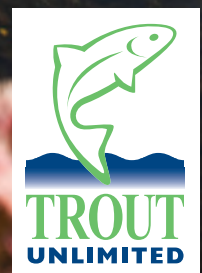




A Guide for Land Trusts: Working with Trout Unlimited *Partnerships for Conserving Coldwater Streams and Watersheds*

TU Land Conservation Handbook Volume II



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A publication of Trout Unlimited. Learn more at www.tu.org/landprotection

Mission: To conserve, protect and restore North America's coldwater fisheries and their watersheds.

Vision: By the next generation, Trout Unlimited will ensure that robust populations of native and wild coldwater fish once again thrive within their North American range, so that our children can enjoy healthy fisheries in their home waters.

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Cover Photo: Connecticut River Forest along the Upper Connecticut River, New Hampshire. Photo courtesy of Jerry Monkman, Ecophotography.

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A Guide for Land Trusts: Working with Trout Unlimited
Partnerships for Conserving Coldwater Streams and Watersheds

TU Land Conservation Handbook Volume II

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Ashuelot River Headwaters, New Hampshire.
Courtesy of Jerry Monkman Ecophotography.

1 INTRODUCTION

This guide is designed to provide land trusts with insight into understanding Trout Unlimited chapters and programs, and how TU supports land conservation and land trusts in conserving coldwater streams and watersheds. By partnering with land trusts, TU can better help protect and restore critical coldwater fisheries habitat.

TU has a long history of collaborating with land trusts to conserve coldwater fisheries. Because TU is not an accredited land trust and does not have the specific mission of protecting and holding land, we work with our partners in the land trust world to carry out this highly technical work. TU offers a variety of tools and support to land trusts that bring funding, advocacy and volunteer resources to the table. This document covers the basics of working with TU chapters, sources of funding, success stories, volunteer effort, grant application and technical support that TU brings to our partnership with land trusts nationwide.

2 A HISTORY OF GRASSROOTS ACTION

Trout Unlimited (TU) was founded in 1959 in Grayling, Michigan on the banks of the Au Sable River by a group of anglers who successfully sought to shift focus from hatchery production to protection and restoration of fish habitat.



Founding members of Trout Unlimited fish the Au Sable River in Michigan circa 1959.

Today TU is the nation's largest grassroots coldwater fisheries organization with a **mission to conserve, protect and restore North America's trout and salmon fisheries and their watersheds**. TU works to achieve this mission on a local, state and national level through an extensive volunteer network and dedicated staff.

TU has approximately 140,000 members organized into more than 400 local chapters. TU's members are anglers, community leaders, professionals, and business owners, and are among the most effective and articulate grassroots advocates for protecting our important watersheds and landscapes. **In 2009, TU members volunteered 680,000 hours** organizing restoration projects on their local rivers and streams, educating youth in environmental stewardship, and engaging local decision makers in proactive planning.



Central Wisconsin Chapter Trout Unlimited volunteers install bank structures as part of a restoration project on the Mecan River in Wisconsin. Photo courtesy of Jerry Strom, CWTU.

TU also has 37 state councils who advocate at the state or regional level for policies and practices that keep fish and rivers healthy. State councils elect representatives to the National Leadership Council, the grassroots governing body of the organization. A separate 31-member board of trustees, comprised of grassroots and at-large trustees meets three times a year.

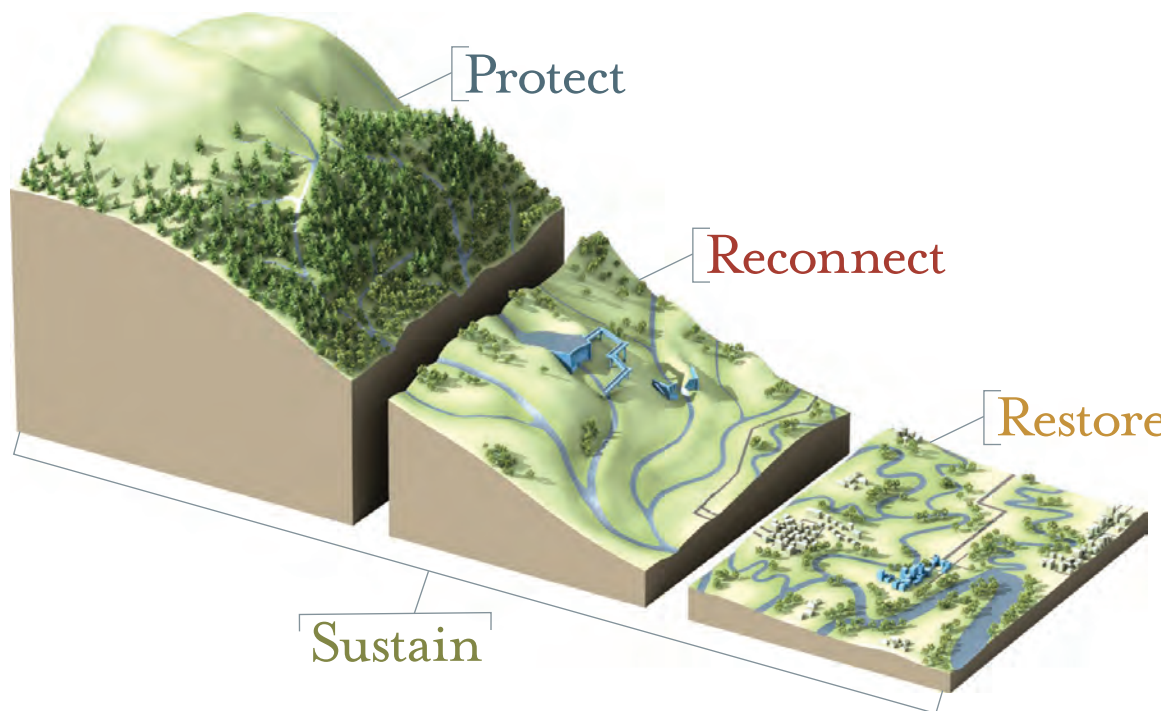
The work of TU volunteers is complemented by a professional staff of 147. Headquartered outside of Washington, DC, TU currently has staff members working from 52 offices from Alaska to North Carolina. The vast majority of TU's employees are professional conservationists who oversee watershed restoration projects, organize hunters and anglers to advocate for improved public lands management, work to systematically improve state water policy to benefit rivers and fish, or promote youth education programs.

3 TU'S VISION AND STRATEGY

"By the next generation, Trout Unlimited will ensure that robust populations of native and wild coldwater fish once again thrive within their North American range, so that our children can enjoy healthy fisheries in their home waters."

