Preserving America's Natural Heritage

Lessons from States' Efforts to Fund Open Space Protection

Environment America
Research & Policy Center

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Cover: *The view from Hawk Mountain Sanctuary, Kempton, PA (Credit: by Krista Mackey, istockphoto.com)*
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Executive Summary

America's open spaces are an integral part of our national identity. Our natural landscapes not only provide us with places of great beauty, but they also play a critical role in providing habitat for wildlife along with clean water, fresh air and recreational opportunities for Americans.

With these values at stake, many states —and their taxpaying citizens—have made significant investments in protecting these beautiful landscapes from destructive activities. Nevertheless, America's woods, fields, and meadows are steadily slipping away. Sprawling, unplanned development and mounting pressure to drill, log, and mine America's last remaining wilderness areas threaten the health of our environment and communities and jeopardize the natural legacy we will leave to future generations.

Development covered an additional 21.6 million acres of land in America—an area larger than the state of Maine—between 1992 and 2003. The country lost approximately 34.6 million acres of agricultural land over that same time period—lands that are not only important for the production of food but which also play an important role in local ecosystems.[1] Despite the recent downturn in the real estate market, there is every indication that the long-term trend toward sprawling development will result in continued paving over of woods, pastures and other open spaces across America.

If states want to save the special places that remain within their borders, they need to redouble their efforts—and quickly. Fortunately, the examples set by existing state land preservation programs hold important lessons for states as they seek to protect their most treasured natural areas. This report profiles the experiences of preservation programs in 15 states as they have striven for consistent and adequate funding for open space protection.

The experiences of these states suggest that future state-level land preservation efforts in the United States should:

Plan for and finance preservation over the long-term.
States in which funding for preservation is

subject to the annual state budget process have a more difficult time sustaining consistent and meaningful land preservation efforts. Consistent funding is important because there is often a very short window of opportunity during which threatened open spaces can be protected. The loss of funding at a critical moment could result in important natural areas being lost forever.

The most effective way to ensure long-term stability in funding is to adopt multi-year programs paid for with bonds backed by dedicated revenue streams. States such as Florida, which has established 10-year preservation programs funded through the issuance of bonds, have been able to maintain momentum for their preservation programs without having those efforts interrupted by funding cuts during periods when state budgets are tight.

Create a dedicated funding stream.
States have created a variety of dedicated funding streams for preservation programs – ranging from real estate taxes to a percentage share of lottery revenue to a designated portion of the state's general sales taxes. In reality, however, no source of funding is truly "dedicated" forever, and legislators in several states have diverted funding from these sources to fill short-term budget holes.

The "dedicated" funding sources that appear least likely to be diverted are those that are dedicated in the state constitution to land preservation or are used to secure revenue bonds. Constitutional provisions that dedicate specific funding sources to preservation programs are difficult to overturn. Issuing revenue bonds secured with a stable source of dedicated funding can make it difficult to divert funding from preservation activities while providing consistent funding for preservation needs over a period of time.

In several states, dedicated sources are not the main source of preservation funding, but still play a useful role in helping a state to diversify its funding stream for preservation, minimizing damage in cases where funding from one source temporarily dries up.

Set goals and evaluate progress.
Several states, including Connecticut and North Carolina, have set numerical goals for the amount of land they wish to preserve through their open space protection programs. In addition, North Carolina produces an annual report evaluating progress toward its "million acre" goal and the challenges faced in achieving that target. These numerical goals enable government officials, preservationists and the public to evaluate the success of a state's preservation efforts, evaluate where those efforts may be falling short, and devise strategies to address those shortcomings.

The quality of land protected is as important as the quantity. State programs should focus on protecting lands of high ecological and community value, for example, by prioritizing the protection of contiguous parcels of open space. Washington, Florida and other states have developed systematic criteria by which they prioritize lands to be protected, ensuring that the investment of state funds delivers the maximum benefit for the environment and state residents.

Create funding mechanisms that align with preservation priorities.
Michigan obtains some of its funds for new state land purchases through revenues from logging and other extractive activities on existing taxpayer-owned lands—a mechanism that undermines preservation goals. Several other states use real estate taxes to fund preservation efforts, generating more revenue for preservation at times when there is greater pressure to develop land.

Harness local and private-sector resources.
Several states rely on local and private efforts to augment state land purchases as part of their overall land preservation strategies. States such as Georgia are using tax credits to encourage private efforts to preserve land, while states such as New Hampshire, Connecticut and Wisconsin offer matching grants to spur the purchase of land by local governments and land trusts. Well-designed tax credits and matching grant programs can enable states to protect more land with less state money and maintain momentum toward land preservation even when state budgets are tight.

Combine land purchases with effective land-use planning.
Oregon has achieved great success in preserving natural and agricultural lands through a combination of innovative land-use planning and purchases of important natural areas. Effective planning can reduce the pressure placed by sprawling development on natural areas and play an important role in America's overall preservation effort.

Ensure that taxpayers' lands remain protected.
When taxpayers use their hard-earned dollars to purchase forests, fields and mountain valleys, these lands should be protected for future generations. But in some states, powerful industries have been allowed to trample on publicly-owned open spaces. Lands purchased by taxpayers for preservation should not be opened to logging, mining, drilling or other destructive activities.

Seek public support.
Citizens across the country support land preservation. When preservation funding initiatives make it to the ballot – either at the local or state level – they frequently receive overwhelming support. The adoption of preservation funding referendums makes it less likely that lawmakers will choose to override the will of the voters by diverting funding and it helps nurture the civic constituency needed to maintain a long-term commitment to protecting the country's natural resources.

America's Threatened Natural Areas

Natural Treasures in Peril

America's open spaces form an integral part of our national heritage. Our natural places are valued far beyond their inherent beauty – they provide clean water, fresh air, habitat for wildlife, and a wide variety of recreational opportunities.

But America's open lands are steadily slipping away. Sprawling, unplanned development and mounting pressure to drill, log, and mine America's last remaining wilderness areas threaten the health of our environment and communities and jeopardize the natural legacy we will leave to future generations.

Between 1992 and 2003, a total of 21.6 million acres—an area larger than the state of Maine—was developed in the United States, converted from forests and fields to strip malls, housing developments, big-box stores and other forms of urban and suburban development.[2] At the same time, America lost 34.6 million acres of crop and pasture land—lands that are not only important for the production of food but which also play an important role in local ecosystems.[3]

The loss of natural land has many impacts on the environment and our communities. Habitat loss is the main threat to survival for 85 percent of the nation's hundreds of endangered species.[4] Sprawling development patterns, which often leapfrog parcels of undeveloped land, often fragment large areas of habitat, making it harder for wildlife to secure the food, water and shelter needed to survive. The loss of open space can damage water quality, as rainwater that had once filtered into the ground instead flows off of roofs and paved surfaces directly into waterways – carrying with it large amounts of pollutants and sediment.

Natural areas also provide America with an important part of our national character. Sprawling development patterns now threaten important natural landscapes across the United States – some of which are unique in the world.

Lancaster County, Pennsylvania – The heart of "Pennsylvania Dutch Country," Lancaster County is the home of some of the world's most productive unirrigated farmland and unique cultural traditions. Lancaster County's open farmlands also

fulfill an important ecological function, providing important transition zones for forest wildlife, and acting as a buffer against the impact of development. Sprawling development from the Philadelphia area, however, threatens to change both the natural and cultural character of Lancaster County forever. By 2005, Lancaster County was losing 1,000 acres of farmland to development each year.[5]

The Florida Everglades – Home to mangrove trees, tall sawgrass, American crocodiles, and Florida panthers, the Everglades are known around the world for their unique ecology – yet some 50 percent of their total area has already been lost.[6] Despite federal and state efforts to restore the Everglades to their natural condition, booming development in South Florida continues to put pressure on the Everglades ecosystem – endangering both this uniquely valuable ecological treasure and the 68 federally endangered or threatened plant and animal species that call it home.[7]

The Colorado Rockies – The mountains, forests, and open ranges of Colorado's Rocky Mountains evoke images of pristine, rugged wilderness and productive farm and ranchland. But continuing sprawl along Colorado's "Front Range" from Pueblo to Denver to Fort Collins, coupled with intensifying pressure to extract natural resources such as oil, natural gas and timber, threaten the natural character of the Rockies. Sprawling development patterns have begun creeping up the foothills of the Rockies, fragmenting habitat for wildlife and increasing the amount of wildlands in close contact with human development. This expanding "wild-urban" interface often pits the needs of human communities (for example, protection from fire) against those of wild ecosystems, and can have damaging effects on forests and wildlife. In addition, Colorado ranchland surrounding the Rockies is rapidly disappearing: 1.26 million acres of agricultural land, or 690 acres per day, were lost between 1997 and 2002 alone.[8]

The Preservation Challenge

While America has lost millions of acres of natural lands over the past several decades, communities, non-profit organizations, and local, state and federal governments have undertaken efforts to protect our most precious areas. Non-profit land trusts alone had preserved 37 million acres of land—an area approximately the size of Georgia —by 2005.[9] Lands preserved as local, state and national parks and protected forest areas account for millions more acres of protected land.

