER ON WETLANDS AND HUMANS

Sharon Brown, Beavers: Wetlands, and Wildlife, Inc., 146 Van Dyke Rd., Dolgeville, NY 13329; 518.568.2077, beavers@telenet.net

ABSTRACT: The beaver is a keystone species of our land's freshwater wetlands. Beavers have often been deliberately reintroduced to restore wetlands and riparian habitats. At other sites, however, beaver activity has caused problems with tree felling and/or unwanted flooding that often led to the species' removal and the loss of valuable wetlands. New research is available on protecting trees, and preventing the undesirable flooding of lands and roads with a variety of effective water level control devices (flow devices). By adapting to the beaver, we can often resolve conflicts while retaining the many benefits of beaver wetlands. An understanding of the beaver's key role is vital to the overall effort to restore wetlands.

INVASIVE SPECIES: WHEN AND HOW TO MANAGE

Jessica Murray, Preserve Steward, Planning and Implementation of Invasive Species Control, The Nature Conservancy; 413-229-0232x228; jmurray@tnc.org

ABSTRACT: Handout

MONITORING: HOW, WHY, WITH PRECIOUS RESOURCES

Sandy Bonanno, The Nature Conservancy, 31 South Jefferson St., Pulaski, NY 13142; 315-298-2040x22; FAX: 315-298-2049; sbonanno@tnc.org

ABSTRACT: Getting from “should” to implementation is often a longer road than we think it ought to be. Reasons for monitoring include basic understanding of the target, evaluation of threats/threat abatement, assessment of management effectiveness. Methods need to be scaled to the objective and resources available to implement and maintain both monitoring and management. Examples will be presented from The Conservancy’s efforts in Central and Western New York

PUBLIC ACCESS: HOW, WHY AND MINIMIZING IMPACTS

Jennifer Brady-Connor, Land Trust of the Saratoga Region, 110 Spring Street, Saratoga Springs, NY 12866; 518-584-9934; jennifer@aswm.org

ABSTRACT: The allowance of public access is often assumed, and sometimes required, when fee-title lands are acquired. Here we take a look at public access as it relates to wetlands: the types of public access, the purposes of providing public access, and developing a wetland property to meet public access needs. We will also discuss different methods to facilitate access and how to best provide access without compromising the resource that is being protected. The audience will then be invited to discuss their experiences in providing for public access.



The New York State Wetlands Forum 2001 Fall Meeting:

“Wetlands: Capacity Building for NY Land Trusts”

Proposed Criteria for Evaluation of Wetland Habitats Being Considered for Protection by a Land Trust

General Evaluation Criteria

1. Size
2. Stormwater attenuation capacity
3. Sediment/toxicant retention or nutrient removal capacity
4. Aquifer recharge function
5. Habitat Quality - higher quality wetlands include:
 1. Habitat diversity - a mix of open water, emergent, shrub and forested wetland habitat types.
 2. Each community is dominated by native species
 3. Invasive species including, but not limited to, common reed, purple loosestrife and Eurasian milfoil are absent, or a minor component of the community.
6. Endangered Species/Habitat
7. Recreational Opportunities (hiking, cross-country skiing, boating, fishing)
8. Educational Function - including access/parking for public, school groups or researchers
9. Aesthetics - Wetland can be viewed by the public from one or more accessible viewpoints
10. Presence and integrity of upland buffer
11. Uniqueness -Wetland possess characteristics that distinguish it as unique, rare or valuable
12. Distance or connection to other resource areas
13. Existing and future regulatory jurisdiction and potential threats from development
14. Access

Applying Criteria to Individual Projects

A sub-set of these evaluation criteria may be best applied if resources are separated into two categories based on the size of wetlands. The reason for differentiating between large wetlands and smaller wetlands is due to the fundamental differences in the uses and values of the wetlands as well as the relative potential for threats to unprotected resources.

In New York State, outside of the Adirondack Park, the threshold for distinguishing large from small wetland could be set at the 12.4-acre threshold used by NY State Department of Environmental Conservation for regulating wetland habitats. Currently, under existing regulatory structure, isolated wetlands under this size (not mapped by DEC) may not be regulated or protected under law. The protection provided by a Land Trust in these cases may be vital. The functions provided by these smaller resources, closer to population centers, may not be comparable to larger resources located further from populated areas in terms of habitat quality or ecosystem function. However, small wetlands may be much more accessible and may serve a larger population for educational, recreational, and aesthetic purposes, may be vital for stormwater functions, and may be under the greatest direct threat from development pressure.

