

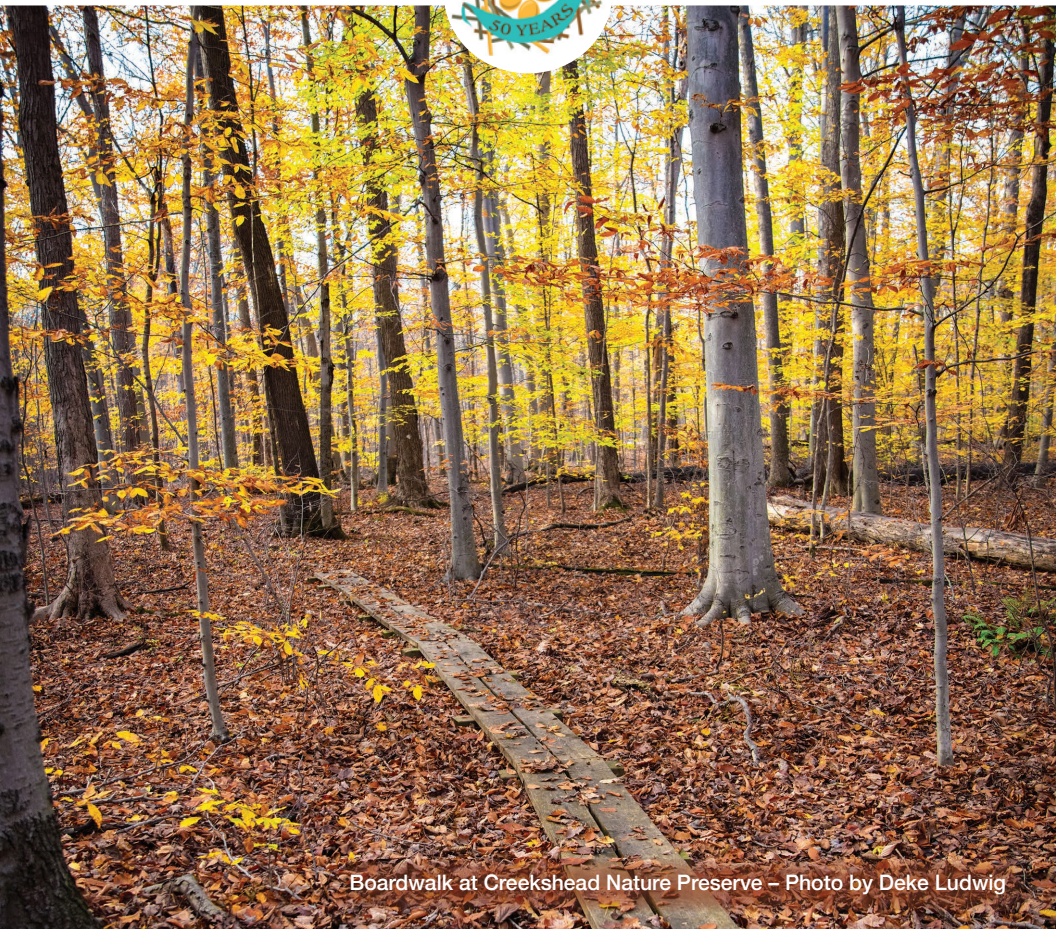
THE UNDERSTORY

The newsletter of Legacy Land Conservancy

Fall



2020



Boardwalk at Creekshead Nature Preserve – Photo by Deke Ludwig

Legacy earns national recognition | page 2

Legacy completes multi-project fundraising challenge | pages 4-5

Shatter Family Preserve is open! | page 7

We—as a world, as a country, as a state, as individuals—have all felt the impacts of the pandemic this year. No business, institution, or organization has been left unaffected, including Legacy. From developing safety protocols, to making deep budget cuts, to learning new ways to communicate, we find ourselves like everyone else—in uncharted waters, navigating these constantly changing times.

I never thought a year ago I would be leading Legacy into its 50th Anniversary Year during a pandemic. Nor did I think it would be coupled with one of the most unsettling political and social climates in years, and as multiple global environmental disasters devastate the planet. But, here we are.

Despite all we are facing, Legacy is embracing our milestone year with **hope, enthusiasm, determination, and an open mind!** Challenges make life interesting. Overcoming challenges makes life meaningful. And, the people you overcome those challenges with makes all the difference. With dedicated staff, partners, board members, volunteers, and donors, Legacy is prepared for any challenges we may encounter this year and in the future.

We are extremely grateful for all of YOU. Whether you have been with us since the very beginning or have recently joined us, your support makes our work possible. Together we successfully navigated through the first fifty years. And, together we will continue the journey to ensure that the next fifty will be just as successful!