To accomplish this vision, Trout Unlimited employs a comprehensive strategy to:

- Protect the highest quality trout and salmon habitat,
- Reconnect high quality habitats with restored areas downstream through the augmentation of instream flows and barrier removals,
- Restore degraded habitats so that they again support healthy trout and salmon populations, and
- Sustain progress by educating and motivating a future generation of environmental stewards



TU's strategic conservation model – Protect, Restore, Reconnect, Sustain (PRRS).

4 STRUCTURED TO EMPOWER GRASSROOTS

TU is an unusual conservation organization in that it operates extensively at both the local and national levels. The decentralized location of staff along with the self-initiated programs and projects of more than 400 chapters create tremendous diversity within the organization and how it achieves its mission and goals.

For a land trust seeking to work with TU, it's important to understand the nature of the chapters in its region, the ways in which those chapters or state council identify their project priorities and the capacities of each to engage in land conservation projects.



Brook Trout on Pine Creek, WI.
Courtesy of Nat Gillespie.

➔ TU CHAPTERS – THE HEART OF THE ORGANIZATION

When an individual becomes a member of TU, he/she not only joins the national organization but is enrolled as a member of a local chapter. Chapters exist in 37 states and range from one to 50 chapters per state. Membership in a chapter is normally determined by the individual member's home zip code.

Each chapter has a governing board, including officers elected by the membership at an annual meeting. Because TU operates on the same fiscal year at the federal government, (October 1 to September 30), most chapters elect officers in the early fall of each year. Because TU is incorporated in Michigan, and registered with the IRS, it is not required for individual chapters to have their own IRS 501(c)(3) status. Nevertheless, many chapters have established their status as non-profit corporations in the state where they reside.

Chapter Finances

Chapters obtain income from a wide variety of sources. Because chapters initiate and implement a variety of projects, they often conduct their own fundraising activities. These can include conservation banquets, raffles, events, trips, special campaigns, grant writing, etc. One important source of funding for habitat restoration and enhancement projects is the TU national Embrace-A-Stream program that provides matching grants of up to

\$10,000 for on-the-ground projects (see Fundraising, below). In addition, each chapter can receive a "rebate" that is a portion of the membership dues paid through the national office by each of their members.

Chapter Activities

The strategic plan of TU focuses on the goals to "Protect, Reconnect, Restore and Sustain" coldwater fisheries. Chapter activities generally follow these goals. **For many years, chapters have partnered with land trusts** to protect important trout and salmon habitat (see case studies, below). These collaborations have been created on a case by case basis, generally without much supervision or guidance from the national organization. Participation in these projects has ranged from raising modest amounts of money for contribution to land trust or public agency capital campaigns to helping negotiate with landowners and assisting with project implementation. In the past, some chapters and councils have accepted conservation or angling access easements, but TU policy developed in recent years has ended this practice.

Chapter activities are centered around membership meetings, often monthly, that provide information on fishery conservation issues and angling. Most chapters also publish a periodic newsletter and many manage their own web sites where they publish schedules of meetings, information about local conservation issues, etc.



Chapter members in the Shenandoah Valley of Virginia sample macro-invertebrates as part of a stream monitoring program. *Photo courtesy of Seth Coffman.*

Restoration activities form the backbone of TU's long history of conservation action. Many chapters have undertaken projects to control stream bank erosion, remove invasive species, re-establish riparian vegetation, enhance in-stream habitat, and remove

impediments to fish passage. Many of these projects are undertaken in partnership with willing landowners and other agencies and non-profit organizations. TU chapters often provide some or all of the funding and labor required for these projects.

Chapters also participate in youth education programming such as Trout Camps and the national Trout-in-the-Classroom project (www.troutintheclassroom.org). Other activities of chapters have included supporting the "Casting for Recovery" program for breast cancer survivors and "Project Healing Waters" for wounded warriors and military veterans.

↳ STATE COUNCILS - LEAD REGIONAL INITIATIVES, COORDINATE CHAPTERS

Each state with active TU Chapters also has a state council. Councils are comprised of representatives elected by each chapter. Councils address statewide and regional fisheries conservation issues and advocate for policies and practices that keep fish and rivers healthy. Some councils have substantial financial resources and five (Montana, Michigan, Pennsylvania, Colorado and Wyoming) councils also raise money for their activities, often through the same means as chapters.

↳ NATIONAL LEADERSHIP COUNCIL (NLC) - HELPS SET POLICY

State councils elect representatives to the National Leadership Council, the grassroots governing body of the organization. Unlike many large conservation organizations in which conservation policy is made exclusively at the Board of Trustees level, TU engages leaders from each state to help establish conservation, operating and membership policies. The majority of the 37 NLC representatives are elected by each state council. The NLC meets at least three times a year, once at the national annual meeting, and twice via conference call.

↳ BOARD OF TRUSTEES

The TU board is made up of 31 members. Of these, 10 are elected by the membership through the NLC and are considered "grassroots trustees." The other 20 or so are nominated by the board and elected at the annual meeting. Grassroots trustees are often elected to this position after having served as state council chair or NLC representative and given many years of volunteer service to the organization. At-large trustees are nominated with an eye toward experience in non-profit governance, fundraising, and experience with national conservation issues. The Board of Trustees meets at least three times a year, and the committees of the Board meet as required. The Executive Committee of the Board meets more frequently, and is empowered to make certain decisions for the organization between Board meetings.

↳ NATIONAL STAFF – ASSISTING CHAPTERS AND COUNCILS AND CARRYING OUT INDEPENDENT PROGRAMS

With 150 staff, located in more than 52 locations, it's easy to see that TU fosters a focus on implementing actions that directly protect, restore and reconnect habitat is reflected in its structure. Only 35 of the national staff are located at the headquarters in Arlington, VA.

While National Staff do not work directly for chapters and councils, they collaborate closely to support grassroots initiatives, restoration projects, advocacy and education. National staff are engaged in myriad programs, including watershed and stream restoration, fisheries science research, GIS mapping and analysis, abandoned mine drainage remediation, barrier removal, water planning and advocacy, land protection, sportsmen outreach, and youth education.

↳ THE TU STRATEGIC PLAN

In 2008, TU released a new strategic plan. The plan re-emphasized the creation of a land protection program to develop formal partnerships among the many land trusts and land conservancies and TU chapters and staff across the nation. With TU's emphasis on a watershed-based approach to protecting, reconnecting and restoring aquatic habitat, the development of the land protection program was the logical next step for Trout Unlimited to achieve its mission.

