



STATEWIDE PROGRAM OF ACTION TO CONSERVE OUR ENVIRONMENT

SPACE WINTER NEWSLETTER

FEBRUARY 2010

Letter from the SPACE Board Chairman:

A CHANGING OF THE GUARDS: David L. Babson, Jr. has accepted the position of the Chair of the SPACE Board for 2010, he is replacing long-time chair, Chuck Souther who will continue serving on the Board as a director. Northam Parr has accepted the position as Vice Chair for 2010, Jasen Stock as Treasurer and John Barto as Clerk. These people now constitute our new Executive Board.



Pictured: David L. Babson Jr.

MESSAGE FROM OUR CHAIRMAN:

Dear Current Use Land Owners:

Recently, I was elected chairman of our organization. I consider it quite a honor and a real privilege to have been trusted with this position. I will have large shoes to fill as my predecessor, Chuck Souther, is truly one of the most capable and thoughtful leaders with whom I have ever been lucky enough to serve. Chuck and I are staunch believers in Current Use and the law's benefits to our state. We both believe that any changes in the law or rules should be well thought out, the need documented and legislation carefully crafted.

However, as our State's demographics and way of life changes, there will be increased pressure to alter the current use law as we know it. Annually there are attempts by legislators to make changes either in the light of day or behind the scenes. It is important that we maintain a constant vigilance over the "system" as SPACE is the only group whose primary purpose is to ensure that Current Use remains a cornerstone of NH Tax policy, and is fairly applied to benefit the real "NH advantage-open space!"

We are very fortunate to have as our lobbyist, Tim O'Connell from Milford, N.H. former state representative and former vice-chairman of the Environment and Agriculture Committee. He has done an outstanding job keeping an eye on things and giving the board a "heads up" as to what may be coming down the pipe line. It is to our advantage that we have a talented and articulate individual working for us on a day-to-day basis. You, as a landowner, can feel secure that we are watching out for your interests, and you are able to keep your land open by paying fair Current Use taxes.

In order to maintain a viable organization, we need to increase our donations. Particularly this year, we need your financial help. We employ an excellent executive director, Ms. Donna Robie, as well as our lobbyist; mailings are not cheap; there is rent for our office space and the upkeep of our data base, a critical element in "calling out the troops." If each of the individuals or businesses that have not donated would do so by just sending \$10, we would be in a far better financial situation.

SPACE is concerned with finances like many of you are in these tough times. While it might be easy to say "perhaps next year," SPACE needs to be even more vigilant this year. As a former state legislator, I know the legislature may try to solve financial problems with increases in property taxes and fees. Conversely, special interest groups will attempt to seek preferential tax treatment, some by changing the Current Use Law, and thus reduce revenues to our municipalities, but they are short of monies too! SPACE is committed to a strong advocacy to ensure fair and responsible application(s) of our most effective land use law.

I would like to thank all of you that give to SPACE and make it possible for us to advocate for you. For those of you that have not yet donated, PLEASE consider helping out.

David L. Babson

David L. Babson, *SPACE Board Chair*

Legislative Update: Current Use Bills in the NH General Court

as reported by Tim O'Connell



2010 Preliminary Legislative Update-1/6/10

The following bills are of primary interest to SPACE:

HB 1250-Clarifying that a quorum of the current use board is not required to hold public forums (Reps Patten, Pilotte, Schmidt, Sen. Cilley). This bill proposes that the CU Board would not need a quorum present at any public forum.

*SPACE's position: **Opposed.** SPACE would like to have this bill sent to interim study at this time in order to see how the newly proposed video conferencing works out for these forums, as well as making sure records are timely and made available. SPACE feels it is important that the public has every opportunity to address Current Use issues with the CU Board.*

HB 1609-Relative to current use and the land use change tax (Rep. Owen).

