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

Parcel Boundaries not legally binding for title or zoning purposes.

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Horizontal Datum is Rhode Island State Plane Feet, NAD83.

1 inch = 1,062 feet
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 1 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