At the core of the new strategic plan are a set of goals that are closely linked with land protection. These include:

General Conservation

- Protect high quality habitat for native and wild coldwater fish.
- Restore watersheds by working in collaboration with other partners and private landowners.
- Use the Conservation Success Index to help develop conservation priorities.

Protect

- Work with sportsmen and women and the conservation community to protect important public lands.
- Work with land trust community and others to protect important private land.
- Protect key watersheds from incompatible development.

Reconnect

- Remove, re-operate, or re-tool dams and culverts to restore fish passage and recover coldwater fisheries.

Restore

- Implement watershed restoration in strategically important areas.
- Rebuild resiliency into aquatic systems to counter the effects of climate change.

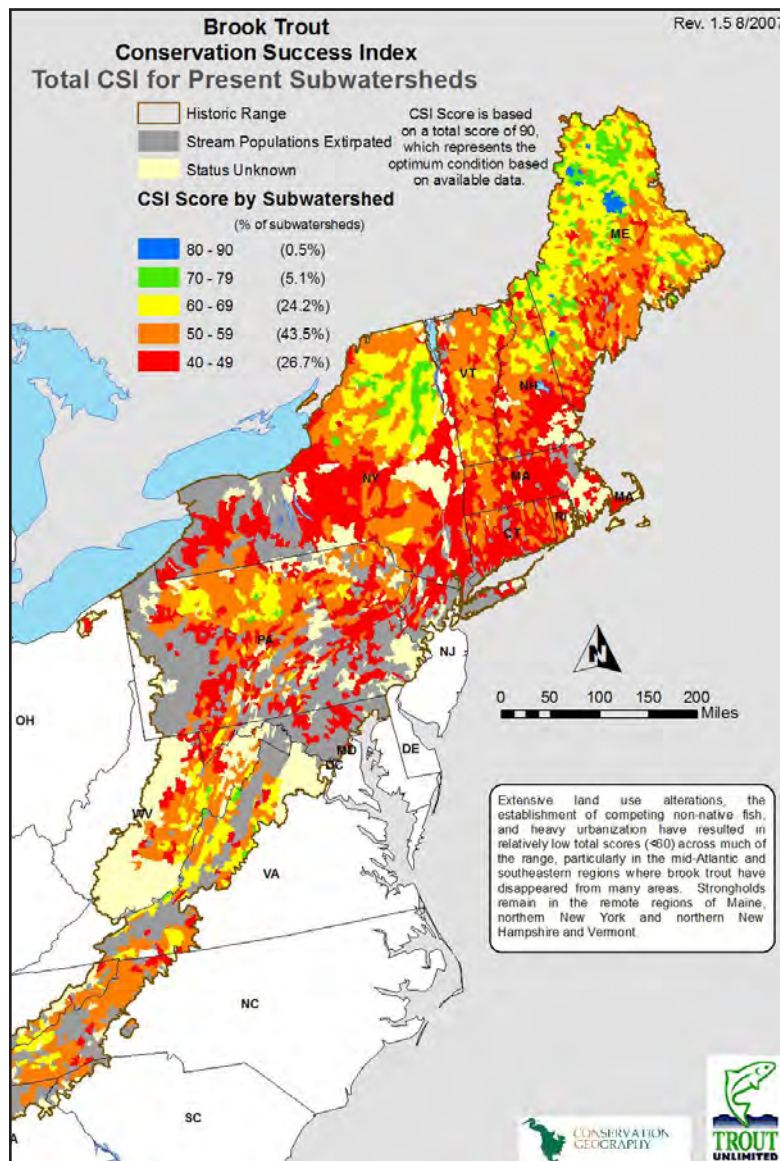
5 THE BIG QUESTION

WHAT CAN TU BRING TO LAND TRUSTS?

Clearly, TU is not a land trust and has no ambition to be a land trust. But as an organization with extensive experience in fisheries science, habitat restoration, public advocacy, grassroots organizing and volunteer projects, we can help land trusts in many ways.

➔ FISHERIES SCIENCE - THE CONSERVATION SUCCESS INDEX

Trout Unlimited developed the Conservation Success Index (CSI) in order to become more strategic and effective in our conservation efforts. Using the CSI, we can quantify and map the conservation status of native coldwater fishes so that comparisons of existing condition, threats, future security, and management opportunities can be made across watersheds, river basins, and entire species. The CSI helps identify different conservation priorities as well as enables TU and its partners to track the conservation success through fish population and landscape metrics over time. The CSI can be explored at www.tu.org/science/csi.



The Conservation Success Index (CSI) range-wide map for Eastern Brook Trout.

The CSI can be a useful planning tool for land trusts who are preparing strategic conservation plans and seeking grants. When the CSI data are combined with other important natural resource attributes it can assist in developing land protection priorities. For example, in one study in New Hampshire, GIS data on forest cover, aquifers, water quality, population density, and CSI data on the status of the Eastern Brook Trout enabled a land trust to identify particular subwatersheds to target for protection of Eastern Brook Trout as well as Atlantic Salmon and other aquatic species. Following that analysis, public funding from the state Fish and Game Department and NOAA's Anadromous Fish Restoration Program assisted in protecting key properties in the identified subwatersheds.

CSI Case Study

In New Hampshire, TU assisted the Society for the Protection New Hampshire Forests complete fundraising for the acquisition of a 2100 acre tract with 6 miles of frontage on the Upper Connecticut River, one of the nation's premiere coldwater fisheries. TU staff reviewed the CSI data for the subwatershed and region, and demonstrated that the project would benefit Eastern Brook Trout and that the protection of the property would increase the CSI ranking of the subwatershed. This report was instrumental in a successful grant proposal to the National Fish and Wildlife Foundation, resulting in a grant of \$500,000 through the Acres for America program.



Upper Connecticut River headwaters.
 Courtesy of Jerry Monkman Ecophotography.

➔ HABITAT STEWARDSHIP AND RESTORATION

TU chapters, councils and the national staff have extensive experience in the science of stream ecology and geomorphology and how to use scientific data to develop successful habitat restoration and enhancement projects. TU has completed literally thousands of these projects across the country, on public as well as private land.

The commitment of TU to sound, science-based habitat conservation leads to frequent partnership with public agencies and private foundations who value TU's scientific, on-the-ground approach. For example, stream habitat projects designed and managed by TU have brought together funding from the Natural Resources Conservation Service (NRCS) cost share programs, US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA), US Forest Service (USFS), National Park Service (NPS) and numerous state and county agencies. Projects have ranged from the creation of

instream habitat structure (using rock and wood) to stream bank erosion control, livestock fencing, culvert replacement, and dam removal. In scale, these projects vary from small volunteer based tree planting efforts on short stream reaches, to massive projects such as the current Trout Unlimited led partnership to remove two major dams on Maine's Penobscot River in order to restore runs of wild Atlantic Salmon.

