

movement in this country to recognize the value of pure water. It is important to protect our clean water, and to recognize the part that land kept in forest and meadows can play in this protection.

Why did you donate a conservation easement on your land?

On March 2, 2007 the Finger Lakes Land Trust and I signed a contract placing all my property in a conservation easement agreement. I am pleased because I feel that the guidelines for the future of the property are definite and will give me moral and tangible support for resisting the many pressures that are mounting in the Finger Lakes Region for various uses of land and water. The support and advice of the Land Trust staff have already been very helpful to me, and will continue to be helpful to me and my family in years to come. I do not feel isolated in my efforts to find best land uses and resources to help me. The conservation easement signs added to the posted signs underscore the warning effect of the posted signs. Most of all I came to the Land Trust in order to benefit from the knowledge and longer view of the persons who care about the Finger Lakes Region. I don't want to be alone when facing the growing eagerness for development, and ill-thought "solutions" to economic growth that I fear lie ahead.

What is your most memorable wildlife sighting or experience on your property?

In 1998 I enrolled in the Wildlife Habitat Incentive Program offered by the U.S. Department of Agriculture. This project calls for a pattern of meadow mowing designed to benefit the songbirds of New York State. One day after several years of following this pattern, I saw a bird at the top of a sumac bush. In full sunlight the bird held its head, pointing up toward the sky and sang a beautiful melody. Marge identified it as a Meadowlark. This was the first time in my life that I had seen one. Seeing it there so clearly and hearing it pour out that magnificent song to the world was a thrilling experience. Unforgettable!

The Finger Lakes Land Trust is a membership-supported, not-for-profit land conservation organization dedicated to protecting the lands that define the character of the Finger Lakes region. Since its founding in 1989, the Land Trust has protected over 13,000 acres of the area's forests, farms, lakeshore, and gorges. Afoot in the Field is a newsletter provided by the Land Trust for landowners in the Finger Lakes who own properties that are permanently protected with a conservation easement, or who are otherwise committed to, or interested in, land conservation and wildlife habitat protection and improvement. For more information about the Finger Lakes Land Trust and its conservation programs visit www.fllt.org or call our Ithaca office at 607-275-9487.



Afoot in the Field:

A Resource for Conservation Landowners in the Finger Lakes Region

Winter 2011-12

Vol.3 Issue 1

Working in the land conservation field, and especially while serving as director of a nature preserve and conservation easement stewardship program, I've had the opportunity to walk a lot of boundary lines. The Finger Lakes Land Trust now owns 31 nature preserves and a couple of satellite properties that have a cumulative total of approximately 79 miles of boundary. Additionally, the Land Trust holds nearly 90 conservation easements with a cumulative total of approximately 167 miles of boundary! This is a lot of boundary to inspect and maintain, and we've certainly gone through a lot of survey flagging tape and aluminum boundary signs over the years.

Establishing, checking, marking, and sometimes even defending one's property boundaries is one of the most basic elements of land ownership. Some people know their boundaries intimately, while others rarely see them. Some people post their property heavily, while others leave them unmarked and open for access. Some people have detailed surveys showing what they own, and others have only a written deed description. In general, private landowners who have surveyed, well-marked, and routinely checked boundaries are less likely to become victims of unwanted trespass, encroachments, or ownership disputes.



No matter how diligent you are, however, problems can be discovered anytime. During the past year or two, the following issues have been discovered on FLLT nature preserves and conservation easement properties:

- A neighbor of an easement landowner gathered up a bunch of the easement landowner's posted signs and silently "claimed" a few acres of the easement property with their own posted signs.
- A neighbor of another easement property placed their private posted signs across part of the easement property, also effectively claiming a portion of the easement property.
- An easement landowner mistakenly placed a residential accessory structure outside of a Residential/Active Use Zone boundary.
- A neighbor of a parcel owned by FLLT that is to be transferred into State ownership placed

private structures off of their property and onto the FLLT land.

- Another neighbor of a parcel owned by FLLT that is to be transferred into State ownership was found to be regularly mowing the FLLT land without permission.
- A large wildlife tree on a nature preserve boundary was cut down by a neighbor.
- A residential yard and ATV trail encroached on a nature preserve boundary.
- Illegal growing of marijuana was discovered at two nature preserves and reported to police.
- An easement landowner suspected that they may have been the victim of theft of topsoil from near the boundary of their farm field.
- Another easement landowner had a neighbor trespass on his property and cut up a tree for firewood without permission.
- Garbage and deer carcass dumping is a problem at several nature preserves and conservation easement properties.
- The neighbor of an easement property mis-marked their boundary line with the easement property when planning a timber harvest.
- At one preserve, there is a challenge in keeping the public on the preserve and discouraging trespassing onto neighboring private property where people are attracted by a waterfall.

Some of these challenges are more easily dealt with than others. Some problems are certainly serious and can be time consuming to resolve. No matter what the issue though, knowledge is power and it pays to routinely check boundaries and remain aware of what is happening around the properties that we have a responsibility for.

