

ELEMENTS OF A LAND CONSERVATION PROJECT

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SOUTH KINGSTOWN LAND TRUST

Open Space Makes All the Difference

ARE THESE THINGS IN PLACE?

- Land trust has a mission statement or policy to guide its land protection activity
 - A clear idea of when to say no (as well as yes)
- Landowner wants to protect their land
- Land trust has staff or volunteers to complete the project from beginning to end
 - From 6 months to 18 months or more
- Land trust has access to an attorney with real estate experience

FIRST STEP – ASSESS THE PROPERTY

- Initial contact with landowner – owner, plat/lot, address
- Basic research – RI Digital Access, RIGIS, Town maps
 - Groundwater, surface water, wetlands
 - Soil types, topography, hillshade data
 - Wildlife habitat, rare species/natural heritage data
 - Nearby conserved land, aerial photos of lot & vicinity
 - Town info on zoning, assessment values
- Does property fit with land trust mission and priorities?
- If Yes, continue with due diligence, or No thank you
 - Sometimes yes if donation but no if purchase



Washington County, Rhode Island

Alewife Brook Preserve

Horizontal Datum is Rhode Island State
Plane Feet, NAD83.

1 inch = 1,062 feet



 Town of South Kingstown Web GIS

Parcel Boundaries not legally binding for
title or zoning purposes.

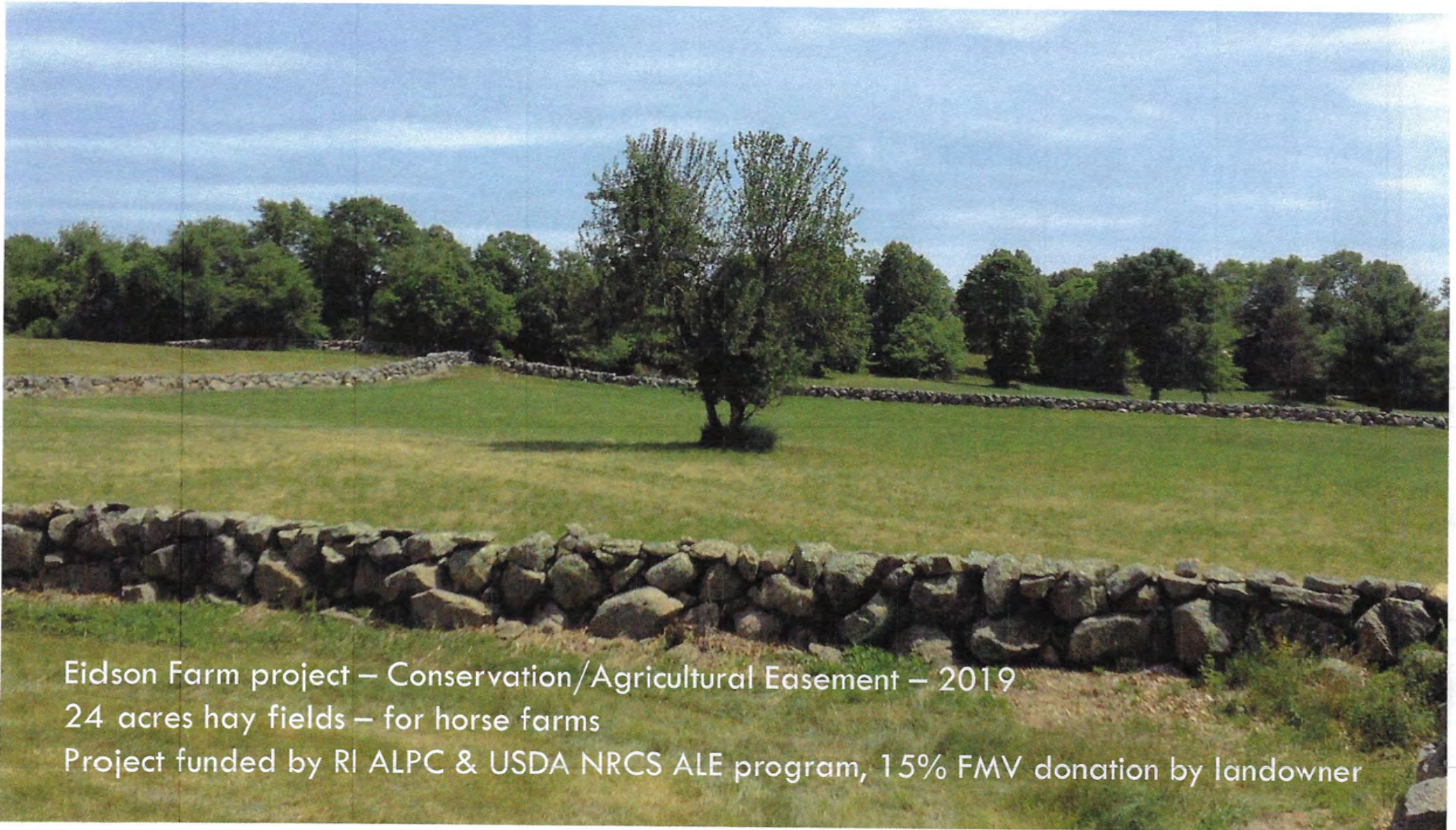
The Town of South Kingstown makes no
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information.