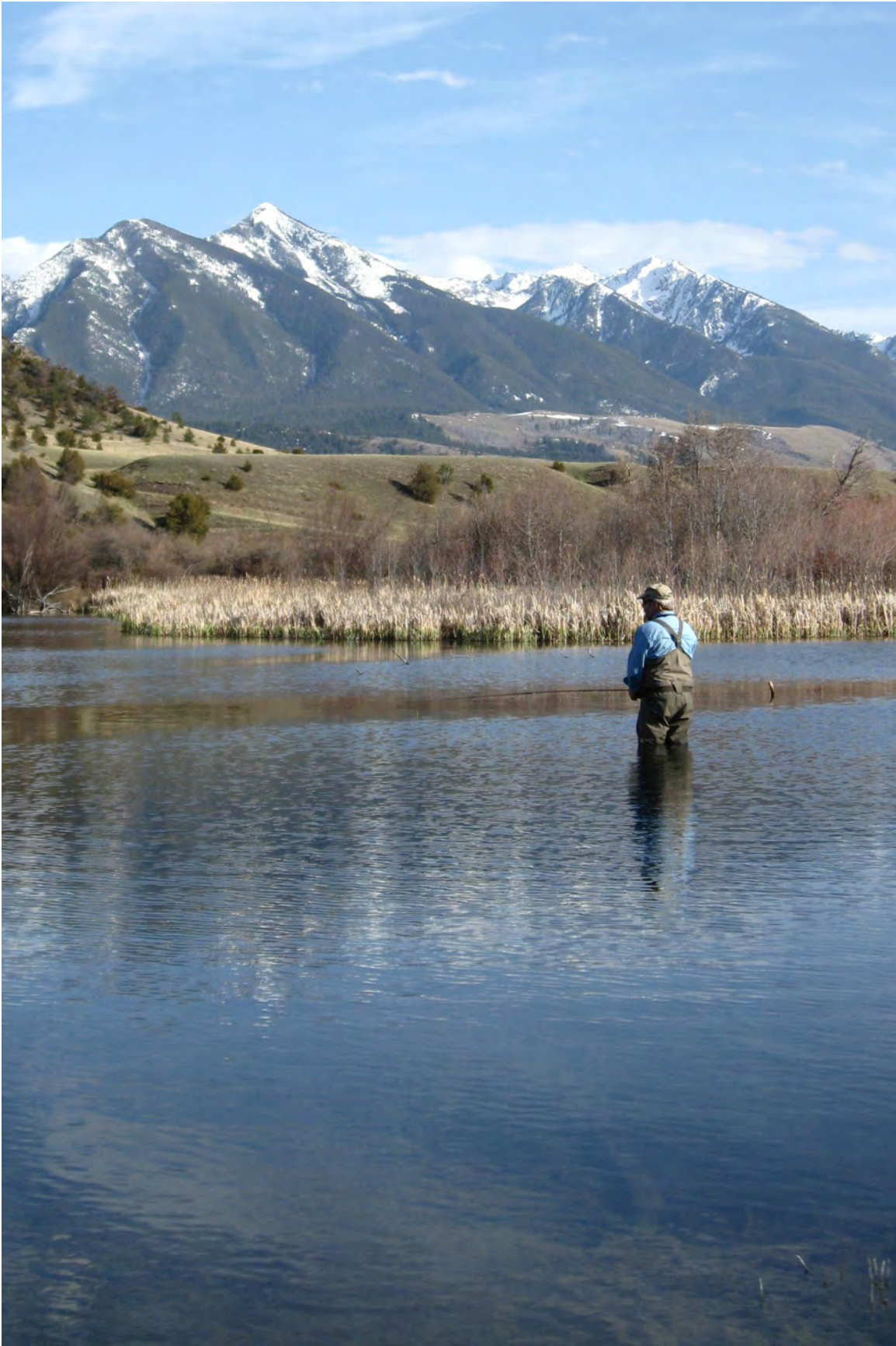
Volunteers do many things, but one of the signature activities of TU is its ability to deliver volunteers who will get their feet wet and hands dirty. If a land trust has a property or conservation easement on which some kind of habitat restoration or improvement project is appropriate, establishing a partnership with TU can enable both organizations to expand their volunteer force with enthusiastic people, and build lasting collaborations that will extend beyond a single project.



TU volunteers work help re-establish vegetation along Gilbert Creek in Wisconsin.

↪ LOCAL KNOWLEDGE

TU members, as angler conservationists, often possess an intimate, detailed knowledge of the local waterways that can assist a land trust as it evaluates the significance of a project to coldwater species. As the result of years of asking permission for angling access, TU members will often have excellent personal relationships with riparian landowners, which can help facilitate project negotiations. Often, having the support of local TU members can build bridges to other sportsman/women's organizations that can be helpful in project advocacy.



Fishing on Nelson's Spring Creek on the Dana Ranch near Livingston, MT. TU was instrumental in working with the Dana Family to place a conservation easement on their entire ranch, including frontage on the Yellowstone River.

Photo courtesy of Paul Doscher.

➔ ADVOCACY

When a project requires public approval or public funding, land trusts may find themselves needing to reach out to voters and legislators for support. TU members have often found that their efforts on behalf of conservation projects bring surprisingly large benefits. Many legislators, especially in rural areas, are highly cognizant of the concerns of outdoors groups, and will seek out their opinions regarding matters before the legislature, county board or Congress.

TU can provide important public advocacy both through volunteers and staff. If a land trust has a project it believes benefits coldwater fisheries, it can seek letters of support from TU at the chapter and council level for bonds, appropriations or other public funding. TU councils and chapters frequently provide letters of endorsement for foundation grants as well.

At the national level, land protection projects of regional or national significance can seek the support of TU's national conservation program. TU maintains a staff of public policy experts who frequent Capitol Hill and work with other conservation groups to seek passage of key legislation affecting coldwater fisheries. TU has worked with the Trust for Public Land, The Conservation Fund, The Nature Conservancy and a number of state and regional land trusts to advocate for funding for key land protection projects. Contact TU national staff through www.tu.org/landprotection to determine if TU can help.

➔ TU STAFF ASSISTANCE

Another key resource for land trusts is the assistance that TU staff can provide. Upon request, our science and land protection staff can assess specific land protection projects and provide a brief CSI analysis report describing the CSI ranking of the property in the context of the subwatershed. Information can include existing status of native trout species, threats, future security, and conservation priority. This analysis can help secure support from wildlife and fisheries management agencies as well as private and public funding through grant proposals. For more information, contact Land Conservancy Program staff at landprotection@tu.org.

