



# Texas Land Conservancy

*Protecting the Nature of Texas.*

Issue #37

Winter 2009

**Stewardship Briefs**

*Stewardship Director, Daniel Dietz, writes the first installment of a new feature.*

Page 2



**Mitigating Circumstances**

*Ever wondered what exactly a mitigation bank is? Read about their development, use and TLC's growing role in mitigation banking in Texas.*

Page 3

**One Unusual Woodpecker**

*The red-cockaded woodpecker is our highlighted critter in this issue's "Hey, Look at That!" feature.*

Page 4



**Celebrating Conservation**

*Texans gathered in Dallas and the Hill Country to "Toast Texas Lands" and celebrate the efforts of TLC!*

Page 4

**Many, many thanks!**

*A huge thank you to all of our 2009 supporters. Please consider giving to our "\$100 for 100 Places" Holiday Giving Campaign!*

Page 5



# 100!

## TLC Completes Centennial Project

*After 27 years, TLC completed its 100<sup>th</sup> conservation project in October. This is a huge milestone for any land trust. In fact, our 74, 527 acres now put us in the top 2% of all land trusts in the United States for total acres conserved. In addition, only 75 (out of 1,667) land trusts protect more than 100 properties. We are exceedingly proud of this milestone and would like to introduce you to #100:*

The **Patroon Mitigation Bank** is 479 acres of bottomland hardwood forest and wetland habitat in Sabine County, home to several endangered species and vital aquatic ecosystems. Adjacent to the Sabine National Forest, Patroon had been unsustainably logged throughout the 20<sup>th</sup> century. Now, with a conservation easement held by TLC and the management of the U.S. Army Corps of Engineers, this property will be protected in perpetuity from future damage and will be actively restored to its former glory as a biologically diverse riparian hardwood forest.

The property was acquired by Champion Paper and Fiber Company in the late 1930s/early 1940s. Throughout the 1970s and 80s, Champion logged the native longleaf pine forest heavily and repopulated it with a monoculture of loblolly pines, a common practice for paper companies at the time. By 1979, over 90% of the floodplain habitat within the easement area had been reduced to bare soil, and all but the very least-accessible areas (steep banks and other areas unreachable by machinery) were set to be planted with loblolly. Due to some inconsistent and

unsophisticated planting techniques, the land had to be prepared and replanted three times, and it was not until 1995 that aerial photography of the area shows mature loblolly stands. As a result, very little riparian habitat (see inset on page 3) was preserved along the Patroon Bayou waterway. The land was in bad shape and not ecologically diverse.

Loblolly harvests began again in earnest in 1995 and continued until 2004, at which point Champion was purchased by International

*Continued on page 3*



# Stewardship Briefs

By: Daniel Dietz  
Stewardship Director

Welcome to a new feature for our newsletter! Each quarter, Daniel will impart some of his vast knowledge on you, dear readers, in this column we're calling "Stewardship Briefs." Clever, eh? For the inaugural run, Daniel shares with you some lessons learned from his recent reintroduction to an old acquaintance. Enjoy!

## Ecological Restoration: A Refresher Course

While attending the Texas Chapter of the Society for Ecological Restoration (SER) conference in New Braunfels in November, I became reacquainted with some old friends. One of those friends was actually a document entitled *The SER Primer on Ecological Restoration*, which is looking glossier and more polished than when we last met.

The Primer and its companion piece, *Guidelines for Developing and Managing Ecological Restoration Projects*, should be read by any landowner one who is thinking about or currently pursuing ecological management or restoration. These documents provide insights that will increase the chance of success on any project. In my own work, I reread them at least once every few years to refresh my memory.

There is nothing Texas specific in the Primer or the Guidelines, but that is one of the reasons I find them valuable. They focus more on core processes, as well as the concepts and questions that land stewards should keep in mind

before, during, and after they implement management. The SER documents remind me to not focus only on the most visible problem but to understand the "big picture."

For example, while it's easy to get bogged down in deciding how to treat invasive species within a woodland, we should also be asking ourselves questions about the attributes of a healthy forest, what caused the invasion to take place in the first place, and whether there is any management that can help prevent another infestation. We should be asking similar questions about grasslands that are being invaded by juniper or mesquite, keeping our focus on the diverse vegetation community we desire rather than simply removing the unwanted plant.

