

Bill as Introduced

HB 1540-FN - AS INTRODUCED

2012 SESSION

12-2240
06/03

HOUSE BILL ***1540-FN***
AN ACT relative to conservation easements on public land.
SPONSORS: Rep. Cartwright, Ches 2; Rep. D. McGuire, Merr 8
COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill prohibits the state or any of its subdivisions from granting a conservation easement on public land to a nonprofit organization.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~in brackets and struck through.~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to conservation easements on public land.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Disposal of Real Estate; Conservation Easements. Amend RSA 4:40 by
2 inserting after paragraph V the following new paragraph:

3 VI. The state shall not sell or grant to any non-profit organization a conservation easement
4 on land owned by the state.

5 2 Powers of Counties; Conservation Easements. Amend RSA 23:1 to read as follows:

6 23:1 Powers as Corporate Body. Each county is a body corporate for the purpose of suing and
7 being sued[,]; purchasing, holding, and conveying real and personal estate for county purposes,
8 **except that no county shall sell or grant to any nonprofit organization a conservation**
9 **easement on land owned by the county;** making all necessary contracts; and doing other
10 necessary acts relating to the property and concerns of the county.

11 3 Powers and Duties of Towns; Conservation Easements. Amend RSA 31:3 to read as follows:

12 31:3 In General. Towns may purchase and hold real and personal estate for the public uses of
13 the inhabitants, and may sell and convey the same, **except that no town shall sell or grant to**
14 **any nonprofit organization a conservation easement on land owned by the town;** may
15 recognize unions of employees and make and enter into collective bargaining contracts with such
16 unions; and may make any contracts which may be necessary and convenient for the transaction of
17 the public business of the town.

18 4 Powers of City Councils; Conservation Easements. Amend RSA 47:5 to read as follows:

19 47:5 City Property. The city councils shall have the care and superintendence of the city
20 buildings, all city property, and all public squares and streets; and the power to sell or let what may
21 be legally so disposed of, **except that no city shall sell or grant to any nonprofit organization**
22 **a conservation easement on land owned by the city;** and to purchase property, real or personal,
23 for the use of the city, whenever the interests or convenience of the city shall require it.

24 5 Effective Date. This act shall take effect 60 days after its passage.

LBAO
12-2240
12/13/11

HB 1540-FN - FISCAL NOTE

AN ACT relative to conservation easements on public land.

FISCAL IMPACT:

The New Hampshire Association of Counties and the New Hampshire Municipal Association state this bill may decrease county and local revenues by an indeterminable amount in FY 2012 and each year thereafter. There will be no impact on state revenues, or state, county, and local expenditures.

METHODOLOGY:

The New Hampshire Association of Counties states this bill would prohibit counties from selling or granting a conservation easement on land owned by the county to any non-profit organization. The Association states there are some counties that currently have conservation easements that were sold or granted to non-profit entities. The Association states to the extent any county would sell such conservation easements in the future, county revenues would decrease.

The New Hampshire Municipal Association states this bill prohibits the state and its political subdivisions from selling or granting, to any non-profit organization, a conservation easement on land it owns. The Association states to the extent municipalities currently receive compensation for the granting of such easements, there will be a decrease in local revenues as a result of this bill.

The Department of Administrative Services states this bill will likely have no fiscal impact on the state as the Department of Justice is reluctant to allow placement of any restrictions or encumbrances on state-owned land.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1540-FN

BILL TITLE: relative to conservation easements on public land.

DATE: January 24, 2012

LOB ROOM: 305 **Time Public Hearing Called to Order:** 2:15 p.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Loveit, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas.

Bill Sponsors: Rep. Cartwright, Ches 2; Rep. D. McGuire, Merr 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dan McGuire - Co-sponsor of the bill. Supports the bill. He states that long term government is in trouble if future government can't undo poor decision of previous legislative bodies. If a group wants to conserve land, they should buy it and place a conservation easement.

Rep. Anne Cartwright - Prime sponsor of the bill. Supports the bill. We should discuss this issue because of long term implications and inability to see future. State/town, by virtue of ownership of land already present a form of preservation.

Rep. Suzanne Smith, Hebron Conservation Commission - Opposes the bill. Example of sale of land from individual conditioned on conservation easement. Town meeting gave easement to SPNHF to prevent future TM/BOS from selling/developing land. This bill would have prevented this beautiful arrangement.

Rep. Michele Peckham, Attorney for North Hampton - Opposes the bill. Town bought land. This bill would have prevented the deal "Doctrine of Merger" prevents town from holding its own easement. Must have a third party.

Rep. David Hess - Opposes the bill. A) Many unanswered questions, unintended consequences, B) Discriminates non-profit vs. for profit, C) This bill effectively eliminates conservation, D) Third party provides enforcement mechanism, E) Any sale of property is permanent; cannot be rescinded.

* **Rene Pelletier, NH Department of Environmental Services (DES)** - Opposes the bill.

Rep. Stella Tremblay - Supports the bill. Thinks non-profits use easements to subvert land use. Compared this to U.N. agenda 21.

* **Susan Francher, NH Department of Resources & Economic Development (DRED)** - Opposes the bill.

* **Richard Cook, NH Fish and Game Department** - Opposes the bill.

* **Chris Albert, NH ANRS** - Opposes the bill.

* **Nancy Johnson, NH Planners Association & NH Association of Regional Planning Commission** - Opposes the bill. Has two letters.

* **Carol Andrews NH Association of Conservation Commissions** - Opposes the bill. Need non-profits to accomplish many conservation goals.

Richard Lutz, NH Association of Conservation Districts - Opposes the bill.

* **Larry Sunderland, NH Audubon** - Opposes the bill.

* **Pam Brenner, Town Administrator** - Opposes the bill. Preservation does not take away from future generations, it is a gift to them.

Elizabeth Thomas, Town of Peterborough - Opposes the bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Christensen". The signature is written in a cursive style and is positioned above the typed name and title.

Rep. D. L. Chris Christensen
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1540-FN

BILL TITLE: relative to conservation easements on public land.

