

ConserveVirginia Deed Review Criteria

Last updated 11/16/2021

On behalf of Governor Northam, the Secretary of Natural and Historic Resources, and the Secretary of Agriculture and Forestry, Department of Conservation and Recreation staff review all land conservation projects in Virginia to assess whether they adequately protect specific conservation values and qualify as a ConserveVirginia success. Newly protected lands will be mapped to identify any and all intersections with ConserveVirginia categories. Where protected lands intersect a ConserveVirginia category, deeds will be assessed against the guidance below to verify they include sufficient protections for the ConserveVirginia categories associated with the property. A project that meets the guidance below for the identified categories is considered a success in advancing Governor Northam's ConserveVirginia initiative.

Agriculture & Forestry Category

Deed language should require vegetated riparian buffers of at least 35 feet on waterways. Deeds to protect forest resources should also restrict conversion from forest cover – see Group Description for additional requirements.

- For properties that are in this layer because of their agricultural value, require a written Agricultural Conservation plan developed in consultation with the Natural Resources Conservation Service or the local Soil and Water Conservation District, which stipulates the use of best management practices for water quality protection on those lands in agricultural production.
- For properties that are in this layer because of their forestry value, require a current written forest management plan or Virginia Forest Stewardship Plan be in place prior to the commencement of timber harvesting or other significant forest management activities. Such a plan must be developed by, or in consultation with, the Virginia Department of Forestry, or be consistent with Virginia's Forestry Best Management Practices for Water Quality Guide.
- For properties in this layer because of their forestry value, 75% of the existing forest must be retained as forest.
- Vegetated riparian buffers that meet the following criteria are required on all perennial streams and rivers, sinking streams, tidal waters, or lakes, ponds, or other waterbodies with perennial outflow. Wetlands must also be buffered, with buffer requirements allowing forest management in accordance with Virginia's Forestry Best Management Practices for Water Quality Guide applying within the wetlands as well.
 - Buffers must be at least 35 feet wide, as measured from the edge of the water feature or wetland.
 - Vegetative cover may include, but is not limited to forest, shrubs, or warm-season grasses. Lawns or grazed pastures shall not constitute vegetative cover for the purposes of this provision.
 - Livestock must be fully excluded from buffers.
 - Buffers may not be mowed more than three times per calendar year.
 - New buildings, structures, roads or other impervious surfaces may not be constructed within the buffers or wetlands. However, existing buildings, structures, roads, or other impervious surfaces may be maintained but not enlarged. Reconstruction and maintenance of documented historic buildings and structures within buffers on historic properties is also permitted. Additionally, and where it does not impair the conservation value of the property, the following are also permissible: (i) certain water-dependent structures such as docks; (ii) stream crossings for livestock, pedestrians, and/or vehicles; and (iii) access points.

- Dumping and other soil disturbance, including plowing, must be prohibited within buffers and wetlands. However, tree planting; streambank restoration; forest management in accordance with Virginia’s Forestry Best Management Practices for Water Quality Guide; archaeological investigations; and restoration, reconstruction, and maintenance of documented historic landscapes on historic properties are permissible.

Natural Habitat and Ecosystem Diversity Category

Deed language should acknowledge rare species habitat, natural communities and/or ecosystem diversity. It should state specific use restrictions and management to promote the permanent protection of those values – see Group Description for additional requirements.

