



Vermont Land Trust

CONSERVING LAND FOR THE FUTURE OF VERMONT

February 28, 2017

Representative David Deen
Representative Mary Sullivan
House Committee on Natural Resources, Fish & Wildlife
115 State Street
Montpelier, VT 05633-5301

8 Bailey Avenue
Montpelier, VT 05602
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Re: H.289 – Conservation Easement Registry

REGIONAL OFFICES

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Montpelier, VT 05602
(802) 223-5234

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Southeast Vermont
and Mountain Valley
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Brattleboro, VT 05301
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Southwest Vermont
and Mettewee Valley
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Bennington, VT 05201
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Dear Chair Deen and Vice Chair Sullivan:

You have both been long-term, strong supporters of land conservation so I want to bring to your attention a series of concerns about H.289. As you know, the bill proposes to create a registry at the Agency of Natural Resources. All current and future conservation easements and trail easements would be registered, by requiring the easement holder – state agency, municipality, land trust, or trail organization – to initially supply 13 pieces of data for each easement, and thereafter update that data every year.

Conservation easement quality and permanence are critical to the Vermont Land Trust (VLT) and our partners. Most conservation easements in Vermont are held by organizations like VLT that are accredited by the national Land Trust Accreditation Commission (see <http://www.landtrustaccreditation.org/>). Accredited land trusts must comply with detailed quality standards covering all aspects of conservation operations, including the regular monitoring and enforcement of conservation easements. See the Land Trust Alliance “Standards and Practices,” <http://s3.amazonaws.com/landtrustalliance.org/LandTrustStandardsandPractices.pdf>. Accreditation must be renewed every five years.

Further, as the primary funder of purchased conservation easements in Vermont, the Vermont Housing and Conservation Board requires that all VHCB-funded easements be monitored annually. VLT provides a detailed report to VHCB each year about the monitoring and enforcement of state-funded easements.

Easement registration as proposed in H.289 would not significantly increase the information available to the public, nor would it improve the quality of conservation and trail easement management. Instead, the bill would duplicate other public information sources. The bill’s registration requirements could impose significant costs on the Agency of Natural Resources, and on the local governments, state agencies and non-profit organizations that hold conservation and trail easements.



- (1) Of the 13 identified pieces of information described in the bill, only three are not currently collected/reported. Two of those are publicly available:

The primary purpose of the conservation easement: This information is available from the face of the easement, recorded in municipal land records.

The use of grant money from a governmental entity: This information is reported by each land trust in aggregate on IRS Form 990 each year. Property-specific information is made public by each government entity that awards funds for land protection. For example, VHCB lists each conservation grant in its annual report.

Only one of the 13 data pieces is not publicly available: the date on which the conservation easement was monitored. However, as noted above, to maintain Land Trust Accreditation VLT must monitor each property every year and with regard to VHCB funded easements, easement holders submit an annual monitoring report to VHCB.

- (2) All other information identified in the bill is either:

- Submitted to the Tax Department as part of an existing conservation easement certification process -- 10 V.S.A. Section 6306 already requires land trusts to submit a certification request to the Vermont Department of Taxes to secure the reduced property tax assessment afforded by that section; and/or
- Is included on IRS Form 990. For example, all conservation easement amendments must be reported in detail to the IRS annually on Form 990 – VLT's 990 is publicly available on its website; and/or
- Included in the GIS data that is sent to the Vermont Center for Geographic Information (VCGI) a Division of the Vermont Agency of Commerce and Community Development (<http://vcgi.vermont.gov/>).

Specific to the GIS information, organizations with GIS staff submit data (both new projects and updates to previously conserved lands) directly to VCGI twice a year. VCGI already makes the data publically available through a number of portals.

It would also be important to know whether ANR has the capacity to establish and annually maintain the proposed registry. I understand that the only other state in the country with a similar registry – Maine – incurred substantial initial costs to establish its registry and reportedly added a new position to maintain the registry.

Finally, the registration process would require a major investment of time:

- The initial registration process will take considerably longer than the annual update. If entering the 13 different pieces of information for the initial registration takes just 10 minutes per

easement, VLT alone would expend 300 person-hours -- 37 working days, or almost 8 work weeks – for our current inventory of 1,800 easements.

- If it took just 2 minutes each year to update the registry information on each VLT-held easement, we would expend 60 person hours.

The land conservation community in Vermont customarily works together to solve problems, improve practices and assure that our work is in service to Vermonters and our communities. H. 289 has not been discussed by the conservation community as a whole and it does not have that community's support.

Sincerely,



Gil Livingston
President