DATE: 1/24/12

LOB ROOM: 305

Time Public Hearing Called to Order: 2:15 P.M.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Morrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Karkhurst, Moody, Aguiar, and Thomas.

Bill Sponsors: Rep. Cartwright, Ches 2; Rep. D. McGuire, Merr 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1/24/12

pg 1 of 5

HB 1540. Non Profits / Con. Elements

1) Rep McGinn - co-sponsor

He states that long-term gov't is in trouble if future gov't can't undo poor decisions of previous legislative bodies.

If a group wants to conserve land, they should buy it and place a conservation easement.

2) Rep. Cartwright - prime sponsor.

We should discuss this issue because of long term implications of inability to see future.

State/Town, by virtue of ownership of land already prevents a form of preservation.

4/24/12

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HB 1540.

3

Rep. Suzanne Smith Plymouth OPPOSE
example of ~~donation~~^{sale} of land from
individual conditioned on conservation
easement. Town Meeting gave easement
to SPNHF to prevent future TWP/BOS
from selling / developing land.

This bill would have prevented
this beneficial arrangement.

4

Rep. Michele Peckham OPPOSE
Att. for New Hampton. Town
bought land. This bill would have prevented
the deal. "Doctrine of Merger" prevents
Town from holding its own easement.
must have a third party.

1/24/12

3 of 5

HB 1540

5) Rep Hesse. Mem. 9 - Hackett CC

OPPOSE.

A) Many unanswered questions, unintended consequences

B) Discriminates non-profit - vs. for profit

C) This bill effectively eliminates conservation

D) Third party provides enforcement mechanism.

E) Any sale of property is permanent; cannot be rescinded.

6) Rene Pelletier - D.E.S. OPPOSE

7) Rep Stella Tromblay. Auburn SUPPORT

Thinks non-profits use elements to subvert land use. Compared that to U.N. Agenda 21

1/24/12

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HB 1540

- * 8. Suzanne French. DRAED O P P O S E -
- * 9. Richard Cook - F & G O P P O S E
- * 10. Chris Albert NH ANRS O P P O S E
Letter type - O P P O S E L.H.
- * 11. Nancy Johnson NH Planning Association O P P O S E
2 Associations : 2 letters.
- * 12. Carol Andrew NH Assoc of Conservation Commissions O P P O S E
2 letters
Need non-profits to accomplish many conservation goals
- 13. Richard ~~Kombert~~ Lutz NH Assoc of Conservation Districts O P P O S E
- * 14. Larry Sutherland NH Audubon O P P O S E

1/24/12

5 of 5

HB 1540

* 15 Pam Brenner Peterborough
Town Administrator OPPOSE

preservation does not take away
from future generations, it is a gift
to them

16 Elizabeth Thomas
Town of Peterborough OPPOSE

Testimony

Representative D.L. Chris Christensen, Committee Clerk

Would you please put a copy of
the letter in committee members hearing
packets

Thanks
Ed Hensult



TOWN OF
PETERBOROUGH
OPEN SPACE COMMITTEE
One Grove Street
Peterborough, NH 03458

January 18, 2012

The Honorable Andrew Renzullo, Chair
House Resources, Recreation and Development Committee
Legislative Office Building
State House
Concord, NH 03301

Dear Representative Renzullo and Members of the Resources, Recreation and Development Committee:

The Peterborough Open Space Committee writes in opposition to HB1540 that would prohibit New Hampshire towns' placing a conservation easement on any town property with a land trust or other nonprofit.

Respectfully, we believe this is legislating from Concord what is a matter for towns to decide based on their Master Plans and as part of their long-term town planning. Just as towns plan for residential/commercial growth and where that's best located, they plan for permanent preservation of open space to protect water resources, farmland, public trails and other natural resources—and where that open space is best located.

Town Master Plans address open space planning. Peterborough's has an entire chapter devoted to Open Space, and based on that chapter's recommendation the Select Board appointed an Open Space Committee in 2004.

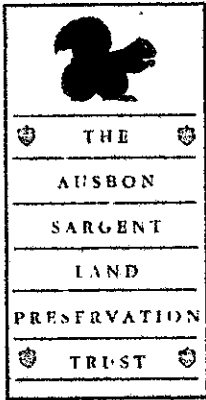
The Peterborough Open Space Committee prioritized land in town following established criteria: farmland; large forest blocks; location in outlying area of town; wildlife habitat; trails; and so on. Land close to settled areas in town is best suited to development, not conservation.

Placing a conservation easement on town land with a nonprofit land trust follows a lengthy process and is pursued only if the land ranks highest for natural resource value. Two of the properties in Peterborough with conservation easements on them are located far from the town center on borders with neighboring towns. The third property with a permanent conservation easement is located close to the town center. It's a large field with a popular hiking trail and winter sledding hill with an ice-skating pond. Currier and Ives at its best.

All three, in different ways, add to quality of life in our town for now and generations to come. The decision-making process to permanently conserve them was a thorough one as required by current State RSA. Respectfully, we ask that towns be trusted to make open space planning decisions at the local level, reflecting local priorities. HB1540 would interfere with that planning process.

Ed Henault
Chair

CC: Representative D.L. Chris Christensen, Committee Clerk



January 20, 2012

The Honorable D.L. Chris Christiansen
House Resources, Recreation and Development
Legislative Office Building Room 305
Concord, NH 03301

Re: **HB 1540**

Serving the towns of:
Andover, Bradford,
Danbury, Goshen,
Grantham, New London,
Newbury, Springfield,
Sunapee, Sutton,
Warner and Wilmet

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Nancy Kipp Smith
Bookkeeper
Patsy Steverson
25th Anniversary Coordinator
Peggy Hutter

P.O. Box 2040
New London
New Hampshire
03257-2040
603-526-6555
aslpt@lds.net

www.ausbonsargent.org

Dear Honorable D.L. Chris Christiansen,

The Ausbon Sargent Land Preservation Trust (Ausbon Sargent) opposes HB 1540. This bill would take away important powers from Towns and their Conservation Commissions, governmental bodies charged with conservation of natural resources of the town.