Yours in Conservation,

Diana Kern



Friends walk through a Legacy conservation easement – Photo by John Lloyd

Legacy earns national recognition

We did it! After a rigorous and lengthy review process, Legacy has renewed its land trust accreditation for a second time. Legacy is proud to earn the Land Trust Accreditation Commission seal—a mark of distinction in land conservation and awarded to land trusts meeting the highest national standards for excellence and conservation permanence. We are honored to be among the 400 accredited land trusts across the country who are united behind strong standards and have demonstrated sound finances, ethical conduct, responsible governance, and lasting stewardship. This renewed accreditation is a testament to the dedication of our staff, board, and volunteers, and assures the right pieces are in place to guarantee Legacy's work will endure forever.



NAPP millage renewal supports Legacy's success

The Washtenaw County Natural Areas Preservation Program (NAPP)—a program that purchases unique natural areas and agricultural easements to ensure their preservation for the benefit of all County residents, plants, and animals—was established in 2000 by the Washtenaw County Board of Commissioners through the passage of Natural Areas Ordinance No. 128. It is funded through a county-wide millage first approved by Washtenaw County residents in 2000 and renewed in 2010 with overwhelming support. This is an important year for NAPP because the millage, which funds the purchase and stewardship of conservation easement and preserves, is back on the ballot for renewal this November. If renewed, the millage would bring approximately \$4 million per year to help preserve land in the County.

What many people may not realize is that renewing the millage is important for Legacy because some of those funds help support our work. Since the Program's inception, the .25 mill annual assessment, or about \$50 per household per year, has protected more than 9,000 acres of land through the purchase of land and conservation easements as well as contributions to partners' land preservation projects. This success includes establishing 34 nature preserves that provide over 40 miles of nature trails for passive recreation, protecting 3,173 acres of land (primarily agricultural) through the purchase of conservation easements held by the Washtenaw County Parks and Recreation Commission (WCPARC), and protecting 2,200 acres of land through local partnerships.

NAPP financially supports local WCPARC partners working on land preservation. Our partnership with WCPARC is invaluable and contributions from NAPP help to close the gap on some of Legacy's land preservation projects.

When a landowner approaches Legacy to protect their land, we use a variety of tools and funding resources in order to make this happen. Based on the property and the circumstances, Legacy may approach NAPP as one avenue to secure funding to conserve land. For example, Legacy received an award from the U.S. Department of Agriculture to conserve a farm in Sharon Township, but it required we provide a 51% match for the grant. Since Legacy doesn't have those funds in our program budget, Legacy requested and was awarded funds through NAPP to match 40% of the grant instead. That 40% was also matched by another foundation to help pay for the additional costs that go into a conservation easement project, such as a survey, environmental site assessment, title work, closing costs, and staff time.

There are few county or municipal-led programs around the country like NAPP. Legacy and the residents of Washtenaw County are very fortunate. Modest contributions from each household



Washtenaw County farmland that will be protected using funds from NAPP

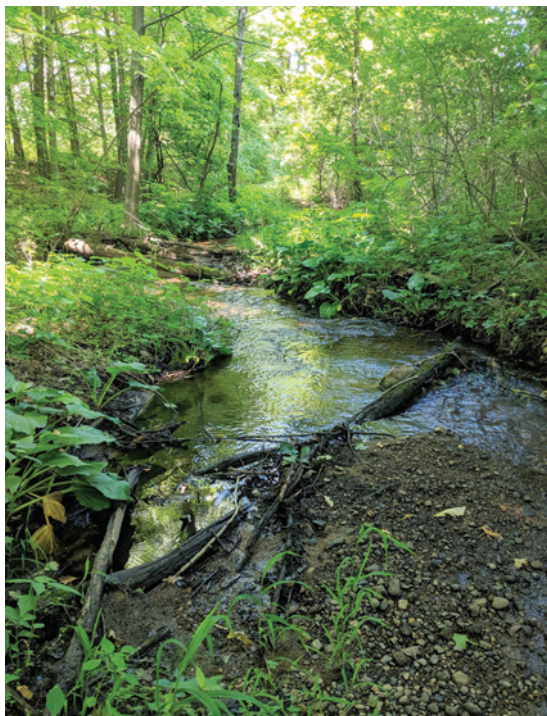
help to preserve natural areas and agricultural land and the benefits to our community are priceless. Conserving natural areas and farmland within Washtenaw County helps to keep our region beautiful, attracts businesses and tourism, provides capacity for carbon storage and sequestration, provides wildlife habitat, filters our water, and provides flood mitigation during rain events. We are hopeful the voters of Washtenaw County will again see the value of the NAPP millage on November 3rd.