The following criteria are proposed for the two separate size categories:

Large - greater than 12.4 acres

15. Habitat Quality - higher quality wetlands include:
 1. Habitat diversity - a mix of open water, emergent, shrub and forested wetland habitat types.
 2. Each community is dominated by native species
 3. Invasive species including, but not limited to, common reed, purple loosestrife and Eurasian milfoil are absent, or a minor component of the community.
16. Endangered Species/Habitat
17. Aquifer recharge function
18. Recreational Opportunities (hiking, cross-country skiing, boating, fishing)
19. Educational Function - including access/parking for public, school groups or researchers
20. Aesthetics - Wetland can be viewed by the public from one or more accessible viewpoints
21. Presence and integrity of upland buffer
22. Uniqueness - Wetland possess characteristics that distinguish it as unique, rare or valuable
23. Distance or connection to other resource areas
24. Access

Small - Less than 12.4

25. Stormwater attenuation capacity
26. Sediment/toxicant retention or nutrient removal capacity
27. Recreational Opportunities (hiking, cross-country skiing, boating, fishing)
28. Educational Function - including access/parking for public, school groups or researchers
29. Aesthetics - Wetland can be viewed by the public from one or more accessible viewpoints
30. Presence and integrity of upland buffer
31. Uniqueness - Wetland possess characteristics that distinguish it as unique, rare or valuable
32. Distance or connection to other resource areas
33. Existing and future regulatory jurisdiction and potential threats from development
34. Access

QUESTIONS to Trigger Discussion:

Are all criteria represented here? What would be the top five criteria on your list? What criteria should weight towards NOT accepting a wetland property? Should wetland acquisition criteria be different than any other land-type acquisition? What information is needed for a meeting with a developer? Should a different stewardship/monitoring fee per acre be calculated due to differing, possibly more challenging management? Other comments? Questions?

If, after this workshop, you identify other answers, comments, or questions than those discussed please send them to Jennifer@aswm.org Thanks!

Wetlands 101 Primer

By Barbara B. Beall, PWS, The Chazen Companies

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Prepared for a presentation at “Wetlands: Capacity Building for New York Land Trusts”

Wetlands are transitional ecosystems between uplands and open waters. As such, their boundaries are defined more by regulatory programs than by nature. The overwhelming characteristic in a wetland is the presence of water. This water drives the characteristics of the soils in the wetlands and the vegetation in the wetland. As a result, the federal government and state government utilize specific field indicators for vegetation, soils and hydrology to identify wetlands in the field.

The NYSDEC regulatory program pre-maps wetlands that they will regulate that are 12.4 acres in size or larger, or other smaller wetlands with significant local importance. These regulatory maps illustrate where the wetlands are likely to be found, but state regulatory personnel are responsible for establishing the exact boundary in the field. The regulators typically rely heavily on wetland vegetation for identifying this boundary. The NYSDEC regulations for Freshwater Wetlands Mapping and Classification are found at 6 NYCRR Part 664. A 100-foot buffer is established around the wetlands boundary and is also regulated by the NYSDEC.

The federal regulatory program regulates wetlands of any size that are tied to interstate commerce. The term wetland is defined in the federal regulations as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas”. A standing wetland scientist joke is: “Everybody knows what swamps, marshes and bogs are...it’s those ‘similar areas’ that cause the problems”.

Federal wetlands are delineated in the field using the US Army Corps of Engineers 1987 Manual. This manual establishes field criteria for three parameters – soils, vegetation and hydrology. Indicators for all three parameters must be present for an area to be identified as a wetland. For a good discussion of these parameters, see www.wetlandsforum.org, “Wetland Words and What they Mean” for vegetation, hydrology and soils.

All wetlands are not created equal. The functions and values a wetland will provide depend upon the wetland’s landscape position, its vegetative community, soil substrate, types of surrounding land use and level of disturbance within the wetland. Wetland functions are those physical, chemical and biological characteristics of a wetland, or what a wetland does. Values are those characteristics that are important to society. Common functions and values that are reviewed for wetlands include groundwater recharge, ground water discharge, flood flow alteration, sediment stabilization, sediment/toxicant retention, nutrient removal/transformation, production export, wildlife diversity/abundance, aquatic diversity/abundance, uniqueness/heritage, and recreation. There are a variety of assessment methodologies available for evaluating a wetland’s functions and values. These include WET, HGM, HEP, and others. Most techniques do a good job of identifying or qualifying the functions and values, but a poor job of quantifying or measuring the amount of function provided.

Under the federal regulatory program, the US Army Corps of Engineers (ACOE) regulates work or structures in navigable waters of the United States, and regulates the discharge of dredged or fill

material (broadly defined) in all waters of the United States with an interstate commerce clause connection (i.e., not “isolated” wetlands)¹.