- 1.) The bill changes the procedure for setting current use value of unproductive land;
- 2.) clarifies that the land use change tax is not a property tax but is a change of use tax;
- 3.) allows local assessing officials 5 years to discover that the land use change tax is due and payable if they receive no written notice; and
- 4.) clarifies current use taxation of condominium development areas. Note: this bill is a result of a CUB subcommittee that reviewed both NH's current use law and administrative rules.

SPACE's position is to support Section 1 of this bill; SPACE supports Section 2 of this bill; Section 3: SPACE would like clarification as to why it is necessary to change time period. SPACE is in favor of allowing towns the longest amount of time needed to collect tax. Section 4- SPACE is in favor of this bill which is in sync with HB-424 legislation from 2009.

HB-1689-Exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011.(Reps. Harding, Irwin, Sen. Downing).

SPACE supports this bill as presented and agrees that the Current Use Board should not be included in this sunset bill.

SB-400 Relative to assessment of the land use change tax (Sen. DeVries, Reps. Theberge, Cooney, Patten). This bill removes the requirement that the land use change tax shall be due and payable when a site under current use no longer conforms by reason of size.

SPACE is in opposition to this bill as it is contrary to the basic premise of NH's Current Use Law to "encourage the preservation of open space."

If you would like to view any of these proposed bills in full — go to www.nh.gov- State Government-Legislative Branch- State Legislation Dash Board:

State Legislation Dash Board

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 2010 Bill Requests **New!**
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Find a Bill (hb23,sb456)

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SPACE is pleased to announce last summer's Special 2009 appeal promotional raffle winners- **The Johnsons from Marlborough, NH**. They are seen here with their prize package of a Prodigy 12' kayak, at Eastern Mountain Sports in Concord, NH. Due to the popularity and success of this special promotion, SPACE will be raffling off a pair of snowshoes, poles and gaiters this winter. If you donated \$100.00 or more between December 1, 2009 and January 31, 2010, you will be automatically eligible to win. Winner is responsible to claim and pick up prize package at the SPACE office at 54 Portsmouth Street in Concord, NH no later than February 14, 2010. **This prize is not exchangable for cash. GOOD LUCK!**

SPACE would like to once again thank Eastern Mountain Sports for their support and allowing SPACE to fundraise during their special Club Days Events.

THANK YOU TO ALL CONTRIBUTORS THAT HAVE MADE A DONATION THUS FAR THIS YEAR. IN ORDER TO PROTECT AND SERVE YOUR CURRENT USE INTERESTS, WE NEED YOUR DONATIONS. IF YOU HAVEN'T ALREADY CONTRIBUTED HIS YEAR, WON'T YOU NOW PLEASE CONSIDER?

HOW TO MAKE AN ONLINE DONATION: It's simple and easy and helps support current use! Go to www.nhspace.org opening webpage. Click on left-side section **ABOUT SPACE**. Once the drop down menu appears, select **ONLINE DONATIONS**. The next screen that appears only will ask for the amount you wish to donate. Once you enter an amount then you will be transferred to the SSL-protected eProcessing menu where you will finish making your online donation and enter your personal credit card information. Please note that SPACE does get any credit card information. SPACE only receives a confirmation email from eProcessing when a donation has cleared.

Understanding What the Duties & Powers of the Current Use Board Are *Donna Marie Robie- Executive Director*

Several times a year the Current Use Board (CUB) holds annual board meetings which are open to the public. SPACE always has had members in attendance any time the CUB meets, whether it is a regular board meeting, a rules hearing or public forum. The board meetings are where a quorum of CUB members vote on issues presented to the board over the course of any given year, such as setting new rates for your current use land. It is within the CUB's rule making authority to set these rates. The CU Board may also propose changes in its regulations based on new court hearings or the need to amend an existing regulation. This year, the CU Board is proposing several rule changes, one of which will allow CU Board to set the unproductive/wetlands rate which in the past has been based on the lowest of any range within the forest land or farm land categories. "Unproductive land"— means land, including wetlands, which by its nature is incapable of producing agricultural or forest products due to poor soil or site characteristics, or the location of which renders it inaccessible or impractical to harvest agricultural or forest products, as determined and classified by criteria developed by the board. (See Proposed CUB Rule changes below, CUB 304.13 & CUB 304.14).

