



# ENVIRONMENTAL LAW • INSTITUTE®

## ***Conservation Thresholds Success Stories: July 2006***

The Environmental Law Institute's 2003 report *Conservation Thresholds for Land Use Planners* lays out straightforward and accessible conservation parameters, "conservation thresholds," that provide land use planners with concrete targets to strive for when making decisions about how much land to protect, the adequate size and location of habitat corridors, riparian buffer widths, and the maximum distance between isolated patches. **Since its publication, *Conservation Thresholds* has seen widespread dissemination and remarkable results in its application.** Our assessment to date has revealed that *Conservation Thresholds* has been cited as a reference or used as expert justification to support recommendations in state stream buffer regulations, an endangered species recovery plan, regional forest quality standards, **two** county zoning ordinances, **two** regulatory or infrastructure assessments, **three** land use guidelines and standards, **four** natural resource inventories and assessment guidelines, and **seven** land use or conservation plans.

- In Guilford, Connecticut, the Guilford Conservation Commission referenced *Conservation Thresholds* in their 2005 Natural Resource Inventory to justify recommendations for riparian buffers and unfragmented forest tracts. The Natural Resources Inventory establishes a qualitative and quantitative information baseline of Guilford's natural resources to aid the town's decision makers and land use agencies in making informed choices regarding development, conservation, and natural resource management.
  - "*Conservation Thresholds* is the best item I have read on the subject and I recommend it often."
    - Jennifer Allcock, Chairperson, Guilford Conservation Commission
- In New Hampshire, the Southwest Regional Planning Commission cited *Conservation Thresholds* in their 2004 publication for municipalities: *Southwest Region Natural Resources Inventory, First Edition* (Fragmentation Analysis). *Conservation Thresholds* is used to support recommendations related to buffer requirements and habitat fragmentation measures.
  - "*Conservation Thresholds* is routinely recommended by Southwest Region Planning Commission staff to local land use boards and conservation commissions principally to inform deliberations regarding buffers/setbacks from sensitive resources and block sizes for open-space set asides in subdivisions."
    - Jeff Porter, Assistant Director, Southwest Region Planning Commission

- In Dane County, Wisconsin, the Regional Planning Commission prepared the first of a two-phase water body classification study to support amendments to the county's shoreland zoning ordinance. The Commission appointed a technical advisory committee of state and local experts to oversee the development of the study, which is designed to provide the basis for a Phase II Management Program that will determine how to carry out the recommendations identified in Phase I. *Conservation Thresholds* was used to support the recommendations offered on protecting water bodies through adequate buffer widths.
  - "The information in *Conservation Thresholds* was very informative and well done."
    - Michael Kakuska, Senior Environmental Resources Planner, Dane County Regional Planning Commission
  
- In New Durham, New Hampshire, the natural resource subsection of the town's Master Plan includes policy goals, principles and standards, and implementation strategies related to the protection, conservation and use of natural resources. The conservation of wildlife habitat is listed as one of the "Policy Goals," and *Conservation Thresholds* is cited as one of the policy standards against which the goal will be supported. *Conservation Thresholds* is cited as a reference that can be used for the development of future regulations for riparian buffer standards and natural resource based zoning/subdivision regulation amendments.
  - "I truly believe the *Conservation Thresholds for Land Use Planners* document is well done and has applicability to local municipalities. The Town of New Durham, New Hampshire, is currently working on a Riparian buffer ordinance with some professional assistance and the document should provide some supporting documentation."
    - Robert Craycraft, Chair, New Durham Planning Board
  
- Across the country, *Conservation Thresholds* has been used to develop standards for wetlands and habitat conservation for a new Leadership in Energy and Environmental Design certification program for "green" neighborhood developments (LEED ND). The certification program will integrate the principles of smart growth, urbanism, and green building into a national standard for neighborhood design. The *Thresholds* report has been used to determine buffer size for wetlands, rivers and water bodies, and how large a patch of natural vegetation must be protected in order for a project to be considered significant for wildlife habitat.
  - "ELI's *Conservation Thresholds* report was exactly what I needed in developing those standards, because it contained a literature review and synthesis of the information into recommendations for conserving these natural resources in the context of development."
    - Laura Watchman, Defenders of Wildlife and Core LEED ND Committee Member
  
- The National Wetland Mitigation Action Plan Workgroup, an interagency group of federal wetland regulatory agencies, released draft guidance in September 2004 on protecting buffers surrounding wetland compensatory mitigation projects. The

Workgroup relied heavily upon *Conservation Thresholds* in developing the draft guidance, currently under revision.