Many conservation properties owned by a town are donated by a landowner who expects the land will be used for conservation purposes only or are purchased by the town with those same expectations. These may be properties that include important resources identified in the town's Master Plan and/or Conservation Plan as important for conservation. In these instances, town ownership and conservation management by the town may not protect the land from future development, as intended when transferred to the town. Towns may choose to sell or develop these lands despite the original intent. Conservation Easements are perpetual protections that provide a third party to ensure that the property remains under only conservation uses.

This is a matter of local control. Towns decide for themselves whether they wish to conserve their town-owned land. Ausbon Sargent has responded when towns have expressed an interest in conserving their land and we believe they should continue to be able to weigh their options and decide whether or not to grant a conservation easement. HB 1540 would take that control of their land away. Please vote Inexpedient to Legislate on HB 1540.

Sincerely,

Deborah Stanley
Executive Director

Consider leaving a living legacy – Please let us know if you have named Ausbon Sargent in your will.

Helping preserve the rural landscape of the Mt. Kearsarge/Lake Sunapee region.





44 Morgan Lane, Chester NH 03036
nhacd.org

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NH ENVIROTHON Coordinator

Joan Richardson
Financial Services

Richard Lutz
Executive Director

January 23, 2012

Mr. Andrew Renzullo, Chairman
House Resources, Recreation and Development
New Hampshire House of Representatives
107 North Main Street
Concord, NH 03301

Dear Chairman Renzullo,

The New Hampshire Association of Conservation Districts is opposed to House Bill 1540.

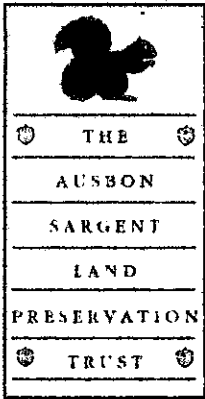
The ability of a county and local government to sell conservation easements to a nonprofit organization is an important tool in providing conservation activities within a community. The current law allows towns to sell property, including land that contains an easement. The conservation easement may allow production to take place within the easement thereby giving the owners of the land income.

The NHACD believes that local governments should be able to make the determination of what constitutes appropriate conservation practices in their communities and not be limited by the proposed legislation.

Please place our statement of opposition to House Bill 1540 in the public record.

Sincerely,

Richard Lutz
Executive Director



January 20, 2012

The Honorable Andrew Renzullo
House Resources, Recreation and Development
Legislative Office Building Room 305
Concord, NH 03301

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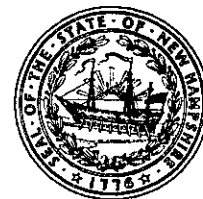
Helping preserve the rural landscape of the Mt. Kearsarge/Lake Sunapee region.





The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



*Celebrating 25 Years of Protecting
New Hampshire's Environment*

January 24, 2012

The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

Re: HB 1540, relative to conservation easements on public land

Dear Chairman Renzullo:

Thank you for the opportunity to comment on HB 1540, relative to conservation easements on public land. If enacted, HB 1540 would prohibit any local, county or state government entity from selling or granting to any nonprofit organization a conservation easement on land, irrespective of the reason for the easement transfer. The Department of Environmental Services (DES) does not support HB 1540.

When state and federal wetlands permits are required for projects that have significant wetlands impacts, compensatory mitigation must be provided to compensate for wetlands loss. Compensatory mitigation is specifically required under the New Hampshire State Programmatic General Permit (SPGP) issued by the United States Army Corps of Engineers under which DES implements a streamlined permitting process for federal wetlands permits. The SPGP allows compensatory mitigation by four possible options: land preservation, wetlands restoration, wetlands creation, or payment into the New Hampshire Aquatic Resource Mitigation (ARM) Fund. If enacted, HB 1540 would eliminate the option for a government entity to satisfy compensatory mitigation requirements by land preservation involving easement transfer to a nonprofit organization. The elimination of this option would increase costs to government entities when this could be the low cost alternative. The potential cost impacts of HB 1540 are demonstrated by the following examples of actual projects in which easements granted by municipalities to nonprofit organizations enabled cost savings as compared with the next lowest cost alternative:

- In 2005, the Town of Conway School District received a wetlands permit to construct a new high school facility that required compensatory mitigation, which was addressed by a seven acre conservation easement on town-owned land deeded to the Tin Mountain Conservation Center. The savings to the Conway School District were approximately \$52,000.
- In 2008, the Town of Bedford received a wetlands permit for construction of a public recreational pond and park area. An 8.0 acre conservation easement on town-owned land was deeded to the Bedford Land Trust for compensatory mitigation. The savings to the Town of Bedford were approximately \$130,000.

www.des.nh.gov

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(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

The Honorable Andrew Renzullo, Chairman
Re: HB 1540, relative to conservation easements on public lands
January 24, 2012
Page 2

- In 2010, the City of Lebanon School District received a wetlands permit for the construction of a school and associated facilities. Compensatory mitigation included a conservation easement on 41 acres of City-owned land that was deeded to the Upper Valley Land Trust. This property is known as the *Forest of Life* for its highly diverse wetland systems and wooded trail areas. It has significant ecological and recreational value. The savings to the City of Lebanon was over \$300,000.

In each of these cases, the availability of the option to transfer easements to a nonprofit organization provided substantial cost savings for important municipal projects and ensured the long term preservation of important properties that have environmental and recreational value. If HB 1540 were enacted, municipalities would no longer have this option available and, as a result, compensatory mitigation for some municipal construction projects would become more expensive and some significant lands would not be preserved.

Finally, in the fiscal note, the New Hampshire Association of Counties and the New Hampshire Municipal Association stated that county and local revenues would decrease if HB 1540 were enacted because this would preclude the selling of conservation easements to nonprofit organizations. For the reasons discussed above, we recommend that the fiscal note be amended to also reflect the negative cost impacts to state, county and local governments that would occur if government easements to nonprofit organizations were no longer allowed for wetlands compensatory mitigation even when this option would result in cost savings.