Many people may wonder how the Current Use Board assists current use landowners.

IN THESE REGARDS, STATE LAW PROVIDES AT RSA 79-A:4 III: "79-A:4 Powers and Duties of Board; Rulemaking; provides that. – The board shall have the following powers and duties: III. The board shall annually determine, vote upon and recommend to the chairman of the board the schedule of criteria and current use values for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums throughout the state to receive general comment through verbal and written testimony on the current use law."

After the public forums have been held, the CU Board sets a date generally sometime in mid-January to hold a Public Rules Hearing. At this Rules Hearing, the CU Board presents all the rules being amended to the public. The public is given another ten days from the date of the Rules Hearing to write to the CU Board. Once those ten days have expired, the CU Board convenes once again and votes on which rules to put forth to the Joint Legislative Committee of Administrative Rules (JLCAR). The JLCAR studies all proposed recommendations before they take effect.


How can a current use landowner participate? Well, every year the Current Use Board must hold three public forums. Last

year the attendance at these sessions was very low, and the ongoing concern is that not enough people are aware of the public forums, or the locations are out of reach for many to be able to attend. The Current Use Board is proposing to test-pilot a video conferencing forum this year to see if this works better and allows more participation. (See comments under the SPACE Legislative Update bill HB-1250.) SPACE has also requested the Current Use Board to pre-set the 2010 fall forum dates and locations by May 31, 2010. SPACE will then post this list in the summer edition of the SPACE newsletter and also on our website.

At the 2009 Fall public forums, the following notable rule changes are being proposed for 2010. At this time these are merely being proposed by the CU Board, and are still subject to approval by JLCAR. We have included only the portion of each section which is being changed. Please note any stricken text is what was previously written with the proposed change(s) appearing in bold.

PROPOSED CUB RULES PRESENTED AT FALL FORUMS in 2009: Readopt with amendment Cub 207.03 effective 2/18/06 (Document # 8570-B) to read as follows:

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Call us at 603-224-9699, become a new member of the NHTOA and receive a free gift (Offer good for first time members only, offer expires March 31, 2010.)

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On March 7, 2010 we will be holding a special maple sugaring class. For more details or to register call 224-9699

Cub 207.03 Conduct of a Forum.

- (a) Forums or board meetings shall be presided over by the chairperson or the chairperson's designee.
- (b) The presiding person shall:
- (2) Cause ~~notes~~ **a record** to be taken;
 - (7) ~~Establish limits on the print and electronic media as provided in Cub 207.05(b);~~
 - (8) Effect the removal of any person who disrupts the forum; and
 - (98) Adjourn the forum; or
 - (109) Recess the forum and reconvene a forum at a later date if the number of speakers exceeds the allotted time for the forum.

Adopt Cub 301.05 to read as follows: Note: Current CUB 301.05 to 301.11 rules shall be renumbered to accommodate: Cub 301.05 "Development area" means that area within a development plan which is undergoing physical changes as referenced in Cub 301.01. Cub 301.05 "Development area"

Readopt with amendment Cub 304.07 and Cub 304.08 effective 4/1/09 (Document # 9427) to read as follows:

Cub 304.07 Assessment Ranges for Forest Land Categories.
The assessment ranges for forest land categories without documented stewardship shall be as follows:

- (a) The category of white pine shall be ~~\$128 to \$192~~ **\$138 to \$207** per acre;
- (b) The category of hardwood shall be ~~\$57 to \$86~~ **\$55 to \$82** per acre; and
- (c) The category of all other shall be ~~\$86 to \$129~~ **\$76 to \$114** per acre.