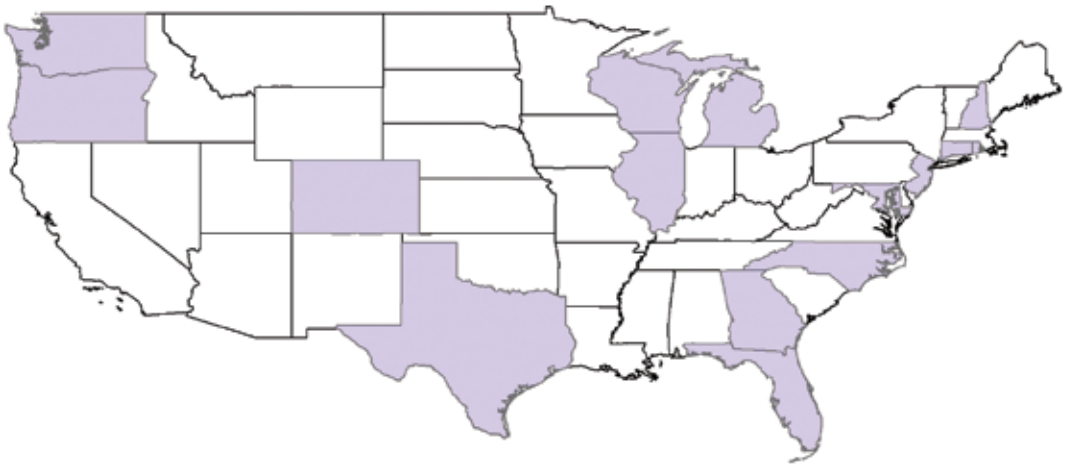
State governments have played a particularly important role in land conservation. In addition to direct holdings of land in the form of state parks and forests, states have played a key role in setting priorities for land preservation, creating policies that encourage protection of important natural lands, and providing funding for municipal and private-sector preservation efforts.

State governments have taken a variety of approaches to preserving important natural lands and open spaces. This report provides snapshots of land preservation practices in 15 states across the country. Each state faces unique preservation challenges, and has developed its own series of solutions and funding mechanisms. Some of the states highlighted in this report provide positive examples. Others serve as cautionary examples whose approaches other states should seek to avoid. Preservationists and government officials, however, can learn from the examples of each of these states as they strive to protect unique and valuable portions of America's natural heritage.

Funding for Land Preservation: Case Studies from 15 States

Across the United States, state governments have taken a variety of approaches to open space preservation. The 15 case studies that follow tell the stories of a diverse mix of states in all regions of the country and how those states have responded to the threats posed to critical natural areas. (See Figure 1.)

Figure 1. States with Preservation Programs Profiled in this Report



The Colorado Rockies Credit: Alan Storey, under license to Shutterstock.com

Colorado

Placing a Bet on Open Space

Colorado funds its main preservation effort, Great Outdoors Colorado, with a constitutionally dedicated share of proceeds from the state lottery. The program's funding has been stable over time, contributing to the permanent protection of more than 500,000 acres of land.

Colorado is renowned for the iconic peaks and forests of Rocky Mountain National Park, for its Mesa Verde canyons, and for broad expanses of ranch and farmland. But today the beauty, ecological value, and economic benefits of these natural assets are threatened by rampant development.

Since 1997, Colorado has lost over 1.26 million acres of agricultural land, and is projected to lose 3.1 million more if current trends continue, fragmenting and disrupting wildlife habitat and eating away at the state's $18 billion agriculture industry.[16] Protecting natural and open spaces is also critical to the health of the state's $2.4 billion wildlife-related recreation industry.[17]

Created in 1992, the Great Outdoors Colorado (GOCO) Trust Fund represents the state's main conservation effort. GOCO is the result of a state constitutional amendment, adopted by voters in 1992, that dedicates 50 percent of annual lottery proceeds to the program. However, these funds may not exceed an inflation-adjusted cap, which was set at $50.2 million for 2006.[18] (Most of the remainder of Colorado lottery proceeds support Colorado state and local parks, recreation and open space efforts.)[19] The revenue cap for GOCO has been reached in each of the last five years, meaning that overflow funds that would

have gone to the program have instead gone to support public schools.[20]

The GOCO mandate divides the program's grant-making activities into four main areas:

- Wildlife resources, habitat, and heritage education;
- Outdoor recreation facilities and education;
- Land identification, acquisition, and management;
- Matching grants for local government conservation efforts.

GOCO administrators work with external experts to assess grant applications, though grant funding is ultimately dependent on decisions of the GOCO board.

The program has funded a wide array of conservation efforts, ranging from trail restoration projects to engaging students in the Colorado Youth Corps Association. GOCO grants have contributed to permanent protection for over 500,000 acres of Colorado lands (including agricultural tracts, parks, and wildlife habitat) and creation of over 900 recreation areas.[21] Five wild species have been either prevented from descending to endangered status or removed from the federal endangered species list under GOCO-supported efforts of the Colorado Division of Wildlife.[22] GOCO has further aided in protecting the beautiful and historic Laramie Foothills, which were the early pioneers' first introduction to the Rockies.[23]

To date, GOCO's source of state revenue has been relatively secure, declining only during periods when lottery income and proceeds have fallen. In recent years, however, GOCO's funding has not kept pace with rising lottery revenues due to the cap on the amount of lottery money that can be used for the program.

Connecticut's Housatonic River Valley Credit: J. Norman Reid, under license to Shutterstock.com

Connecticut

New Proposal Could Meet Ambitious Goals

Connecticut has established quantitative, long-term goals for its land preservation programs. However, the need to fund the effort through the annual issuance of bonds has resulted in inconsistent funding for land preservation and has prevented the state from achieving its open space preservation targets.

Poorly planned development threatens Connecticut's natural heritage of historic farmland, forested hills, sparkling rivers and sandy coast. Over the last 50 years, 24 percent of Connecticut's private forests have been consumed by development; an average of more than 23 acres is lost each day.[24]

Recognizing the threat, in 1997 Connecticut set an ambitious goal for land preservation, aiming to preserve 21 percent of its area as open space by 2023. State-owned lands were to account for 10 percent of the land area, with municipalities, non-profits and water utilities owning the other 11 percent.[25]

Purchases of state-owned land have been sufficient to keep pace with the 10 percent goal and the state now owns 78 percent of the land it will need to achieve the target.[26] The Recreation and Natural Heritage Trust Fund is helping the state acquire natural land by purchasing additions to state parks and forests and other natural open spaces. From fiscal year 2000 through fiscal year 2006, the state acquired approximately 34,000 acres of land.[27]

Land purchases by non-state entities,

however, appear not to have kept pace with their land preservation targets. Between 2001 and 2006, non-state entities purchased less than half the land they would have needed to remain on pace to achieve their land preservation targets.[28]

Land preservation by local governments, land trusts and private landowners is encouraged through the Open Space and Watershed Matching Grants program, which was established in 1998. The program provides matching grants to local groups. So far, the program has granted $78 million to acquire over 22,000 acres of open space.[29]

Connecticut also works to protect agricultural land through its Farmland Preservation Program. To date, the program has preserved more than 30,000 acres on 228 farms.[30]

Land preservation activities by both the state government and its partners in municipal government, non-profits and the private sector have been hampered by the lack of a long-term, reliable funding source. The main source of funding for the state's preservation programs is annual bonding (supplemented, in the case of the Open Space and Watershed Matching Grants program, by a portion of the state's $30 fee on the filing of municipal land documents).[31] To receive bond funding, preservation programs must pass two hurdles: they must have their bonds approved by the Legislature annually and then have the bonds released by the governor's Bond Commission. As a result, funding for preservation programs tends to get caught up in annual budget battles in which the programs must compete with other priorities for bond funding.

Since the late 1990s, funding for land purchases in Connecticut has declined significantly. In its early years, the Open Space and Watershed Matching Grants program accepted two rounds of grant proposals annually, with a total funding level of approximately $5 million per round. In 2003, however, there were no grants at all, and in the following years the program has been limited to one round of funding annually. Similarly, the Recreation and Natural Heritage Trust Fund has seen its level of funding reduced from approximately $15 million annually in its early years to $4-5 million annually in recent years. Both programs have seen their annual funding dramatically reduced since their peak funding levels of the late 1990s and early 2000s—at the same time that development pressures and land prices have increased.[32]

Preservation advocates are now promoting a long-range proposal for land preservation in Connecticut. The plan, called "Face of Connecticut," would set a target of providing $1 billion in funding over 10 years to preservation efforts and streamline the current process for bond funding by consolidating all preservation programs into one bond request per year. A more limited proposal, enacted in 2007, will allow state grants to cover a greater share of the cost of land purchases made by municipalities and land trusts—a change that could help the non-state entities achieve greater success in meeting their land preservation targets.[33]

Connecticut's open space preservation efforts currently suffer from a misalignment between ambitious, long-range goals and contentious, short-term funding battles. Strong programs exist but are hampered by under-funding. By creating a long-term plan for funding land preservation and streamlining state programs, Connecticut can do a more effective job of ensuring that the state's threatened natural areas and scenic landscapes remain protected.

Florida's Everglades National Park Credit: Tomasz Szymanski, under license to Shutterstock.com

Florida

A Long-Term Commitment to Preservation

For nearly two decades, Florida has been a national leader in preservation, safeguarding more than 2 million acres of natural lands. The state's programs have been funded through long-term (10 year) bond issues secured with dedicated funding from real estate transfer fees. However, the purchasing power of the state's preservation dollars has declined over time and Florida faces important decisions about the future of its preservation efforts when the current program expires in 2010.