I also appreciate the Guideline's focus on post-management monitoring, which can be as simple as taking annual photographs of the same location. Ecological change is often so slow that it can creep up on us unnoticed until we suddenly have a costly problem on our hands. If we monitor our properties well, we can detect problems early and adapt our management to address current conditions.

Whether you are a Hill Country landowner, or an urban Dallas resident, the SER Primer and Guidelines are worth a gander for anyone who owns land. You can download them from the Society for Ecological Restoration website at [www.ser.org](http://www.ser.org).

*"Ecological restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed...[It] is an intentional activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity and sustainability."*

SER Primer on Ecological Restoration

*Continued from page 1*

Paper Company (IP). IP began selling off tracts of Patroon Bottom in order to pay off some of its debts and the whole area was in danger of devastating fragmentation. A company called Mitigation Management, LLC purchased the 1,925 acre tract that includes the easement area now held by TLC with the intention of doing

### WHAT IS A RIPARIAN ZONE?

The word “riparian” is derived from the Latin *ripa*, meaning river bank. Riparian, then, refers to the land that borders a stream, or another body of moving water. Riparian zones provide erosion control for riverbanks, habitat for hydrophilic (water-loving) flora and fauna, filtration and temperature control for waterways, and corridors for wildlife migratory patterns. Riparian zones, unsurprisingly, are highly threatened by development and fragmentation, because land that borders water is highly sought after for recreational and residential uses.

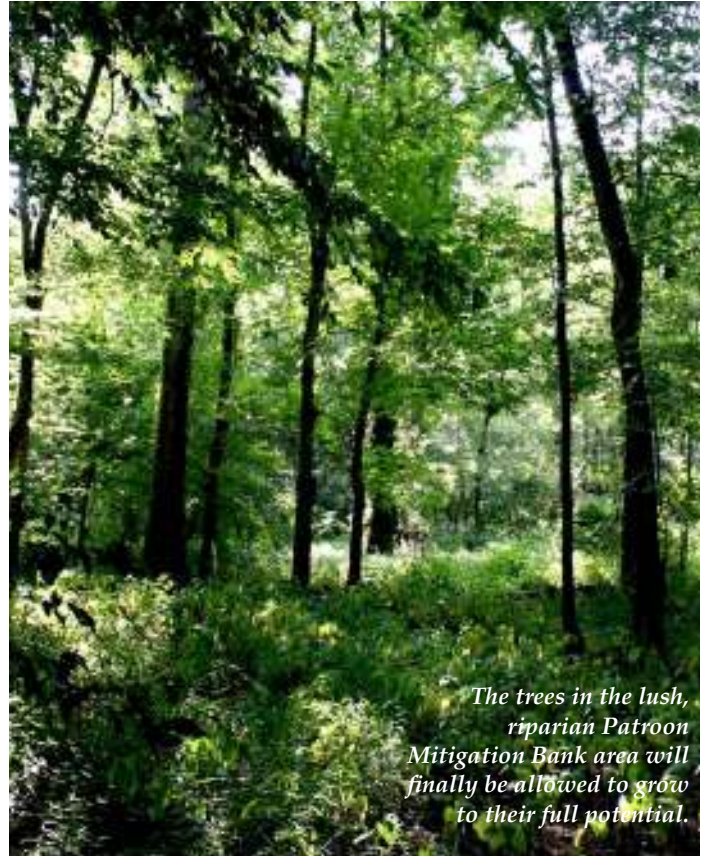
traditional timber management. Fortunately for us, MML instead elected to pursue conservation-oriented land management and to turn the site into a mitigation bank (see inset), which will ensure that the land will be

restored to a healthy, ecologically diverse riparian hardwood forest in the future.

TLC became interested in the property because of its importance in the South Central Plains Ecoregion. The tract adjoins the Sabine National Forest, has several known nearby colonies of the endangered red-cockaded woodpecker (see “Hey, Look at That!” feature, page 4), and is within the floodplain of Patroon Bayou, a tributary of the Sabine River which flows into the Toledo Bend Reservoir. With these strong conservation values and active land management and ecological restoration projects already in the works, the Patroon Mitigation Bank is an exciting new project that provides a unique opportunity to protect land and to increase diversity.

If you think we’re going to slow down our conservation work now that we’ve hit our centennial milestone, think again. We are already looking towards 2010 with

several exciting new projects on the horizon. With your help, we will continue to preserve the nature of Texas, one acre at a time! Please see page 5 for ways you can contribute.