Cub 304.08 Assessment Ranges for Forest Land Categories with Documented Stewardship. The assessment ranges for forest land categories with documented stewardship shall be as follows:

- (a) The category of white pine shall be ~~\$86 to \$130~~ **\$97 to \$146** per acre;
- (b) The category of hardwood shall be ~~\$20 to \$34~~ **36** per acre; and
- (c) The category of all other shall be ~~\$49 to \$74~~ **\$43 to \$64** per acre.

Readopt with amendment Cub 304.13 and Cub 304.14 effective 2/18/06 (Document # 8571) to read as follows:

Cub 304.13 Assessment Range for Unproductive Land. The assessment for unproductive land shall be ~~\$15~~ **\$20** per acre.

Cub 304.14 Assessment Range for Wetland. The assessment for wetland shall be ~~\$15~~ **\$20** per acre.

Readopt with amendment Cub 307.02 effective 4/1/09 (Document # 9428) to read as follows:

Cub 307.02 Development Other Than Condominiums.

In the case of a development, other than condominiums, which includes land identified in the development plan to satisfy the density requirement of RSA 79-A:7, V(b), that land **and any land in the development area** shall ~~remain in~~ **be removed from** current use.

- (b) **Any lot or site, or combination of adjacent lots or sites shown thereon, which are under identical ownership shall remain in current use** until such time as there is no longer 10 qualifying acres of developable land, as shown on the approved development plan.

It is important that if you have concerns about any of these 2010 changes being proposed that you contact the CU Board at the following:

NH Department of Revenue Administration

Property Appraisal Division

Telephone: (603) 271-2687

Facsimile: (603) 271-1161

Web: www.nh.gov/revenue

In person at 109 Pleasant Street, Concord

In writing to: NH Dept of Revenue Admin.

Assessing Standards Board

PO Box 487, Concord, NH 03302-0487



*Traveling down Route 145 between Colebrook and Pittsburg.
Photo courtesy of John Harrigan*

New Hampshire Fish and Game *Operation Land Share*

Fish and Game and its *Operation Land Share* partners hereby extend their sincere appreciation to current use landowners for their generosity in sharing their land with hunters. In New Hampshire, hunting and fishing are based upon the tradition of allowing access to private lands, which is a privilege granted through your generosity. Without the access that you and other landowners provide, the opportunity to hunt would not be available to most New Hampshire hunters.



Operation Land Share was developed by Fish and Game's Landowner Relations Program to assist landowners with issues experienced in sharing land with hunters and other outdoor users. Through *Operation Land Share* access management signage specifically designed to address the most common issues landowners experience is available free of charge.

Further information on *Operation Land Share* and assistance available from Fish and Game's Landowner Relations Program can be found at www.wildnh.com/landshare or by contacting Chuck Miner, Administrator of Fish and Game's Landowner Relations Program at landownerassistance@wildlife.nh.gov or at 603-271-3511.

In these regards, State law provides at RSA 79-A:4 II:

"II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snowshoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific agricultural or forest crop or activity. The owner of land who opens his land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34."

Many landowners (current use and non-current use) do not realize that if you do not display the proper signage, hunters may and will access your property. Remember too, it's not always what you say, but how you say it!

Upcoming Workshops on NH Current Use Tax Rules

Monday March 1, 2010 • 7:00 PM - 9:00 PM
Rural landowners of 10+ acres can enroll their property in the state's "Current Use" program and lower their property taxes. However, this protected property also has restrictions on its future use. We will explain Current Use Assessment and the different aspects of the program, so you can decide if this land conservation opportunity is right for you. If your land is already in Current Use, this will be a good refresher course to remind you of the regulations. Fee: None

Location: Antrim Town Hall
66 Main Street, Antrim NH 03440

For more information or to register, please call Jon Nute or George Hamilton at 603-641-6060.

Monday, March 22, 2010 • 6:00 PM

This workshop is sponsored and conducted by UNH Cooperative Extension. We will explain Current Use assessment and the different aspects of the program to help you decide if it is right for you. We will also give an update on any changes to Current Use regulations. If your land is already in Current Use, this will be a good refresher for you.

