



# Little Compton Landscapes

Newsletter of The Sakonnet Preservation Association

July 2007

## SPA Annual Meeting 2007

The Sakonnet Preservation Association's Annual Meeting will be held on Wednesday, July 11, 2007 at the Stone House Club, 122 Sakonnet Point Road, from 6:00-8:30 p.m. The guest speaker will be Keith H. Lang, Executive Director of the Champlin Foundations, a Rhode Island based charitable foundation whose funding priorities include conservation.

Previously, Mr. Lang worked for twelve years for US Senator John H. Chafee, most recently as director of his Rhode Island office. He also served as manager of the Senator's last two campaigns for re-election. Lang was the first state director for the Nature Conservancy of Rhode Island, a trustee of the Block Island Land Trust and director of the Block Island Conservancy. In addition, Mr. Lang is co-author of the book *On This Island: The Block Island Trail and Nature Guide*.



The SPA Annual Meeting will include a reception with hors d'oeuvres, sandwiches and cash bar that begins at 6:00 p.m. The annual meeting will start at 6:45 p.m. and include a description of recent SPA activities and the election of SPA officers and directors. Mr. Lang's talk will start at 7:15 p.m. All SPA members, as well as the entire community, are welcome to attend. Please consider bringing a friend or neighbor. There is no charge for the event, but donations will be welcome at the door. Call 635-8800 for additional information. — *Piper Hawes*

SPA Annual Meeting

## The Sakonnet Preservation Association

*presents*

### Keith H. Lang

WEDNESDAY  
**July 11, 2007**  
6:00 – 8:30 p.m.

Join the SPA for a reception  
with hors d'oeuvres,  
sandwiches and a cash bar  
at the Stone House Club  
122 Sakonnet Point Road

***Members, as well as the entire  
community, are welcome.***



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Preservation Association**

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## ***Land Protection is For Everybody***

My new friend Brenda and I were hurtling towards Bangor Maine in her 1985 Chevy with 285,000 miles on it, her Pit Bull Reggie in the backseat, licking my ear from time to time, when the discussion turned to land preservation. Earlier in the day, I had done a 360 degree slide on black ice. Luckily, I escaped injury, but my car was towed away and I was stranded in the yard of Brenda's aunt's and cousins' cabin, situated in the middle of what is known as "Northern Appalachia." Brenda offered me a ride to Bangor, but I had to wait while she fed the horses, cows and sheep. After 3 hours of small talk about bear baiting — stale *Dunkin Donuts* work best — with aunt and cousin, she and I were on our way.

Brenda mentioned that she owns about 600 acres of land and worries that "city slickers" were trying to buy up all of the desirable land for development. Looking out at the barren landscape, I didn't think this was an immediate problem, but heard her out as she explained that she wanted to keep her land in its present undisturbed condition but did not know how to protect it in case something happened to her.

*So in between ear licks from Reggie, the ninety-odd mile trip from Calais to Bangor gave me ample opportunity to explain how conservation easements work and how they might be an answer to her problem.*

Brenda was interested enough to ask me to put her in touch with a local land trust, which I did after returning home.

Finally, Brenda works as a waitress, earning \$9,000 a year. She inherited her 600 acres and lives there with a trailer for herself and a barn for her animals. Having lived close to the land all her life, she realizes the importance of preserving her property in its present condition for the future. — *Bob Wolter*

## Spreading the Word of Land Protection

Once you begin to learn about protecting land, unexpected opportunities arise to spread the word. It can be exciting to share what you know with someone who has little or no knowledge but has a clear interest in somehow protecting their land from development. Two of us on the Board recently had such experiences.

My husband has a distant cousin living in Astoria, New York who recently visited as part of a family reunion. She has inherited a property in upstate New York — a 125 acre orchard and farmhouse she is sentimentally attached to that is now being taxed at a rate she cannot afford. She described her frustration

trying to figure out what to do. The more we explained the possibilities that might be available, the more excited she got.

On our recommendation, she went to the national Land Trust Alliance website to find the nearest land trust to the farm. Within a week of returning home, she sent an e-mail describing how, yes indeed, she had found an interested land trust, and a May site visit was planned. In the meantime, at the suggestion of the local land trust, she is exploring the possibility of selling a forested portion of the property to the State of New York which holds an abutting wetland property. She is on her way. — *Abigail Brooks*

## Students Learn About Life in the Wetlands at RI Audubon Center

Sponsored by SPA, Wilbur and McMahon second grade students participated in the Life in the Wetlands program at the Rhode Island Audubon's Bristol Environmental Education Center.