TU land protection staff also work with land trusts to engage TU chapters in multiple ways. Staff may help develop funding strategies, coordinate outreach and advocacy plans for grassroots action, facilitate and leverage stream restoration grants, coordinate on-the-ground work and pursue transaction funding for a project.

Staff may also be directly involved in project coordination, landowner discussions, GIS mapping and other transaction details as warranted by a given project and land trust need.

Land Protection Project Case Studies



ST. JOE, IDAHO

St. Joe River in Idaho

Potlatch Corporation, headquartered in Spokane, Washington, is a mid-sized integrated forest products company with roughly 1.5 million acres of timberland in Idaho, Minnesota, and Arkansas. They are the largest private landowner in both Idaho and Minnesota and one of the largest in Arkansas. Potlatch's 670,000 acres in Idaho contains extensive wildlife habitat including over 1,500 miles of coldwater streams and it is well integrated with federal and state public lands.

During the 1990's technology boom, the stock of many traditional resource companies performed relatively poorly. Integrated forest products companies in particular lagged the indices and Wall Street began to apply pressure to improve performance. Of particular interest was the underlying value of the timberlands of these companies which was not reflected in their stock price. Throughout the industry, management began to look for ways to realize this value. Some companies separated their manufacturing facilities from the land base or sold the land outright. There was also much consolidation through mergers and acquisition. In New England, for example, all formerly industrially owned timberlands were sold off with most being purchased by Timber Management Investment Organizations.

Potlatch, however, took a significantly different approach, choosing to remain independent and hang on to the bulk of their land base. One of Potlatch's strategies has been to monetize non-timber values inherent in their land base through the sale of Working Forest Conservation Easements – in which they retain the timber rights but are paid to transfer the development and recreation rights and preserve some sensitive sites.

28,000 of those Potlatch acres are along the St. Joe River in Idaho. "In the lower 48, the St. Joe is the place you have to be if you want to save bull trout" says TU Director of Resources Joe McGurrian. When the Trust for Public Land negotiated an agreement to purchase conservation easements on a substantial part of the Potlatch land, including the St. Joe, TU joined the effort. The easement secured protection for critical river frontage and Potlatch agreed to practice forestry under certification by the Forest Stewardship Council, further protecting the quality of the watershed.

The project successfully obtained a grant through the Forest Legacy program and TU secured some of the private funds needed for match. TU highlighted the high quality, unfragmented habitat for native cutthroat and bull trout to obtain a \$500,000 grant from the National Fish and Wildlife Foundation's Acres for America program, funded by Walmart.



ROCKY FORK, TENNESSEE

Rocky Fork, Unicoi County, Tennessee

Rocky Fork, a 9,624 acre parcel named after the pristine trout stream that runs down its center, creates a vast, unfragmented haven with over 16 miles of stream, of which approximately 4 miles are classified as a hybridized population of Southern Appalachian Brook Trout fishery. According to the US Forest Service, the property was the largest unprotected high-elevation tract of land in the southern Appalachian Mountains before conservation efforts began in earnest in 2006. Approximately 30 minutes south from Johnson City, Tennessee and 35 minutes north from Asheville, North Carolina, the tract lies within the Cherokee National Forest and abuts the Pisgah National Forest.

The property owner, New Forestry, LLC decided to sell the property and The Conservation Fund and The USDA Forest Service, in collaboration with the Southern Appalachian Highlands Conservancy and many others stepped up to propose it be added to the National Forest. The collaboration then undertook a major advocacy effort to secure federal funding to add the property to the adjoining Cherokee National Forest.

Rocky Fork's protection is an excellent vehicle for telling the land conservation/ sportsmen benefit story. The sheer size alone draws attention, in addition to the quality of the streams and the views that it protects. The parcel is known to the recreational community and draws anglers from across the region. The fact that the property is in an interim conservation holding and is poised for a permanent protection success story is an additional benefit. The Conservation Fund asked for TU's help in garnering grassroots support for a significant congressional appropriation for FY11 and perhaps additional help with state and regional funding.

➔ FUNDRAISING AND GRANT PROGRAMS

For many land trusts this is where the “rubber meets the road”. Having a partner that can bring critical funding, small or large, to a key project can be a key element in a land conservation project's success.

Local Fundraising

Similar to some other sportsmen/women groups, TU chapters are known for their fundraising programs. Chapters hold raffles, silent auctions, conservation banquets and other events to raise money for local projects they support. Often these activities raise modest amounts of money, usually less than \$10,000, to be used to support Trout-in-the-Classroom, Casting for Recovery, youth fishing camps, habitat restoration and other projects in which TU volunteers are also active. In recent years, however, some chapters and councils have dedicated a percentage of their income to land protection projects. For example, one chapter in New Hampshire has made regular donations of a few thousand dollars to land protection projects in the watersheds of the Chapter's membership. Some land trusts have found that a thoughtful solicitation to the local TU chapter for projects on coldwater streams is almost always met with at least a modest contribution.

Embrace-A-Stream Grant Program for Restoration

This TU grant program provides matching grants of up to \$10,000 for on-the-ground projects to chapters and partners. These matching funds are used for stream restoration, barrier removal and other riparian project work. Since 1976, Trout Unlimited has provided grants to TU chapters engaged in a variety of projects that conserve coldwater fisheries through innovative grassroots action. Overseen by a committee of TU volunteers and administered by the national office, TU annually raises money from TU members, corporate and agency partners and foundations to distribute as grants up to \$10,000. A hallmark of EAS projects is successfully leveraging cash and other in-kind services. EAS has funded 959 individual projects for a total of more than \$3.9 million in direct cash grants, that TU chapters and councils have contributed an additional \$12.7 million in cash and in-kind services.

Many of these projects have been undertaken on public and private conservation land, some of which are protected by land trusts. Land transaction costs are not eligible for funding under EAS however. See Coldwater Land Conservancy Fund, below. Please go to www.tu.org/eas for more information.

Case study: Murphy Ranch, GVLT and TU protection and habitat restoration project, Emigrant, MT

The Gallatin Valley Land Trust, a regional land trust based in Bozeman, worked with TU on a project to both protect and restore North Fork Fridley Creek. The Murphy's ranch, 22 miles south of Livingston, Montana has been in their ownership since 1953. North Fridley Creek was a historically important spawning and rearing habitat for Yellowstone Cutthroat, as well as wild brown and rainbow trout in the Yellowstone River. The joint project not only secured a permanent conservation easement on the Ranch, but engineered and constructed irrigation improvements, channel improvements and habitat enhancement along with establishing dedicated water rights for instream flows. As a result the creek has been restored to its historic productivity, the ranch operation achieved economic improvements and the land has been permanently protected from development.