*The trees in the lush, riparian Patroon Mitigation Bank area will finally be allowed to grow to their full potential.*

### WHAT IS A MITIGATION BANK?

The Clean Water Act (CWA) of 1972 is the United States’ primary regulatory mechanism for surface water quality protection. The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 of the CWA specifically prohibits the discharge of dredged or fill material into streams or wetlands unless a permit is obtained from the U.S. Army Corps of Engineers. When there is a proposed discharge into a wetland, the EPA and Corps go through a “mitigation sequence” to determine the best possible solution that would result in “No Net Loss” of wetland quality or quantity. The sequence is:

- Step 1. **Avoid** - Adverse impacts to aquatic resources are to be avoided and no discharge shall be permitted if there is a practicable alternative with less adverse impact.
- Step 2. **Minimize** - If impacts cannot be avoided, appropriate and practicable steps to minimize adverse impacts must be taken.
- Step 3. **Compensate** - Appropriate and practicable compensatory mitigation is required for unavoidable adverse impacts which remain. The amount and quality of compensatory mitigation may not substitute for avoiding and minimizing impacts.

A **mitigation bank** is the preferred method of compensatory mitigation, but is still used only when avoidance and minimization

of proposed pollution are unavoidable. The EPA defines a mitigation bank as “a wetland area that has been restored, established, enhanced or preserved, which is then set aside to compensate for future conversions of wetlands for development activities.” The location of the mitigation bank site will be within the same watershed as the proposed discharge and entities which do the polluting will purchase “credits” in the bank that will go towards the restoration and maintenance of the bank site.

Historically, if damage was done to an aquatic resource the responsible party was required to restore the area affected, or purchase an equivalent property to set aside as compensation. Enforcement of these methods was difficult, however. Mitigation banks, on the other hand, are pre-selected sites that have numerous groups doing the actual restoration and regulation. One of the regulations for new mitigation banks requires owners of the banks to place a conservation easement on the bank to ensure permanent protection of the restored habitat. Because TLC is one of the few statewide land trusts, we have a unique opportunity to ensure the protection of a host of new projects slated for banks on sensitive wetland and aquatic lands.

**Sources:**

- EPA, Compensatory Mitigation Fact Sheet. <http://www.epa.gov/owow/wetlands/pdf/CMitigation.pdf>
- EPA, Final Compensatory Mitigation Rule Q&A. [http://www.epa.gov/owow/wetlands/pdf/Mit\\_rule\\_QA.pdf](http://www.epa.gov/owow/wetlands/pdf/Mit_rule_QA.pdf)

# Hey, Look at That!

## Toasting Texas Lands: Texans celebrate TLC



As you may recall from our introductory story, one of our interests in the Patroon Mitigation Bank site was the presence of nearby **red-cockaded woodpecker** colonies. These unique woodpeckers have been a federally listed endangered species since 1970. The story of *Picoides borealis* is directly tied to the story of the Patroon Bottom and other former hardwood forests.

Until the late 1800s, red-cockaded woodpeckers could be found from Florida to Maryland and New Jersey, as far west as Texas and Oklahoma, and inland to Missouri, Kentucky, and Tennessee. These birds live in fire-sustained, widely-spaced, mature pine forests—specifically those with longleaf pines averaging 80 to 120 years old and loblolly pines averaging 70 to 100 years old. The advent of commercial logging in the Southeast U.S., particularly of the longleaf pine (*Pinus palustris*), once the most sought after tree for commercial lumber, devastated the habitat of these woodpeckers. About one percent of their original range remains, housing only about 12,000 individuals.

Red-cockaded woodpeckers are the only species of woodpecker to nest and roost in live trees, a trait that makes it particularly susceptible to changes in its habitat. While pecking out cavities in the hard wood of living trees can take up to three years, the sap flow around the outside of the hole is a deterrent for potential predators, like snakes. The red-cockaded woodpecker is a communal nester,

meaning that a male, female, and other “helper” birds roost in nearby trees and work together to peck out nesting cavities and forage for food. A colony may need up to 20 trees for its members. The fact that there are almost no mature stands of old-growth longleaf or loblolly pines left is the primary cause for the red-cockaded woodpeckers endangered status.

This has affected other animals in the forest ecosystem as well. Other birds—such as chickadees, bluebirds, titmice, and downy, hairy, and red-bellied woodpeckers—will often move into abandoned woodpecker cavities. Larger woodpeckers widen the hole enough to allow screech owls, wood ducks, and even raccoons to move in. Flying squirrels, several species of reptiles and amphibians, and insects, primarily bees and wasps, also use the holes. The loss of the red-cockaded woodpecker has affected many species.