Florida has long been one of the fastest-growing states in the country. Between 1950 and 2000, Florida's population grew by almost 500 percent—while that of the U.S. as a whole grew by only 86 percent.[34] With this massive influx of people has come rapid development of natural and agricultural land.[35] In the last 50 years, more than 8 million acres of forests and wetlands have been developed—or about 24 percent of Florida's total land area.[36]

The price of this development has been steep. Sprawling development has carved wildlife habitat into smaller and smaller pieces divided by highways or paved over altogether for shopping malls and office parks—threatening state symbols such as the Florida panther and the Florida black bear. Many of Florida's coastal marshes and barrier islands—home to endangered wildlife such as manatees, wood storks and loggerhead sea turtles—have been trans-

formed into marinas and condominiums. The Everglades—a unique ecosystem that is home to 68 federally endangered or threatened plant and animal species—has already lost half of its area to agricultural and urban development and continues to face pressure from South Florida's booming development.[37]

To stem this tide, Floridians have taken action to preserve the natural beauty and unique ecosystems that drew many of them to the state in the first place. Since the late 1960s, Florida has funded strong programs to preserve unique natural areas. The latest such effort is a program called Florida Forever.

Since the program's inception in July 2001, Florida Forever has provided more than $2 billion in conservation funding.[38] The program supports a variety of goals including land acquisition (directly and through conservation easements), ecosystem restoration, water supply protection, and public lands management.[39]

Florida Forever is largely funded through a 0.7 percent documentary stamp tax on real estate transfers, mortgages and other securities transactions. Future revenues from the tax back bonds, which are issued to fund immediate conservation needs. Funding can also be supplemented through a general appropriation by the Florida Legislature.

Altogether, Florida Forever makes $300 million available for conservation purposes each fiscal year.[40] A variety of state agencies, including the Florida Department of Environmental Protection and water management districts across the state, receive money from the program. A council (consisting of five state agency representatives and four appointees of the governor) decides which lands will be targeted for protection by the program. The council evaluates, selects and prioritizes possible projects using science-based criteria. The governor and his cabinet must then approve the list of projects.[41]

Florida Forever and its predecessor programs have been successful in preserving important natural resources and the program enjoys broad public support. The Florida Department of Environmental Protection touts Florida Forever as "the world's largest land conservation buying program," with more than 560,000 acres preserved since the program's inception in 2001.[42] Polls have consistently shown that 75 percent of Floridians support the program.[43]

Florida Forever has been successful because of several factors, including:

- A consistent funding source;
- Funding over a 10-year period;
- Projects covering both urban and rural areas;
- Diverse conservation goals, including providing recreational opportunities for the public, healthy fisheries and wildlife habitat, greenway corridors, and water supply protection;
- The involvement of numerous partners, including local governments, state agencies, water management districts, non-profit organizations and private landowners; and
- The use of peer-reviewed scientific criteria to identify and prioritize the most critical land and water conservation and restoration needs, which removes potential politicization of the land-buying process.

While Florida Forever has been successful, it is scheduled to expire in 2010, and the agencies that receive funding through the program are already essentially out of funds. Moreover, its achievements pale in comparison to the need at hand. Florida's population is expected to double in the next 50 years, reaching 36 million by 2060. If past patterns of development continue over this period, Florida will lose an additional 7 million acres of natural and agricultural

land to development—more than doubling the current amount of urban land in the state.[44]

If Florida is to prevent this irreversible loss, it will need to return to the level of commitment envisioned in Florida Forever's predecessor program, Preservation 2000, which was initiated in 1990. In a single decade, Preservation 2000 protected 1,781,489 acres of land on behalf of the people of Florida, or about 4 percent of the state's total land area.[45] While Florida Forever receives the same amount of annual funding as Preservation 2000—$300 million per year—the purchasing power of that money has eroded over the last two decades. Whereas in 1990, the state provided $37 (in 2007 dollars) per Floridian per year for land conservation, today the level of per capita funding is only about $16 per year. At the same time, land prices have increased from an average of $6,000 per acre in 1990 (in 2007 dollars) to nearly $30,000 per acre today.[46]

A coalition comprised of the state's leading conservation and recreation organizations, the Florida Forever Coalition, is currently pursuing multiple avenues for implementation of a successor program to Florida Forever. The coalition is advocating for a more robust program with greater and more stable funding. Opportunities for passage of a successor program include the 2008 Florida legislative session or an amendment to the Florida Constitution on the 2010 statewide ballot.

Georgia's Chattahoochee National Forest Credit: Sebastien Windal, under license to Shutterstock.com

Georgia

Signs of Progress in Standing Up to Sprawl

Georgia has historically lagged in funding land preservation efforts, even as the state has experienced dramatic sprawl. However, the state has recently taken two initiatives to boost land preservation, creating a tax credit for taxpayers who donate land through conservation easements and creating a new statewide land preservation program.

The largest state east of the Mississippi River, Georgia prides itself on green Appalachian spaces. Yet tremendous overdevelopment, especially in the Atlanta metropolitan area, is rapidly distorting the state's appearance. The state is home to eight of the top 25 fastest-growing counties in the nation.[47]

Georgia lacks a master plan to accommodate the hundreds of new citizens who relocate to the state each day. Developers are taking advantage of lax zoning regulations and inadequate protections to build in an inefficient, but very profitable, manner. Similarly, many counties struggle to raise the money to preserve forests and farmland before it is bought and razed by developers for strip malls, box stores, and subdivisions with half-acre lots.

Three metro Atlanta counties—Cobb, Gwinnett and DeKalb—are on track to use all their non-federally owned farmland and

habitat to accommodate projected growth by the end of 2025, according to Smart Growth America.[48] And other regions in Georgia are also experiencing rapid growth: coastal Georgia expects to increase its current population of 558,000 by over 50 percent by 2020.[49]

To cope with these challenges, Georgia has begun to take action to protect its threatened land. In 2003, Gov. Sonny Perdue created an advisory panel to make recommendations that would lead to the development of Georgia's first statewide land conservation program.[50] That process resulted in the passage of legislation in 2005 to create the Georgia Land Conservation Program and a revolving loan fund that helps local governments finance land acquisitions. The program was allocated more than $40 million in the state's fiscal year 2008 budget.[51]

In 2006, the Georgia Legislature also passed a land conservation tax credit, which allows taxpayers who donate land through conservation easements to receive income tax credits of up to 25 percent of the value of the gifted land. Under this law, individuals may claim credits of up to $250,000, and corporations may claim a maximum of $500,000 against income taxes. Georgia's tax credit program is new and data about its results are limited. However, early indications are that the program has been plagued by some technical problems that have made it more difficult and less lucrative for taxpayers to pursue the tax credit than should be the case. Preservation advocates are working with the Georgia Legislature to fix these technical problems and improve the tax credit to make it more attractive to would-be contributors of land.

Creating a workable tax credit program in Georgia could play an important role in encouraging land conservation. The Georgia program closely resembles a North Carolina tax credit established in 1983.[52] Since its creation, North Carolina's tax credit has been responsible for protecting more than 108,900 acres. The state has paid just $28 million to conserve land valued at $304 million.[53]

Georgia's work to protect land at the statewide level has been supplemented by efforts of some local and county governments. County governments in Georgia are permitted to levy special purpose local option sales taxes (or SPLOSTs) through local referenda, generating revenue for projects such as conservation efforts.

While Georgia has historically lagged in land preservation efforts, the state's recent moves to adopt a conservation tax credit and to establish a statewide land preservation program could provide a solid foundation for protecting precious natural lands in Georgia amid the state's rampant sprawl.

Silver Lake Park, Illinois Credit: Laurence P. Lawhead, under license to Shutterstock.com

Illinois

A Search for Stability in Preservation Funding

Illinois lags behind other Midwestern states in investments in land preservation. While the state's current preservation programs are supported through dedicated funding sources, those funding sources have been subject to periodic legislative raids. In addition, the state has only inconsistently invested in land preservation through its capital program. A long-term commitment to adequate preservation funding, provided through the state's capital budget, would provide a much-needed boost to conservation efforts in Illinois.

Illinois faces major land preservation challenges. More than 90 percent of Illinois' original wetlands and an astonishing 99.99 percent of original Illinois prairie have already been lost.[54] In 2004, Illinois ranked second-to-last among Midwestern states for percent area of land protected in state-owned recreation sites. The state further ranked last among those states in number of recreation acres per capita.[55]

Illinois primarily funds preservation efforts through two programs: the Natural Areas Acquisition Fund (NAAF) and the Open Spaces Land Acquisition and Development Fund (OSLAD).

Created in 1989, the NAAF provides funds for land acquisition and stewardship projects. As of 2007, NAAF projects included acquisition of more than 21,700 acres of woods, prairies and wetlands and

supported other projects such as exotic species control, hydrological restoration in streams and wetlands, and controlled prairie burns.[56] OSLAD, meanwhile, provides matching grant funds for up to 50 percent of the cost of projects that create outdoor opportunities. Since its 1986 inception, OSLAD has matched over $194 million to more than 800 local open space and recreation area projects, including neighborhood parks and forest preserves.[57]

Illinois has also funded land preservation efforts through the state's capital budget. The most recent example was the Open Lands Trust, which invested $200 million in open space acquisition from 1999 to 2003.[58]

Both NAAF and OSLAD are funded through dedicated revenue from the state real estate transfer tax, in which a $1 state tax is added to every $1,000 of real estate sales. This system correspondingly generates more revenue at times when a lot of land is changing hands and when land values are rising.[59] Funding decreases, however, at times when the real estate market cools. Funding for NAAF and OSLAD may be at risk even in strong real estate markets from the threat of continued raids on the programs' source of dedicated funding.