- All properties within this layer require vegetated riparian buffers that meet the following criteria for all perennial streams and rivers, sinking streams, tidal waters, or lakes, ponds, or other waterbodies with perennial outflow. Wetlands must also be buffered, with buffer requirements applying within the wetlands as well.
 - Buffers must be at least 35 feet wide, as measured from the edge of the water feature or wetland. Wider buffers may be required in order to adequately protect resources.
 - Vegetative cover may include, but is not limited to forest, shrubs, or warm-season grasses. Lawns or grazed pastures shall not constitute vegetative cover for the purposes of this provision.
 - Livestock must be fully excluded from buffers.
 - Buffers may not be mowed more than three times per calendar year.
 - New buildings, structures, roads or other impervious surfaces may not be constructed within the buffers or wetlands. However, existing buildings, structures, roads, or other impervious surfaces may be maintained but not enlarged. Reconstruction and maintenance of documented historic buildings and structures within buffers on historic properties is also permitted. Additionally, and where it does not impair the conservation value of the property, the following are also permissible: (i) certain water-dependent structures such as docks; (ii) stream crossings for livestock, pedestrians, and/or vehicles; and (iii) access points.
 - Dumping and other soil disturbance, including plowing, must be prohibited within buffers and wetlands. However, tree planting; streambank restoration; forest management in accordance with Virginia’s Forestry Best Management Practices for Water Quality Guide; archaeological investigations; and restoration, reconstruction, and maintenance of documented historic landscapes on historic properties are permissible.
- Within the Nature Conservancy (TNC) Resilient Landscapes, Virginia Natural Landscape Assessment (VaNLA) Corridors, and Virginia Natural Landscape Assessment (VaNLA) Cores, properties must meet the following criteria:
 - Forested areas in their current configuration at the time of the easement shall not be converted to another non-forested land cover, unless the forested area falls within a building envelope or other specifically designated land use.
 - A forest management plan or Virginia Forest Stewardship plan must be in place prior to the commencement of timber harvesting or other significant forest management activities. The forest management plan shall include a provision that all forest management and harvesting activities be developed by, or in consultation with, the Virginia Department of Forestry, or be consistent with Virginia’s Forestry Best Management Practices for Water Quality Guide.
- Within Natural Heritage Conservation Sites, properties must meet the following criteria:
 - The Conservation Site needs to be referenced and adequate protections for element occurrences need to be specified.

- For any natural heritage feature - be it a natural heritage element, conservation site, karst feature, or Stream Conservation Unit - the easement should incorporate recommendations provided by DCR Natural Heritage Program (DCR-DNH). These recommendations will be provided in DCR-DNH responses to projects submitted through Natural Heritage Data Explorer.
- Along Native Brook Trout Streams, properties must meet the following criteria:
 - Vegetated riparian buffers are required in accordance with.
 - 200-foot wide forested riparian buffers are required adjacent to any designated native trout waters. These buffers must meet the buffer requirements listed above, but are required to be at least 200 feet wide and must be forested.
 - 100-foot wide forested riparian buffers are required on any perennial or intermittent tributary stream, spring, wetland, or other water body with outflow to the designated native trout stream. These buffers must meet the buffer requirements listed above, but are required to be at least 100 feet wide and must be forested.
 - No dams or other in-stream disturbance, unless to improve native trout habitat in accordance with plans approved by the Department of Wildlife Resources.
 - The area of the property within the watershed that is designated as native trout waters may not have more than 1% impervious surface.

Floodplains and Flooding Resilience Category

Deed language should require vegetated riparian buffers of at least 100 feet on waterways – see Group Description for additional requirements.

- Vegetated riparian buffers that meet the following criteria are required on all perennial streams and rivers, sinking streams, tidal waters, or lakes, ponds, or other waterbodies with perennial outflow. Wetlands must also be buffered, with buffer requirements applying within the wetlands as well.
 - Buffers must be at least 100 feet wide, as measured from the edge of the water feature or wetland.
 - Vegetative cover may include, but is not limited to forest, shrubs, or warm-season grasses. Lawns or grazed pastures shall not constitute vegetative cover for the purposes of this provision.
 - Livestock must be fully excluded from buffers.
 - Buffers may not be mowed more than three times per calendar year.
 - New buildings, structures, roads or other impervious surfaces may not be constructed within the buffers or wetlands. However, existing buildings, structures, roads, or other impervious surfaces may be maintained but not enlarged. Reconstruction and maintenance of documented historic buildings and structures within buffers on historic properties is also permitted. Additionally, and where it does not impair the conservation value of the property, the following are also permissible: (i) certain water-dependent structures such as docks; (ii) stream crossings for livestock, pedestrians, and/or vehicles; and (iii) access points.
 - Dumping and other soil disturbance, including plowing, must be prohibited within buffers and wetlands. However, tree planting; streambank restoration; forest management in accordance with Virginia’s Forestry Best Management Practices for Water Quality Guide; archaeological investigations; and restoration, reconstruction, and maintenance of documented historic landscapes on historic properties are permissible.
- Limit impervious surface to 1% of the property, depending on the water quality protections in the deed and the specific characteristics of the property.