*Audubon naturalist explains the importance of the wetlands for groundwater protection and as a control for flooding.*



*Wilbur & McMahon School second graders observe the wetland vegetation and animal life. Skunk cabbage, turtles and toads were in abundance!*



## Meeting the Challenge of “Perpetuity:” How Does SPA Ens

Conservation easements donated by generous Little Compton property owners have been the Sakonnet Preservation Association’s (SPA) principal method of land preservation in recent years. SPA has preserved a total of 352 acres, of which 150 acres are in the form of conservation easements. And of the 17 conservation transactions completed by SPA since 2000, 14 have been conservation easements. (Conservation easements are legal agreements between property owners and land trusts that permanently limit the uses of land in order to protect the land’s conservation values. Property owners continue to own the land subject to an easement, but the land trust assumes the legal right and obligation to enforce the easement’s terms and restrictions.)

Such gifts are often motivated in part by the federal income tax deductions available to donors for conservation easements that qualify under the Internal Revenue Service (IRS) Code and Regulations. These tax laws and regulations impose many rigorous standards on donors and land trusts. Moreover, as a result of abuses by some land trusts and property owners, which have been the focus of recent media scrutiny and congressional hearings, the IRS has intensified its oversight of land trusts and conservation easement donations. The IRS has also tightened its reporting requirements for both land trusts and easement donors. Land conservation organizations, including SPA, have thus been forced to review and modify many of their practices and policies.

While requiring time, effort, and money, this process has prodded SPA to strengthen its capacity to protect conservation lands during the years ahead. Among the principal IRS regulations is a requirement that conservation easements, in order to qualify for a tax deduction, must be granted in “perpetuity.” But what does perpetuity mean for SPA, in practical terms, when the organization assumes the legal and financial responsibility entailed in holding conservation easements? SPA is taking a variety of steps to meet the challenge of “perpetuity”:

■ ***We have established separate dedicated reserve funds for stewardship and legal defense.*** At present, the SPA Board of Directors has allocated more than \$27,500 to the land stewardship fund and more than \$17,500 to the fund for legal defense of conservation easements and other property interests held by SPA. The Board has established targets for each fund as well as formulas that dedicate to each fund a portion of SPA’s annual interest, dividends, and membership support. These dedicated funds represent a commitment to meeting: 1) the predictable future costs of regularly monitoring conservation easements, and 2) the unpredictable prospect of potentially expensive legal responses to easement violations.

Establishment of these dedicated funds also addresses a new IRS requirement imposed on property owners when documenting the value of their donated conservation easements. The IRS has now explicitly declared that land trusts “must have the resources to be able to monitor and enforce...conservation easement(s) or other conservation restrictions.” In addition, the agency now requires that federally tax-exempt non-profit organizations like SPA report annually and in detail on the number of conservation easements we hold and the resources we devote to monitoring those easements.

■ ***We are strengthening our efforts to monitor conservation easements on a regular basis.*** This effort relies on the involvement of many dedicated SPA volunteer easement monitors, under the direction of John Farr, chair of our Stewardship Committee. IRS regulations require that the donor of a conservation easement provide documentation of the condition of the property subject to an easement at the time of the donation. In practice, a “Baseline Documentation Report” (BDR) is usually prepared by a wildlife biologist retained by SPA. Using photographs, maps, and other documentation, these detailed BDRs enable SPA to determine whether any activities on land subject to easement represent possible violations of the terms of the easement. The SPA is committed to inspecting each conservation easement annually, whether a few acres overlooking Round Pond or a 40-acre woodland parcel on John Dyer Road.

## Ensure the Long-Term Protection of Conservation Easements?

(SPA also inspects annually the properties the organization owns outright. Together, these easements and properties currently total 37 parcels that require monitoring.)

■ ***We are reviewing procedures for working constructively with successor landowners.*** Conservation easements represent a relatively new form of legal relationship between landowner and land trust. Conservation easements “run with the land” and are legally binding on subsequent purchasers of a property. But successor owners may not necessarily share or understand the conservation intentions of the original donor of an easement. Hence, when a property subject to a conservation easement changes hands, SPA is obligated to communicate with new owners regarding the respective responsibilities of SPA and the owner under the original terms of the conservation easement.

