

VHCB Programs that Result in the Protection of Wetlands

1. Farmland Conservation. Many VHCB-funded farmland protection projects involve properties with wetlands. The current process of protecting farms starts with a preapplication that is vetted by a committee that includes representatives from VHCB, land trusts, the Agriculture Agency, the Department of Environmental Conservation, and NRCS. Known wetlands are identified at this stage and if the farm has wetlands that could be eligible for the federal Wetlands Reserve Easement Program, then NRCS staff will visit the farm and talk to the landowner about that possibility. A WRE easement project on the wetlands can go forward independently of a VHCB-funded easement project on the remaining land.

In most cases, before a farmland project is appraised, the applicant organization (a land trust) will conduct a surface water assessment and an ecological assessment of the project area. These assessments result in recommendations for special easement language to protect surface waters, including wetlands and associated buffers. The special easement language is then furnished to the appraiser along with any other details about the proposed conservation restrictions, so that the appraiser can quantify the loss in value for which the landowner will be paid.

Usually, wetlands on farms subject to VHCB special easement protections that prohibit agricultural use are swale, wet pasture, emergent wetlands, or wooded wetlands. In other words, VHCB does not typically require farmers to take farmed wetlands or prior-converted wetlands out of crop production, unless the wetlands are inadequately buffered from cropland, in which case a wetlands buffer might be required. When landowners are interested in and willing to take marginal farmland out of production for wetlands restoration, VHCB's primary farmland land trust partner, the Vermont Land Trust, works with them to seek funding to implement the restoration as part of the overall conservation project, and these restored acres are included in the wetlands protection zone. Once the project is funded by VHCB and the easement is executed, the primary easement steward (typically land trust staff), monitors the property annually to ensure compliance with the wetlands protection provisions.

2. Farmland Retirement. VHCB now has a small set aside of funds to acquire marginal, wet, or flood prone farmland and convert it to non-agricultural use. This program has been targeted at farms with serious water quality problems where remedies that would allow farming to continue no longer make good economic sense. VHCB funds can be used to buy out farms with these water quality issues; other sources of funds are then used to restore the property to a natural state, and the ultimate owner becomes a state agency, a nonprofit, or an individual willing to abide by the terms of a natural area easement.

Typically, the buy-out price is based on an appraisal at fair market value. However, such an appraisal often undervalues the public benefits of such an acquisition, especially if the land is predominantly undevelopable wetland or floodplain. Therefore, VHCB is exploring alternative valuation scenarios that would compensate landowners for some of the ecological and social values of restoring sensitive areas and wetlands to a natural state.

3. Forestland, floodplain, riparian and wetlands protection. VHCB regularly funds a variety of conservation projects that contain wooded and shrubby wetlands. These projects include town and state parks and forests, riparian areas, and non-profit owned nature preserves and recreational areas. Prior to gaining a commitment of funds from the VHCB Board, the applicant is required to assess the project parcel's surface waters, including frontage on waterways, incidence of wetlands, and vernal pools. The assessment then becomes the basis on which the conservation easement is drafted, with restrictions on cutting timber or building woods roads within wetlands and associated buffer zones. Some projects focus entirely on protecting wetlands for wildlife habitat, water quality and public recreation purposes. Examples of these include the Morgan Street Wetlands in Bennington (town acquisition), and West Rutland Marsh projects (several projects spear-headed by the local Audubon chapter, that resulted in town acquisition and protection of important wetlands.)