Diverse group of donors helps Legacy complete multi-project fundraising challenge

Picture this: 2,900 feet of frontage on a quaint waterway (think two of the Empire State Building stacked together, then go a little further). On either side of this waterway, floodplain forest fills the valley it has forged since the last period of glaciation about 15,000 years ago. Feel the cool, moist weight of the air in this little valley. Hear the steady burble of the water—much of which has infiltrated through the surrounding landscape—as it reaches the next stage of its journey: the Huron River.

Now imagine our delight when in 2016 Legacy was approached by the family who had stewarded this waterway for generations with a desire to protect it forever. Places like this and other natural and agricultural gems dot the landscape in southern Michigan. And, it's been Legacy's goal for 50 years to protect as many of them as we can.

In addition to this tributary and the property it runs through (which also includes 265 feet of frontage on the Huron River), in 2017 Legacy identified four more properties within Washtenaw and Jackson counties with hundreds of acres of important land to conserve. The properties included prime agricultural soils, significant water frontage, and a rare wetland type found only in the glaciated Midwest. The majority of this land also provides significant linkage to other properties already being protected, thus magnifying the overall benefits of land protection in a region of Michigan characterized by fragmentation and high development pressure. The total cost to conserve these five properties was estimated at over one million dollars.



Water flows gently through a property protected by Legacy in 2019

While Legacy primarily accepts donated easements, for various reasons more landowners are approaching Legacy with a need to be compensated for the value of their land's development rights, which they part with in entering a conservation easement. Because these funds are not part of our program budget, we have to raise additional capital, posing a significant fundraising challenge to the organization.

Always up for a challenge, Legacy began creatively exploring relationships and pursuing funding sources to reach our five-property, million-dollar fundraising goal. In early 2018, Legacy was awarded a \$487,000 matching grant from the Carls Foundation, a Michigan-based foundation with a focus on the preservation of natural areas. The Carls Foundation agreed to match every

dollar we raised up to that amount to help us fund these five conservation easement projects.

Over the next two years, Legacy leveraged the generosity of the Carls Foundation to secure a creative mosaic of funding sources. We cultivated new donors, and existing donors graciously made additional gifts. We pitched our projects to local and state partner organizations and foundations, calling on old friends and building new relationships.



Land protected by Legacy in 2019

Through innovation, persistence, and the generosity of a diverse group of donors, in 2020 Legacy completed the Carls Foundation match, securing the million dollars necessary to conserve all five properties. To date, two of the five projects have been permanently protected, and the remaining three are all expected to close within the coming year. When all is said and done on this initiative, over 370 acres of ecologically and culturally significant land will be protected, forever.

While this is certainly a time for celebration, the future is never far from our minds. The need for funding to conserve important land in Washtenaw and Jackson counties doesn't end with these five properties. Legacy has an exciting pipeline of conservation easement projects already in progress. Each comes with its own unique funding challenges, and its own authentic justification for protection.

We would like to thank the Carls Foundation for their commitment to conservation, and every individual, foundation, and organization who generously donated to help us cross this finish line. Like drops of rain converge to form rivers that carve through solid rock, so every gift makes possible our work of keeping soil open to receive the rain.

"The Carls Foundation is delighted to have provided support for Legacy Land Conservancy. The mission of the Foundation, established by Bill and Marie Carls, is to preserve natural areas. Legacy is helping to achieve that with its efforts to preserve important land in Washtenaw and Jackson counties. Our gift of \$487,000 will help translate that vision to reality. Making our gift in the form of a challenge grant enabled Legacy to engage many others in ensuring the success of the project. We look forward to many positive outcomes of this partnership."

- Elizabeth Stieg, Carls Foundation Executive Director and President

Making changes on conservation easement properties

Now that we're all staying at home more due to the pandemic, many of us are looking at ways to change or modify our homes or properties to be a little more comfortable. For a landowner without a conservation easement, making that change can be fairly straightforward. But, for a landowner with a conservation easement on their property, making certain changes requires a few extra steps.

For those landowners who have entered into a conservation easement with Legacy, it is more than just a legal document. It is a solemn promise to defend the land they cherish for all time. The conservation easement guides the use of the land, *forever*. It limits the type and amount of development on a property and often restricts other uses that would damage natural features or agricultural productivity. Ultimately, it is a way for the landowner to own and enjoy their land while still protecting and conserving its unique qualities by enlisting a willing partner—Legacy—to help watch over the land. Conservation easements “run with the land”—meaning whatever restrictions are in the easement will remain as long as the land exists, regardless of who owns the land. Even when the land is sold or inherited, the easement remains in place forever.