Link to video of this case study: Search for “Water Partners TU” on YouTube.com or go to: <http://www.youtube.com/watch?v=20d5ktoMsnw>



Murphy Ranch, on North Fork Fridley Creek in Montana.

Courtesy of Paul Doscher.

Assistance with Fundraising Campaigns

Large, regionally and nationally significant land protection projects in coldwater watersheds will almost always be of interest to state councils and the national staff. At a minimum, letters of support for grants and funding applications are provided upon request. When a project is located in a watershed where TU holds an interest or is actively involved in conservation actions, national staff can be enlisted to assist with the development of fundraising campaign strategies, including the identification of potential donors. Senior policy staff at TU have also supported collaborative efforts to lobby Congress for land acquisition appropriations through the Forest Legacy Program, Land and Water Conservation Fund and other agency budgets.

The TU Coldwater Land Conservancy Fund

This new fund, established by the TU Board of Trustees in 2009, will make matching grants to land trust/TU partnerships to permanently protect priority coldwater fishery habitat from commercial, residential or unsustainable energy development. Building on the success of the Embrace-A-Stream program, the Coldwater Land Conservancy Fund (CLCF) will focus specifically on helping land trusts cover transaction costs for land conservation easements and acquisition.

When this grant program is fully operational, it will be providing matching grants of up to \$20,000 (with special provisions for larger grants in extraordinary cases) that can be used to pay for surveys, appraisals, legal expenses, due diligence, title review and capital costs for purchase of conservation easements and land. Applications will be accepted and reviewed twice a year, by a committee of TU volunteers and staff.

In emergency situations, when a land trust/TU partnership must raise funds quickly in order to secure contract options or purchase and sale agreements on threatened properties, the CLCF program director will consider special grant applications outside of the normal grant cycle.

While the principal emphasis of the CLCF will be on partnerships with land trusts, grants from the CLCF will also be available to public conservation agencies in partnership with TU. For more details about the CLCF grant program go to www.tu.org/clcf

Quoting Carl Silverstein, Southern Appalachian Highlands Conservancy, on the Coldwater Land Conservancy Fund

"This grant program is exactly what land trusts need, and will be a tremendous boost to our efforts to protect land that contains threatened fishery resources. We love the way it is being designed and expect to have great projects to propose."

The CLCF is intended to be the primary source of funding for Trout Unlimited land protection projects nationwide. It is anticipated that it will provide the financial resources for TU's regional staff to work on land conservation partnerships. Currently, the Fund has received grant support that funds two positions in the Chesapeake Bay watershed and the Southern Appalachians. TU hopes to add staff to the conservancy program to work in the Northeast, Midwest and West, as well.

Finally, the CLCF will be the vehicle through which TU fundraises for major land conservation projects of national significance.

6 WHAT CAN A LAND TRUST EXPECT FROM A TU COLLABORATION?

As mentioned above, TU chapters are unique groups. They are operated by volunteers of all kinds, in widely varied places, and in very different local cultures and communities. While they all have the same mission, they work in ways that reflect their local circumstances and interests. For a land trust, this is not unfamiliar, as local and regional land trusts share some of the same characteristics.

As a result, the best way for a land trust to initiate a partnership with a TU chapter is through personal contact. Here are some key steps to getting involved:

- Find your local chapter on the TU web site at <http://www.tu.org/about-us/council-chapter-contacts>
- Make direct contact with the chapter leaders, inquire if they are interested in helping with land protection projects in their area, and ask if they believe they have the capacity to assist your project.
- Attend a meeting of the chapter or council and become familiar with how it operates and who the leaders are.
- Share maps, data and other information that can help the chapter or council understand the land trust's mission and goals for the project.

↳ TU WILL NOT HOLD LAND OR CONSERVATION EASEMENTS

When the CLCF program was approved by the TU Board, it specifically adopted a policy that TU is not a land trust and should not be engaged in acquiring or holding conservation easements. The CLCF was carefully designed, with the assistance of TU volunteers who have extensive experience with land trusts and conservation agencies, to promote partnerships in which land trusts do what they do best, and TU does only what it does best.

TU's existing easements

Over the years, some TU chapters and councils have accepted conservation easements in the name of Trout Unlimited. At the time, this seemed like a good idea, and the projects were largely successful. But in recent years, as federal regulations and land trust Standards and Practices have evolved as a result of the huge successes of land trusts, it has become clear that TU is not positioned to hold and provide long term stewardship for these easements. As a result, TU is now taking inventory of all the conservation easements it holds throughout the organization, and developing a plan to transfer these easements to appropriate holders. Land trusts will be important partners in this effort and their expertise in easement stewardship will be invaluable in determine how to best ensure that these easements are secure into the future.

↳ EASEMENT DRAFTING FOR COLDWATER ISSUES

TU land conservancy staff are not attorneys or experts in drafting conservation easements or other legal documents. But because TU staff and many volunteers have extensive experience in habitat restoration, including permitting processes, design and implementation of site monitoring pre- and post-project, design and implementation of construction, and project fundraising, a land trust would be well advised to seek TU advice when it anticipates the potential for habitat restoration on a protected property.

Specifically, TU recommends that land trusts and landowners consider including specific reserved rights for the landowner and/or land trust to undertake restoration and access actions that standard easement language might prohibit.

These can include:

- removal of dams and associated reclamation activities, including equipment access;
- removal or replacement of culverts;
- relocation of roads from riparian zones;
- establishment of fences to restrict livestock or wildlife from sensitive areas;
- placement of rock and large woody debris into streams for habitat improvement and diversity;
- removal of exotic invasive species, including plants, fish and animals;
- installation of bypass channels for dams, diversion points; etc.
- wetland restoration or construction;
- removal and/or relocation of soil for ecological benefit;
- restoration of floodplain function and associated habitat.

Finally, if angling access is being established on a property, it is also important to be sure the land trust includes reserved rights for the landowner, or affirmative rights for the land trust (perhaps with designation of TU to act as its agent) to install and maintain appropriate facilities such as parking areas, fences, signage, trails and pedestrian bridges.

Because each situation is unique, TU is not providing boilerplate language for coldwater restoration provisions in conservation easements. However, staff will be collecting sample language and providing it on the TU website as appropriate.



