

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 2020, a total of approximately **513,038 acres** have been acquired for conservation by the state and its conservation partners – approximately 16% of the state's land area. More than 200,000 of these acres have been protected by Connecticut's community of **over 130 land trusts**.

WHAT'S NEEDED

To reach Connecticut's goal, the state and its conservation partners will need to acquire **over 19,500 and 33,800 acres per year, respectively**.

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 by bonding and through the Community Investment Act
- Grants typically cover 50 to 65% of a property's purchase price
- Since the program's inception in 1998, \$125 million in grants has supported the acquisition of 36,400 acres in 139 municipalities

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

- Primary vehicle of Connecticut Department of Energy and Environmental Protection (DEEP) for acquiring state lands for parks, forests, wildlife, fisheries, water access, and natural resource management areas
- Funded by bonding
- DEEP has acquired over 49,000 acres under this program since its inception in 1986

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

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 that is qualified to hold conservation easements, such as a conservation organization or government agency

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 to a land trust, who then owns and manages the land

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

Selection 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."

Additional References

1. Connecticut Council on Environmental Quality. (2021). [Environmental Quality in Connecticut 2020.](#)
2. Connecticut Department of Energy and Environmental Protection. [Open Space in Connecticut.](#)
3. Connecticut Land Conservation Council. (2021). [CLCC Advocates for State Open Space Grants and other Land Conservation Programs.](#)

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#LoveYourCTLandTrust

Our Mission

The Connecticut Land Conservation Council advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community across the state.

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