Conservation easement landowners have an added responsibility to monitor and defend their property boundaries because of the commitments and restrictions set forth in the easement documents. The last thing a landowner wants to deal with is a third-party conservation easement violation caused by a neighboring landowner or other outside party. When it comes to conservation easement infractions, it really is true that an ounce of prevention is worth a pound of cure, as it's always better to prevent or

head off problems early when possible. Hopefully some of the tips for maintaining boundaries presented in this issue will prove helpful for conservation easement landowners in doing that. If a boundary concern does arise on your own easement property, however, please don't hesitate to contact the Land Trust.



2 Chris Olney, Director of Stewardship

important for me:

- 1) Locate a respected and competent surveyor and utilize their services to map your property boundaries and mark them on the ground. Once the boundaries have been delineated by competent professionals one can be more confident in any discussion that may arise.
- 2) Post boundaries clearly, I either do it myself or obtain someone to help me.
- 3) Do not easily back away from boundaries that you have determined are probably correct. Initiate a discussion with the encroaching party. I feel it is important to avoid inciting or engaging in confrontational meetings or conversation.
- 4) Have a good lawyer working with you, someone who is up to date on your location, tax map, deeds, etc. This is for the unlikely event that lack of agreement on a boundary becomes serious.

I take care not to joke about it or be dismissive or sarcastic. I try to be calm, friendly, and firm. I am aware that I am in a community. In case of an emergency these are the people I will help and these are the people who will help me.

You are the only conservation easement landowner we know of who has recently paid for significant baseline testing of the surface and well water on your property, as a protection against possible future impacts to your water quality from natural gas drilling activities. Do you recommend that other rural landowners invest in this kind of testing?

I attended several meetings to learn about "slick water" hydrofracture natural gas drilling. At one of the meetings I heard Dr. Steve Penningroth speak, he is the director of the Community Science Institute Inc in Ithaca. He talked about baseline water testing, and warned that it is necessary before any drilling occurs in a given area. He also cautioned that water sampling and test supervision by a certified lab is crucial if one wants the results to be useful in case of a pollution situation. I contacted Dr. Penningroth and he arranged to have the water tested at my property. I am glad I did this for two reasons: 1) I have a better chance of convincing the court that my water has been polluted by well drilling if such an event ever took place. 2) I believe that if enough landowners and municipalities have the waters tested the potential gas drilling might never take place or be delayed so long that other alternative energy sources can be developed. A web site shows the locations where water testing has taken place; I hope the number of tests is increasing.

All of Northwoods is part of the watershed of Cayuta Lake, a watershed that eventually feeds in the Susquehanna. It pleases me immensely to realize that by owning this land of a little over 200 acres and placing it in a conservation easement with the Finger Lakes Land Trust, I am a part of a larger



Boundary Line Maintenance Tips From Land Conservation Professionals

- Make sure survey pins remain visible. Keep survey ribbon fresh by adding new flagging ribbon periodically as old ribbon becomes brittle and wears out. Try to only place orange and pink flagging where licensed surveyors have placed it before.
- Flag hazards such as barbed wire and cables across roadways.
- When nailing signs to trees, only pound the nail in part-way, leaving an inch or so of nail sticking out to several years of tree growth before the sign is pushed off. Add new nails as necessary, next to old nails that become grown into the tree.
- If you cannot monitor your property yourself, consider hiring a caretaker or arranging for someone you know and trust to watch over the property and help with management tasks in exchange for the right to hunt, cut firewood, or other privilege.
- Consider cutting back thick brush along boundary lines that are very difficult to access and post, perhaps even clearing and maintaining trails along boundaries.
- If you don't have a survey, or have only a very old one, consider having a new one prepared for your property by a licensed surveyor - it is often money well spent.
- Get to know your neighbors when possible.
- Keep your ear out for any information about neighbors planning a timber harvest, and take appropriate steps to prevent trespass and timber theft.
- Trees growing exactly on a boundary line are jointly the property of both landowners, and should not be cut down without consent of both owners.
- Notify the Land Trust of any encroachment or trespass problems that are discovered on an easement property, and take steps to deal with the problem as quickly as possible.
- Land Trust conservation easement boundary signs can be a great complement to private posted signs, but they do not serve the function or take the place of private posted signs. Easement boundary signs explain the conservation commitment of the landowner, the partnership with the Land Trust, and can help interest neighbors in considering conservation options for their own land.

Timber Theft on Private Land

Timber theft is a concern for everyone owning forest land. The trees in your woodlot are a valuable asset which should be protected. Landowners must take the responsibility to prevent timber theft on their property. Theft of timber from forest lands can destroy generations of careful forest stewardship and cause irreparable environmental damage.

Prosecuting timber thieves is expensive and convictions are often very difficult to obtain. The best way to deal with timber theft is to prevent it from happening in the first place. Landowners should be intimately familiar with their property and its boundaries. If boundary lines are unclear, a survey by a licensed surveyor would be a wise investment.