While the landowner accepts the responsibility to follow the terms of the conservation easement, Legacy accepts the responsibility of enforcing those terms. This means that for the majority of our easements, landowners must obtain Legacy's approval in order to make certain changes to the property *before* the work gets started! An eight-foot by eight-foot shed may seem like a simple addition, but many easements include limits on the amount of impervious surface allowable on a given site. Installing a pond to provide wildlife habitat is a laudable goal, but if done improperly it can negatively impact hydrology in the surrounding landscape, or provide a conduit for invasive species to enter the property. If an activity may negatively impact the conservation values identified in a conservation easement, Legacy needs to know about it!

There are also certain activities that are prohibited unless certain conditions are met to ensure or limit negative impacts to conservation values. For instance, while commercial timbering is often prohibited in conservation easements Legacy prepares, it could be permitted if the landowner provides Legacy with a forestry management plan written by a licensed forester. Building new structures or installing fencing is also typically restricted, but might be allowed on some easement properties if the structures or fencing are for agricultural purposes.

Every conservation easement is different. Because we understand how personal land use and protection can be, each easement is tailored to the landowner and their property to ensure it suits specific needs and desires while giving significant protection to the land's natural and/or agricultural features. Southern Michigan is gifted with beautiful natural areas, rich productive



Wood stack
Photo by Dave Foster

soils, and deep historical roots. The ultimate story of undeveloped and unprotected land is yet to be written. Through careful planning and prudent protection even during times of uncertainty and change, we can ensure that what is precious and unique in our community is never lost.

If you have a conservation easement with Legacy and you are thinking about making a change to your property, selling it, or have any questions, please contact us! Our Easement Stewardship and Volunteer Coordinator is available to work exclusively with you.

The Anthony & Rose Shatter Family Preserve is open!

Our newest preserve is open for quiet enjoyment! On August 15th Legacy hosted a small gathering at the Anthony & Rose Shatter Family Preserve to celebrate its opening. The daughters of Anthony and Rose Shatter—the former landowners—cut the ribbon, and guests enjoyed a ‘socially distanced’ guided nature hike led by Legacy staffers Allene Smith and Alice Elliott.

A result of strong partnerships among various Washtenaw County conservation organizations, the Shatter Preserve is Legacy’s seventh nature preserve and, unlike Legacy’s six other preserves initiated and donated by the landowners, it is our first purchased in response to a community request. Due to its complex partnership-driven acquisition structure, the road to protecting and opening it was a long one and began over three years ago.



The Shatter sisters cut the ribbon at the opening of the Anthony & Rose Shatter Family Preserve

In the spring of 2017 the Salem Township Land Preservation and Conservation Board learned that the Shatter Family had put up 25 acres of undeveloped land for sale. With its high-quality beech-maple woodland, buttonbush swamp, and approximately 7-acre wetland complex, the property was identified as a priority area for future public access by the township’s Land Preservation and Conservation Board. Unable to protect the property on its own, the Board reached out to Legacy. Legacy then reached out to the Ann Arbor Greenbelt and the Washtenaw County Parks and Recreation Commission (WCPARC) to see how we might work together to protect the property.

Eventually the partners designed a multi-organization acquisition solution; Salem Township paid the administrative fees for the sale, WCPARC (specifically its Natural Areas Preservation Program) and the Ann Arbor Greenbelt pooled their resources so the land could be purchased, and Legacy paid the closing fees. By the fall of 2018, the acquisition was complete. The property was protected, and Legacy assumed responsibility for maintaining it in perpetuity as the Anthony & Rose Shatter Family Preserve.

After all the paperwork was filed and the Preserve was protected, there was quite a bit of work to do before opening it to the public. For the next year and a half, Legacy spent time creating a temporary management plan and preparing the preserve for visitors. This included creation of trails in upland portions of the preserve, and development of a temporary trailhead on Brookville Road. And while the preserve is now open to the public, the work continues. Legacy will translate our temporary management plan into a longer-term document, work toward trail system improvements, and work with Salem Township on parking solutions for public accessibility.

Protecting, preparing, and maintaining a property for public use is an enormous undertaking. But, by working with our conservation partners and the communities in our service area, Legacy is able to ensure that future generations can enjoy access to nature and a relationship with the land that makes Michigan unique.

The Anthony & Rose Shatter Family Preserve is located at the southwest corner of Curtis and Brookville Roads in Salem Township. For directions, a trail map, and more information, visit www.legacylandconservancy.org.

LEGACY

Land Conservancy

*Celebrating 50 Years of Protecting
& Preserving Land*

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