

APPENDIX J: CCE DRAFTING WORKSHEET (LONG VERSION)



COASTAL CONSERVATION EASEMENT DRAFTING WORKSHEET

A conservation easement is a *completely voluntary*, legally binding agreement between a landowner and an easement holder (in this case a nonprofit, nongovernmental land trust) whereby landowners can agree to transfer certain property interests to the easement holder for the purpose of protecting the conservation values of the land. The objective of this project is to identify property owners who want to protect their property for sea turtle nesting habitat and help them to craft an easement to fit their individual wants and needs for their land. This worksheet contains a list of property interests and activities that have been deemed harmful to nesting sea turtles and hatchlings. Please review this list and indicate which interests/ uses you would be willing to **forgo** on your property.

Subdivision

This provision would restrict the ability to divide your property into smaller parcels. The purpose of this provision is to minimize habitat fragmentation and facilitate effective stewardship of the conservation easement. Generally conservation easements are created on large parcels of property with the inherent potential for subdivision and sale to multiple different owners. While this risk is less relevant to small coastal properties, the prohibition of subdivision ensures uniform management of natural resources.

- I **am** interested in placing this provision in a conservation easement on my Property to protect sea turtle nesting habitat.
- I **am not** interested in placing this provision in a conservation easement on my Property to protect sea turtle nesting habitat.

Commercial Activity

Commercial activities generally create an increase in traffic, light, and noise that can be detrimental to nesting sea turtles and hatchlings. This provision prohibits any commercial, agricultural, or industrial activity on the property as well as any associated activity.

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Dumping

An inherent aspect of land conservation is to ensure that the land remain free of harmful pollutants. Furthermore, physical impediments caused by dumping may obstruct nesting mothers' access to the beach and increase the risk for entanglement. This provision prohibits the addition of any substance to the property that might be harmful to native plants or animals but allows the generation of reasonable amounts of waste to be properly disposed of (i.e. yard waste generated as a result of lawn maintenance that is left by the curb for pick-up). This provision does not prohibit any activity that is explicitly reserved such as the addition of sand for dune maintenance in compliance with local and state regulations.

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Topography

While extremely graceful in the water, sea turtles have some difficulty moving around on land. Steep slopes, irregular terrain, and incompatible types of fill material or sand can impede or deter nesting sea turtles and hatchlings. This provision generally disallows any alteration of the terrain on the property except where it is for the purpose of maintaining existing paths or conducting an activity that is explicitly allowed such as dune maintenance done in accordance with state laws.

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Mining

Mining activities are extremely disruptive to natural plant and animal life as well as the topography and ecology of a landscape. While this provision may seem irrelevant to coastal parcels at first glance, the extraction of sand for beach renourishment projects has become increasingly popular. Additionally, surface mining must be prohibited in order to qualify for federal tax incentives.

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Water Quality

The geology of the state of Florida makes it particularly susceptible to groundwater contamination. Furthermore, the proximity of coastal properties to the ocean inherently increases the potential for marine pollution resulting from activities taking place on the property. This provision seeks to ensure the protection of both fresh and saltwater by generally prohibiting any activity that may be detrimental to water quality such as dredging, manipulating natural waterways, and polluting water bodies.

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Vegetation

Invasive plant species pose a threat to native ecology by out-competing native species for resources such as space, nutrients, and sunlight as well as the potential for causing or carrying disease. Dune vegetation also provides a spatial cue for sea turtles to select a nesting location and can block light from upland structures. This provision governs the maintenance of vegetation on the property by encouraging the growth of native plants and prohibiting the intentional growth of non-native plants. The following species are examples of native dune vegetation: railroad vine (*ipomoea pes-caprae*), beach elder (*iva imbricata*), panicgrass (*panicum amarum*), salt joint grass (*paspalum vaginatum*), beach cordgrass (*spartina patens*), sea purslane (*sesuvium portulacastrum*), and sea oats (*uniola paniculata*).

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Chemical Application

While the eradication of harmful invasive species is important to the protection of the ecology of the landscape, the chemicals used to manage those species can sometimes be just as harmful to the native plants and animals. This provision prohibits the use of synthetic chemical fertilizers and pesticides to ensure that beneficial, native plants and animals are not incidentally harmed by their use.

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Shoreline Armoring

The construction of seawalls and other forms of coastal shoreline armoring can degrade or destroy nesting habitat, deter sea turtles from nesting, and increase beach erosion. Studies have shown that fewer turtles emerge onto beaches in front of seawalls than onto adjacent beaches without seawalls. Furthermore, when turtles emerge in front of seawalls, they are more likely to return to the water without nesting or dig their nest in a sub-optimal area (i.e. too close to the water where eggs will be washed away or drowned). This provision seeks to protect critical sea turtle nesting habitat by prohibiting of all types of hard shoreline armoring.

