

RI Land Trust Council's 2009 Land Conservation Policy Activity Report to the RI Conservation Stewardship Collaborative

In 2009, RI Land Trust Council – with funding support from the RI Conservation Stewardship Collaborative – continued our work representing the interests of the state's land conservation community in state policy discussions. Our goal is to advance land conservation efforts and stewardship of protected lands. In 2009, RI Land Trust Council worked with members of the General Assembly to draft and introduce four bills that address three issues. All four were approved by the General Assembly and two were signed by the Governor. In addition, the Council actively opposed legislation that would have eliminated liability protection for outdoor recreation use of state and municipal lands and facilities. This damaging legislation died in Committee.

Beyond legislation, the RI Land Trust Council was involved in several other state policy initiatives. We commented on the revised State Outdoor Recreation Plan, participated in the Statewide Housing's Keepspace Advisory Committee, participated in Statewide Planning's Land Use 2020 Implementation Committee and raised concerns about proposals by RI Department of Environmental Management to build commercial wind turbines on protected land in Narragansett. The legislative work is detailed below followed by some details on several other policy initiatives.

Senate Bills 261 & 270 / House Bills 5490 & 5488 enable estates & executor's of estates to convey conservation easements that were not specified in a will. This legislation was sponsored by Senator DiPalma and House Judiciary Chairman Lally. With the passage of this legislation, estates and their heirs are able to benefit from federal tax incentives for easement donations. The legislation also provides a strong incentive for land conservation. (This initiative required 2 bills because it changed language in two different titles of Rhode Island Code, one addressing estates and the other addressing powers of trustees for estates.)

Senate Bill 378 & House Bill 5657 Improves the real estate sales disclosure required when people sell a property that is protected with a conservation easement. This legislation was sponsored by Senator Sosnowski and Representative Ruggiero. The passage of this legislation assures increased attention to conservation easements during the real estate sales process so that buyers have a clear understanding that the property that they are purchasing has a conservation easement along with the easement's requirements. The disclosure will avoid misunderstandings when properties change hands and increase the new property owners' knowledge about the requirements of a conservation easement. The results of this legislation will be less violations of the provisions of conservation easements and reduced enforcement problems for land trusts so that our protected lands will remain protected.

Senate Bill 108 & House Bill 5195 exempts land trusts from state rules that require a CPA audit when contributions exceed \$500,000. This legislation was sponsored by Senator DiPalma and Representative Walsh. This legislation adds land trusts to the long list of organizations exempt from a requirement for filing a CPA audited financial report with state Dept. of Bus Regulations when contributions during the year exceed \$500,000. This reporting requirement and resulting audit expense has been triggered for small land trusts when they accepted the donation of a property or conservation easement. Since the purpose for the audit requirement is to prevent embezzlement it really is not necessary if the contributions are land and easement donations because these are not susceptible to embezzlement.

Other Legislation followed In addition to the legislation that the RI Land Trust Council initiated, all legislation was monitored to watch for legislation that would have been detrimental to land conservation and stewardship of protected lands. Two bills of note were followed and the Council testified on one of these.

House Bill 5971 – Would have eliminated liability protection for outdoor recreation activity on municipal and state properties. The RI Land Trust Council opposed this legislation and it was **never approved** by Committee.

House Bill 5670 & Senate Bill 392 – Proposed to change how municipalities calculated lot areas for properties being subdivided. This legislation would have prevented municipalities from considering the suitability of land for development (factors such as wetlands) when determining number of building lots permitted in a subdivision. Although RI Land Trust Council did not take a position regarding this legislation, several land trust leaders who were alerted about the legislation testified at the hearing. The legislation was **not approved** by Committee.

Other Policy Initiatives

Rhode Island Department of Environmental Management (DEM) issued a RFP for development of wind turbines on Black Point and two other DEM properties in Narragansett. Land at Black Point was condemned in 1980's to prevent development of condominiums because of its unique environmental and scenic qualities. The purchase of this land was then paid for with funding from the first state open space bonds. Development of this property would set damaging precedents for the state's protected lands. RI Land Trust Council raised concerns about this proposal with DEM staff and the Governor's office. The Council also alerted other state environmental organizations about the proposal. As a result, a coalition of the state's largest environmental organizations has met with DEM Director to express concerns and subsequently sent a joint letter to the Governor about the proposal.

State Planning Council adopted a revised SCORP – Outdoor Recreation Plan. The amended plan will direct future state and federal spending for land conservation. RI Land Trust Council provided testimony about the proposed amendments to the Plan.

Attorney General Support for Conservation Easements. RI Land Trust Council had a law student at Roger Williams research the ability and responsibility of the Attorney General in Rhode Island to defend/enforce conservation easements. The research resulted in a recommendation that the Council pursue legislation that clearly gives the Attorney General standing to defend/enforce conservation easements. We are now working in partnership with Conservation Law Foundation to pursue this legislation.

Grant Budget & Expenditures: \$14,000 conveyed to The Nature Conservancy for RI Land Trust Council budget on the policy initiative. By July 1, 2009, these funds were expended for staff time on the policy initiative. The General Assembly reconvened in October and additional staff time and budget was spent during the two day session pursuing passage of the final piece of legislation. The CSC grant was matched with other funds to support the costs of the RI Land Trust Council's policy initiative.