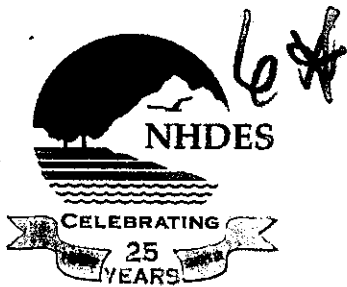
Thank you for this opportunity to comment. Please contact Collis Adams at 271-4054, or me at 271-2958, if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack
Commissioner

cc: Representative Cartwright
Representative McGuire



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
New Hampshire's Environment*

January 24, 2012



The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

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www.des.nh.gov

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The Honorable Andrew Renzullo, Chairman
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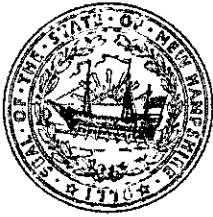
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Very truly yours,



Thomas S. Burack
Commissioner

cc: Representative Cartwright
Representative McGuire



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

603-271-2214
FAX: 603-271-6488
www.nhdf.org

January 24, 2012

The Honorable Andrew Renzullo, Chairman
New Hampshire House of Representatives
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1540 - relative to conservation easements on public land.

Dear Chairman Renzullo and Members of the Committee:

The Department of Resources and Economic Development (DRED) respectfully opposes HB 1540 relative to conservation easements on public land.

As written, house bill 1540 would prohibit the state, counties, or municipalities from selling or granting a conservation easement on their lands to any non-profit organization. While DRED does not commonly sell or grant conservation easements on lands we manage to non-profit organizations; we recognize that this is an important land protection tool for municipalities. The ability to sell a conservation easement on land a town is purchasing for conservation purposes is often the only thing that makes land acquisition affordable, particularly for small municipalities.


Thank you for the opportunity to testify. If we can provide any additional information, please let us know.

Respectfully,

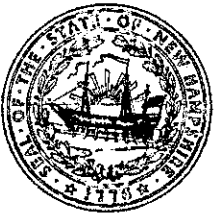
Brad W. Simpkins
Interim Director

cc: George M. Bald, Commissioner, DRED



TDD ACCESS: RELAY NH 1-800-735-2964  recycled paper

DIVISION OF FORESTS AND LANDS 603-271-2214



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

603-271-2214
FAX: 603-271-6488
www.nhdf.org

January 24, 2012

The Honorable Andrew Renzullo, Chairman
New Hampshire House of Representatives
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1540 - relative to conservation easements on public land.

Dear Chairman Renzullo and Members of the Committee:

The Department of Resources and Economic Development (DRED) respectfully opposes HB 1540 relative to conservation easements on public land.

As written, house bill 1540 would prohibit the state, counties, or municipalities from selling or granting a conservation easement on their lands to any non-profit organization. While DRED does not commonly sell or grant conservation easements on lands we manage to non-profit organizations; we recognize that this is an important land protection tool for municipalities. The ability to sell a conservation easement on land a town is purchasing for conservation purposes is often the only thing that makes land acquisition affordable, particularly for small municipalities.

Thank you for the opportunity to testify. If we can provide any additional information, please let us know.

Respectfully,

Brad W. Simpkins
Interim Director

cc: George M. Bald, Commissioner, DRED



TDD ACCESS: RELAY NH 1-800-735-2964 recycled paper

DIVISION OF FORESTS AND LANDS 603-271-2214

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House Bill 1540 - An Act Relative to the Conservation Easements on Public Land

Testimony to the House Resources, Recreation and Development Committee

New Hampshire Fish and Game Department
January 24, 2012

My name is Richard Cook and I am a land agent for the NH Fish and Game Department. I am here on behalf of the Department to speak in opposition to House Bill 1540. The NH Fish and Game Commission voted to oppose HB1540 at their regular monthly meeting on January 18, 2012.

The bill will override home rule by the state government prohibiting county, town, and city governments and their citizens from selling or granting conservation easements to non-governmental non-profit organizations. This decision should be made at the local level. If the local governing body is in favor of conserving their land and has decided that a non-profit organization is the best entity to be the easement holder, why should the state prohibit it? There are many existing examples of non-profit organizations holding conservation easements on town or county land. We can identify some of these examples if the Committee would like. We know of no problems with these arrangements. The sale of a conservation easement can also provide much needed funding to a county or town while allowing almost all of the current uses of that land to continue, such a forest management, agriculture and public recreation.

The conservation of fish, wildlife and marine resources and providing the public the opportunity to use and appreciate these resources are essential elements of the Fish & Game Department's mission. The Department has an active program to conserve important habitats. However, our ability to do so is significantly restricted by our limited funding and staff. We usually achieve this part of our mission in partnership with non-governmental non-profit organizations. These organizations are able to undertake activities that a state agency cannot, such as private fundraising and applying for grants from private foundations or other funding sources not open to agencies, such as the NH Land and Community Heritage Investment Program (LCHIP). Our partnership with non-profit organizations to conserve fish and wildlife habitat allows us to achieve our mission with considerably less cost to the state.

In difficult economic times such as these it becomes harder and harder to raise the funds necessary to complete land conservation projects. It often requires many partners - state, municipal and non-profit - to be successful. While we prefer not to have a conservation easement over the State's ownership, at times it is the best or the only option that leads us to the successful completion of a project. The passage of HB1540 will remove that important tool from our habitat conservation tool-box, making it much more difficult and costly for us to fulfill our mission on behalf of the state's citizens.

Thank you for this opportunity to speak before the Committee.

A 10

New Hampshire Association of Natural Resource Scientists

Post Office Box 110 • Concord, NH 03302



January 24, 2012

Representative Andrew Renzullo
Resources, Recreation and Development Committee
107 N. Main Street
Concord, NH 03301

RE: HB 1540 AN ACT relative to the development of wetland mitigation banks.

Dear Rep. Renzullo and Members of the Committee:

The NH Association of Natural Resource Scientists ("NHANRS") is a state-wide non-profit professional organization whose membership includes wetland scientists, soil scientists, and wildlife biologists from the professional consulting community and from the state's academic and public sectors. Our Legislative Committee has considered HB 1540, and wishes to offer our comments in ~~general~~ support for the concept of this bill.

