Open Space Acquisition –
Feasibility Study for a State Program in North Carolina

by

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A Masters Project submitted to the faculty
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for the degree of Master of Regional Planning
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OPEN SPACE ACQUISITION

FEASIBILITY STUDY FOR A STATE PROGRAM
IN
NORTH CAROLINA

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PLAN 392
MASTER’S PROJECT

Department of City and Regional Planning
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Chapel Hill, NC 27599
The Conservation Trust for North Carolina is a nonprofit, public interest organization that works to enrich and preserve the natural and cultural heritage of North Carolina by helping communities, land trusts, landowners and public agencies conserve and protect lands important for their natural, scenic, historic, and recreational values.

The organization’s vision is to create a permanent network of conservation lands interwoven with the urban areas of our state. Our final goal is to protect irreplaceable natural resources and rural landscapes and to provide attractive, enjoyable settings for living and working.
THE STANBACK CONSERVATION INTERNSHIP

This project was funded through the Stanback Internship Program by Mr. and Mrs. Fred Stanback. The program is a partnership between students and targeted conservation organizations. The purpose of the program is to provide students with significant work experience in grassroots conservation, advocacy, applied resource management or environmental policy. The author and CTNC wish to thank the Stanbacks for making this report possible.
An all too familiar trend threatens North Carolina’s sandhills. Every year more people discover the region, recognizing that beautiful, rolling countryside, mild winters, and great golf courses make it an excellent place to live. The sprawl of human activities and the suppression of fire have severely altered the natural ecological processes of this area. This has caused many native plant and animal species to become rare and endangered. However, as more people learn to appreciate the unique character and beauty of the sandhills we can reverse recent trends. Nature and people can live in harmony if we make natural area protection and management high priorities.

The State of North Carolina
Sandhills - Present and Future
A Sign for an Exhibit at the
North Carolina Botanical Garden

In wildness is the preservation of the world.

Henry David Thoreau
Walking (1906)

See! This our fathers did for us.

John Ruskin
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EXECUTIVE SUMMARY

This report investigates the feasibility of establishing a state sponsored program for the acquisition of open space in North Carolina. It details the results of research on acquisition programs in other states including program structure, funding sources, funding criteria, political strategy, and implementation. It also provides information on the existing programs for open space in North Carolina. The report proposes an open space acquisition and protection program for North Carolina that will exist cooperatively with similar state programs such as the Clean Water Management Trust Fund and the Natural Heritage Trust Fund. A list of recommendations and a list of steps to be taken are provided at the end of Section Six of the report and also at the end of this Executive Summary.

Open Space
North Carolina is a state that possesses a rich heritage and extraordinary natural beauty. Its attractions are as broad and diverse as its geography and as abundant as its history. Stretching from the Atlantic Ocean to the Blue Ridge and Allegheny mountains, North Carolina is a mixture of exciting cities, historic homes and towns, plentiful resources, and a wealth of recreational activities.

Because of its natural beauty, its mild climate, and its strong economy, North Carolina is also a very desirable place to live. New residents and new businesses move into the state every day. To meet the needs of a growing population, land is being rapidly consumed by development. In North Carolina, the competition is hot for undeveloped land. As urbanization spreads out from our cities, the race has intensified for the increasingly valuable land that’s left.

The citizens of North Carolina are not standing idly by as open space in their communities is developed. They are concerned and they are calling for action. In response to citizen concern, local governments across the state are studying how to improve development patterns and how to preserve open space. They are also taking action. In North Carolina, many communities are pushing open space measures. From New Hanover County to Wake County, from the Town of Carrboro to the City of Charlotte, local governments across the state are devising plans and allocating funds for the acquisition of open space.

To secure a meaningful amount of open space, these local efforts will need help from the state. The State of North Carolina has several established programs that preserve open space. Thousands of acres have been acquired through the Clean Water Management Trust Fund, the Natural Heritage Trust Fund, and the Parks and Recreation Trust Fund. The state is making progress in its efforts to save land for the future. However, the supply of available open space in North Carolina is finite and development pressures are great. To secure a meaningful amount of open space and to protect important lands now threatened with development, it is necessary to greatly accelerate and expand the state’s efforts.

State Programs
Other states have pursued ambitious open space programs. Their experience can be useful to North Carolina as it develops its own program.