■ ***We are considering legal agreements with back-up easement holders, in the event that SPA were to face some serious threat to the organization’s continuing operation or even go out of business.*** The Rhode Island Attorney General, as the ultimate legal overseer of the state’s non-profit charitable organizations, would assume responsibility for the disposition of SPA’s assets in certain extreme circumstances. However, some land trusts have negotiated arrangements with other land trusts and conservation agencies to serve as “back-up” easement holders, with the legal authority to enforce the easements in cooperation with or in place of SPA. In fact, on a few properties that have involved the purchase of land or easements, SPA has entered into such joint legal arrangements with other conservation organizations. These include the Simone Blanchard property at the corner of Cole Brook and John Dyer road and the P. T. Marvell Reserve on South Shore Road.

■ ***Land trusts are taking collective and collaborative initiatives to defend conservation easements and strengthen land trust operations.*** At the state level, the Rhode Island Land Trust Council (RILTC), the advocacy group for the state’s more than 40 private and municipal land trusts, has recently

proposed and promoted state legislation to defend conservation lands. One bill would require notification of conservation easement holders “when a property owner proposes subdivision or development that requires municipal approval,” according to RILTC Executive Director Rupert Friday. “Presently when a property owner submits a proposal to the municipality for a building permit, rezoning or subdivision application, abutting property owners are notified but conservation easement holders are not notified.” Another RILTC-proposed bill would exempt from adverse possession claims land protected by non-profit organizations for conservation purposes.

At the national level, the Land Trust Alliance, the umbrella organization for more than 1,600 land conservation organizations, has recently established a rigorous accreditation program for land trusts. SPA, under the leadership of board member Chris Burns, is dedicated to seeking and achieving such accreditation, a process that is expected to take several years.

The SPA’s commitment to assure the organization’s long-term ability to protect the land it oversees is both a fiduciary and a philosophical one. We will continue to reach out to SPA members and supporters for assistance, both in monitoring conservation easements and in providing financial resources dedicated to ensuring the legal and ecological protection of these properties. The Sakonnet Preservation Association is obligated to protect land preserved by conservation easements for a period that stretches before us as far as our imaginations can foresee. Perpetuity is a long time. — *Larry Anderson*



## Larry Anderson Receives The Peter Merrit Conservation Achievement Award

On March 24th Larry Anderson, the SPA's President, received the Peter Merrit Award from the Rhode Island Land Trust Council at their Annual Meeting. The award recognizes "outstanding achievement in conservation in the land trust community."

A writer by profession, Anderson is a co-founder and former President of the Harvard Common Press and has authored many articles on conservation, the environment, and land use. His book, *Benton MacKaye: Conservationist, Planner, and Creator of the Appalachian Trail*, was published by The Johns Hopkins University Press in 2002.

For the past 25 years, Anderson has served on the Bruce V. Anderson Foundation, which funds environmental organiza-



Larry Anderson

tions in New England. He was Vice-Chair of the Steering Committee of the Rhode Island Land Trust Council from 1999-2002. He has been a member of the SPA since 1991 and has served this organization in many roles. Under his leadership, membership increased and key policies were adopted, including

the Land Trust Alliance's Standards and Practices. 16 properties were donated during his tenure, amounting to over 125 acres of preserved fields, coastal thickets, water recharge areas and wildlife habitat.

In 2004, Anderson and his wife, Nan Haffenreffer, conveyed a conservation easement on 15 acres of their property on Quicksand Pond to The Nature Conservancy. He is currently at work on another book and continues to champion land preservation and environmental reform. — *Jana Porter*

## Ponderosa Pond Quest

*To begin at the beginning of this fun quest  
Go to the wooden sign as you probably guessed  
This land is owned by the Sakonnet Preservation Association  
A local land trust which maintains the location*

*The name of the pond is your first word to spell  
Collect the right letters and your quest will go well*

And so began the nature quest at SPA's Ponderosa Pond property with Wilbur & McMahon School students as part of their Earth Day Celebration.



*Board member Piper Hawes and Wilbur & McMahon School librarian Sarah Jansen with students at the end of their successful quest.*

## Dear Members and Board of the SPA,

*Once again we thank you here at Wilbur & Mc Mahon School for a wonderful donation to our library. We all love beautiful new books and students and teachers alike have been anxious to get started on these. With spring around the corner they should be very popular! They will all be up and on display during Earth Week — what could be more appropriate?*

*Thank you so much again for your great generosity.*

Yours truly,  
Sarah Jansen  
Wilbur & McMahon School Librarian

## SPA Public Information Event with Attorney Stephen Small

On April 17th a hearty group braved the rain to be at the Stone House Club to enjoy refreshments and conversation before hearing Attorney Stephen Small give a timely presentation about the first major new income tax incentives for land conservation since 1980. Recognized as a national expert on this topic, Small began by stressing the importance of acting now to conserve the open space in our communities, as once the land is bulldozed and paved over it's too late.

