

## **REGION 3, SECTION 6 RECOVERY LAND ACQUISITION GRANT PROPOSAL**

Submitted by the Ohio Department of Natural Resources, Division of Wildlife  
1840 Belcher Drive, Columbus, OH 43224  
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### **I. PROJECT TITLE:**

Conservation easement acquisition initiative along the Pymatuning Creek in Ashtabula County, Ohio to aid in the recovery of the clubshell (*Pleurobema clava*) – Phase 2.

**Note** – This is Phase 2 of this initiative and includes an additional 7 riparian landowners along the main stem of Pymatuning Creek. Phase 1 was for the first Section 6 Grant in 2004, which involved three conservation easements.

### **II. NEED:**

Pymatuning Creek is one of just four stream systems in the state with an extant population of clubshell. Pymatuning Creek meanders for approximately 34 miles through Ashtabula and Trumbull Counties, Ohio. Existing land ownership patterns and land uses along the valley floor of Pymatuning Creek represents a window of opportunity to secure permanent protection for a significant portion of the critical riparian corridor via perpetual conservation easements. The three conservation easements under Phase 1 are in various stages of being completed; the first one (Eric Smith property) is scheduled to be closed on in June of this year. The remaining two are anticipated to be closed upon sequentially approximately one to two months apart after the Eric Smith easement. Federal cost-share funds are being requested for seven additional conservation easements under Phase 2. The combined new easements under Phase 1 & 2 will add significantly to the amount of protected riparian corridor along the main stem of the river (see Attachment A).

These new easements will compliment existing efforts by a number of conservation organizations along Pymatuning Creek (see attached conservation easement initiative map). The organizations with existing conservation lands along the main stem of Pymatuning Creek include Ashtabula Soil & Water Conservation District (SWCD) with a conservation easement (Hamilton easement - 74 acre), Cleveland Museum of Natural History's (CMNH) Pymatuning Creek Wetlands Nature Preserve (182 acre) and Division of Wildlife's Shenango Wildlife Area (4845 acres).

Subsequent to submittal of the original grant application in May 2004 for Phase 1 of this initiative two new conservation easements along the main stem have been secured by partnership organizations, i.e. CMNH acquired an easement on the Dickenson property totaling 137 acres and the Natural Resource Conservation Service acquired a 26 acre easement on the R. Smith property under the Wetland Reserve Program (WRP) - (see Attachment A).

The recovery plan for the federally endangered clubshell indicates that in order for the mussel to be delisted, 10 populations must have their drainages permanently protected from all foreseeable threats. The threats are identified as runoff and channelization, domestic and

commercial pollution, instream sand and gravel mining, impoundment, and zebra/quagga mussel infestation.

The Hamilton conservation easement referenced above was a partnership effort between SWCD & DOW and will serve as the model for the seven pending easements under this second phase of this initiative as well. The conservation easement document (see attached copy) proposed to be used on these properties will help eliminate or significantly reduce the potential impacts from the identified threats in the recovery plan. Following each of the identified threats is the relevant item(s) under Section 2 -Prohibited Uses and Practices of the easement document, that addresses the threat; runoff (2 (a) (c) (f) (l)), channelization (2 (g)), domestic and commercial pollution (2 (a) (b) (c) (f) (i) (j) (m) (n)), instream sand and gravel mining (2 (d)) and impoundment (2 (g)). Protecting against zebra/quagga is very problematic but is considered less of a threat in a lotic versus a lentic system.

In addition to the threats referenced in the recovery plan, livestock in the stream is a significant threat along portions of Pymatuning Creek – see letter from Dr. Tom Watters. The proposed easement language for these seven new properties have a provision, Item 2 (n) that specifically prohibits livestock from having access to the stream. All of the landowners have indicated a willingness to fence livestock from the easement area.

Clubshells have been found in the Pymatuning Creek from near the southern Ashtabula County line to just north of the Woodworth Road which is the northern boundary of the Pymatuning Creek Wetlands Nature Preserve. The attached Pymatuning Creek Conservation Easement Initiative map shows the location of the clubshell records in relationship to the seven new proposed conservation easement properties. The Pymatuning Creek valley also supports four pairs of nesting bald eagles (state endangered and federally threatened); the nest sites are also shown on the attached map.

SWCD has had an active easement acquisition program for the adjoining Grand River watershed but often lacked sufficient funds. DOW was interested in starting to use easements as a tool in its stream and watershed program. Recognizing our common goals, a partnership was created and then formalized under a Memorandum of Understanding (MOU). Based on the successful partnership on the Grand River (8 easements to date protecting 520 acres and 4.1 miles of the main stem) it was decided by both agency to expand the effort to include Pymatuning Creek – see attached copy of the MOU.

DOW has provided a significant amount of funding (~ \$518,000) for conservation easements along both the Grand River and Pymatuning Creek. However, the expansion of this partnership effort along the Pymatuning Creek and the strong initial interest by riparian landowners has exceeded DOW's funding capabilities at this time. Both agencies would hate to delay securing these seven new proposed easements and potentially losing them if other funding sources cannot be found.

### **III. OBJECTIVES:**

The objective of this initiative is to continue to secure permanent conservation easements from willing landowners along the main stem of Pymatuning Creek. The easements will help complement the land acquisition efforts by the federal, state and local agencies as well as NGOs that presently exist along the main stem of the creek. Conditions of the conservation easements will assure the permanent protection of the riparian corridor and create significant buffers from potentially adverse land uses on adjoining acreage and properties.