- “Thank you for the copy of the ELI publication on Conservation Thresholds for Land Use Planners...it will be helpful to us in revising the buffer guidance. It's pretty clear we haven't fully considered habitat fragmentation in this draft guidance.”
  - Steve Martin, Project Manager, Regulatory Branch, U.S. Army Corps of Engineers, Norfolk District
- In Canada’s Northwest Territories, the Dehcho First Nations issued its historic Land Use Plan in November 2005. This is the first land use plan developed by the Dehcho territory that is designed to promote the social, cultural, and economic well-being of the residents and communities of the Dehcho territory by developing an integrated land and resource management framework. The Land Use Plan cites *Conservation Thresholds* as a reference.
  - “I can tell you it was a great report and I used it to substantiate a few points in our plan. I would like to see more work like that in the future.”
    - Heidi Wiebe, Executive Director, Dehcho Land Use Planning Committee
- In New Jersey, the Appellate Division of the New Jersey Superior Court upheld the state’s new, and hotly contested, statewide storm water rules that requires the protection of a 300-foot natural vegetated buffer on each side of all Category One waters and their associated perennial or intermittent streams. While the judicial decision itself does not cite *Conservation Thresholds*, it specifically defers to the expert judgment of the New Jersey Department of Environmental Protection (NJDEP). The NJDEP, in adopting the rule on February 2, 2004, relied primarily on *Conservation Thresholds*, quoting extensively from the document in justifying the standard.
- In the U.S. Fish and Wildlife Service’s Northwest Region (New Mexico), *Conservation Thresholds* was used to support buffer size recommendations in the recovery plan for the endangered Barton Springs Salamander.
- In Hall County, Georgia, where “unprecedented growth” is being experienced as populations expand from the nearby Atlanta metropolitan region, the county commissioned a study by Georgia Institute of Technology’s Center for Quality Growth and Regional Development that “explores Hall County’s economic development, transportation, green infrastructure, and livability opportunities and constraints.” The report outlines how land use patterns can be more effectively managed to protect green infrastructure. The report recommends “increasing the size of buffers to enhance the links and to reduce flood risk,” and cites *Conservation Thresholds* as the basis for the recommendation for buffers between 65 and 495 feet.
- In Camden County, Georgia, the county commissioned a report by Georgia Institute of Technology’s Center for Quality Growth and Regional Development on how the

county can support “sustainable quality growth.” The report provides an assessment of Camden County’s existing regulations and most pressing land use issues in order to recommend tools and strategies for the future. The report includes *Conservation Thresholds* in the list of references. The Camden County Infrastructure Management Report refers readers to *Conservation Thresholds* for guidance on determining thresholds for green infrastructure.

- In New Paltz, New York, the town’s Open Space Preservation Committee released “New Paltz Open Space: A Framework for Conservation,” which lays out the vision for protecting open space in the Hudson River Valley town. The report highlights the basic biodiversity conservation principles that should be followed to promote wildlife conservation. *Conservation Thresholds* is cited as a source for more specific recommendations on such measures as appropriate size for a habitat patches or adequate stream buffers widths that address the need for more precise guidance identified by the planning community.
- In Ontario, Canada, Dufferin Aggregates, a division of St. Lawrence Cement, Inc., sought to acquire access to aggregate resources within The Niagara Escarpment, a newly established Greenbelt area, and the watershed of Sixteen Mile Creek. Several environmental groups appealed the access claiming that the quarries would jeopardize the Niagara Escarpment Plan Area and sensitive wildlife habitat, including habitat of the Jefferson Salamander and five bird species. Although the company was granted development permission, it was required to satisfy 44 conditions to ensure the provision of environmental and financial safety. *Conservation Thresholds* was used as an exhibit during the consolidated hearings of Dufferin Aggregates, helping to support the case for careful management of the Niagara Escarpment.
- In Milan, New York, the town’s Planning Board commissioned the development of “Habitat Assessment Guidelines” to “enable town boards to better carry out their responsibilities to protect the interests of Milan residents, protect the integrity and value of Milan’s natural areas, and protect the Town’s watershed and significant biological resources.” The guidelines direct readers to *Conservation Thresholds* to determine minimum patch sizes when making land use decisions.
- In California, the state’s Wildlife Action Plan was prepared by the University of California, Davis’ Wildlife Health Center. The plan, a proactive effort to assess the condition of the state’s wildlife and habitats, identifies the threats to wildlife and outlines the actions that are needed to conserve wildlife over the long term, uses *Conservation Thresholds* as a reference.
- In New Jersey, the Toms River Corridor Task Force issued a Regional Natural Resources Protection Plan for the corridor, which covers several townships in southern New Jersey. The Plan, developed through a private/public partnership of conservation organizations and state and local agencies, outlines recommendations on “resource conservation and future community development goals in the 17,000 acre Toms River Corridor,” concluding that these goals can “best be met through a

