

## Land Conservation in Connecticut: A Primer



### THE GOAL

*Permanently protect 21% of the state's land area or 673,210 acres by 2023, of which 10% of the land is to be held by the state, and 11% by land trusts, towns, or water authorities ("conservation partners").*

### THE STATUS

*As of April 2017, a total of approximately 504,829 acres have been acquired for conservation by the state and its conservation partners -- approximately 15% of the state's land area. Connecticut's 137 active land trusts have preserved over 100,000 acres of natural landscape.*

### WHAT'S NEEDED

*To reach the state's conservation goals, the state and its conservation partners will need to acquire over 8,910 and 15,200 acres per year, respectively. (DEEP 2016 Annual Report)*

## State Conservation Funding Programs

### **Open Space and Watershed Land Acquisition Grant Program** (CGS Section 7-131d et. seq.)

- Main source of state funding that has enabled land trusts, towns and water companies to permanently protect forestland, farmland, and other open space for conservation.
- Funded through bonding and the Community Investment Act.
- Grants typically cover 50 to 65% of a property's purchase price.
- Since the program's inception in 1998, \$125.5 million in grants has supported the acquisition of over 500 properties totaling over 33,000 acres in 127 municipalities (as of June 2017).

### **Recreation and Natural Heritage Trust Program** (CGS Section 23-74 et. seq)

- DEEP's primary vehicle for acquiring state lands for parks, forests, wildlife, fisheries, water access, and natural resource management areas.
- Funded through bonding.
- DEEP has acquired over 47,000 acres under this program since its inception in 1998.

## Conservation Terms

*Conservation restriction:* a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the landowner, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use (C.G.S. §47-45a)

*Conservation easement:* a voluntary legal agreement between a landowner and a land trust (or government entity) that permanently restricts certain aspects of land use in order to protect the conservation values of the property

*Qualified Organization:* an organization such as a conservation organization or government agency, that qualifies as a tax-exempt entity under IRS Code Sect. 501(c)(3) and meets public support requirements established by the IRS

*Deed restriction:* terms placed in a deed to a property that restrict certain uses of the real estate by subsequent owners

*Fee simple ownership:* a landowner grants all his or her rights, title, and interest in a property

*Stewardship:* the activities related to maintaining the conservation values of a protected property, including land management, monitoring for encroachments and violations.

For a more complete glossary, see the CLCC website at [www.ctconservation.org](http://www.ctconservation.org).

## List of Conservation-Related Connecticut General Statutes (C.G.S)

1. C.G.S. §47-33h (2001) excludes conservation easements (CEs) from Marketable Record Title Act.
2. C.G.S § 47-27(b) (2002) bars adverse possession and prescriptive easement claims against non-profit land holding organizations.
3. C.G.S §47-42d (2005) requires notice to CE holders of permit applications with state and local land use agencies and building officials.
4. C.G.S. §52-560a (2006) For encroachment on land trust land or CEs, court can award restoration or cost of restoration including: management fees, attorney fees, costs, equitable relief, and penalty of 5x restoration cost or \$5,000 in statutory damages. Attorney General can also enforce.
5. C.G.S. § 47-6b Easements must be signed by grantor and grantee (PA. 04-114 now 47-6b) or they are potentially voidable (response to easements granted without land trust permission).
6. § 12-81. Par. 7. Land trust property is generally exempt from property tax even without public access.
7. § 47-2. Charitable uses. "All estates granted ... for any other public and charitable use, shall forever remain to the uses to which they were granted, according to the true intent and meaning of the grantor, and to no other use.

### About the Connecticut Land Conservation Council

*CLCC works with land trusts (now numbering 137+), other conservation and advocacy organizations, government entities, and individuals to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. As Connecticut's umbrella organization for the land conservation community, CLCC focuses on building land trust capacity and sustainability, leading a unified land conservation voice for public policies that support land conservation, and engaging broad constituencies to foster a deep understanding of the benefits and need for land conservation.*

For more information about CLCC or land conservation in Connecticut, contact CLCC Executive Director Amy B. Paterson at [abpaterson@ctconservation.org](mailto:abpaterson@ctconservation.org) or (860) 685-0785.

### References

1. Connecticut Land Conservation Council  
<http://www.ctconservation.org/conservationoptions>
2. *Environmental Quality in Connecticut 2014 Report*, CT Council on Environmental Quality.  
[http://www.ct.gov/ceq/lib/ceq/Environmental\\_Quality\\_in\\_Connecticut.pdf](http://www.ct.gov/ceq/lib/ceq/Environmental_Quality_in_Connecticut.pdf)
3. *Land Conservation in Connecticut 2014 Annual Report*. Connecticut Department of Energy and Environmental Protection  
[http://www.ct.gov/deep/lib/deep/open\\_space/2014\\_Annual\\_Report.pdf](http://www.ct.gov/deep/lib/deep/open_space/2014_Annual_Report.pdf)
4. *2010 National Land Trust Census Report*. Land Trust Alliance.  
<https://www.landtrustalliance.org/land-trusts/land-trust-census/state-factsheets/connecticut-fact-sheet>