DEFINE PROJECT STRUCTURE

- What is the landowner's goal for protecting the land?
 - How to best achieve that?
 - Consider bequest option
- Title Investigation early – who is the legal landowner?
- Fee vs conservation easement
 - Any retained uses?
- Donation vs purchase
 - How much tax deduction can landowner utilize? At least offset capital gains
 - Are funds available for a purchase?

CONSERVATION EASEMENTS

- Landowner retains ownership but land trust takes on responsibility to protect natural values
 - Landowner still pays local real estate taxes
 - Language of CE customized for specific parcel
- Permanent restriction runs with the land – write CE for next owner
- For tax deduction of a donation, easement must meet conservation purposes as defined by IRS section 170(h)
 - Public conservation value, such as preservation of significant wildlife habitat, open space, farmland or watersheds
 - Deduction can be spread over 15 years plus year of donation



Eidson Farm project – Conservation/Agricultural Easement – 2019
24 acres hay fields – for horse farms
Project funded by RI ALPC & USDA NRCS ALE program, 15% FMV donation by landowner

DEFINE LAND TRUST – LANDOWNER ROLES

- Site visit with landowner – identify conservation values
- Initial Committee or Board review & authorization to proceed
- Initial Landowner letter – define roles and process
 - Landowner needs his/her own legal and accounting advice
 - Request for stewardship contribution
 - Request signed copy of letter – before proceeding with project
- Estimate time required to complete the project – at least 6 months for a donation and at least 18 months for a purchase

DOCUMENTATION FOR ALL PROJECTS

- Title investigation and insurance
 - Review title, look for any restrictions or encumbrances
- Survey or equivalent
- Appraisal – except donations without tax deduction
- Environmental hazard assessment
- Baseline documentation report
- Recorded deed or easement – with local municipality
- Contemporaneous written acknowledgement letter, if any donation

NOTES ON PROJECT DOCUMENTATION

- Baseline Documentation Reports
 - See landandwaterpartnership.org in documents for BDR Protocol
- Surveys
 - Class I required for purchases – on the ground survey
 - List of surveyors available
- Appraisals
 - If purchase, check with funders for required report format
 - List of appraisers available
- Environmental Hazard Assessment
 - See edrnet.com for radius records review
- LTA.org Learning Center for sample documents

DONATIONS OF LAND OR EASEMENT

- If tax deduction, landowner does appraisal
 - LT reviews appraisal before signing 8283
- For conservation easements – customize for each project
 - Prepare draft CE after reviewing terms and options with landowner
 - Revisions between landowner attorney and land trust attorney/staff
- For fee land
 - Landowner attorney often prepares deed and land trust records
 - Land trust prepares management plan
- After recording, LO prepares 8283 – appraiser signs first, then LT