HB 1540 would prevent any municipality from selling or granting an easement to any nonprofit organization on land owned by the town. Although the intent of this legislation is unclear to NHANRS, we strongly believe that unintentional consequences will result as this legislation could inhibit economic growth. An example of this involves limiting wetland mitigation options for larger commercial/residential projects. In many circumstances a particular track of land that meets the requirements for mitigation for a specific project is purchased out-right by the permittee and deeded over to the local town through the Conservation Commission, with approval by the Board of Selectmen for permanent conservation. In order for these dedications to qualify as mitigation by state and federal regulatory entities, a conservation easement is usually required to be granted to a non-profit organization which would include the long term monitoring of the land and all costs associated with it.

This option for mitigation has proved to be the most economically viable form of compensatory mitigation for many large economically impacting projects to move forward. These projects generate employment and revenue for both the state and the local communities and this process has been a viable option that both protects important natural resources while enabling responsible smart growth.

If you have any questions or require any additional information please contact us through Dana Bisbee at Devine Millimet & Branch, at 226-1000.

We thank the Committee for your time and consideration in hearing our concerns.

Sincerely,

Lawrence Morse
Chair, Legislative Committee

(A-110)
OPPOSITIVE



January 24, 2012

The Honorable Andrew Renzullo, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

Subject: HB 1540, relative to conservation easements on public land.

Dear Representative Renzullo:

The New Hampshire Planners Association, representing over 200 land use planning professionals in our state, is strongly opposed to HB 1540, which would prohibit county and local governments from granting or selling a conservation easement over land which it owns to any non-profit organization.

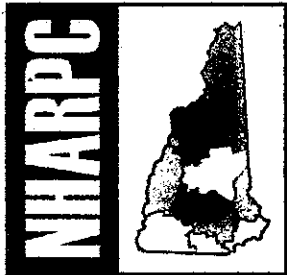
HB 1540 will end the historic public/private partnership that has conserved hundreds of thousands of acres of the state's most important landscapes. Because the role of non-profit organizations in New Hampshire conservation efforts stretches back over one hundred years, HB 1540 will affect a radical departure from how conservation has been administered throughout the state. Not only will it end the historic and effective public/private partnership, it will most likely severely curtail the ability of New Hampshire's municipalities to conserve its lands. When non-profits obtain conservation easements they assume responsibility for the maintenance and enforcement of those easements. If municipalities no longer have the power to grant easements, they will be responsible for all such maintenance costs if they wish to conserve land. In a time of severe budget cuts and restraints, it is foreseeable that some municipalities, particularly smaller communities, will forego conservation efforts altogether.

By effectively curtailing the ability of local governments to conserve land, HB 1540 represents an unreasonable interference with local government control by the state legislature, and will terminate, without due cause, the history public/private partnership to conserve New Hampshire's natural resources. For these reasons, we urge you to recommend that HB 1540 be found "inexpedient to legislate". Thank you for this opportunity to provide comment on the bill.

Sincerely,

/s/Timothy J. Corwin

Timothy J. Corwin, Esq.
NHPA Legislative Liaison



NEW HAMPSHIRE ASSOCIATION
OF REGIONAL PLANNING
COMMISSIONS

The Cottage at the Rocks
107 Glessner Road
Bethlehem, NH 03574
603-444-6303

North Country Council
The Cottage on the Rocks
107 Glessner Road
Bethlehem, NH 03574
Telephone: 444-6303

Lakes Region
Planning Commission
103 Main St. Suite 3
Meredith, NH 03253
Telephone: 279-8171

Upper Valley Lake Sunapee
Regional Planning Commission
10 Water Street
Lcbanon, NH 03766
Telephone: 448-1680

Southwest Region
Planning Commission
20 Central Square, 2nd Floor
Keene, NH 03431
Telephone: 357-0557

Central NH Regional
Planning Commission
28 Commercial Street
Concord, NH 03301
Telephone: 226-6020

Southern NH
Planning Commission
438 Dubuque Street
Manchester, NH 03102
Telephone: 669-4664

Nashua Regional
Planning Commission
9 Executive Park Drive
Suite 201
Merrimack, NH 03054
Telephone 424-2240

Rockingham
Planning Commission
156 Water Street
Exeter, NH 03833
Telephone: 778-0885

Strafford Regional
Planning Commission
150 Wakefield Street
Rochester, NH 03867
Telephone: 994-3500

January 24, 2012

The Honorable Andrew Renzullo, Chair
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB1540

Dear Chairman Renzullo and Member of the Committee

The New Hampshire Association of Regional Planning Commissions (NHARPC), an organization comprised of the State's nine Regional Planning Commissions, representing 91% of the towns in New Hampshire is opposed to HB1540 as written.

New Hampshire is a state that depends heavily on the beauty of its natural resources. Tourists flock here to take advantage of our lakes, mountains, rural charm and recreational opportunities. Many businesses locate in New Hampshire not only to take advantage of our low taxes, but for the same reasons tourists come here. The natural beauty of our state makes this a wonderful place to live and work.

For decades now, the state, and its counties and towns, have struggled to protect some of the more important natural resources that are essential to maintaining this strategic advantage by purchasing land and conservation easements to ensure the continued availability of these important attributes. When a political entity purchases land for conservation purposes, there are only a couple of ways to ensure that the original objective of that acquisition is maintained over time. These include deed restrictions, which are cumbersome and costly to enforce, and conservation easements held by non-profit third parties (frequently land trusts or organizations like the Society for the Protection of New Hampshire Forests) who monitor the property in perpetuity to ensure compliance with the conservation restrictions, and provide legal defense of the easement restrictions, at no cost to the state, county or town.

Conservation easements held by non-profits accomplish many different conservation objectives, such as the protection of: a water supply or watershed, an important view, agricultural resources, recreational opportunities, forest products, resources for hunting and fishing -- the list is endless. Conservation easements are tailored to the goals of the land owner, and when publically owned properties are involved, they usually ensure public access to the land for recreational purposes.

Removing the opportunity to conserve publically owned land through conservation easements held by non-profit organizations simply removes the most cost effective method of protecting our important natural resources. Without the opportunity for a conservation easement, gifts of conservation land and other natural resources to the State, counties and towns will likely end if potential donors know that some board or agency could simply turn around and sell the property for purposes other than what was originally intended.