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Terrestrial Structures

Sea turtles cannot see well on land and have more difficulty maneuvering on land than in the water. This provision is a general restriction on the addition of any structure on the beach or dune portion of the Property such as boardwalks or fences that have the potential to disrupt sea turtle nesting habitat and increase the risk of entrapment.

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Water-Dependent Structures

The disruption of coastal habitat by the construction and existence of man-made infrastructure affects plant and animal species and reduces the overall health of coastal ecosystems. This provision prohibits the addition of any permanent or semi-permanent structure in or abutting the water on the property such as docks and mooring structures that have the potential to disrupt sea turtle nesting habitat and increase the risk of entrapment.

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Lighting

Artificial lighting is extremely detrimental to both nesting mothers as well as hatchlings. Artificially lit beaches discourage mothers from nesting nearby, forcing them to lay their eggs on sub-optimal beaches or deposit them in the ocean all but eliminating any chance for hatchling survival. Additionally, artificial lighting disorients hatchlings, which may cause them to wander inland instead of towards the ocean where they are at increased risk of death due to predation, dehydration or an array of other man-made dangers. This provision outlines detailed modifications to be made to existing structures and practices to be followed in order to minimize the harm to sea turtles caused by artificial light. While many coastal communities have some type of sea turtle friendly lighting ordinance in place, this provision will bolster those ordinances and ensure that these regulations remain in place despite any potential changes in the ordinance.

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Roads

Coastal dunes play an important role in protecting land areas from coastal water intrusion and act as a barrier to potentially destructive winds and waves during storms events. Furthermore dunes protect sandy beaches from erosion thereby protecting the areas that sea turtles need to nest. The disruption of sandy dunes caused by the creation of roads and pathways can cause long-lasting harm to the dune system. This provision prevents the addition of any new throughways across the dunes on the property.

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Vehicles

The operation of motor vehicles on the beach poses multiple threats to nesting sea turtles and their hatchlings. Driving on the beach causes accumulation of oil and other harmful chemicals in the sand and ocean. Furthermore, the operation of these vehicles results in compaction of the sand, which makes it more difficult for nesting mothers to dig their nests and poses the threat of crushing existing nests. Ruts in the sand left by tires can serve as obstacles to hatchlings trying to make their way to the ocean, leaving them vulnerable to predators. This provision prohibits all operation of any type of motor vehicle on the dune and beach portion of the property and restricts the operation of these vehicles to established roads except in emergency situations.

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Domestic Animals

Studies estimate that as few as one in 10,000 sea turtle eggs will reach adulthood. Because both nesting mothers and hatchlings are not agile on the land and unable to retract their heads and flippers into their shells, they are particularly vulnerable to attack by predators. Additionally, many of these predators have been known to destroy entire nests. This provision would ensure that landowners keep pets on a leash during nesting season and do not allow them to roam unsupervised. By ensuring that domestic animals are supervised at all times, the risk of interference with turtles can be significantly decreased.

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Wild Animals

In addition to domestic animals, wild animals also pose a significant threat to sea turtles and their nests. Certain activities attract predators to the property to find food and incidentally expose sea turtle hatchlings to an increased potential for predation. This provision disallows any activity that would attract predatory wild animals to the property such as actively feeding wild animals or storing garbage in non-animal proof containers.

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Fire

As previously mentioned, artificial light disorients sea turtles and interferes with sea turtle nesting and emergence. The presence of fires on or near the beach creates light that may disorient and harm sea turtles. This provision bans fires on the beach or in any area where the light given off from the fire may be visible from the beach.

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Fireworks

The light and sound created by fireworks can be confusing and harmful to nesting sea turtles as well as their hatchlings. The trash and debris left by fireworks can also be ingested by turtles, poisoning them and damaging their digestive tracts. This provision prohibits fireworks on or near the beach during sea turtle nesting season. While fireworks are still allowed by this easement on the property during the remainder of the year, local laws and ordinances control and debris should be properly disposed of after ignition.

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Nesting Obstructions

As previously mentioned, sea turtles are not particularly agile on land and therefore have a hard time maneuvering around obstacles on the beach. Hatchlings impeded by obstacles are exposed to predators and there have been increasing incidents of nesting sea turtles becoming entrapped in beach furniture. This provision prohibits leaving foreign objects on the beach overnight that may pose as obstacles to nesting sea turtles or hatchlings.

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