NAAF and OSLAD are supposed to receive half (15% for NAAF and 35% for OSLAD) of all revenues from the state real estate transfer tax, with the other half going to affordable housing programs. But legislators have not fully allocated these funds during budget crises. In 2003, for example, NAAF and OSLAD received just 25 percent of the receipts from the real estate sales tax, or half of the originally intended amount.[60] Advocates won full funding for NAAF/OSLAD ($15 million and $34 million, respectively) in 2007 for the first time in recent years, but the earlier funding raids will have a prolonged impact, since the state has missed critical opportunities to protect vulnerable open spaces and provide recreational options to residents. Across Illinois, lands that had provided homes for rare plant and animal species have been cleared for residential and commercial development, in part due to the lack of state funding for preservation.[61]

While state funding for land preservation has fluctuated, local investment in conservation efforts has remained strong. The voters of Illinois—particularly in northeastern Illinois—have consistently shown their willingness to pay more in taxes if they know the money is going to protect land and provide more parks, forest preserves, trails and other open spaces. According to the Conservation Foundation, over the last 10 years, no countywide open-space referendum in northeastern Illinois has failed. As recently as April 2007, three counties passed open-space referendums: Kane County, where an $85 million program met with 64 percent voter support; Kendall County, where 68 percent of voters supported a $45 million program; and McHenry County, where 57 percent of voters backed a $73 million initiative.[62]

Currently, Illinois preservation advocates are pushing for the creation of a new conservation program, which would be funded through revenue and general obligation bonds in the state's capital budget. This differs from NAAF and OSLAD funding, which is allocated annually. The new proposal, called "iSPACE" (for "The Illinois Special Places Acquisition Conservation and Enhancement Program"), would invest $100 million annually to acquire critical open spaces.

Illinois only adopts new capital budgets at irregular intervals, and the state has not included significant land acquisition funding in its capital budget since 2002. If iSPACE receives funding, however, it could provide a critical and stable revenue source to ramp up Illinois' land preservation efforts.

An egret in marshland. Credit: Robert H. Creigh, under license to Shutterstock.com

Maryland

Dedicated Preservation Funding Raided, then Restored

Maryland has a long legacy of successful preservation programs. Despite the state's track record of success, in recent years legislators have diverted much of the dedicated funding from the real estate transfer tax that had supported the state's conservation efforts. Legislators restored full dedicated funding to preservation programs in 2006.

Maryland is home to iconic natural places like the Chesapeake Bay and the Appalachian mountains, along with unique ecological treasures including America's northernmost cypress groves and one of the largest bald eagle nesting grounds on the Eastern seaboard.[63] Over the last several decades, however, the state has lost large amounts of natural land. Between 1973 and 1997, the amount of developed land in the state increased by nearly 50 percent.[64]

Maryland has responded to rapid, sprawling development by developing pioneering programs to preserve natural lands. Maryland created its first statewide conservation program three decades ago. Program Open Space was established in 1969 and has since preserved over 287,000 acres of land and created over 400 conservation areas and parks.[65] In 1977, the state added a second program, the Maryland Agricultural Land Preservation Fund (MALPF). MALPF has also had strong success in recent decades, preserving 230,000 acres of working farmland.[66] A

third effort, the Rural Legacy Program, has protected over 44,129 acres.[67]

Program Open Space, MALPF and the Rural Legacy Program are all funded by a 0.5 percent tax on the price of all real estate transfers. MALPF and the Rural Legacy Program both receive additional funding from general obligation bonds, and MALPF gains further revenue from an agricultural lands transfer tax.[68]

The dedicated funding streams for preservation tied to real estate sales allowed Maryland's land conservation programs to keep pace with development. But, in the wake of the 2001 recession, legislators began to raid conservation funds to support other budgetary priorities.[69] Over a five-year span beginning in 2002, the Maryland General Assembly diverted more than $400 million from conservation programs to the state's general fund.[70] Funding for preservation programs fluctuated wildly from year to year. In fiscal year 2006, for example, Maryland spent only about $52.5 million on preservation programs, about one third of the $156 million spent in fiscal year 2002.[71]

Land preservation advocates succeeded in convincing the General Assembly to restore dedicated funding in 2006, but the loss of crucial funds over the preceding five years left Maryland well behind in achieving its preservation objectives.[72] According to the Partners for Open Space coalition, the preservation funding that was diverted to other uses would have been enough to preserve an additional 100,000 acres of privately held land.[73]

Despite the recent fluctuations in funding, however, Maryland has continued to make significant progress in its land preservation efforts. The state also took an important step in November 2007 by closing a loophole in the state's real estate transfer tax that had enabled corporations to avoid paying the tax by placing their land in a limited liability corporation or other entity. Closing this loophole will bring in an estimated $9.6 million in additional funding for preservation programs annually.[74]

The Porcupine Mountains in Michigan's Upper Peninsula Credit: James Schaedig, under license to Shutterstock.com

Michigan

Public Ownership Doesn't Always Equal Protection

Michigan possesses vast tracts of state-owned land. Unfortunately, much of this land is not fully protected from logging, drilling and other forms of development. Funding for additional land purchases is obtained, in part, by leasing existing publicly owned lands for resource extraction—an inappropriate funding mechanism that encourages further development on state-owned lands. Michigan has offered permanent protection from development to a small share of public lands. Increasing the amount of protected lands would ensure that taxpayers receive the maximum environmental and recreational value from state lands.

Fully one-fifth of the state of Michigan belongs to the public. But the state's willingness to allow mining, timbering, and other industrial activities on some of this land is a reminder that public ownership does not necessarily equate to permanent protection of land in its natural condition.

Michigan's publicly owned lands include irreplaceable holdings that stretch from the wilds of Isle Royale National Park in the remote northwest, to the majestic old-growth of Hartwick Pines State Park in the heart of the state, to the landmark Detroit River International Wildlife Refuge in the urban southeast.

Most public land in Michigan is managed by the Michigan Department of

Natural Resources (DNR). DNR works to manage and expand public land holdings. The agency relies upon a variety of funding sources for land purchases, including:[75]

- State park fees;
- Revenues from hunting and fishing licenses;
- Revenues from the sale of forest products from state lands;
- Federal dollars from funds such as the Pittman-Robertson Fund, Wallop-Breaux Fund, and the Land and Water Conservation Fund;
- Grants from the Michigan Natural Resources Trust Fund.

The Michigan Natural Resources Trust Fund was established in 1976, part of a compromise reached between conservationists and oil companies over a proposal to drill for oil and gas on 500,000 acres of state land. Using royalties paid by companies extracting energy or mineral resources from state-owned lands, the fund offers grants to DNR and to local governments for land or conservation easement acquisition in areas with special public value. Local governments must contribute at least 25 percent of the cost to be eligible for a grant. In a limited manner, the fund also assists with the development of recreation facilities on state lands.[76]

Applications for grants are reviewed by a board of trustees, which issues recommendations to the governor. The Legislature then grants final approval and appropriates the funds. In an average year, the fund awards $20 - $25 million in grants.[77] Since its inception, the trust fund has awarded more than $500 million in grants for land acquisition.[78]

Michigan's land conservation strategies have successfully placed more than 4.5 million acres of land under public ownership. However, many of these state lands are available for lease by companies engaging in resource extraction, including logging, mining and oil and gas drilling.

In fact, in 2006, the Michigan Legislature actually required DNR to consider timber sales on at least 10 percent of the state's forests every year, forcing sales to go forward unless they would be illegal or "unsustainable." The law is meant to maximize "forest economics and forest health," but it makes no mention of other forest management priorities—including hunting, fishing, public recreation, protection against invasive species, preserving habitat, or protecting water quality.[79] This mandate reduces the ability of state forests to provide public value. Perversely, some of the money resulting from additional timber sales could be used by DNR to acquire more forest acreage.

Moreover, by funding the Michigan Natural Resources Trust Fund with royalties from mineral development, the state has set up another perverse incentive—offering up valuable lands for resource extraction to provide funding to acquire more lands. For example, in 2006, Aurora Energy of Traverse City proposed to drill 19 new gas wells within a recently acquired, 2,500-acre portion of state forest.[80] Royalties from this drilling could then be used to acquire more public land, which might then be subject to more resource extraction.

The only public lands fully protected from harmful uses are those managed by DNR under the Wilderness and Natural Areas Act. This law, signed by Governor William Milliken in 1972, enables DNR to declare up to 10 percent of state lands as wild, wilderness or natural areas.[81] These areas are open to the public for recreational activities such as hunting, fishing or hiking—but off-limits for harmful activities like logging, drilling or road-building. However, to date, DNR has only protected about 1.1 percent of state-owned land using this authority.[82]

The history of Michigan's decision-

making regarding its public lands raises two important issues with regard to land preservation efforts. First, it demonstrates that publicly owned lands are not necessarily always well-protected. Preservation programs should ensure that land that is preserved for public use is protected from development or, at the very least, managed in ways that account for the many values produced by natural land, not just the value provided by resource extraction. Second, Michigan's system for financing public purchases of land—which derives part of its revenue from resource extraction activities—creates a series of perverse incentives in which state officials may be tempted to increase revenue for land purchases by permitting environmentally destructive activities on other tracts of public land.

The forests and mountains of northern New Hampshire Credit: Tom Oliveira, under license to Shutterstock.com

New Hampshire

A Move to Dedicated Funding

New Hampshire invests in land preservation primarily by making matching grants to leverage investments by local governments, non-profits and the private sector. Because the state lacked a dedicated source of funding for grants, funding for the state's grant program never reached its originally intended levels. With the creation of a new, dedicated funding source for the program, New Hampshire could experience greater consistency in its land preservation efforts.