NHARPC encourages the Committee to find HB1540 "Inexpedient to Legislate".

Sincerely,

Kenn Ortmann
Chairman

12



Town of New Hampton

Conservation Commission

6 Pinnacle Hill Road

New Hampton, New Hampshire 03256

(603) 744-3559

23 January 2012

NH House of Representatives
Resources, Recreation, and Development Committee, LOB 305
107 N. Main Street
Concord NH 03301

RE: HB 1540

Dear Rep. Renzullo and members of the committee:

The New Hampton Conservation Commission has voted to oppose HB 1540; as it would negatively affect many land protection projects.

According to RSA 36-A:2, our commission is responsible "...for the proper utilization and protection of the natural resources and for the protection of watershed resources of..." our town. This is a long-term responsibility, and as conservationists, we must take a conservative position on protecting our assets. This bill would make it more difficult for us to do that. In the Lakes Region, our focus is often on protecting water quality, for fiscal as well as environmental reasons, since our lakes are the linchpin of our tax base.

Many landowners have come to us to discuss conservation protections on their lands. Often, they want assurances that if our commission acquires property or an easement, the land will be protected "in perpetuity." Such assurances are often critical to convincing landowners to consider sales, bargain sales or even outright donations. They do NOT want the town to have the ability in the future to decide to use their property for a housing complex or whatever -- this is their choice, and we must respect it.

There are multiple mechanisms for conservation restrictions. The most obvious is to put them in the deed, but this has the disadvantage of potentially subjecting the town to a civil suit if the deed restrictions are violated.

Landowners have also used a reverter clause in the deed. In case of violation, in theory, the land reverts to the heirs. However, if the land is donated, it is considered a charitable trust, and the wishes of the trust holders then take priority over a reverter clause. This caused major problems in Gilford in 2008, when the town discontinued using a library building after 87 years, and the heirs wanted it back. Regardless of the legal arguments, it was a political morass.

Granting a conservation easement to a nonprofit organization has been one of the best solutions to meeting the landowner's wishes and relieving the town of some political and legal liabilities. The easement holder is responsible for stewardship and monitoring; if there are problems, they may be in a better position than a government entity like a town to correct them -- less bureaucracy, more technical expertise, more experience, and more incentive. When they are created, conservation easements usually require stewardship fees to insure the terms are followed. Both the town and the nonprofit benefit.

HB 1540 would change all that. By prohibiting nonprofit organizations from holding easements on public lands, it will not give the state or its subdivisions more flexibility to change the use of lands. Instead, it will discourage landowners from transferring their land to those entities. Everybody loses.

Please vote this bill ITL.

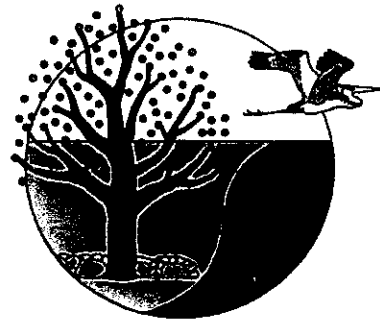
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Ralph Kirshner". The signature is written in black ink and is positioned above the printed name.

Ralph Kirshner, Chairman

12



Canterbury Conservation Commission
PO Box 500
Canterbury, NH 03224

Jan. 23, 2012

Chairman Andrew Renzullo
House Committee on Resources, Recreation and Development

Re: Testimony in opposition to HB 1540 — Relative to conservation easements on public land.

Dear Chairman Renzullo and Committee Members:

The Canterbury Conservation Commission urges you to oppose HB1540.

We object to the bill on the grounds that there is no reason to eliminate the option for the state or its subdivisions to sell or grant a conservation easement to a nonprofit organization.

The state should not diminish the rights of a town, city or county to manage property it owns. Conservation easements are an effective, cost efficient means for a town, city or county to conserve land if that is the objective, whether conserving the land for recreation, farming, water quality protection, water supply, open space, wildlife, or other public benefits.

Further, the state should retain the right to sell or donate easements to a non-profit. The state has wide-ranging goals and responsibilities and may need to permanently conserve a property to protect public interests such as those listed above. When an easement is sold or granted to a nonprofit, the nonprofit assumes the responsibility for monitoring and enforcing the terms of the easement in perpetuity. It is cost effective for the state to transfer this ongoing expense to another entity in order to achieve its objectives.

We urge you to vote HB 1540 inexpedient to legislate.

Sincerely,

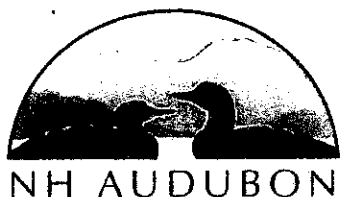
A handwritten signature in cursive script that reads "Jennifer Taylor".

Jennifer Taylor,
Chair
Canterbury Conservation Commission

* 14

January 24, 2012

The Honorable Andrew Renzullo, Chair
House Resource, Recreation, and Development Committee
Legislative Office Building, Room 301
Concord, New Hampshire 03301



STATEWIDE OFFICES

84 Silk Farm Road
Concord, N.H. 03301
PHONE 603-224-9909
FAX 603-226-0902
nha@nhaudubon.org
www.nhaudubon.org

REGIONAL CENTERS

**AMOSKEAG FISHWAYS
LEARNING CENTER**

Fletcher Street
P.O. Box 330
Manchester, N.H. 03105
PHONE 603-626-3474
FAX 603-644-4386

*Managed by NHA in partnership
with PSNH, the N.H. Fish and
Game Department, and the U.S.
Fish and Wildlife Service.*

**MASSABESIC
AUDUBON CENTER**

26 Audubon Way
Auburn, N.H. 03032
PHONE 603-668-2045
FAX 603-668-3796

McLANE CENTER

84 Silk Farm Road
Concord, N.H. 03301
PHONE 603-224-9909
FAX 603-226-0902

**NEWFOUND
AUDUBON CENTER**

North Shore Road
East Hebron, N.H. 03222
PHONE 603-744-3516
FAX 603-744-1090

Re: HB1540-FN relative to conservation easements on public land

Dear Chairman Renzullo and Members of the House Resource, Recreation, and Development Committee:

I am writing on behalf of the Audubon Society of New Hampshire in strong opposition to HB1540-FN. We are a statewide non-governmental organization dedicated to protecting New Hampshire's environment for wildlife and for people.