### **IV. EXPECTED RESULTS OR BENEFITS:**

The result of this conservation easement initiative will be the permanent protection of additional riparian corridor and adjacent buffer areas to help protect against identified threats to the population of clubshell found in Pymatuning Creek. Phase 1 (2004 Section 6 grant) of this initiative will result in three new conservation easements along approximately 10,666' linear feet of riparian corridor being afforded permanent protection. Phase 2 (present Section 6 grant application) will result in an additional seven new conservation easements along approximately 27,748' linear feet of riparian corridor being protected. The combination of the easements under Phases 1 and 2 will result in an additional 22% of the Pymatuning Creek main stem being permanently protected. These easements combined with existing protected lands along the main stem will total an impressive 87% of the riparian corridor in Ohio's portion of the river (see Attachment A). In addition to the main stem of Pymatuning Creek, a significant number of tributaries will also be afforded protection under these easements for various distances upstream from their confluence with the main stem. See Attachment A for number of tributaries associated with each of the proposed new easement properties.

### **IIV. APPROACH:**

#### **Methodology**

SWCD sent a letter to all riparian landowners along the main stem of Pymatuning Creek in June 2002. The Hamilton easement resulted from that initial mailing and was the first conservation easement secured along the Pymatuning Creek main stem. The landowners for the three conservation easements under Phase 1 subsequently responded, indicating an interest in the easement program. The SWCD sent a second letter to riparian landowners in March 2005 in anticipation of this present grant application. SWCD staff has had preliminary meetings with each of the landowners to discuss general details of the easement program and to view areas of the their properties that would be desirable to have under easement (see attached aerial photos for each of the seven proposed new easement properties). The landowners were informed that funding was tentative at the time.

Under the existing MOU, SWCD schedules a site visit so staff from both agencies can view the property and go over specifics of each proposed easement so it can be tailored to the property in question. Upon mutual agreement of the area to be included in the easement and the easement language, SWCD secures a right-to-purchase for the conservation easement. Once the right-to-purchase is signed by the landowner, an appraisal can then be ordered. The appraisals are reviewed by ODNR's Division of Real Estate and Land Management to insure they meet Uniform Appraisal Standards for Federal Land Acquisitions. Provided the appraisal price is agreeable to the landowner, a survey is then commissioned by SWCD to define the boundaries of the easement acreage. Upon completion of a survey, a signing for the easement

document is then scheduled. The signed easement document is then recorded at the county court house. A copy of all documents associated with the easements are provided to DOW as a provision of the MOU (see Item 6 of the MOU under - SWCD SHALL).

The conservation easement language template used under the MOU has two provisions of note. The first is that if, for any reason in the future, SWCD is unable to monitor and enforce the easement, the easement will be transferred to DOW or a third party with DOW's approval – see Item 11, Assignment. The second provision, provided the landowner does not object, is that DOW has first right-of-refusal to acquire the property in fee simple whenever the property is sold by the present landowner, as well as, all future landowners – see Item 12, Subsequent Transfers.

### **Schedule**

The conservation easement acquisition process for Ashtabula SWCD, from initial landowner meeting to recording the signed easement document, has been averaging approximately 6 to 9 months to complete. The three pending easements under Phase 1 are planned to be done sequentially, however with significant overlap, and are anticipated to be completed by September 2005. The seven easements under Phase 2 will be worked on following completion of Phase 1 and are anticipated to be completed by December 2006.

### **Personnel**

The initial meeting has already occurred between SWCD and the landowners as earlier indicated. A second site visit is standard for each of the interested landowners by staff from both SWCD and DOW. The staff for the site visits typically includes the SWCD technician or administrator and a fisheries biologist from DOW. At the time of the site visits, boundaries of the proposed easement are discussed with the landowner as well as desired conditions for the easement language. Once the easement boundaries and language are agreed upon, SWCD requests a right-to-purchase from the landowner and then contracts out the appraisal and property survey work sequentially. SWCD coordinates the appraisal and survey work and provides copies to DOW for review and final approval. Once all the necessary documentation is completed SWCD schedules a closing date for signing the easement document. Subsequently the signed easement is submitted to the county engineer to be recorded at the county court house. A final copy of all associated documents are then provided to DOW as a provision of the MOU agreement.

## **V. LOCATION:**

Ashtabula County, Ohio

## **VI. ESTIMATED COST:**

Salaries

Ashtabula SWCD

-site visits, landowner mtgs, document preparation, coordination  
(ave. 150 hours per easement @ \$25/hr) x 7 easements =

\$26,250

<b>DOW</b>	
- site visit, document reviews, coordination (ave. 24 hrs per easement @ \$30/hr) x 7 easements =	\$5,040
<b>Easement Costs</b>	
See Attachment B	\$324,890
<b>Grand Total</b>	<b>\$356,180</b>
- Ashtabula SWCD Share (~7%)	\$26,250
- State Share (~24%)	\$85,040
- <b>FEDERAL SHARE REQUESTED (~69%)</b>	<b>\$244,890</b>

Note #1: In addition to SWCD's and the state share in the above budget, both agencies will cover travel and supply costs for staff. SWCD will also cover the cost of the perpetual monitoring (and possible enforcement) of the easements. Staff time for monitoring averages 3 – 4 hours annually per easement property.

Note #2: Partial funding of this proposal would be acceptable.

**VII. REFERENCES:**

Watter, G.T. 1994. Recovery Plan for Clubshell (*Pleurobema clava*) and Northern Riffleshell (*Epioblasma torulosa rangiana*).

Huehner, M.K. and Corr, C.L. 1994. Final Report - The Unionid Mussel Fauna of Pymatuning Creek in Ashtabula County, Ohio.