Connecticut River Forest along the Upper Connecticut River, New Hampshire.
Photo courtesy of Jerry Monkman, Ecophotography.

➔ PUBLIC ANGLING ACCESS

Access for anglers can be a powerful tool to leverage additional support from TU chapters, state agencies and other funders. In addition, TU has a history of access arrangements with private landowners that provide significant stewardship benefits to the landowner. When appropriate, TU will bring access proposals to the table if it will significantly improve the chances of success or if we believe it to be a beneficial addition to the project.

In the context of TU's land protection program, TU's work on access generally adheres to the following:

- TU does not require nor does it always request public angling access in return for project assistance or funding.
- TU encourages voluntary angling access in land protection projects in which it participates.
- TU policy is to NOT engage in access agreements that provide exclusive angling access to a specific group, such as members of a TU chapter, a local fish and game or angling club, an exclusive group of property owners, etc. Any angling access to a conservation property through TU should be available to all properly licensed, responsible anglers, regardless of membership in a group or association.
- TU may suggest that the easement contain a provision that permits the landowner and easement holder to develop "limited" public access provisions. This means that unlike 24/7 public access, the provision might provide for conditional access, such as: during open fishing season only, during daylight hours only, or with permission of the land trust and/or landowner.

TU has developed several of these "middle ground" access options (see below) that we believe can provide benefit to landowners while leveraging more support from sportsmen/women and state funding mechanisms. Some of the benefits to landowners can be increased funding from public sources, additional support and interest from the community, long term stewardship assistance with fencing, trash pickup or restoration projects, and perhaps most valuable, additional 'friends of the stream' with an interest in preventing problems before they occur.

It should be re-emphasized that TU policy is to encourage "voluntary angling access" in land protection projects in which it participates, but access is not a requirement. Similarly, TU does not engage in agreements that grant exclusive angling access to TU members in exchange for their support of the project. All TU sponsored access must be open to all responsible members of the angling public. Some chapters may choose a lesser degree of participation in projects that do not include public access or benefits to downstream coldwater resources. TU land conservation staff can help you navigate access issues and provide potential options that can be shared with land trusts and landowners.

To provide encouragement to creating appropriate angler access, the Coldwater Land Conservancy Fund grant program for land trust/TU partnership projects allows **grants of up to 50% of the required stewardship endowment for a conservation easement or property where angling access is provided.** When applying for a CLCF grant, the land trust will need to identify how it determines the amount of the stewardship endowment for the target property and how it proposes to provide public angling access. TU recognizes that providing public access creates added stewardship responsibilities, so in these circumstances it is willing to contribute to appropriate stewardship endowments.

➤ ANGLING ACCESS SUCCESS & SCENARIOS

Although every project is unique, the following examples are provided to demonstrate scenarios that could be used in future projects. The first two, Mossy Creek and Vermont Creek, are actual success stories that have enriched landowners and anglers alike. The third, “Clear Creek, USA” is a fictional account that contains several key elements that we believe will bring more resources to landowners and more access for anglers.



Background: Flowing through rolling farmland, it is a classic limestone creek that features tough-to-catch brown trout, undulating masses of aquatic vegetation, swift runs, and steep drop-offs. This challenging water is bank-fishing only but has rewarded many patient anglers with 25 inch brown hook-ups.

On-the-ground: In 1978, VA Department of Game and Inland Fisheries (DGIF), Trout Unlimited, and landowners along the stream partnered to create a world-class fishery. It was sealed with a simple, but very important agreement that all anglers must obtain a landowner permission to fish card (available for free from the local DGIF office or the landowner) along with a valid Virginia fishing license.

These permission cards have been key to bringing landowners on board for several reasons. First, anglers who seek out the card are making an extra (albeit relatively small) effort to fish Mossy Creek which seems to help self-select for intentional users. Additionally, the landowners have a right to revoke permission cards from abusers. Although revocation has never been needed, it gives the landowners comfort that a standard fishing license does not afford. Special seasons and regulations are also printed on the back.

DGIF handles the landowner relations, but the local TU members also provide key support. TU volunteers work annually to keep livestock fences in good repair and also maintain the fence crossing stiles, in addition to inspecting the streams for other access-related issues. Perhaps most importantly, the local TU chapter, in partnership with the state council, holds an annual landowner appreciation dinner. This popular social occasion attracts 40-60 cooperating and neighboring landowners from two streams under this management scheme.

Lessons: Landowners may be very willing to ‘trade’ access for fisheries restoration and management. TU’s careful management of the stream access, without much bother or interaction with the landowners has been important. In this instance, leaving the landowner relationships to DGIF staff has worked well and avoided potential pitfalls of changes in volunteer availability from the TU chapter.

Long term: On Mossy Creek, the willingness of landowners to allow fish stocking and public access has built an enduring and beneficial relationship for all parties. The landowners are comforted by DGIF and TU’s ability to ‘look out’ for the land and solve problems before they arise.



*Vermont Creek, Dane County Wisconsin.
Courtesy of Mario Quintana*

VERMONT CREEK, DANE COUNTY WISCONSIN

Background: As part of Trout Unlimited’s growing effort to promote partnerships among TU chapters and councils, private landowners, land trusts and public agencies, a pilot project was initiated by the Southern Wisconsin TU chapter (SWTU), with support from the TU State Council. The pilot involves a new Dane County program (which TU helped initiate through county-level advocacy) aimed at securing permanent conservation easements on trout streams. About 50 miles of stream where habitat restoration work had been allowed under shorter term easements with private landowners were identified as the first priority for permanent protection under the program.

On-the-ground: On Vermont Creek, TU raised over \$16,000 to go toward the purchase of two permanent conservation and access easements along a 130 foot riparian corridor. Combined with additional in-kind match from the local land trust and funding from a local foundation, the county purchased easements on two properties for \$112,000. Access points on each end of the stream that cross the landowner’s property allow public access to 1 ½ miles of stream that had previously been unavailable for fishing. In addition to the easement payment, two landowners also benefited from \$150,000 of stream restoration work at no cost.

Challenges & lessons: Appraisals for conservation/access corridors can be tricky. In Wisconsin, one method for dealing with this was to set an appraised price per linear foot for stream access for each watershed. This method treats neighbors equally and provides some certainty for the negotiation of a purchased access easement with landowners. State requirements for individual appraisals, however, can sometimes override this plan. The availability of county or state funding for this type of program may be limited in your region, and fee-for-access arrangements should be very carefully weighed against other possible scenarios.