HB1540 proposes to prohibit the state or any of its subdivisions from granting a conservation easement on public land to a nonprofit organization. Public open space lands are critical to our State's tourist and natural resource-based economies, scenic values, and quality of life.

Many tracts of public land have been acquired for specific purposes, such as production of forest products, management of wildlife, or protection of public water supplies. Easements provide an extra layer of protection on these lands, many of which have been acquired with public funds. Sale of easements to non-profit organizations provides an opportunity to restore some of those funds to the public treasury. Furthermore, HB 1540 would prevent the State or its subdivisions from accepting donations of private land on which easements already exist, from acquiring lands for which a condition of transfer is that they be placed under an easement held by a non-profit organization, and from accepting federal land acquisition funds that require an easement on the acquisition.

Non-profit organizations typically monitor conservation easements annually, checking for damage such as vandalism, timber trespass, and illegal dumping. These monitoring visits occur at no cost to the public, and provide an opportunity to

identify and resolve issues well before the public landowner might otherwise discover them. This service is of particular value to counties and municipalities, which frequently lack the staff to monitor for illegal activities on lands they control.

This bill places financial burdens on public agencies at all levels of state government, increases risks of damage to public lands, and abrogates the rights of counties and municipalities to control the lands they own.

We strongly urge this committee to support New Hampshire's economic future and vote HB1540 Inexpedient to Legislate.

Sincerely,



Michael J. Bartlett, President



* 15

TOWN OF
PETERBOROUGH

ADMINISTRATION

1 Grove Street
Peterborough, NH 03458
Office: (603) 924-8000
Fax: (603) 924-8001

January 24, 2012

The Honorable Andrew Renzullo
Chair
House Resources, Recreation and Development Committee
Legislative Office Building
State House
Concord, NH 03301

Re: HB1540

Dear Representative Renzullo and Members of the House Resources, Recreation and Development Committee:

We write with serious misgivings concerning HB1540. It is our position that the passage of this bill would take away the Town of Peterborough's ability to place conservation easements on town conservation land with a private land trust.

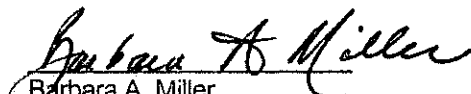
This bill, in our opinion, interferes with local decision making authority on a matter that existing state statutes already cover adequately. Current statutes require that the town's governing body must vote to approve placing a conservation easement on town land. The public hearing and/or town meeting process offers a local forum for presenting the issues, debating them, and voting. The current process is an excellent example of the local, democratic process at work, a process highly valued in our State.

Here in Peterborough, periodic citizen surveys consistently have determined that preservation of key open space land is a top priority. We are very strategic in our open space planning assisted by our Conservation Commission and the Open Space Committee. More importantly this concept is completely in harmony with our Town's Master Plan.

Respectfully, we request that you do not give favorable consideration to HB1540.

Sincerely,

Select Board
Town of Peterborough


Barbara A. Miller


Elizabeth M. Thomas


Joe Byk

* 15



TOWN OF
PETERBOROUGH
OPEN SPACE COMMITTEE
One Grove Street
Peterborough, NH 03458

January 18, 2012

The Honorable Andrew Renzullo, Chair
House Resources, Recreation and Development Committee
Legislative Office Building
State House
Concord, NH 03301

Dear Representative Renzullo and Members of the Resources, Recreation and Development Committee:

The Peterborough Open Space Committee writes in opposition to HB1540 that would prohibit New Hampshire towns' placing a conservation easement on any town property with a land trust or other nonprofit.

Respectfully, we believe this is legislating from Concord what is a matter for towns to decide based on their Master Plans and as part of their long-term town planning. Just as towns plan for residential/commercial growth and where that's best located, they plan for permanent preservation of open space to protect water resources, farmland, public trails and other natural resources—and where that open space is best located.

Town Master Plans address open space planning. Peterborough's has an entire chapter devoted to Open Space, and based on that chapter's recommendation the Select Board appointed an Open Space Committee in 2004.

The Peterborough Open Space Committee prioritized land in town following established criteria: farmland; large forest blocks; location in outlying area of town; wildlife habitat; trails; and so on. Land close to settled areas in town is best suited to development, not conservation.

Placing a conservation easement on town land with a nonprofit land trust follows a lengthy process and is pursued only if the land ranks highest for natural resource value. Two of the properties in Peterborough with conservation easements on them are located far from the town center on borders with neighboring towns. The third property with a permanent conservation easement is located close to the town center. It's a large field with a popular hiking trail and winter sledding hill with an ice-skating pond. Currier and Ives at its best.

All three, in different ways, add to quality of life in our town for now and generations to come. The decision-making process to permanently conserve them was a thorough one as required by current State RSA. Respectfully, we ask that towns be trusted to make open space planning decisions at the local level, reflecting local priorities. HB1540 would interfere with that planning process.

Ed Henault
Chair

CC: Representative D.L. Chris Christensen, Committee Clerk

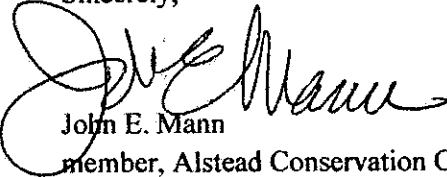
Conservation Commission
Alstead, NH
February 1, 2012

Mr. Andrew Renzullo
Chairman, Resources, Recreation and Development Committee
NH House of Representatives
107 North Main Street
Concord, NH 03301

Dear sir:

Attached is testimony in regard to HB 1540, unanimously approved by the Conservation Commission of the Town of Alstead, NH, voting in its regular scheduled meeting.