Property boundaries should be well marked either with posted signs or blazes and paint. These blazes and paint should be refreshed on a regular basis. If an owner does not live on the land then some type of aid should be enlisted to help monitor activity on the property. Neighbors to the property, hunters, local police and others may be willing to help keep an eye on the property. Owners should be aware of logging operations and other activities on neighboring properties and inspect their boundaries often to guard against line encroachment. The fact that the property is being watched helps prevent timber theft.

Unfortunately all these preventive steps will not guarantee that your timber won't be stolen. If you happen onto a theft in progress, immediately contact your county sheriff and the DEC Division of Law Enforcement. Be aware that if you accept money from someone stealing your trees, regardless of the amount, you have received compensation and it may no longer be considered a theft. Timber theft can happen in various ways. In some cases, the thief had no right to be on the property in question and cut and removed logs/trees. These range from the cutting of a few trees that can be loaded onto a pickup truck by hand, to full scale operations involving skidders and log trucks and the removal of thousands of board feet of timber. Another form of theft involves the logger removing trees not included in a sale. A good measure to prevent this form of theft is the use of a professional forester to oversee the logging operation, and a well written contract in which each tree sold is marked and recorded.

The Environmental Conservation Police are experienced at investigating instances of timber theft. To report a suspected timber theft contact your local DEC Environmental Conservation Officer (ECO), the Division of Law Enforcement Dispatch Number at 1-877-457-5680 or the DEC TIPP line at 1-800-TIPP DEC. Be ready to provide complete information about who was involved; what was taken; where and when the theft occurred; and any other relevant facts.



For additional information on preventing and dealing with timber theft call your nearest NYSDEC Regional Forestry Office; a local Cornell Cooperative Extension office; or the NY Forest Owners Association.

Conservation Landowner Profile: Lucinda Sangree

As a resident of the City of Rochester, what inspired you to buy a "country retreat" of nearly 200 acres of farm and forest land in rural Schuyler County? How long have you owned your land?

In 1991 I learned that a friend who owned some land in Schuyler County had moved and was hoping to sell property to a person whom she could trust to care for the land. It was a special place to many women as it had been the location of a women's cooperative community named Northwoods. It was time for the land to be cared for by someone else who would love the place which lies in Smith Valley about half way between Ithaca and Watkins Glen. I was reluctant to own a property so distant from my home in Rochester, but I thought I might be able to interest friends to buy the property with me. The distance discouraged them. I was very disappointed. I tried to resign myself to the loss of the land. However, I could not sleep as I knew that my friend would have to put the land up for sale. There was no way to predict what would happen on this beautiful, special place. My partner, Marge Forth, offered to buy a share in the property and I decided to proceed. The sale was closed in 1995. In 2000 the property immediately across the road was offered for sale and I bought slightly more than 49 acres of the George and Marge Bailey family estate. In 2003 I was able to purchase a ten acre piece of land-locked property.



Lucinda Sangree, left, with her partner Marge Forth and "Ronnie"

You have always been very conscientious about marking and maintaining your boundaries, having engaged a professional surveyor at the time you donated your conservation easement, and again later for routine maintenance of your boundaries. It must have been very discouraging to find yourself in the midst of a boundary conflict with a neighboring landowner. Do you have advice about boundaries or neighbor relations for other easement landowners?

I have lived in several rural areas. It has been my experience that people in rural areas are likely to spend a good amount of time talking about boundaries past and present. I occasionally observe that a person encroaches on someone else's property to put up a fence, to place a deer hunting stand, to make a walking trail, to start a small dump for trash. The encroachment may be a few inches over the line or several feet, or even more. In my own experience, just letting the neighbor know that I am aware of what is going on results in no further encroachment. Sometimes there occurs some withdrawing of what has already occurred. I have found in monitoring property boundaries the following have been

Boundary Line Posting Tips from the NYS Environmental Conservation Law

- To be legally posted in NY State, a property must have signs provide the name and address of the owner and contain the words "KEEP OUT", "POSTED", or specifically warn against entry without consent of the owner. The words must cover a minimum of 80 square inches of the sign.
- Posted signs need to be at least 11 inches by 11 inches in size, and spaced no more than 660 feet apart along the boundary, with at least one sign on each side and corner of the property.
- It is permissible to post only part of a property against trespass.
- A written notice can be issued by a landowner to any person specifying restrictions that would have the same effect as posting the restrictions, but applying only to the person receiving the notice.



Conservation easement landowner, Jim McConkey, right, shows volunteer Tom Reimers an old chestnut stump that had been used to mark a boundary on his property.

- Regardless of whether or not a property is posted, the landowner has the right to ask anyone on their private property to immediately leave the premises.
- Landowners can grant permission to use their property to specific individuals.
- Regardless of whether or not a property is posted, the General Obligations Law provides some legal protection to landowners from liability for many non-paying recreational uses and activities conducted by others on their property (see information sheet for list). This protection does not apply in cases deemed by a court to be a willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity. Charging a fee for access to a property removes the liability protection granted to landowners by the General Obligations Law.

[The above information was excerpted from the NYSDEC publication "Questions and Answers About Posting Under The Environmental Conservation Law"]