Long term Implications: The permanent conservation and public access easements help protect past taxpayer investments in these restoration projects. In the past two years, Dane County has spent about \$400,000 to buy permanent access easements on over 12 miles of trout water. The cost of county easement purchases is often matched by grants from the State Department of Natural Resources Stewardship program. Additionally, the work to restore and protect Vermont Creek spurred the state to restore significant stretches of public land upstream.

“CLEAR CREEK”, USA.

The following example is fictional, but contains access methods used in the past and ideas that have been put forward by various TU grassroots leader.

Background: The Fische family has owned a farm on Clear Creek for several generations. Flowing through woods and cattle pastures, the Clear Creek was once a popular brook trout stream, and with some strategic stream restoration and riparian fencing, has the potential to be a high quality fishery. Additionally, access has been limited ever since an unfortunate incident between the bull and an-out-of state angler in the 1980’s. The family is now in discussions with a local land trust for the donation or purchase of a conservation easement, but can’t afford to incur much expense in the transaction. They also would like to take advantage of county grant funds for restoration but are leery of the accompanying public access requirements.

On-the-ground: The land trust reached out to the local TU chapter and arranged a site visit with the chapter’s conservation committee chair. During the visit, the landowner got to know the TU volunteer and heard about several access options that might help bring more resources to the table. The TU contact followed up with the land trust by providing several stream access success stories and offered to help with a restoration grant. Additionally, they provided a fact sheet on the state’s strong and protective landowner liability laws.

In the end, the landowner saw that entering into a voluntary access agreement for angling would be beneficial in the long run, and also provide some additional short term funding assistance from public entities. In addition to county funds, the land trust and TU chapter wrote proposals and received funding from the Embrace-A-Stream program, and the newly-launched Coldwater Land Conservancy Fund. These funds covered the necessary land transaction costs of a boundary survey.

The landowner, TU volunteers and the land trust worked out the following terms with the assistance of TU land protection staff:

Anglers must sign in and check out a free day-pass from the local fly shop.

- Only five passes per day are available on a first-come, first served basis that can be reserved 24 hours in advance. In addition to state game laws, there is a size and creel limit to help increase the trophy qualities of the stream.
- The TU chapter has an individual who is a point-of-contact for the landowner and handles any concerns and issues. (This point of contact happens to be good at talking with landowners, and understands the delicacy required to keep things working smoothly.)
- The landowner can call the outfitter to close the stream for special occasions. High water flooding, turkey hunting season, family reunion weekends or other unforeseen events are often good reasons to temporarily close the access.
- The TU chapter has an annual clean-up and stream and fence inspection that helps keep things in good shape. They also help maintain the small parking area.
- The landowner can temporarily close or re-negotiate the access in the event of unforeseen problems that cannot be easily resolved.
- The access agreement is solidified by a 25-year lease of the access to the county subject to some basic requirements that protect both entities.

Challenges & lessons: It took some time and patience from the TU volunteers to provide information and let the Fische family become comfortable with the idea of limited public access. Showing them evidence that their property would not be overrun by eager anglers was a hurdle. The five pass limit helped address this issue, and as it turns out, all five are rarely out at once. They also had concerns that the chapter would disappear after a

year or two and the access structures would fall into disrepair. Relationship building and support from the land trust helped overcome this issue. The chapter had good support and advice from TU's land protection staff, and found the "How to Talk with Landowners" section of the land protection handbook very useful.

Long term: Over the years, the Fisches get to know the local anglers, who provide an extra hand or two through the TU chapter during haying season. The fencing installed as part of the riparian restoration helps produce healthier livestock, and on several occasions anglers have seen and reported issues on the land that would have gone unnoticed to the owners. The Fische family was able to carry forward a tax deduction for the donated portion of the easement and access that saved them significant income tax payments.

Through word-of-mouth and land trust publications, the TU chapter has been approached by several other landowners who are interested in similar arrangements. And as icing on the cake, the farmer's elementary school-aged children brought their class for a visit and released fingerling trout from their Trout-In-the-Classroom project.

7 SUMMARY

Protecting forested watersheds, sustainably managed farmland, and coldwater fisheries are common goals of Trout Unlimited and many land trusts across North America. The need to do more to safeguard our threatened coldwater fisheries and the clean water and healthy watersheds on which they depend is critical. In fact, America's fisheries are currently facing a conservation crisis, and the need to increase protection has never been greater. The 2008 National Fish Habitat Action Plan found that, "nearly 40% of North American fishes, 700 species in total, are listed as imperiled. More than two-thirds of these are considered federally threatened or endangered." The loss and degradation of the natural systems that sustain aquatic habitat are the root cause of this startling loss. Trout Unlimited realizes that the only way to stem and reverse this trend is to partner with the land trust community to protect high quality habitat and work to restore healthy streams and watersheds that provide clean water to sustain our trout and salmon populations.

Fortunately, the Trout Unlimited strategic plan to "Protect, Reconnect, Restore and Sustain" habitat is highly complementary with the mission and goals of many land trusts. Protecting coldwater fisheries habitat for trout and salmon not only conserves these species, but protects the ecological integrity of entire watersheds. Trout and salmon have long been considered key indicator species of the quality and health of rivers, streams, lakes and ponds. Where healthy, robust populations of native and wild trout and salmon can thrive, countless other species benefit. Perhaps more importantly, we as communities will benefit from this long-term investment in healthy landscapes through their permanent protection from incompatible use and exploitation.

The new Coldwater Land Conservancy Fund of TU, and the programs it enables, will provide benefits both by helping protect more critical land and by building long-term partnerships that can yield exemplary stewardship of pristine lands, restore degraded riparian habitat, and create stronger and more capable land trusts and TU chapters.

As Phyllis Stiles, Campaign Director of the Blue Ridge Forever coalition of thirteen conservation organizations has said:

"TU is a model in collaboration for environmental organizations. This is a great idea! Let's get going!"

8 APPENDIX A

COLDWATER CONSERVATION RESOURCES FOR LAND TRUSTS

Trout Unlimited Resources:

- **Land Protection Program – overview, resources and PDF documents including this handbook:**
www.tu.org/landprotection
- **TU’s Conservation Success Index:**
<http://www.tu.org/science/conservation-success-index>
- **TU’s A Guide to Native Trout Restoration is available at:**
www.tu.org/sites/www.tu.org/files/documents/NativeTroutRest_Williams.pdf
- **TU Chapter search:**
<http://www.tu.org/about-us/council-chapter-search-1>

Other Stream Restoration sites:

- **NC State University Stream Restoration Program**
<http://www.bae.ncsu.edu/programs/extension/wqg/srp/>
- **Wildland Hydrology**
<http://www.wildlandhydrology.com/>