New Hampshire faces many challenges from rapid growth, particularly sprawl from nearby Boston. Between 1982 and 1997, the amount of developed land (excluding land owned by the federal government) increased by 55 percent, while New Hampshire lost approximately 14 percent of its prime farmland.[83]

New Hampshire's population is projected to grow faster than that of any other New England state over the next 30 years.[84] Should recent patterns of sprawling development continue, the state's open lands and coastal estuaries, as well as globally unique ecosystems such as the Ossipee Pine Barrens, could face further degradation and

encroachment by development.

New Hampshire's land preservation efforts have taken the form of the Land and Community Heritage Investment Program, or LCHIP. Founded in 2000, LCHIP typically contributes 20 percent of funding for a given proposal, providing critical matching funds to leverage local and private donations.[85]

In the past seven years, LCHIP has granted $18.3 million to 139 projects, funding approximately one out of every four requests. These grants have conserved more than 200,000 acres and protected 87 historical sites.[86] The town of Erroll, for example, recently acquired 5,300 acres of community forest in the Androscoggin River watershed with LCHIP support. LCHIP has additionally prioritized protecting areas such as the remaining third of New Hampshire's original pine barrens—rare ecosystems where glacial sands filter aquifer waters and provide sanctuary to a unique combination of plant and animal species.[87]

Yet the success of LCHIP has been undermined by fluctuations in funding levels over time. Administrative funds for the program come from conservation license plate sales and trust fund interest. But, until recently, LCHIP had relied on allocations from the biennial state budget for its grant funds. Though LCHIP's creators had originally recommended annual funding of $12 million, by 2003 legislators had reduced LCHIP funds to just $750,000, with the level of funding remaining at this low level through 2007.[88]

In 2007, however, the state created a dedicated revenue stream for LCHIP through a statewide $25 fee on each real estate deed transfer. These fees, which begin in fiscal year 2008, will constitute LCHIP's main funding source.[89] Estimates place LCHIP's annual funding through the fees at $6 million.[90] The funding is less than LCHIP's recommended $12 million, but does provide dedicated year-to-year funding (over a period of 10 years with the option to renew).

The deed transfer revenue also provides some funding flexibility in response to changes in demand for real estate, since more conservation income is produced at times when there is more real estate activity. A declining housing market, however, results in less money for conservation.

New Hampshire's support for land preservation has been spotty and current levels of funding are likely to be inadequate to keep up with the rapid pace of development in the Granite State. But the recent decision to create a dedicated source of funding for land acquisition is an important step forward and should provide a foundation that New Hampshire can build upon in the future.

Fall in the New Jersey Highlands Credit: Natalia Bratslavsky, under license to Shutterstock.com

New Jersey

A History of Leadership in Preservation

New Jersey has been among the national leaders in land preservation programs. Its most recent 10-year program used bonds secured with a portion of the state's sales tax to generate $2 billion in preservation funding. With that program now ended, however, New Jersey must develop a new, secure, long-term funding mechanism for preservation activities.

New Jersey, already the most densely populated state in the country, is losing over 40 acres a day of its remaining open spaces. These green places provide wildlife habitat, stop run-off pollution from flowing into waterways, and put the "garden" in the Garden State. Rutgers University predicts that the state will reach "full build-out"—the day the state runs out of land—in less than 30 years. And one of the state's biggest developers thinks that it will occur even faster—in the next 15 years.[91]

The speed with which New Jerseyans are losing their open space has fueled efforts to protect it. As early as 1961, the state set up the Green Acres program to purchase environmentally sensitive land and other natural and historic properties.[92] Between 1961 and 1995, New Jersey voters overwhelmingly passed nine separate bond measures to fund land acquisition and park development, totaling $1.4 billion.

In 1998, New Jersey moved to bring stability to its preservation funding efforts through the Garden State Preservation Trust. The trust used a dedicated funding source—a 0.25 percentage point portion of the sales tax—to provide $98 million in

annual funding through 2029. The funds were to provide a dedicated funding stream for land preservation efforts and to pay off a series of bonds that funded near-term preservation efforts. Because the funding for the program is dedicated in the state constitution, the Legislature is barred from diverting funds from the program to other priorities (at least without further amendment to the constitution.)[93] In total, the program has created $2 billion in funding for open space purchases and other preservation programs over the past decade.

The $2 billion in funding over a decade's time was a significantly higher investment in preservation than had been made in New Jersey up until that point—providing more funding for land preservation efforts than in the previous four decades combined.[94] The program had a goal of preserving 1 million acres of open space across New Jersey and the program's aggressive funding allowed the state to preserve twice the number of acres lost, on average, to development each year. However, due to rising land prices, the program has fallen well short of its million-acre goal, protecting approximately 300,000 acres of open space throughout New Jersey, with another 100,000 acres expected to be protected by the end of the program. [95]

The trust's main priorities are the purchase of land for state and local parks, and the preservation of wildlife areas, watersheds and forests. The program also uses conservation easements to preserve existing farmland. Potential purchases are evaluated based on the risk of loss, environmental criteria, and the possibility for community use.

Nearly a decade after the creation of the Garden State Preservation Trust, the future of the state's preservation funding efforts is in doubt. The $2 billion in funding has been spent, and beyond fiscal year 2009, the $98 million in constitutionally dedicated revenue can only be used to pay off the bonds already issued for the program.[96] The debate over long-term funding for the program became a lightning rod in the midst of New Jersey's recent fiscal crisis, leaving preservation advocates scrambling to put a short-term funding measure on the statewide ballot in November 2007. The measure creates $200 million in funding for fiscal year 2009 (July 2008-June 2009). Unlike the previous bonds, the new bonds are secured by the state's general revenue rather than by a specific tax.

Confirming the strong public support for land preservation in New Jersey, voters approved the $200 million conservation bond on the November 2007 ballot—even as voters were rejecting another high-profile bond initiative to fund stem-cell research. Adoption of the bond issue came not a moment too soon, as the state began decreasing funding levels in FY07 and then again in FY08, as funds from the 1998 bond act ran low. In fact, in FY08, only $159.8 million was appropriated, $66.8 million less than the average annual appropriation since FY2000 of $226.7 million. Therefore, stop gap funding meant for FY09 will all be appropriated in early 2009, well before the end of the fiscal year, as the state makes an effort to catch up with the backlog of requests left over from FY08. With chances of renewal of long term funding unlikely until fall of 2009 at the earliest, New Jersey's once prominent Garden State Preservation Trust Fund will likely be depleted of funds for an estimated year and a half, from January 2009, when stop gap funds will likely all be appropriated, through July 2010, the start of the next fiscal year.

To restore New Jersey's historic legacy as a leader on open space preservation, New Jersey's leaders must develop a new, long-term funding mechanism for open space preservation as soon as possible. State environmental and conservation advocates have called on the Governor and the legislature to pass a small societal benefits charge on water users this fall to head off a funding gap on the horizon.

The Great Smoky Mountains Credit: Ariel Bravy, under license to Shutterstock.com

North Carolina

A Variety of Approaches to Achieving an Ambitious Goal

North Carolina has set an ambitious goal of protecting 1 million acres of natural land over a decade's time. While the state is thus far falling short of achieving that goal due to inconsistent funding, North Carolina has protected large amounts of vulnerable land through a mix of state purchases, state grants to local governments and land trusts, and vigorous local land preservation efforts. The Legislature did provide a significant boost to preservation funding in 2007, and, with continued funding at that level, North Carolina may yet achieve its million-acre target.

North Carolina takes pride in its beautiful natural areas, from forested mountains to the wetlands and beaches of the Atlantic coast. In the west, Great Smoky Mountains National Park is the most visited national park in the country, renowned for its diversity of plant and animal life and the remnants of Southern Appalachian culture found among its ancient mountains. In the east is Serenity Point at the southern tip of Topsail Island, home to some of the most beautiful wild beaches in the state and myriad forms of wildlife, including the Loggerhead Sea Turtle.

Over the last 20 years, North Carolina's population has grown by 40 percent, and the next two decades are projected to bring another 30 percent increase in population. Unfortunately, the amount of developed land per person has been increasing as

well—over the same 20-year period, the amount of developed land in North Carolina increased by 65 percent. This sprawling development has put increasing pressure on the state's most treasured natural lands, and that pressure is expected to only intensify: North Carolina is projected to lose another 2 million acres of open space in the next 20 years.[97]

But North Carolinians don't take their natural beauty for granted. Sensing the challenges posed by rapid growth, in 2000 the North Carolina General Assembly set a goal of preserving 1 million acres of forests, farmlands and open spaces by the end of 2009. The job of funding that ambitious conservation agenda is entrusted to four separate trust funds that make grants to local conservancies, cities, non-profits and state agencies to protect land in North Carolina.