Location: Barnstead Town Hall
108 South Barnstead Road, Center Barnstead, NH

For more information or to register, please call Andy Fast, Extension Educator, Forestry Resources, Belknap County at 603-527-5475.

Your choice of 2 workshop dates:

Thursday, March 18, 2010 • 6:30 PM - 8:30 PM

Location: UNH Cooperative Extension
Grafton County Complex, Rte 10, North Haverhill, NH

Tuesday, March 16, 2010 • 6:30 PM - 8:30 PM

Location: Bethlehem Library (upstairs meeting room)
Main Street, Bethlehem, NH

For information, please call or email Dave Falkenham, Grafton County Extension Forester, at (603) 787-6944 or falkenham@unh.edu. Visit our website: extension.unh.edu

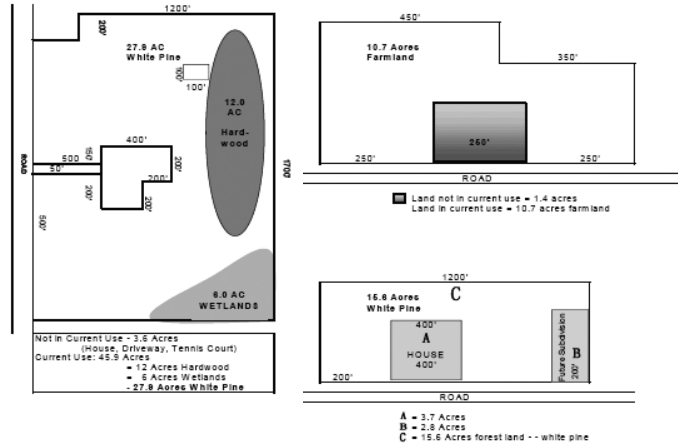
Current Use Handbook

Examples of the type of map to be submitted for current use assessment

Many landowners have or will at some point in time receive a request from their town to provide an update on their current use property; this might include: changes in acres; changes in categories; or an updated management plan for forestland with stewardship, etc. Often an updated map is required as well, and this is an effective way to show any changes. Please note that Towns are entirely within their rights to have up-to-date information, a cornerstone of proper assessments, and Current Use landowners are responsible to provide such information. The Current Use Criteria Booklet has some suggested samples of maps to facilitate this obligation, as shown to the right, and on page 23 of the 2009-2010 Current Use Criteria Booklet.

Many forestland owners seem to struggle with accurate maps, timber types, and acreages. UNH Cooperative has county-based forestry educators who can help landowners,

and there are more than two hundred licensed NH foresters who can provide landowners with quality maps, guidance and stewardship plans to help landowners manage their forests well, and likely qualify for reduced assessments under the category, "Forestland with Documented Stewardship."



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SPACE hopes to make its new publication "Understanding How Current Use Works in New Hampshire" available some time later this year. The date when the book is available and price will be posted on the NEWS section on the SPACE website.

UNDERSTANDING HOW CURRENT USE WORKS IN NEW HAMPSHIRE

Photo of the Swiftwater covered bridge courtesy of John Harrigan

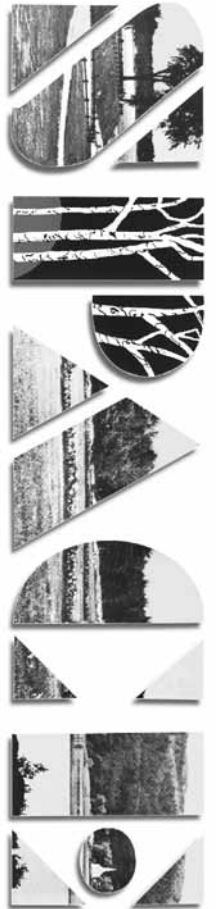
Written and prepared by: Donna Marie Robie
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