Ferry Lot Donation December 2019

2-acre lot given in fee
Located in Spartina Cove subdivision

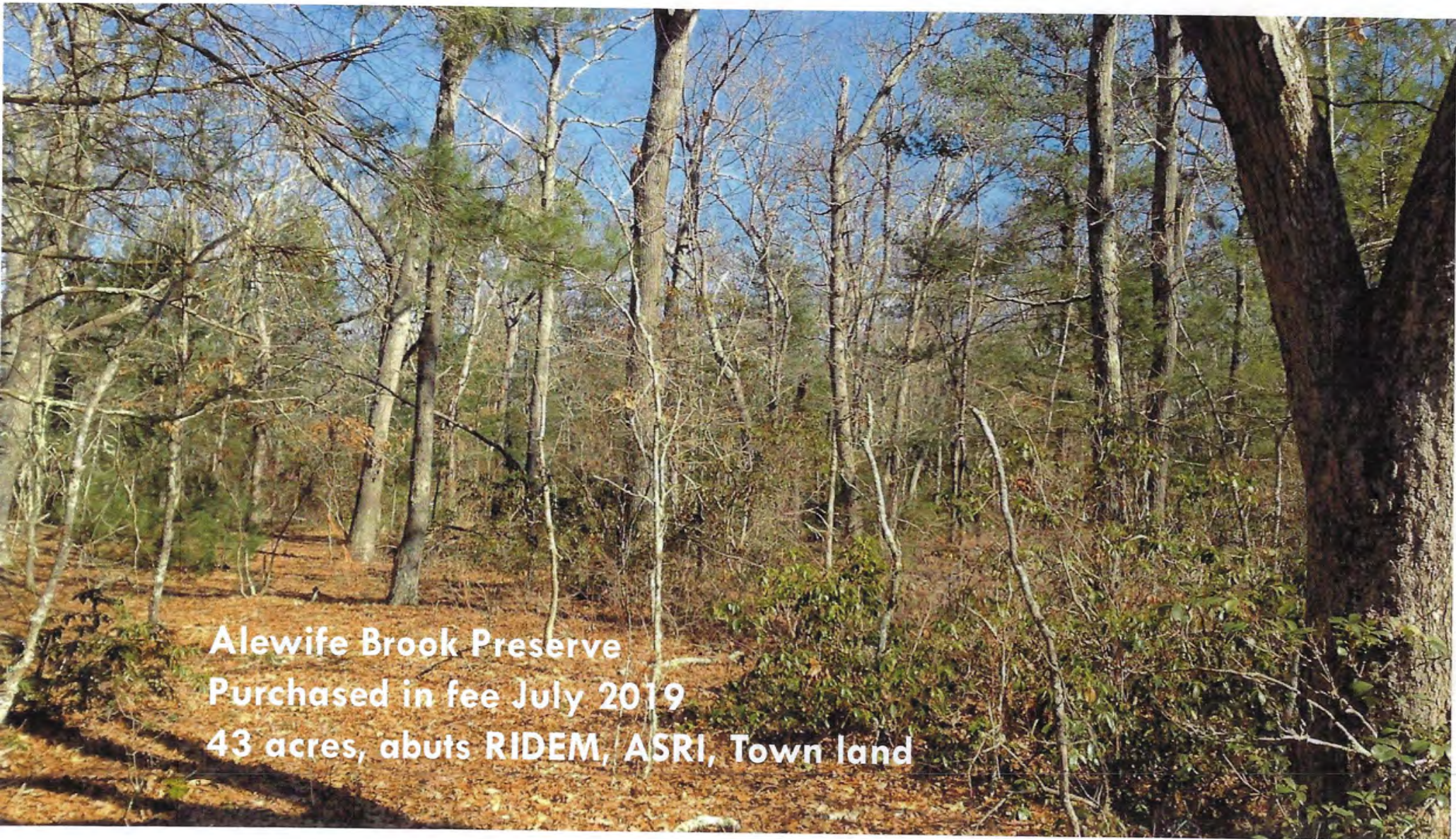
Adjacent to:

- subdivision open space
- USFWS property – 52 acres
- then SKLT land – 24 acres

In coastal area – Point Judith Pond

PURCHASE OF LAND OR EASEMENT

- Identify funding sources and application deadlines
 - Can usually estimate land cost for applications
- When (some) funding committed, conduct appraisal (get bids)
 - Share with landowner, or not
- Formal purchase & sales agreement
 - Subject to securing all needed funds
- Conduct survey (get bids)
- Deed or easement for recording
- Identify funding for out-of-pocket costs



Alewife Brook Preserve
Purchased in fee July 2019
43 acres, abuts RIDEM, ASRI, Town land

ALEWIFE BROOK PRESERVE

- March 2018 – heard land was under verbal agreement for development
- SKLT offered to purchase subject to appraisal
 - April/May 2018 SKLT and LO appraisals averaged to agree on purchase price
- Initial support for project from RIDEM open space fund – May 2018
- Applied to Town of South Kingstown for funding – awarded July 2018
- Grant from Bafflin Foundation – January 2019
- Final funding from The Nature Conservancy & Champlin Foundation – March 2019
- Closed & recorded July 2019 – currently mapping out trail on the property
- Unusually quick process – 16 months

IDEAS ON FUNDING LAND PURCHASES

- Purchasing Easements on Agricultural Land
 - USDA NRCS ACEP-ALE (workshop later today)
 - RI ALPC
- Purchasing Easements on Natural Land
 - For wetlands needing restoration – USDA NRCS WRE
 - For forests – possibly in future – USDA NRCS FHRP
- Purchasing Fee Land – grants often require public access
 - RIDEM Local Open Space Grants
 - Town funds. Local water suppliers for wellhead protection
 - Private – Individuals or Foundations: TNC/Champlin, Bafflin, others

SAMPLE DOCUMENTS

- Preserving your Land – Info for landowners
- SKLT Project Checklist – with notations on LTA Standards & Practices
- SKLT Landowner Letter – customize for CE or FS
- SKLT Appraisal Review Checklist
- SKLT Form 8283 Review Checklist
- SKLT Project Status Summary sheet
- Electronic versions available – later on Summit website
- Questions – Joanne.Riccitelli@sklt.org