- **Connecticut** – Connecticut currently owns approximately 210,000 acres or 6.7% of the land area of the state as open space. The goal of the state is to have 21% of its land area protected
as open space. Of this amount, 10% is to be held by the state and 11% by local governments, nonprofits, and water companies. The Recreation and Natural Heritage Trust Fund, established in 1986, is the program used for the acquisition of land to be held by the state – for state parks, forests and wildlife management areas. In 1998, the legislature enacted the Open Space and Watershed Land Acquisition Program. This program provides funds, in the form of matching grants, to local governments, nonprofit conservation organizations, and water companies for the acquisition of open space including farmland and watershed land. Annual bond issues authorized by the legislature on a bi-annual basis fund these programs. Current funding for the programs is $32 million per year. Of this amount, $20 million is directed to the state program and $12 million to the local program.

- **Florida** – open space programs in the State of Florida are primarily funded under the Preservation 2000 Act. The state legislature passed this act in 1990 in response to a constitutional amendment approved by the voters in the preceding election. The amendment granted bonding authority for the preservation of open space. Preservation 2000 is a ten year, $3 billion land and water conservation program. Extending Florida’s commitment to the preservation of open space, voters passed a second constitutional amendment in 1998 that led to the Florida Forever program. This program is essentially an extension of the Preservation 2000 program which is currently in its last year. Perhaps the most ambitious and the most successful of all state conservation programs, Preservation 2000. In 1999, the legislature enacted Florida Forever.

- **Maryland** – Maryland has three principal programs that underlie its efforts to preserve open space. These are Program Open Space, the Rural Legacy Program, and the Maryland Agricultural Land Preservation Foundation. All of these programs depend on a single tax, a real estate transfer tax. The state enacted the tax in the late seventies. The revenues generated by the tax provide a large portion of the funding for the open space programs. While the real estate transfer tax, Program Open Space, and the Maryland Agricultural Land Preservation Foundation have all existed for years, the Rural Legacy Program is new. The Rural Legacy Program is part of Governor Parris Glendening’s Smart Growth and Neighborhood Conservation Initiative. As part of its effort to control sprawl and to promote smart growth, the state is aggressively pursuing the preservation of open space.

- **New Jersey** – the most densely populated state in the nation, New Jersey has set a goal of 40% open space. It aims to preserve half of the remaining open space land in the state or about one million acres. The principal program for acquisition is Green Acres. It has been funded by a series of bond issues, beginning in 1961. New Jersey has two other primary programs that underlie its efforts to preserve open space – the State Agriculture Development Committee and the County and Municipal Open Space Tax Law. Voters have repeatedly authorized general obligation bonds to pay for the protection of open space. Approximately $1.4 billion has been approved in nine measures between 1961 and 1995. Last year voters overwhelmingly passed an amendment to the state Constitution that will allocate $98 million a year for up to 30 years to buy land for parks and conservation and to preserve farmland and historic sites. The state legislature responded to the referendum by passing the Garden State Preservation Trust Act. Prior to this legislation, New Jersey did not have a dedicated and stable funding source for open space acquisition. This act dedicated a portion of the state sales tax to land conservation.

- **New York** – New York has three principal programs that underlie its efforts to preserve open space. The Environmental Protection Fund and the Clean Water/Clean Air Bond Act are the
two main sources of funding for open space. The third program, the Farmland Protection Program, is partially funded by the other two programs. In addition to these programs, New York has made other efforts to promote the preservation of open space in the state. The state passed enabling legislation that allows five towns in the Peconic Bay region to establish a Community Preservation Fund. Revenues for the fund are derived from a real estate transfer tax. The tax must be passed by local referendum.

North Carolina
The State of North Carolina has recognized the public interest and activity in open space. Governor Jim Hunt is considering a proposal of his own. “One Million Green Acres” – this headline, appearing prominently in the Morning Star this summer, announced the governor’s desire to secure a web of green space in and around the state’s urban areas (WMS, 1999).

The Hunt administration’s plan for open space is an important effort. The provisions of the plan will determine its success. They should include, at a minimum, a dedicated revenue source, a target amount of land that makes a difference, and a realistic timeframe. It will also require political will and leadership to ensure that the plan is enacted into law.

We can meet the need for development while preserving the environment. We can preserve open space while also allowing for growth. We can establish a balance. This is the window of time to take action. Voices need to be raised, interest groups need to organize and work together, and plans need to be implemented. We must do so in order to preserve our open space to benefit generations now and in the future.

