

**CSC Project Report – 2020**  
Date Report submitted: November 20, 2020

**Project Title: Promoting State Policies that Support Land Conservation & Stewardship**  
**Project oversight: RI Land Trust Council**

**Goal:** Promote state legislation and policies that safeguard protected lands in Rhode Island, improve stewardship of protected lands, and that support land conservation and the work of land trusts.

**Brief Description:**

The Rhode Island Land Trust Council (Council) represents the state's land trusts and the interests of the land conservation community in legislative and state policy discussions that impact land conservation. The Council identifies opportunities to improve existing laws to defend land that has been protected with a view toward strengthening the "permanence" and fostering sound stewardship of Rhode Island's protected lands. Further, the Council pursues legislation and state policies that support and enhance land trusts and land conservation in Rhode Island. In addition, the Council defends against legislative proposals that threaten or undermine the status of conservation lands and sound stewardship. This agenda requires consistent vigilance at the statehouse. It covers a variety of issues that address high priority needs of land trusts and conservation organizations that are protecting the priority lands in our communities. The Council has a successful state policy track record.

In 2020, the Council pursued legislation to add liberal interpretation clause to Rhode Island's state enabling legislation for conservation easements. The Council also advocated for land conservation funding as part of a state Green Economy Bond. Further, the Council also pursued enabling legislation that would authorize municipalities to create a funding stream for land conservation. The Council has also been working on legislation and other strategies at both the state and municipal level to improve long term protections for fee lands owned by municipal land trusts.

Other legislation that the Council supported in 2020 were bills that would improve RIDEM's authority to manage invasive species and bills to prevent the intentional release of balloons. These are a critical stewardship issues for land trusts in Rhode Island. Management of invasive plant species is a significant gap in our state's policies. Massachusetts and Connecticut both have stronger laws to prevent the propagation, sale and planting of invasive plants.

COVID dramatically impacted the Council's state policy work in 2020 because the RI General Assembly suspended meetings in mid-March. While the General Assembly took the unusual step to hold Finance Committee Hearings in August, as of November 15 a budget has not yet been adopted. Bond referendums were not approved for the November ballot. The Council has continued work developing models for safeguarding municipal land that can be implemented by municipal governments.

Other policy work in 2020 was reviewing and submitting comments on the state's five-year Forest Action Plan. This plan guides RIDEM and federal funding for forest stewardship.

The RI Land Trust Council networks with the Land Trust Alliance (LTA), a national group, and with peers in other states to coordinate state policy initiatives related to land conservation. This network enables the Council to proactively address land conservation issues that are emerging in other states before they surface as problems in Rhode Island. The Council also networks with other environmental organizations in Rhode Island and New England to advance policies supporting land conservation and stewardship. This networking has led to the development of a RCPP (Resource Conservation Partnership Project) proposal to USDA - Natural Resource Conservation Service seeking funding for forest conservation and stewardship. The Council also supported LTA's initiative to adopt federal legislation - Charitable Conservation Easement Integrity Act - to stop abuse of charitable donations for conservation easements.

CSC funding was used to support the ongoing work of the Council on state legislation and policy efforts. Respondents to the CSC 2015 evaluation survey by Cause and Effect rated advocacy and state policy work funded by the CSC as a "very high importance." The Council's survey of land trusts in early 2019 documented that they view state policy work as a top priority for the Council. This was also a key priority of the Council's strategic plan adopted in February 2020.

**Accomplishments:** The accomplishments of this project are:

- Advocated for State bond funding for land conservation - The Council had discussions with the Governor's staff about including land conservation funding in the Green Bond referendum the Governor proposed for the November election as part of her budget. When the budget was released, the proposed Green Bond did not include any funding to continue the Local Open Space Grants program. The Council organized testimony by land trust leaders for the House Finance Committee hearing on the Bond. The Council also organized one-on-one advocacy by land trusts in key districts to their House and Senate representatives in the General Assembly. Further, the Council sought introduction of a separate bill to place a \$4 million Open Space and Forest Conservation Bond on the ballot for voter consideration (HR 7676). When COVID was rapidly spreading in March, the General Assembly recessed and never adopted a budget or bond referendums. In August, House and Senate Finance Committees held hearings on the Bond referendums. The Council testified virtually at the House Finance Committee hearing. Yet, the General Assembly did not act on bond referendums for the November election. In November 2020, there is some discussion that the General Assembly will hold a lame duck session to approve bond referendums for voter consideration during a special election in early 2021.
- The Council initiated three pieces of legislation in the 2020 General Assembly:
  - Enabling legislation that would authorize municipalities to declare conservation properties that they own as "public trust" properties (H7348). This legislation would help to ensure long-term conservation of these properties and prevent sale, development or conversion to another use.
  - Legislation to clarify the enabling legislation for conservation restrictions (H7245). This would guide judges, when there is a dispute about a conservation restriction, to interpret the conservation easement in favor of conservation values that the restriction is protecting.
  - Enabling legislation that would authorize municipalities to adopt a surcharge in property taxes to fund conservation, historic preservation, and park development (Community Resiliency and Preservation Act - H 7615).

The Council also supported legislation to:

- Enable RIDEM to better manage invasive species; and
- Prohibit the intentional release of balloons.

Invasive species and balloons are serious stewardship issues for land trusts.

All of the legislation in 2020 stalled in mid-March when COVID caused the General Assembly to interrupt their legislative session and stop meeting.

- Additional Policy Work in 2020. Beyond legislation, the Council was involved in four other significant policy initiatives:
  - Rhode Island's Forest Action Plan - The Council reviewed and submitted comments on RIDEM's Forest Action Plan that guides RIDEM's forest programs and federal funding for forest management over the next 5 years.
  - Model Municipal Resolutions to declare conservation restrictions on municipal land trust properties and to declare municipal land trust properties as public trust properties.
  - Permanent conservation of University of Rhode Island's W. Alton Jones campus. The Council contacted leadership at the University of Rhode Island (URI) when they made the decision to close the W. Alton Jones campus and the URI environmental education program at the facility. There was broad concern that the University might decide to develop or sell part of the W. Alton Jones campus which is over 2000 acres and an important part of a large unfragmented block of forest in West Greenwich. The W. Alton Jones property is an iconic property that most Rhode Islanders believe is protected. In fact, there is little protection for this property. Due to the advocacy with URI by the Council and other conservation organizations (Audubon Society of RI and The Nature Conservancy), URI is convening a committee to discuss and explore options for permanently conserving this property.
  - Federal "Charitable Conservation Easement Integrity Act" - The Council sent letters to Rhode Island's federal delegation asking them to co-sponsor the Charitable Conservation Easement Integrity Act. This is legislation initiated by the national Land Trust Alliance (LTA) to stop fraudulent use of charitable donations for conservation easements. The legislation is in the Senate Finance Committee which has Senator Whitehouse as a member.

**Budget:** \$20,000 granted for this project was totally spent in 2020.

**Recommendations:** The Council recommends continued support for policy work in support of land trusts and land conservation. The Council will pursue the legislation safeguards for municipal land trust fee properties in 2021 when the newly elected General Assembly convenes. The Council is working with a municipal land trust on municipal strategies to safeguard their conservation lands. Once adopted, these can be shared as models for other land trusts.

Land trusts do not have the capacity to independently monitor state legislation and proposed policies, to watch for threats to their land conservation work and accomplishments, nor to organize advocacy to support stewardship of protected lands. Council discussions with land trust leaders and surveys of land trusts consistently identify state policy work as the Council's most important work. This work has long term benefits for stewardship of conservation lands in Rhode Island.