- The Clean Water Management Trust Fund (CWMTF) focuses on preserving riparian buffers, which are critical to maintaining clean and abundant water supplies. By law, the trust fund is financed with $100 million in direct appropriations annually from the General Assembly. However, it is periodically underfunded: in 2006, CWMTF was appropriated just $62 million. CWMTF is the program responsible for protecting the most acreage in North Carolina to date. Since its creation in 1996, the Clean Water Management Trust Fund has awarded more than $711 million and protected over 391,000 acres, including 4,277 miles of riparian buffer.[98]
- The Natural Heritage Trust Fund preserves historic and cultural heritage sites by granting state agencies the much-needed funds to acquire important properties. Since 1988, the fund has awarded more than $194 million to help protect over 251,000 acres of land.[99]
- The Parks and Recreation Trust Fund makes grants to local and state parks for land acquisition and facility restoration. It receives approximately $40 million each year through a portion of the state's real estate transfer tax. In its first 10 years, the fund spent $93 million to acquire nearly 30,000 acres.[100]
- The Agricultural Development and Farmland Preservation Trust Fund works to protect North Carolina's family farms through conservation easements, agreements to keep land in agricultural use, and the promotion of sustainable development and agricultural practices. Since it started acquiring conservation easements in 1998, the fund has used $2.65 million to preserve 4,700 acres of land on 33 farms.[101]

The four trust funds are supported by a mix of revenue sources including general appropriations, the state's real estate transfer tax and bonds. Moreover, each dollar spent by these four trust funds leverages an additional $1.30 from state, local and federal programs, enabling the trust funds to preserve even more land for every state dollar invested.[102]

In addition to the statewide funds, local bond measures are helping the state in its efforts to reach the million-acre goal and demonstrate the popularity of investing in open space: between 2000 and 2004, 13 of 14 local referenda for such measures passed with an average of 64 percent of the vote.[103] In October 2007, for example, Raleigh voters supported an $86.6 million bond for park and recreation projects such as greenways and park expansion with 71 percent approval.

But while support for land preservation in North Carolina has resulted in consistent funding for the state's largest land conservation efforts, funding has thus far fallen short of what is needed to achieve

the million-acre goal. Between 1999 and the end of 2005, just over 400,000 acres of land had been preserved, falling short of the pace necessary to meet the million-acre target.[104] As of 2005, the Clean Water Management Trust Fund had only enough money to fund one out of every eight grant requests it received.[105] In 2004 alone, the fund allocated $62 million in appropriations—but received $350 million in grant requests.[106]

In 2007, the North Carolina Legislature increased funding for land preservation projects in the state, targeting $128 million to the Natural Heritage Trust Fund, the Parks and Recreation Trust Fund, the Agricultural Development and Farmland Preservation Trust Fund, and public beach access projects.[107] The investment, while short of the funding level requested by preservation advocates, was a significant increase over recent appropriations. By continuing to fund preservation programs at the new, higher level, North Carolina may invest enough resources to meet the million-acre goal.

Oregon

Protecting Natural Land through Planning and Purchases

Oregon has used a combination of aggressive land-use planning and purchases of vulnerable and important natural lands to preserve its unique character. Oregon's primary means of funding land preservation is through a dedicated share of state lottery revenue. In the Portland region, which includes one of every three Oregonians, residents have also supported two bond initiatives that have funded protection of critical natural areas.

Oregon's Mount Hood

Credit: Jeanne Hatch, under license to Shutterstock.com

From the rugged forests on the Oregon coast to the rolling hills and vineyards of the Willamette Valley, and on to the alpine lakes of the Wallowa Mountains, Oregon is a state defined by awe-inspiring landscapes. For decades, Oregonians have kept it that way—through smart land use planning to protect open spaces, farms, and forests, and investments in natural places.

Oregon's primary means of protecting natural lands from encroaching development is its longstanding land-use planning program.

Concerned about what then-Governor Tom McCall called "sagebrush subdivisions [and] coastal 'condo mania,'" the Oregon Legislature created a system of comprehensive planning in 1973. The system requires cities, counties and the state to cooperate in creating master plans. These plans set boundaries for urban growth; designated lands within the urban boundary for residential, recreational and economic development; and set aside forest and farmlands for preservation.

Oregon's land-use measures have helped contain sprawling development and prevent the loss of farmland and forest land. According to Oregon's latest progress report:

- More than 99 percent of farmland outside of urban growth boundaries zoned for exclusive farm use in 1987 retains that zoning.[108] Similarly, more than 99 percent of land zoned in 1987 for forest or mixed forest/farm use remains zoned for those uses.[109] Rates of farmland loss are significantly higher across the United States than in Oregon.[110]
- More than 97 percent of forestlands that existed in Oregon in 1974 remain open for watershed management, wildlife habitat, recreation, and other forest values.[111]

While land-use planning has played an important role in protecting natural lands, Oregon has also invested significant amounts of public funds in protecting particularly important or vulnerable pieces of land, as well as in expanding recreational opportunities for Oregonians.

In 1998, Oregon voters approved a ballot measure that set aside 15 percent of all lottery revenues for restoring salmon habitat and supporting state parks. In fiscal year 2007, the lottery generated $45 million for the Oregon State Park system and $45 million for salmon habitat restoration and watershed protection projects.[112]

Lottery funding enabled the state to open its first new state park in three decades. In June 2007, Oregon officials dedicated "Stub Steward Memorial State Park," a 1,600-acre park located 30 miles west of Portland on land formerly owned by a timber company.[113] The park is situated next to a hiking trail that has been built on a former timber company railroad bed, which was also acquired with lottery proceeds.

Lottery funding also enabled the Oregon Watershed Enhancement Board (OWEB) to purchase a conservation easement on the Klamath Valley Ranch, an 11,400-acre property surrounded by south-central Oregon's Fremont National Forest. The ranch hosts nine miles of streams, eight tributary creeks, a lake and grassy wetlands. The ranch is home to more than 185 species of birds, fish and mammals, including bald eagles and red-band trout. OWEB further teamed up with the Trust for Public Land, the U.S. Natural Resources Conservation Service, the National Fish and Wildlife Foundation, and the landowners to prevent subdivision of the ranch.[114]

On a smaller scale, Oregon also operates programs for habitat acquisition (including the State Wildlife Fund and the Non-Game Wildlife Fund) using revenue from the sale of upland bird stamps (which are required for hunters), along with donations and grants to the program, and some general revenue.[115]

In addition to these statewide programs, Portland Metro (the regional government for the Portland metropolitan area, which represents more than one out of every three Oregonians) has also supported land acquisition efforts through measures approved via public referendum. In 1995, Portland metropolitan voters approved a $135.6 million bond measure, which resulted in the protection of more than 8,000 acres of open space and 74 miles of river and stream frontage, while also supporting numerous local parks projects.[116] Portland metropolitan area voters approved a $227 million bond measure in 2006 to pick up where the earlier program left off. The new Natural Areas, Parks and Trails bond measure will protect an estimated 3,500 to 4,500 acres of natural land in 27 specifically designated areas.[117]

The desire to preserve farms, forests and other natural areas has been a driving force in Oregon's public policy for more than three decades. By adding public investment in open space acquisition to the state's successful land-use planning efforts, Oregon is succeeding in preserving many natural areas for generations to come.

The coast of Newport, Rhode Island Credit: Mary Terriberry, under license to Shutterstock.com

Rhode Island

Winning the "End Game" for Preservation

Rhode Island funds its open space acquisition programs through periodic bond issues, which are approved by the Legislature, the governor and Rhode Island voters approximately every two to four years. Rhode Island has succeeded in using state funding to leverage additional preservation funding from local governments, the federal government, foundations and others. But funding for preservation has not been sufficient to keep up with accelerating sprawl.

"In national land conservation circles, Rhode Island and New Jersey are called end game states," according to Scott Wolf, executive director of Grow Smart Rhode Island, quoted in the *Providence Journal*.[118] These northeastern states are approaching build-out—the point where there will be no more natural land available for development.

Rhode Island's state of near-complete development has added urgency to the state's efforts to preserve its remaining pristine and ecologically valuable lands. Since individuals and families own 60 percent of Rhode Island's forest land, conservation funding is an essential tool that is needed to preserve critical natural areas.[119]

Rhode Island procures funding for conservation efforts through open space bonds that are included in the state budget, typically every two to four years. The bonds must be approved by the Legislature as part of the budget process. Once passed,

the bond measures must be approved by the governor, and then signed off by Rhode Island voters on a statewide ballot. If approved, the state then appropriates funds in future years to repay the debt over time.

Voters endorsed the last bond issue in 2004 with 71 percent support. It generated $70 million for conservation, including $53 million for programs to protect natural areas, farms, shorelines, and water supplies; plus $18 million for playgrounds, parks, trails and greenways.[120]

The state supplements bond funding with federal dollars, matching grants from foundations, and bonds issued by local governments with the approval of local voters. As a result, the state typically leverages about $3 of additional money for every dollar of state bond funding that's made available.[121]

Funding goes toward four state-run programs:

- The State Land Acquisition Program and Forest Legacy Program acquire property for outdoor recreation and ecological preservation.
- The Local Grants Program awards funding to local governments or non-profit organizations for land conservation or recreation purposes.
- The Agricultural Land Preservation Program purchases farmland development rights, ensuring that agriculture will remain a part of Rhode Island's future.

Since 1985, Rhode Island has protected approximately 29,000 acres of land through direct purchase, establishment of conservation easements, or purchase of development rights.[122]

Rhode Island's approach to preservation has several distinct strengths and weaknesses.

First, preservation dollars are not vulnerable to diversion for other purposes. Once voters approve an open space bond measure, the money is dedicated to preservation. Second, Rhode Island has skillfully stretched its conservation dollars by working with non-profit organizations, local governments, private foundations and the federal government as additional funding sources.

However, the fact that Rhode Island does not provide a dedicated, permanent source of funding for its open space programs is a major weakness. Open space preservation must compete against all of the other priorities in any given bond cycle. The short (2-4 year) funding cycle for Rhode Island's open space bonds provides less stability in funding than states that fund preservation programs on 5-10 year cycles. Moreover, Rhode Island's funding for land preservation has failed to keep up with the accelerating pace of sprawl in the Ocean State.