A list of recommendations and a list of steps to be taken are provided on the next few pages.
SUMMARY RECOMMENDATIONS

A detailed list of recommendations is provided below with a parenthetical reference to any program(s) that may serve as examples, if such a precedent exists. In devising a new open space initiative, the following elements should be considered:

- **taskforce** – establish taskforce to study open space trends, to meet with and listen to the public, to find consensus, and to make recommendations to the state for a comprehensive open space program
- **goals** – taskforce should establish goals for the state that define the amount and types of land the state wishes to protect in conservation status
- **timeframe** – taskforce should establish a definite timeframe for reaching its goals
- **consulting** – consider hiring a consultant with expertise and experience in public financing for land conservation to ensure that a new program matches the needs of the people of North Carolina (Connecticut)
- **funding** – provide dedicated source of funding for open space acquisition – possible sources include reserving a portion of the annual budget surplus (North Carolina’s CWMTF), sales tax revenue (New Jersey’s Green Acres), increasing the portion of the real estate transfer tax dedicated to open space purposes, dedication of fees related to resource extraction (Florida’s phosphate severance tax), and dedication of penalties and fines related to environmental violations
- **funding** – issue bonds backed by a dedicated source of funding (see item above); bonds are a preferred funding mechanism because of their ability to furnish the large sums of money that are needed immediately to purchase real estate and because they fairly allocate the burden of repayment among all citizens, present and future
- **funding** – increase funding for the three existing funds dedicated to resource protection – Clean Water Management Trust Fund, Natural Heritage Trust Fund, Parks and Recreation Trust Fund
- **funding** – provide adequate funding for the Farmland Preservation Trust Fund; CTNC recommends $15 to 20 million annually; potential revenue source is dedicated excise tax on sales of farmland for non-agricultural development (Maryland, New Jersey)
- **funding** – increase appropriations for Conservation Grants for private land trusts (program administered by CTNC) to promote voluntary land conservation on private lands and to build the organizational capacity of land trusts to handle land protection activities; CTNC recommends an increase from $150,000 in 1999 to $350,000 annually
- **funding** – create a permanent funding source for use by local governments – a revolving fund that provides low interest loans (New Jersey’s Green Trust issues loans at 2%) for local park acquisition and development projects (New Jersey’s Green Trust)
- **funding** – to stretch dollars, pursue the acquisition of conservation easements rather than fee simple title to property when the objective of the acquisition can be accomplished by an easement
- **staff** – evaluate capacity of staff in State Property Office to handle increased workload from an expanded acquisition program; hire and train additional staff as needed; hire new staff to perform functions traditionally delegated to the private sector including appraisals, audits, and environmental surveys in order to minimize subjectivity and variability of such work and to save money
• **staff** – collaborate with other organizations who have expertise in negotiation and acquisition including land trusts, The Nature Conservancy, the Trust for Public Land, and the Conservation Fund; provide fair compensation to these organizations for lands transferred to state ownership

• **mapping** – continue development of comprehensive GIS database for the entire state to support the identification and prioritization of existing and potential conservation lands

• **distribution** – any state program should have a statewide focus – aim to preserve open space in urban and rural areas all across the state; all citizens of the state will be paying for the program and all citizens should have access to the benefits

• **prioritization** – support natural heritage program and its function in identifying areas possessing significant and valuable natural resources (note, however, that natural resource value would not be the only criterion in a comprehensive open space program)

• **hazard mitigation** – adopt and incorporate a new criterion in all open space programs that considers the risk a property faces from various natural hazards; acquisition of many properties subject to hazards may achieve multiple goals – besides hazard mitigation, properties may meet other traditional goals such as recreation or wildlife habitat

• **multiplicity** – give priority to properties that achieve multiple goals – a property in a floodplain, for example, may meet several goals including hazard mitigation, recreation, and wildlife habitat

• **incentives** – increase the amount of the tax credit available in the Conservation Tax Credit Program (current credit allowed is 25%; Connecticut allows a credit of 50%)

• **surplus lands** – review by DENR of all “surplus” lands processed by the State Property Office for possible addition to open space lands held by the state

• **utility lands** – for sale of land by public or regulated private utilities, give governments and conservation organizations the right of first refusal, ie, allow these entities the first opportunity to purchase the land for open space purposes and allow them a certain amount of time to organize, raise funds, and negotiate the purchase (Connecticut)

• **projects in lieu of penalties** – allow flexibility in the assessment of penalties or fines for violations of environmental regulations; consider alternatives in lieu of or in combination with the prescribed penalties or fines as long as the alternatives provide a public benefit with a value at least as great as the cost of the fine; donation of interests in land are an example (Connecticut)

• **rail-trails** – amend North Carolina statutes (§136-44.36D) to allow for the use of state owned rail corridors (whether ownership is in fee simple or easement) as recreational trails

• **language** – emphasize that participation in the acquisition programs is voluntary; North Carolina citizens are strongly protective of property rights; eminent domain is no longer a politically viable method of acquisition