Cultural and Historic Preservation Category

Deed language should acknowledge cultural & historic resources and include sufficient restrictions toward preservation of those resources, per the Department of Historic Resources.

Scenic Preservation Category

Deed language should include standard Open Space Lands Act deed language. It should state the scenic values of the property and addresses protections for those scenic values. No new buildings within 200 feet of the edge of the scenic feature border such as road edge, river edge, or trail. – see Group Description for additional requirements.

- No billboards or other signs may be displayed on the property except for signs that relate to the property or permitted activities thereon.
- No sign visible from outside the property shall exceed thirty-two (32) square feet in size per side.

Protected Landscapes Resilience Category

Deed language should require protection of existing natural land cover including vegetated riparian buffers of at least 35 feet on waterways – see Group Description for additional requirements.

- Natural land cover must be maintained through restrictions and proper management (such as Virginia Department of Forestry Best Management Practices or a Forest Management Plan, or rare species or natural community protection language). Other land uses that support, enhance, or expand the conservation values of the adjacent protected land may be permitted.
- Vegetated riparian buffers that meet the following criteria are required on all perennial streams and rivers, sinking streams, tidal waters, or lakes, ponds, or other waterbodies with perennial outflow. Wetlands must also be buffered, with buffer requirements applying within the wetlands as well.
 - Buffers must be at least 35 feet wide, as measured from the edge of the water feature or wetland.
 - Vegetative cover may include, but is not limited to forest, shrubs, or warm-season grasses. Lawns or grazed pastures shall not constitute vegetative cover for the purposes of this provision.
 - Livestock must be fully excluded from buffers.
 - Buffers may not be mowed more than three times per calendar year.
 - New buildings, structures, roads or other impervious surfaces may not be constructed within the buffers or wetlands. However, existing buildings, structures, roads, or other impervious surfaces may be maintained but not enlarged. Reconstruction and maintenance of documented historic buildings and structures within buffers on historic properties is also permitted. Additionally, and where it does not impair the conservation value of the property, the following are also permissible: (i) certain water-dependent structures such as docks; (ii) stream crossings for livestock, pedestrians, and/or vehicles; and (iii) access points.
 - Dumping and other soil disturbance, including plowing, must be prohibited within buffers and wetlands. However, tree planting; streambank restoration; forest management in accordance with Virginia’s Forestry Best Management Practices for Water Quality Guide; archaeological investigations; and restoration, reconstruction, and maintenance of documented historic landscapes on historic properties are permissible.

Water Quality Improvement

Deed language should require vegetated riparian buffers of at least 100 feet on waterways – see Group Description for additional requirements.

- Vegetated riparian buffers that meet the following criteria are required on all perennial streams and rivers, sinking streams, tidal waters, or lakes, ponds, or other waterbodies with perennial outflow. Wetlands must also be buffered, with buffer requirements applying within the wetlands as well.
 - Buffers must be at least 100 feet wide, as measured from the edge of the water feature or wetland.
 - Vegetative cover may include, but is not limited to forest, shrubs, or warm-season grasses. Lawns or grazed pastures shall not constitute vegetative cover for the purposes of this provision.
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- Limit impervious surface to 1% of the property, depending on the water quality protections in the deed and the specific characteristics of the property.