combination of new zoning, development and other land protection initiatives.” The February 2004 plan cites *Conservation Thresholds* as a resource.

- In Napa County, California, the County Conservation, Development & Planning Department developed a Baseline Data Report in November 2005 to be used as a comprehensive environmental and resource management guide for land use decision-making in the County. The biological resources chapter comprehensively summarizes and maps inventory of Napa County’s biological resources to provide a scientific basis for current and future regional and site-specific assessments of project impacts, mitigation measures, conservation proposals, and enhancement opportunities. *Conservation Thresholds* is cited as a reference.
- In British Columbia, Canada, the resort community of Whistler has established a Protected Areas Network (PAN) – an ecological viable network of sensitive and important ecosystems dedicated to the protection and maintenance of the community’s biological diversity. The document outlining Whistler’s PAN maps the protected areas and prepares regulatory measures for their conservation, and cites *Conservation Thresholds* as a resource.
- In Idaho, the Blaine County Planning and Zoning Commission has proposed to amend zoning regulations related to floodplain and riparian setback districts and wildlife overlay districts. The proposed amendments include increasing the minimum setbacks (buffers) for wetlands and streams, and replacing the current wildlife overlay district with an overlay district that improves habitat conservation in the County. The county cites *Conservation Thresholds* as a resource.
- In New York, the New York State Department of Environmental Conservation Hudson River Estuary Program has drafted a local government conservation handbook. The goal of the handbook is to share with local government agencies the relevance and importance of natural areas and to identify and communicate the local tools and techniques that enable protection of important habitats. The draft handbook recommends that developing consistent thresholds is a way to “ensure fairness and predictability” when reviewing the impacts of a given project, and cites *Conservation Thresholds* as a source for such thresholds.
- In Massachusetts, the Tyngsborough Master Plan establishes strategies for maintaining the town’s environmental health. Specific actions recommended by the plan include passing a “Corridor Protection Overlay District” and establishing 300’ riparian buffer areas for wildlife habitat. The plan cites *Conservation Thresholds’* recommendations for establishing the 300’ riparian buffers, as well as recommendations related to protecting large contiguous (minimum 137 acre) natural areas for wildlife, and preserving 20-50% of the town for natural habitat, as some of the best strategies for maintaining the town’s character and environmental health.
- In Pennsylvania, the Pennsylvania Land Trust Association developed a model ‘state-of-the-art’ conservation easement to assist organizations with easement drafting. The model document, structured to help users avoid drafting errors, includes an

expansive commentary covering alternative and optional easement provisions. *Conservation Thresholds* was cited as a source for several definitions.

- In the Northeastern U.S., the National Park Service's Northeastern Temperate Network (NETN) developed a protocol for the long-term monitoring of forest vegetation within the NETN's ten national parks. *Conservation Thresholds* was cited to support NETN's recommendations for forest health evaluation criteria thresholds including buffer widths around forest plots, and plot distances to major roads or trails.
- And in Argentina, Australia, Canada, Denmark, India, Italy, Mexico, New Zealand, Norway, South Korea, Spain, Switzerland, United States, United Kingdom, and Venezuela, *Conservation Thresholds* has been downloaded by planners, conservation professionals, land trusts, consulting firms, legal clinics, academics, and national and local agencies.