An old Texas farm Credit: Jim Parkin, under license to Shutterstock.com

Texas

Lack of Commitment Hampers Preservation Efforts

Texas has historically done little to ensure permanent protection for threatened natural lands. Funding for state land purchases, grants for the development of local parks, and the purchase of conservation easements has been minimal, and "dedicated" sources of revenue intended to support parks and wildlife have continually been threatened. However, Texas policy-makers have recently discussed measures to increase funding for critical investments in land preservation and recreation in the state.

San Antonio, America's seventh largest city, is rapidly sprawling to the north and west. Wide-open lands where cattle once grazed are now paved with endless miles of roads, lined with tract housing, and dotted with malls and big-box shopping centers.[123]

San Antonio's sprawl is encroaching on its sole source of water—the recharge zone for the Edwards Aquifer. Development is interfering with water supply by diverting rainfall into surface runoff and away from the aquifer—while at the same time increasing the amount of oil, fertilizer and other pollution reaching the underground water supply.[124]

To protect an important area of the aquifer recharge zone, the Texas Parks and Wildlife Department—with assistance from the non-profit Trust for Public

Land—established the Government Canyon State Natural Area, an 8,000-acre preserve located 20 minutes outside of the city.[125] In addition to protecting part of San Antonio's water supply, the area provides land for public recreation and habitat for two federally endangered bird species.[126]

Government Canyon is an example of the development pressures facing many important natural areas in Texas, and of the potential for preservation efforts to protect those areas. However, Government Canyon is an exception to Texas' lack of commitment to land preservation.

Texas' lack of publicly owned land dates back to before its inclusion in the United States. During the 19th century, the Republic of Texas sold the vast majority of its public lands to private interests in order to finance its government. Today, 94 percent of Texas is privately owned—far outranking every other state in private land ownership. Only 2 percent of Texas' land area is both owned by and accessible to the public.[127]

State funding for conservation efforts is meager, leaving most of the responsibility for land conservation to private landowners, the federal government, local governments and non-profit organizations.[128]

The Texas Parks and Wildlife Department (TPW) is one of the primary state agencies involved in land conservation efforts. However, Texas underfunds TPW to the point where the agency struggles to operate and maintain existing parks and conservation programs, much less expand its holdings.

Since 1993, Texas has funded TPW through a tax on sporting goods. Although this tax produces on the order of $100 million in revenues per year, legislators capped the funding for TPW at $32 million per year—unadjusted for inflation.[129] Moreover, this funding is not secure. In 2005, legislators appropriated only $15.5 million for TPW. As a result, the department laid off many of its staff, indefinitely delayed major repairs to park facilities, and completely closed some parks and campgrounds. Texas spends less on operating and maintaining state parks, per capita, than all but one other state in the country.[130] In 2006, TPW was operating with a maintenance and repair backlog of more than $450 million.[131]

Texas occasionally seeks voter approval of bond measures to provide supplementary funding for preservation and recreational programs. For example, voters approved $101 million for repairs in the park system in 2001. In 2007, voters approved a bond measure that included $27 million in bonds for state park repairs. Even this funding, however, is not guaranteed. Legislators must still appropriate money for the debt service on bonds through the biennial budget process and, in that way, can reduce or eliminate bond funding for a particular year—even after the funding has been approved by voters.

To supplement the work of TPW, the Texas Legislature established the Texas Farm and Ranch Lands Conservation Program in 2005. The program enables Texas to purchase conservation easements from willing landowners in order to prevent the development of rural lands with outstanding ecological or cultural value. However, the Legislature has not appropriated funding for this program to date.

Funding shortfalls at TPW affect the ability of local governments to protect open space as well. Historically, TPW has devoted just over one-third of its revenues from the sporting goods tax to provide grants to local governments for the acquisition and development of local park facilities.[132] However, since 1993, TPW has had to reject more than 60 percent of applications (for a total of $185 million in unfunded requests), because of a lack of funding.[133]

Despite the state's history of preservation funding shortfalls, Texans remain broadly supportive of land preservation

efforts, with more than three-quarters of Texans supporting increased funding for parks and open space preservation.[134] Reflecting this popular support, decision-makers are beginning to engage in discussions regarding ways the state can improve its preservation efforts.

In 2007, the Legislature considered a proposal to remove the cap on the sporting goods tax and allow all of the revenues to go to the state park system. While the Legislature did triple funding for the parks for the 2008 fiscal year (using general revenue), they chose to merely study the concept of lifting the cap on the sporting goods tax in 2008.

In 2005, TPW published a comprehensive plan to guide its future operation.[135] Meeting the goals laid out in the report would require the acquisition of nearly 2 million acres of open space by 2030 and doubling the acreage of private land under wildlife management plans.[136] Achieving this goal would require a substantial increase in funding. The TPW comprehensive plan emphasizes the importance of alternative funding sources—including private donations, corporate partnerships, foundation grants, and other private market solutions.[137] But without a substantial public investment in land preservation—an investment that has historically been lacking in the Lone Star State—it will be difficult for Texas to meet its burgeoning needs for the preservation of important natural areas and the provision of recreational opportunities to its residents.

Olympic National Park, Washington Credit: Natalia Bratslavsky, under license to Shutterstock.com

Washington

Consistent Capital Funding for Open Space Preservation

Washington State provides funding for its primary land preservation grant program through biennial bond issues. While funding levels have fluctuated over time, the state has approved preservation bonds every two years since 1990. Washington undertakes a rigorous process for evaluating the projects that receive state funding and both the governor and Legislature are presented with a specific slate of preservation projects to approve and fund.

Just 30 miles north of Spokane, Washington, lie 940 pristine acres of critical riparian habitat along the West Branch Little Spokane River. Visitors to the area find remarkably diverse habitats including streams, emergent wetlands, lakes, beaver ponds, cottonwood galleries, aspen groves and mixed coniferous forests. Moose, elk, black bears, and cougars thrive in the area.[138]

This year, thanks to the Washington Wildlife and Recreation Program (WWRP), the state's primary open-space preservation program, the natural wonders of the area will be protected. The WWRP granted over $3.6 million to the state's Department of Fish and Wildlife to preserve 940 acres around the waterway. The acquisition was part of a program that will spend $100 million over the next two years to protect the most valuable wildlife habitat, outdoor recreation areas, and farmland in the state from development. The budget,

signed by Governor Christine Gregoire on May 15, 2007, doubles funding for the program over previous levels.[139]

Since 1990, Washington has relied upon the WWRP as its primary means of protecting wildlife habitat, farmland and recreational areas. The WWRP is funded through the state's capital budget, which is approved every two years and is funded through general obligation bonds. A state agency, the Recreation and Conservation Office (RCO), accepts applications for grants from local, state and tribal agencies, and then evaluates and ranks those applications on a host of criteria, including the threat of loss, the level of benefits to the public, and the presence of threatened or endangered species.[140]

The ranked list of grants is then submitted to the governor, who proposes the overall funding level, and to the Legislature, which must approve the funding. The governor and Legislature may remove projects from the list, but may not add new projects.[141] Passage of the capital budget requires a 60 percent vote of the Legislature.[142]

The program is designed to make use of federal and local matching funds to make the state's investment go even further. In 2003, Washington was the single biggest recipient of federal funding for habitat conservation, receiving 24 percent of federal endangered species conservation funds by matching it with money from the WWRP. And by 2007, WWRP had leveraged over $410 million in local matching funds alone.

Since 1990, when the WWRP was established, it has invested $554 million to preserve about 300,000 acres of Washington's beautiful landscape. As with other programs that rely on short-term funding mechanisms, the amount of money available to WWRP has varied over time. After peaking at $65 million in biennial appropriations in 1993-95, funding for the program dipped to $45 million in 2001-03.[143] In 2007, however, the legislature allocated a record $100 million for the 2007-09 biennium.[144]

Washington's preservation program owes its success to popular support of the biennial funding measures, the competitive bid process for receiving grants, and the judicious use of local and federal matching funds.

A Wisconsin river in fall Credit: Nancy Gill, under license to Shutterstock.com

Wisconsin

A Commitment to Stewardship

For two decades, Wisconsin has invested in land preservation through general obligation bonds. The state sets a long-term (10-year) agenda for bond funding, but legislators can change the direction and the level of funding at any time. In 2007, lawmakers reauthorized the program at a higher level of funding.

Wisconsin is known for the vast forests that cover nearly half of the state's geographic area, its world class opportunities for hiking, fishing and canoeing, and its vibrant legacy of family farms. But the state's natural beauty is increasingly threatened by sprawling overdevelopment. Wisconsin has lost approximately one-third of its farmland since 1950, and the state retains less than 1 percent of its original grasslands and oak savannas and less than half of its original wetlands.[145] In addition, timber companies are in the process of selling off some of their vast holdings in the state, lands that could fall from public use if they are not preserved.[146]

To secure Wisconsin's remaining natural treasures, the state launched the Knowles-Nelson Stewardship Program in 1989. Since its founding, the stewardship program has preserved approximately 475,000 acres of natural land in 71 of Wisconsin's 72 counties.[147] The program bolsters land preservation efforts in several ways:

- By acquiring natural areas, wildlife habitat, streambanks, wild lakes and trails through the Wisconsin Department of Natural Resources (DNR) and matching grants to non-profit organizations.
- By providing matching grants to local governments, tribes and non-profit organizations to help with the acquisition and development of local parks, preservation of urban green spaces, and purchase of development rights.
- By developing recreational facilities on state lands.
- By preserving the hardwood forests of the Baraboo Hills through land acquisition and conservation easements.[148]

The stewardship program has been funded in two, 10-year programs, which have been funded through general obligation bonds paid off over a 20-year period.[149] The current program, which is scheduled to run through fiscal year 2010, provides funding of $60 million per year.