• **marketing** – encourage donations from corporations, other organizations, and individuals by promising significant and positive publicity (Tennessee)

• **lobbying** – encourage the state delegation in Congress to establish and fund federal open space programs, including the Land and Water Conservation Fund and the Community Open Space Bonds program / Better America Bonds program (New Jersey’s Senate Resolution 44)

• **local participation** – leverage state efforts to preserve open space by creating incentives for local governments to create own programs – either require that local governments have open space plans and/or dedicated funding or provide grants in variable amounts depending on the
presence or absence of local plans or funding

- **protection** – require all land purchased through the program to have a conservation easement in favor of the state or its designee (Connecticut’s Protected Open Space and Watershed Land Acquisition Grant Program)
- **regionalism** – encourage regional governments to engage in collaborative planning; aim to distribute funds evenly across the state either by allocating set amounts for various regions or by allocating money to programmatic areas (i.e., coastal resources, ridgetops, etc.)
- **management** – establish fund or account for express purpose of land stewardship with money allocated at the time of purchase as a percentage of the purchase price
- **audits** – using money in the stewardship fund, hire or train staff to monitor lands purchased with money from the state by performing surveys of said properties at random intervals
- **promotion** – engender public support by keeping the citizens of North Carolina informed on the progress of the program, including its goals and its achievements (press releases, website, informational brochures)
- **promotion** – for the Conservation Tax Credit Program, appropriate funds for operations and publicity; CTNC recommends $200,000 annually
- **marketing** – engender public support by keeping the citizens of North Carolina informed on the progress of the program, including its goals and its achievements (press releases, website, informational brochures)
- **education** – provide workshops to educate applicants for funding from existing and future programs in order to improve the quality and number of applications (Connecticut)
- **smart growth** – evaluate public expenditures for impacts and promote spending on areas already developed and having existing services and infrastructure (Maryland)
- **conservation design** – promote new design principles and zoning ordinances that allow both development and conservation objectives to be met; encourage preservation of significant natural and historic resources while also allowing landowners to meet or exceed their investment objectives (a guide is provided in Appendix L)
NEXT STEPS

To be successful, any new program to be sponsored by the state must have the support of the public. Such support is more likely to be gained if a democratic process is followed in developing the program. The people of North Carolina should be fully involved in crafting the initiative and should be encouraged to contribute ideas and concerns. Critical tasks in this venture are communication and education. The government and land trusts both have critical roles to play in performing these two tasks. They each have steps to be taken to advance a new initiative to preserve open space. These steps, focused on communication and education, include:

Government

- **stakeholders** – identify stakeholders (conservation community, real estate industry, homebuilding industry, planners, elected officials, and private citizens for example)
- **task force** – an Open Space Task Force should be convened to study open space trends, to meet with and listen to the public, and to make recommendations to the state for a comprehensive open space program
- **collaboration** – Open Space Task Force should meet or consult with the 21st Century Communities Task Force and the Rural Prosperity Task Force; share ideas and strategies
- **inventory** – identify and map existing lands in the state, including areas already preserved and areas targeted for preservation; assess amount, placement and distribution of such lands
- **planning** – initiate statewide comprehensive planning effort
- **collaboration** – assist planning organizations (nonprofits and government agencies) by building their capacity to help communities realize their conservation goals
- **media** – engage media in open space campaign; highlight successes
- **education** – educate members of the public and government officials
- **workshops** – meetings should be scheduled around the state so that the task force can interact with the public to hear ideas and concerns and to learn from their experience
- **advocacy** – champion the cause!

Land Trusts

- **education** – educate members of the public and government officials
- **organizing** – unify interested parties, mobilize constituents, build coalition to support OS initiative
- **organizing** – if and when the governor announces the creation of a taskforce or a proposal for open space, consider hiring an experienced community organizer to devote full time to energizing and expanding the coalition and broadcasting its message; share and spread costs among coalition members; apply for foundation support (Connecticut campaign provides example – professional organizer made substantial impact)
- **organizing** – recruit conservation-minded celebrities to support cause; attract publicity (Connecticut campaign provides example – actor Paul Newman’s support had substantial impact)
- **outreach** – engage developers and lenders, not as adversaries, but as potential partners; underscore shared interests in improving quality of life and quality of development
- **politics** – encourage or sponsor candidate forums on the issues of open space and sprawl;
inform political debate; educate voters
  • **media** – engage media in open space campaign; highlight successes
  • **advocacy** – champion the cause!