The federal regulatory program basically uses two types of permits to authorize activities in wetlands. The nationwide permits generally authorize minor types of work in wetlands, generally with impacts less than 0.5 acres. The individual permits are needed for work with greater than 0.5 acre of impacts. Under both regulatory reviews, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to wetlands to the maximum extent practicable, although the stringency of the review is typically stronger under the individual permit review. The applicant must also demonstrate that they have complied with all associated regulatory reviews including compliance with endangered species review, National Historic Preservation Act, FEMA regulations, Wild and Scenic Rivers, and Section 401 of the Clean Water Act.

The state regulatory program classifies its wetlands into four classes. Class I wetlands are the highest quality of wetlands. Again, 6 NYCRR Section 664 discusses the classification of wetlands, and a Class I wetland would be defined as such, for example, due to its large size, variety of cover types, or because it supports important or rare plant communities. A Class IV wetland, which would be at the other end of the spectrum, is not as valuable a wetland, and would be identified as such, for example, due to its smaller sizes, monotypic vegetative stands, or low value cover types.

Under the state regulatory program, activities are identified and rated for their compatibility with the wetland area and its 100-foot adjacent buffer. For incompatible activities (and most are defined as such by the regulations), the Applicant must demonstrate compliance with the weighing standards found at 6 NYCRR Part 663.5 (e)(2). The weighing standards are more stringent for Class I wetlands than for Class IV wetlands. Unlike the federal regulatory program, where mitigation can only be used to compensate for unavoidable wetland impacts, under the NYSDEC regulatory program, mitigation can be used to “increase the likelihood that a proposed activity will meet the applicable standards for permit issuance”.²

¹ The recent US Supreme Court decision in Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, ___ U.S. ___, ___ S.Ct. ___, 2001 WL 15333 (2001), has determined that certain isolated wetlands are not subject to the jurisdiction of the US Army Corps of Engineers.

² 6 NYCRR 663.5(g).

FALL MEETING EVALUATION
Wetlands: Capacity Building for Land Trusts in New York
New York State Wetlands Forum Inc. – November 16, 2001

Please tell us what you thought of the meeting. This will help us evaluate how well we met your needs and plan for next year.

1. How many New York State Wetland Forum meetings have you attended in the past? _____

2. How did you find out about the meeting?
 ___ Direct Mail ___ Newsletter ___ Word of Mouth ___ ENB
 ___ Web Site ___ E-Mail ___ Other _____

3. Did the meeting meet your expectations? ___ Yes ___ No
 Please comment

4. Please rate these statements according to the following scale. Feel free to add comments.

Strongly Disagree Disagree No Opinion Agree Strongly Agree
1 2 3 4 5

- ___ A. The format of the meeting was good.
- ___ B. The meeting facility was efficient and comfortable.
- ___ C. Land Trust session(s) should be offered at our annual two-day conference.
- ___ D. The meeting provided useful information.
- ___ E. Adequate topics were covered at the meeting.
- ___ F. I can use this information in my work.
- ___ G. The meeting registration fee was a good value.
- ___ H. The length of the meeting was just right.
- ___ I. There was adequate opportunity to network with other participants.
- ___ J. This meeting should grow into a national training effort at the LTA Rally 2002
- ___ K. Highlights from this meeting should be offered at LTA NY Rally 2002

5. Please rate the sessions you attended using the following scale.

Waste of Time Not Very Useful Useful Very Useful Excellent
1 2 3 4 5

- ___ Wetlands Characteristics, Functions and Values, and Regulations
- ___ Prioritizing Wetlands for Protection and Leveraging Funds
- ___ GIS as a Tool for Wetland Restoration, Agriculture, and Development
- ___ The NYSDEC as a Resource in Wetland Acquisition
- ___ Creating a Wetland Land Trust & Wetland Banking
- ___ Land Trust Perspective: Rochester Cornerstone Wetland Mitigation Bank
- ___ Managing the Impacts of Beaver on Wetlands and Humans
- ___ Invasive Species: When and How to Manage
- ___ Monitoring: Why and How, with Precious Resources
- ___ Public Access: Why, How, and Minimizing Impacts
- ___ Roundtable discussion: Wetland Acquisition Criteria
- ___ Field Trip

6. Please add any other comments on the back. Include you contact information if you have specific items to discuss. If you get any inspired thoughts after the meeting, call or write to the association offices or send us e-mail. Our address

is: NYSWF, Inc. P.O. Box 1351 Latham, NY 12110-1351; 518-783-1322; info@wetlandsforum.org