Sincerely,



John E. Mann

member, Alstead Conservation Commission

cc: Alstead Selectmen
Marilou Blaine, co-chair
Sarah Webb, co-chair
John Mann, member
Nan Montgomery, member
David Moody, member
Joyce Cull, alternate
Anne Cartwright

HB 1540

Conservation Commission
Alstead, NH
February 1, 2012

Mr. Andrew Renzullo
NH House of Representatives
107 North Main Street
Concord, NH 03301

Dear sir:

Attached is testimony in regard to HB 1540, unanimously approved by the Conservation Commission of the Town of Alstead, NH, voting in its regular scheduled meeting.

Sincerely,

John E. Mann
member, Alstead Conservation Commission

cc: Alstead Selectmen
Marilou Blaine, co-chair
Sarah Webb, co-chair
John Mann, member
Nan Montgomery, member
David Moody, member
Joyce Currell, alternate
Anne Cartwright

Testimony on NH House of Representatives Bill HB1540,
AN ACT relative to conservation easements of public land.

by the Conservation Commission of the Town of Alstead, NH

We oppose House of Representatives Bill HB1540, for the following reasons:

- (1) A government of any kind has the goal and the duty to see to the welfare of its citizens, which necessarily involves planning and providing for future needs. Towns need the ability to provide for their future as well as current welfare – indeed, that is the very function of Zoning and Planning – and therefore may from time to time determine the necessity, for example, to prevent high quality farmland from being put to use as a housing development or shopping complex. Such an action by a Town would be no more “permanent” or “irreversible” than selling the land outright.
- (2) The bill seems to be in especially egregious conflict with the principle of local control.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1540-FN

BILL TITLE: relative to conservation easements on public land.

DATE: February 1, 2012

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Spang

Seconded by Rep. Merrow

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1540-FN

BILL TITLE: relative to conservation easements on public land.

DATE:

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, ITL, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

SPANG

Seconded by Rep.

MERROW

Vote: (Please attach record of roll call vote.)

16-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

16-0

OFFICE OF THE HOUSE CLERK
 RESOURCES, RECREATION and DEVELOPMENT.

Bill # HB 1540 Title Rec. Conservation

amendments on public level

PH Date 1/24/12 Exec Date 1/31/12

Motion _____ Amendment # _____

Member	Yea	Nay
RENZULLO, Chair	✓	
KAPPLER Vice-Chair	✓	
CHRISTENSEN	✓	
RUSSELL	✓	
AHLGREN		NP
MERROW	✓	
BOLSTER	✓	
HOWARD	✓	
HUTCHINSON	✓	
LOVETT	✓	
PETTENGILL	✓	
SCHROADTER	✓	
SPANG	✓	
PARKHURST	✓	
MOODY	✓	
AGUIAR	✓	
THOMAS	✓	

TOTAL

16

0

Committee Report

CONSENT CALENDAR

February 3, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB1540-FN, AN ACT relative to conservation easements on public land. Having considered the same, report the same with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

Rep. Judith T Spang

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB1540-FN
Title:	relative to conservation easements on public land.
Date:	February 3, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

There are many benefits to a municipality to own land with a conservation easement on it, including public recreation, protecting public water supplies or satisfying mitigation requirements when it builds on wetlands. However, easements require burdensome stewardship and monitoring that most municipalities don't want to do. Granting or selling the easement to a nonprofit land protection organization is the perfect solution, especially if it generates income for the municipality. Except for the sponsors, this bill was opposed by virtually everyone testifying.

Vote 16-0.

Rep. Judith T Spang
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB1540-FN, relative to conservation easements on public land. **INEXPEDIENT TO LEGISLATE.** Rep. Judith T Spang for RESOURCES, RECREATION AND DEVELOPMENT. There are many benefits to a municipality to own land with a conservation easement on it, including public recreation, protecting public water supplies or satisfying mitigation requirements when it builds on wetlands. However, easements require burdensome stewardship and monitoring that most municipalities don't want to do. Granting or selling the easement to a nonprofit land protection organization is the perfect solution, especially if it generates income for the municipality. Except for the sponsors, this bill was opposed by virtually everyone testifying. **Vote 16-0.**

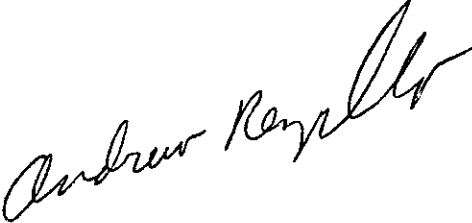
Original: House Clerk
Cc: Committee Bill File

HB 1540 - Majority

ITL

There are many benefits to a municipality to own land with a conservation easement on it, including public recreation, protecting public water supplies or satisfying mitigation requirements when it builds on wetlands. However, easements require burdensome stewardship and monitoring that most municipalities don't want to do. Granting or selling the easement to a nonprofit land protection organization is the perfect solution, especially if it generates income for the municipality. Except for the sponsors, this bill was opposed by virtually everyone testifying.

Judith Spang

A handwritten signature in black ink, reading "Andrew Reynolds". The signature is written in a cursive style and is slanted upwards from left to right.

HB 1540 - Majority

ITL

There are many benefits to a municipality to own land with a conservation easement on it, including public recreation, protecting public water supplies or satisfying mitigation requirements when it builds on wetlands. However, easements require burdensome stewardship and monitoring that most municipalities don't want to do. Granting or selling the easement to a nonprofit land protection organization is the perfect solution, especially if it generates income for the municipality. This bill was opposed by virtually everyone testifying.

↑
Except for the sponsors

Judith Spang

COMMITTEE REPORT

COMMITTEE: RR+D

BILL NUMBER: HB 1540

TITLE: Relative to conservation easements
on public land

DATE: 1/31/12 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

There are many benefits to a municipality to own
land with a conservation easement on it, from including
public recreation, protecting public water supplies or
satisfying mitigation requirements when it builds on wetlands,
However, easements require burdensome stewardship and
monitoring that most municipalities don't want to do.
Granting or selling the easement to a nonprofit land
protection organization is the perfect solution, especially
if it ~~can~~ generates income for the municipality.
This bill was opposed by virtually everyone testifying.

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Judith T. Spang
For the Committee