After caring comes planning and that's where the new tax incentives come in. In August, 2006 President Bush signed a new law that substantially increases the amount of deduction that can be claimed on taxes and extends the time over which the deduction can be taken. This legislation not only improves incentives for land conservation, but helps reach landowners of modest means who are "land rich" by allowing for added deductions. The legislation further extends the time over which the deduction can be taken.

*As Stephen Small said, "If you want to lock up your land," the donating of conservation easements is the only tool we have.*

Ultimately, landowners must work with a tax attorney or an accountant to calculate their eligibility and the extent of their deductions. Small emphasized the importance of sitting down with a competent accountant, and added that there is no excuse for not consulting a tax professional to run the numbers as software for this purpose is now readily available. His mantra is, he asserted, "Do it right or don't do it at all!" After his talk, Small answered the audience's questions of a more specific nature.

SPA Board members are available to help potential donors explore how to begin this process and to decide whether this organization is the right choice for holding an easement on their land. The window of opportunity closes on December 31, 2007 unless the legislation is extended. If you or someone you know is interested in conserving land, please call the office or contact a Board member. — Rosemary Colt

## Historic Meadow Protected



In December, Miss Damaris Atwater donated a conservation easement on a meadow off West Main Road near Congress Street. These 4.1 acres were once part of Isaac Champlain Wilbour's farm. Mr. Wilbour was one of several local farmers who bred what became known in the 1890s as the Rhode Island Red Hen, later our state bird.

A small seasonal stream from nearby wetlands runs through Miss Atwater's field, which is bordered by historic stone walls and is part of the Little Compton Agricultural Lands Scenic Area as designated by the Rhode Island Department of Environmental Management. Preservation of this meadow provides continued protection of downstream surface water for well re-charging. Along with other nearby protected fields, it will continue to provide habitat for a wide variety of mammals, reptiles and amphibians. The hedgerows that border part of the meadow are home to White-Throated Sparrows and Dark-Eyed Juncos, both a "species of concern" in Rhode Island.

Little Compton treasures the open fields, walls, wildlife habitats and views that we are still able to enjoy, in part because of the contributions of residents like Miss Atwater. Her niece, Dora Atwater Millikin, emphasized the importance of the gift of this field to her aunt, who, she said, knew exactly what kind of wild life passed through it. She added how important to Miss Atwater that she secure this small part of the Little Compton to maintain its natural character and to prevent future generations from blocking the view from her and her mother's house.

— Rosemary Colt

# We Need You! Now Is the Time to Join the Sakonnet Preservation Association...or to Renew Your Membership

Little Compton is fortunate that several effective and dedicated land conservation organizations are committed to preserving the town's wild places, farmlands, scenic vistas, shoreline, wetlands, and other critical lands and natural resources. In addition to the Sakonnet Preservation Association (SPA), the Little Compton Agricultural Conservancy Trust, The Nature Conservancy, the Audubon Society of Rhode Island, and several agencies of Rhode Island state government have worked — sometimes individually, often cooperatively — to acquire land, conservation easements, and development rights.

At SPA, though, we like to point out that our organization is the one group devoted solely to land conservation in Little Compton that anyone can join. We want — and we need — your membership! Inserted in this newsletter is a return envelope that includes a membership form. For our many faithful current members, this newsletter and envelope

represent our annual renewal appeal. The SPA Board of Directors recently approved a revised membership dues structure. Please send in your membership renewal promptly. We hope you will consider upgrading your membership level, but we welcome and appreciate any level of support.

And we of course welcome new members, whether long-time residents who have never previously joined SPA or newcomers to town who share our commitment to the preservation of Little Compton's scenic landscape, natural resources, and rural character. Please come to our July 11 Annual Meeting to learn more about our activities.

We will work hard to put your financial support to efficient use. Please renew or begin your membership now.

*Sincerely,*  
*Larry Anderson, President, SPA*

Postal Customer

**Our Mission**  
The Sakonnet Preservation Association, a non-profit land trust, is dedicated to preserving the rural character and natural resources of Little Compton for the lasting benefit of the Community.  
**For Information:**  
401.635.8800

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