The Sabine National Forest is one of the few places in Texas you may be lucky enough to find one of these rare woodpeckers. Look for a small (8 inches), black and white bird with a fairly long bill. Its back is black with white bars, its belly white with black spots, and the crown of its head pure black. Black, moustachial stripes border the white cheeks of both genders, while the male alone has a small red mark on the side of its neck.

The red-cockaded woodpecker, like many woodpecker species, is non-migratory, but does stay close to home in the winter and is rarely seen away from its nest. Your best chance to view these birds is during their nesting season, from mid-April to early June.

TLC put on two very exciting events this fall, celebrating past accomplishments and educating a new generation of Texas conservationists.

In October, long-time TLC friend, **Trammell S. Crow**, hosted a lovely reception in his home in Dallas. Local business owners, new and old friends, landowners, and foundation representatives gathered to hear Mr. Crow and Mark Steinbach, our Executive Director, speak about the efforts TLC is making to preserve Texas’ natural heritage. Many attendees are members of the Texas Business for Clean Air Foundation, a group of Texas business professionals dedicated to improving air quality in Texas. They are particularly focused on bringing the DFW area into compliance with the Federal Clean Air Act.

A few hours south in the Hill Country, TLC landowners **Philip Ferguson** and **Kathy O’Neil** hosted a similar event in November at their ranch which they put under easement in 2007. Many Hill Country landowners were in attendance, learning about ways that they can protect the lands they have worked and loved forever. Adjacent landowners Howard and Helen Hicks, and John Roberson and John Blackmon, who put their respective ranches under easement in 2008 also spoke about their experience with land conservation with TLC. It was wonderful to hear these folks talk about why they love their land and what made them choose to protect in perpetuity.

A huge thank you to Trammell, Philip and Kathy for generously hosting these events. You are part of the important community of Texas conservationists that will keep our state green!



*Attendees of the Hill Country “Toasting Texas Lands” event gathered on the Ferguson’s porch, overlooking hundreds of preserved acres.*

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## \$100 FOR 100 PLACES

In honor of our centennial conservation property, we invite you to contribute to our special "\$100 for 100 places" Holiday Giving Campaign. Please consider helping us kick start the next 27 years of conservation work! Your donation will help us steward our current conservation properties, and investigate and acquire new lands. With your help, we can achieve our vision: A diverse and expanding network of protected natural areas throughout Texas supported by a community of Texans who share a commitment to enhancing the quality of life through land conservation. We encourage you to look with us towards a future that includes more green spaces reminiscent of Texas' natural heritage. You can donate online at [www.texaslandconservancy.org](http://www.texaslandconservancy.org), or by mailing a check in the enclosed envelope. Thank you for your continued support and membership in TLC. We cannot do our important work without you!



# TEXAS LAND CONSERVANCY

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## WHAT WE DO

The Texas Land Conservancy (formerly the Natural Area Preservation Association) is a 501(c)3 non-profit with a mission to conserve natural areas in Texas and to protect the physical and ecological integrity of their wildlife habitat, native plant communities, and scenic landscapes for the benefit of present and future generations. Some of our goals are:

To reduce the negative effects of land fragmentation and poorly planned development by protecting critical lands through ownership or permanent conservation easements.

To maintain a substantial and diverse inventory of protected lands that reflect the biological diversity and significance of Texas' natural heritage.

To responsibly steward our conservation easements and land holdings through monitoring, land management, and enforcement of restrictions.

To restore and enhance native habitats on lands under TLC protection.

To work with other organizations and individuals as appropriate to conserve and protect additional areas not protected by TLC.

To educate the public about Texas' natural areas and provide opportunities for the public to enjoy TLC's protected properties.

This newsletter is produced quarterly by the TLC staff and distributed to members and donors at the \$30 level or higher. Comments, questions, and concerns may be sent to [kate@texaslandconservancy.org](mailto:kate@texaslandconservancy.org).

## IN THIS ISSUE:

*We celebrate our 100th conservation property;*

*We explore mitigation banking as a conservation method;*

*Daniel imparts some wisdom regarding ecological restoration;*

*We celebrate recent celebrations and thank three very generous hosts;*

*We give our heartfelt thanks to all of our 2009 supporters 2009.*

*Pull on your slippers and enjoy this newsletter with a cup of your favorite hot drink. It's getting cold out there!*