

VALLEY NEWS

Published on the *Valley News* (<http://www.vnews.com>)

Print this Page

Letter: Problems With Conservation Bill

Thursday, March 20, 2014

To the Editor:

Readers of Darby Bradley's commentary ("Changes to Easements Require Scrutiny," March 16), arguing in favor of Vermont bill S.119, which would alter how conservation easements are amended in the state, should be aware that the Vermont Land Trust, once a major advocate of the bill, has withdrawn support for it, saying it now believes the bill is too broad.

I think many Vermonters seriously concerned about land conservation are opposed to S.119, not only because it is too broad but because of two other more serious flaws. The first is that S.119 is an attempt to solve a problem that doesn't exist. Bradley himself offers a number of examples of important amendments to conservation easements that have been made under current law. He fails to mention that S.119 would allow much more radical amendments to and even extinction of a property's conservation easement for the sake of protecting other property deemed by an executive panel to be of higher conservation value.

And this goes to the second dangerous flaw in S.119. The bill would wrest decisions amending conservation easements from the courts where they belong and instead would place them before an executive panel of mostly political appointees. This process would subject these decisions — and the legally guaranteed intent of the grantors of conservation easements — to political and financial considerations. This is precisely what those grantors seek to preclude when they choose the easement route for protecting their land in the way they want it protected.

A very large proportion of conserved land in Vermont is the result of conservation easements by which private owners donate the development rights to their property to land trusts or other conservation organizations. The easement enshrines an agreement between the owner and the trust about the public

value of land conservation generally and the particular conservation values of the private property protected by the easement. Entering the agreement, the trust guarantees it will uphold the intent and wishes of the owner. If this can't be relied on, less land will be conserved, and the public interest served by conservation will suffer and decline. We should let S.119 die quietly and vanish.

Geoffrey Gardner

Conservation Commission

West Fairlee

Source URL:<http://www.vnews.com/news/townbytown/westfairlee/11202970-95/letter-problems-with-conservation-bill>