In 2007, the Wisconsin Legislature reauthorized the Knowles-Nelson Stewardship Program at a higher level of annual funding. Beginning in 2011, $86 million will be available annually for preservation programs, an increase of 40 percent over previous funding levels.[150] The reauthorized program also prioritizes public access to stewardship lands for hiking, fishing, hunting and other recreational activities.

In addition to providing more money for the state's own land purchasing efforts, the increase in funding will allow Wisconsin to leverage more local and non-profit resources through the matching grant program, in which state money is matched dollar-for-dollar by funds from other sources, enabling the preservation of more land than if the state had acted alone.

While the 10-year reauthorization is intended to set a long-term course for land preservation efforts in Wisconsin, it is hardly the last word on funding levels. Legislators can increase or decrease the amount of funding available for preservation in future years. Preservation advocates are hoping that the Legislature will increase funding in future years so that preservation funding maintains pace with rising land values.

Funding Land Preservation: Lessons from Around the Country

The experiences of the 15 states featured in this report hold important lessons for state governments as they strive to meet the challenge of preserving their most important natural lands and open spaces. Several states have made impressive commitments to land preservation over the past decade. Florida is investing approximately $300 million per year in preservation through its Florida Forever program, while New Jersey is investing approximately $200 million per year and North Carolina, with a recent increase in funding, more than $100 million annually.

The experiences of those states suggest that future state-level land preservation efforts should:

Plan for and Finance Preservation over the Long-term

States in which funding for preservation is subject to the annual state budget process have a more difficult time sustaining consistent and meaningful land preservation efforts. Funding for preservation often becomes subject to the "boom/bust" cycle of state finance, in which legislators fund preservation well during times when state coffers are full, but in which programs are cut back severely during budget crises.

Frequent variations in funding levels can stem the momentum of municipalities, land trusts and state agencies as they identify and move to protect critical areas. More importantly, loss of funding, even temporarily, can result in a state missing opportunities to buy critical pieces of land before they are developed—opportunities that, once missed, are lost forever.

An effective land preservation strategy must include a long-term commitment to the protection of important natural areas and the funding to match it. States such as Florida, New Jersey and Wisconsin set 10-year plans for preservation funding. In the case of Florida and New Jersey, those commitments have been backed with bond funding. Preservationists in states such as Illinois and Connecticut are following the example of these states by pursuing long-term commitments to increased funding for open space protection.

The most effective way to ensure long-term stability in funding is to adopt multi-year programs, paid for with bonds backed

by dedicated revenue streams. This is the approach used by New Jersey and Florida in their successful land preservation efforts. By locking in funding levels for 5 to 10 years, these programs enable a state to develop and implement a long-term preservation strategy with consistent and predictable levels of funding.

However, as the recent experience of New Jersey attests, the expiration of a long-term bond-funded program tied to future tax revenue can raise the specter of a dramatic drop in preservation funding unless new funding sources are found. States with bond-funded preservation programs must plan for transitions in funding sources well before bond funds run out, so that they do not have to scramble for short-term funding—as New Jersey did—in order to keep preservation programs afloat.

Create a Dedicated Funding Stream

In many states, "dedicated" funding streams – such as a portion of lottery revenue, proceeds from real estate taxes, or a portion of the general sales tax – support preservation programs. No source of funding is truly "dedicated" forever. But states can adopt policies that make it less likely that dedicated preservation funding will be diverted for other uses.

One way to prevent diversion of dedicated funding streams is to use them to pay off revenue bonds. Because these funding streams fulfill the obligation to pay off bonds, they are very unlikely to be diverted to other uses. A second way to prevent diversion is to dedicate funding in the state constitution. This approach—which has been used by New Jersey as well as states such as Colorado and Oregon that devote a share of lottery revenue to preservation —makes it much more difficult for legislators to "raid" preservation funds by requiring a constitutional amendment to redirect funding from dedicated sources.

Even where dedicated funding is open to diversion by legislators, dedicated funding sources still play an important role. First, it can add to the diversity of funding sources available to preservation programs, guarding against the impact of a downturn in other sources of funding. Second, by committing to a dedicated funding stream, lawmakers create the expectation that funds for preservation will continue to be available in the future. Even if those funds are sometimes diverted, preserving an existing dedication of funds is likely to be easier for preservation advocates than having to fight each year against all other state priorities in an annual battle for funding.

The existence of dedicated funding for preservation is not a panacea, but it can make an important contribution to the successful operation of land preservation programs.

Set Goals and Evaluate Progress

Land preservation programs can be proactive or reactive. Reactive programs seek only to preserve lands that are in imminent danger of loss. Proactive programs set long-term goals for land preservation designed to ensure the permanent protection of important natural areas, expand recreational opportunities, and improve quality of life.

Several states, including Connecticut and North Carolina, have set numerical goals for the amount of land they wish to preserve through their open space protection programs. In addition, North Carolina produces an annual report evaluating progress toward its "million acre" goal and the challenges faced in achieving that target. These firm, numerical goals enable government officials, preservationists and the public to evaluate the success of a state's preservation efforts, evaluate where those efforts may be falling short, and devise strategies to address those shortcomings.

In addition, several states, most notably Washington and Florida, have established

clear criteria by which proposed preservation investments are evaluated. These criteria can be used to give priority to particularly important preservation projects – for example, the acquisition of contiguous tracts of land that can preserve adequate habitat for wildlife versus dispersed bits of land isolated from one another.

Setting public targets for land preservation (both qualitative and quantitative) and communicating the state's progress in achieving those targets to the public can increase citizens' understanding of the programs' benefits, help build support for them, and help policy-makers refine and improve their strategies to adapt to unexpected challenges. By setting and publicizing these criteria, states like Washington and Florida ensure that public dollars are spent in the most efficient way possible to address critical preservation goals.

Create Funding Mechanisms that Align with Preservation Priorities

There are many sources of funding used to support preservation programs in the 15 states discussed in this report—including lottery revenue, sales tax revenue, documentary taxes on real estate transactions, real estate transfer fees, taxes on sporting goods, revenues from the sales of conservation license plates, proceeds from timber sales and mineral leases, and general state revenue.

Many of these sources can provide stable, reliable funding for preservation initiatives, but some sources of funding are clearly better than others. In particular, land purchases should not be funded by sales of timber or mineral leases on state-owned lands. These funding sources create a perverse incentive to increase logging, mining and drilling on publicly owned lands, even as they support the purchase of new lands.

Several states use funding sources that are tied to real estate transactions, which generate more funding at times when land is particularly threatened. However, it may not make sense for the state to tie its level of preservation *spending* to the peaks and valleys of real estate markets. States can successfully purchase and protect more land when real estate prices are low than when prices are high. As a result, states may benefit from establishing a long-term plan for land preservation, backed by consistent funding, and continuing to work toward those goals even amid changes in the economy and the real estate markets.

Harness Local and Private Sector Resources

In many states—including Connecticut, North Carolina, New Hampshire, Rhode Island and Washington—state funding for preservation is used to leverage significant amounts of money from other sources, including the federal government, local governments, foundations, land trusts, and private landowners. Indeed, in some states, such as New Hampshire, state funding for preservation plays a supporting, rather than a leading role, in driving open space protection.

States should ensure that local governments, non-profits and the private sector continue to be important partners in land preservation, and should find ways to make it easier for them to participate in achieving land preservation goals. By finding creative ways to partner with other organizations with similar goals, states can maximize the amount of land preserved at minimal costs to taxpayers.

In addition, states such as Georgia are using tax incentives to encourage private landowners to preserve their land through conservation easements. Tax incentives may never replace land acquisitions by states and local governments, in large part because they are incapable of targeting specific, ecologically valuable pieces of land for preservation. But they can provide important support for land preservation efforts. States should also consider other

ways in which tax policy can be aligned to preservation goals, for example, by providing property tax relief for lands placed in conservation.

Combine Land Preservation Efforts with Effective Land-Use Planning

Outright purchases of important natural lands, or the purchase of conservation easements, are critical to preserving our country's natural heritage. But communities across the nation can also reduce pressure on important natural and agricultural lands through effective land-use planning. Oregon's approach – which combines the use of land-use planning with strong programs to safeguard important natural areas – is a good model for how other states can achieve even greater success in preservation.

Protect Taxpayer-owned Land

While it may seem obvious, lands that are protected with taxpayer funds should remain protected – whether through agricultural or conservation easements or through outright purchase by state or local governments or land trusts. Land that is purchased by state or local governments should remain in public ownership and not be opened to logging, mining, drilling or other destructive activities, as is the case in Michigan.

Seek Public Support

Citizens across the country support land preservation. When preservation funding initiatives make it to the ballot – either at the local or state level – they frequently receive overwhelming support. Voters have backed hundreds of conservation measures during the past eight years: since 2000, over 1,000 state and local referenda have supplied more than $27 billion in conservation funding nationwide.[151]

The adoption of preservation funding referendums makes it less likely that lawmakers will choose to override the will of the voters by diverting funding. The process of going to the ballot also helps nurture a broad public constituency for preservation – a constituency that must be sustained to undertake the long-term commitments needed to protect important natural resources.

The ability to put preservation initiatives on the ballot, whether at the local or state level, provides preservation advocates with an opportunity to tap into the broad public support that exists for protecting natural lands. Preservation advocates should take advantage of that opportunity in cases where public opinion indicates support for preservation measures.

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