

**Land Conservation Issues – Talking Points for 2010
(January 18, 2010)**

Successful land conservation requires action and initiative at all levels that is geared toward the protection of a diversity of lands. State agencies, local communities, and private land trusts need the right tools to protect working farms and forests, scenic landscapes, natural areas, wildlife habitat and game lands, historic resources, and parks and recreational areas for present and future generations of Virginians. Virginia currently has variety of programs and approaches that deliver lasting results across the Commonwealth: the Virginia Land Preservation Tax Credit program, state matching funds for local purchase of development rights (PDR) programs through the VDACS Office of Farmland Preservation, and competitively awarded land preservation funds from the Virginia Land Conservation Foundation.

Land Conservation is important to the health and economy of Virginia.

The pace of land conservation in Virginia has more than doubled in the past four years. More than 425,000 acres were permanently protected from development since 2006, protecting the most important input – land – for Virginia’s two largest industries – agriculture and forestry. Land conservation also helps protect the scenic beauty and cultural heritage which draw millions of tourists to the Commonwealth each year.

Land Conservation is a statewide initiative.

Land conservation activities have taken hold throughout Virginia, thanks in large part to the Land Preservation Tax Credit. In 2000, less than 20 localities had more than 1,000 acres under conservation easement. Today, nearly 70 localities can claim more than 1,000 acres of permanently protected farms, forests, natural and cultural lands. (See attached map.)

It is important to maintain the current incentives for land conservation.

Without adequate funding for the Land Preservation Tax Credit, Virginia Land Conservation Foundation (VLCF), and the Virginia Department of Agriculture’s Purchase of Development Rights Program (PDR), the pace of land conservation will fall, just when Virginia is confronted with countless conservation opportunities.

Ask your legislators to support the Land Preservation Tax Credit program funding for VLCF and the PDR program, and oppose any changes to the \$100M cap on credits.

*For more information on land conservation issues, please contact
Heather Richards, Director of Land Conservation at the Piedmont Environmental Council
at hrichards@pecva.org or 703-203-0060.*

Funding land conservation activities at the private, local and state level.

One of the most significant challenges to land conservation in Virginia today is the ability of the private, local and state organizations to work with every interested landowner, and then ensure that the land is protected in perpetuity. Del. Ware's bill, HB 447, would create a funding source that will ensure that adequate resources are available for easement monitoring and enforcement, whether the easement holder is a private land trust or a local or state agency.

Background

Under existing law, when easement donors sell their land preservation tax credits, they must pay a fee. It is important to note that this fee is NOT paid unless the easement donor sells his credits. This fee is capped at 2% of the donated interest or \$10,000, whichever is less.

This fee is a user fee to help run a program that allows donors to sell tax credits. The ability to sell credits is a significant benefit, and it is appropriate for the direct beneficiaries to pay a fair share of the administrative costs. Moreover, the increased fee will directly aid the organizations burdened with the stewardship of these easements in perpetuity, in enforcing those perpetual restrictions and help ensure that the Commonwealth's investment in conservation is maintained.

Who should get the money? Entities that originate the easements

Removing the cap will raise approximately \$1.8M additional per year. The fee is currently paid by all donors who sell credits, regardless of who holds their easement. Who should get this money? This legislation would give the additional money to the entities that originated the easements and will monitor the easements. These entities could be state agencies such as Dept. of Forestry or Dept. of Historic Resources, VOF, or private land trusts. HB 447 directs that the funding created by this fee be used to pay for enforcement of easement terms, which is the most significant and costly part of land conservation work.

Disincentive to Work With Private Sector

Currently, most private land trusts must privately raise adequate funds to monitor and defend their easements and many organizations ask the landowner donating the easement to pay a charge a "stewardship fee". If their donors get hit with a higher transfer fee -- and still have to pay the stewardship fee -- some may decide to make no donation or avoid the private land trusts. For this reason, some land trusts oppose an increase in the fee that goes only to DCR and Tax.

Stewardship

On a broader level, there has been growing concern that easements are not being monitored and enforced adequately. Because this legislation specifies that the increased dollars will go to the stewardship of conservation easements, it sends an important signal to the General Assembly that the complaints have been noted and acted upon.

Ask your legislators to support HB447.