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H.289

Introduced by Representatives Sullivan of Burlington, Lefebvre of Newark,  
and McCullough of Williston

Referred to Committee on

Date:

Subject: Conservation and development; conservation and preservation rights  
and interests; registry

Statement of purpose of bill as introduced: This bill proposes to establish a  
registry for conservation rights and interests, including trail easements.

An act relating to a registry for conservation rights and interests

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. §§ 824, 825, and 826 are added to read:

§ 824. CONSERVATION RIGHT AND INTEREST REGISTRY

(a) Definitions. As used in this section:

(1) “Perpetual trail easement” mean a conservation right and interest in a  
trail that endures forever and under which the public may walk and otherwise  
use the trail for recreational, educational, or interpretive purposes.

(2) “Primary qualified holder” means a holder, among a group of  
holders, that has been delegated monitoring responsibilities under section 825  
of this title.

1       (b) Registry. The Secretary of Natural Resources shall establish and  
2       maintain a registry within the Agency of Natural Resources (Agency) to create  
3       a permanent electronic record of existing and future conservation rights and  
4       interests, including perpetual trail easements, held by qualified holders and  
5       recorded pursuant to section 823 or 6303 of this title. The registry shall allow  
6       each conservation right and interest to be registered and subsequently updated  
7       when registration information changes. In establishing the registry, the  
8       Agency shall seek to minimize administrative burden and duplication of  
9       information.

10       (c) Account. Each qualified holder of a conservation right and interest  
11       described in subsection (b) of this section shall establish an online account  
12       with the Agency and register each such right and interest in the electronic  
13       manner provided by the Agency.

14       (d) Multiple holders. If there are multiple holders to a conservation right  
15       and interest, the primary qualified holder shall bear the responsibility of  
16       establishing an online account and registering the right and interest.

17       (e) Registration. The initial registration of each conservation right and  
18       interest shall include the following:

19               (1) The name and type of entity of the holder or, if applicable, primary  
20       holder. Examples of the types of entities include a State agency, municipality,  
21       and land trust.

- 1           (2) The name and type of entity of each co-holder, if applicable.
- 2           (3) The name of each original grantor.
- 3           (4) The city or town where the land is located.
- 4           (5) The execution date and the book and page recording information.
- 5           (6) The school parcel account number under 32 V.S.A. § 5404(b) or any  
6 successor statewide unique parcel identifier.
- 7           (7) The acreage subject to the right and interest.
- 8           (8) The primary purpose of the right and interest.
- 9           (9) The inclusion in the right and interest, if any, of habitat protection  
10 for a particular species, ecological community, or rights of public access.
- 11           (10) The use of grant money from a governmental entity in acquiring the  
12 right and interest.
- 13           (11) The date on which the right and interest was monitored and the  
14 monitoring method used.
- 15           (12) Each amendment of the conservation right and interest with the  
16 execution date and the book and page recording information.
- 17           (13) Geographic Information System (GIS) data and metadata for the  
18 land protected by the right and interest that meets the standards established by  
19 the Vermont Center for Geographic Information (VCGI) under chapter 8 of  
20 this title. The Agency shall provide this GIS data to VCGI, which shall  
21 incorporate the data into a publically accessible VCGI data layer.

1        (f) Fee. The Agency shall charge an annual registration fee of \$30.00 per  
2        holder.

3        (g) Updates. If any of the information in a registration under this section  
4        changes, the holder or primary qualified holder, if applicable, shall update the  
5        information in the registration by February 1 each year.

6        § 825. MONITORING

7        Each qualified holder of a conservation right and interest, including a  
8        perpetual trail easement, shall inspect the real property subject to such rights  
9        and interests at least every two years to ensure the uses and activities on the  
10       property are consistent with the terms of the deed, and shall prepare and retain  
11       a written monitoring report in the qualified holder's permanent records. The  
12       holder shall make available to the landowner, upon request, a copy of the  
13       monitoring report. If a conservation right and interest has multiple holders, the  
14       primary qualified holder shall have the responsibility to comply with this  
15       section.

16       § 826. FAILURES

17       (a) A failure of a qualified holder to comply with section 824 of this title  
18       shall cause the holder's next annual registration fee under that section to  
19       increase to \$300.00.

20       (b) A failure of a qualified holder to comply with section 824 or 825 of this  
21       title shall be subject to enforcement under chapters 201 and 221 of this title.