In addition, it is critically important to recognize and understand the role of local governments in the conservation of open space. This report discusses initiatives at the state level. It is recommended that the approach used in this study be extended to local initiatives. Another step to be taken is:
  • **research** – extend the work performed on state initiatives in this study to devise strategies for open space acquisition at the local level
HEARD AROUND THE STATE

I care about this (smart growth) a great deal. I’ll be living in this state for a long time. I’ve got a lot of children and grandchildren – and more coming. I don’t want this growth to be uncontrolled and a detriment to our quality of life.

James B. Hunt
Governor
August 13, 1999

It is our hope that concentrated attention to the deleterious effect of sprawl on our daily lives will convince individuals, communities, cities, counties, and the state not to grow for growth’s sake, but to make progress towards a North Carolina that embodies wise and sustainable growth patterns.

Thomas W. Lambeth
Executive Director
Z. Smith Reynolds Foundation
August 20, 1999

As my family drives by areas of the city being bulldozed into treeless neighborhoods, strip shopping malls, and parking lots, we would gladly pay more taxes to keep open or tree-filled acres of land and the wildlife homes that are in them from being destroyed and eaten up by development.

Leigh Wilson
Resident
Raleigh
August 20, 1999

It seems that residents both new and established expect more from their governments than garbage pickup and police patrols and the basics. They complain readily and loudly if their community leaders neglect to add parks and other areas to allow them and their children fresh air and room to roam a bit.

The News & Observer
Newspaper Editorial
August 2, 1999

North Carolina is doing the right thing by setting a goal to preserve one million acres of green space . . . If we don’t move quickly to save that kind of land, it’s a sure thing that somebody else will move quickly to build on it.

Wilmington Morning Star
Newspaper Editorial
June 14, 1999
INTRODUCTION

SECTION ONE

North Carolina is a state that possesses a rich heritage and extraordinary natural beauty. Its attractions are as broad and diverse as its geography and as abundant as its history. Stretching from the Atlantic Ocean to the Blue Ridge and Allegheny mountains, North Carolina is a mixture of exciting cities, historic homes and towns, plentiful resources, and a wealth of recreational activities.

The Race for Open Space

Because of its natural beauty, its mild climate, and its strong economy, North Carolina is also a very desirable place to live. New residents and new businesses move into the state every day. To meet the needs of a growing population, land is being rapidly consumed by development. In North Carolina, the competition is hot for undeveloped land. As urbanization spreads out from our cities, the race has intensified for the increasingly valuable land that’s left. Competitors include developers, municipal and county governments, and land trusts.

A recent land acquisition in Raleigh demonstrates the difficult challenge that conservationists face in trying to protect land from development. This summer, the city bought a former family farm, adding it to 18 miles of woods, wetlands and banks along the Neuse River that the city plans to transform into parks, greenways and boat launches. The acquisition was not easy. It took more than two years of negotiations to woo the property owners away from at least three developers. The deal for 167 acres cost the city more than $2.75 million, even after the owners donated 58.2 acres. As Raleigh’s City Manager, Dempsey Benton, said, “It’s becoming more and more of a challenge to secure open space in the city” (Kakanniss, 1999).

Sprawl and Smart Growth

Growth is the expansion of developed space due to increases in population and economic prosperity (Chinitz, 1990). Development often occurs in “greenfields,” undeveloped land on the urban fringe. Over time, development spreads farther and farther from the center of our cities and towns. This phenomenon is known as “sprawl.”

Sprawl

Sprawl is low-density, automobile-dependent development beyond the edge of service and employment areas. The term itself has taken on negative connotations because it is associated with many of the problems that face modern society. As described by one writer, planner David Bollier, sprawl is “one of the most significant economic, social, and environmental problems of our time. Sprawl lies at the heart of urban decline, racial polarization, the lack of affordable houses, worsening air quality, disappearing farmland and wildlife habitat, and the erosion of community. But sprawl is not a tragic, inevitable outcome of market forces. It is the product of specific public policies that encourage car usage and low-density land development while disguising the actual long-term costs” (Bollier, 1999: 2).

In North Carolina, the costs of sprawl range from dying forests in the mountains to polluted waters
at the coast. Other symptoms that typify sprawl in other parts of the nation are also problems in our state – deteriorating air quality, increased traffic congestion, and the loss of open space.

In Maryland, Governor Parris N. Glendening is fighting sprawl. He has made control of sprawl one of his top priorities because he feels that “Sprawl is a disease that is eating away at the fabric of our communities, creating a hidden debt of unfunded infrastructure and services, social dysfunctions, urban decay and environmental degradation” (Glendening, 1997). Governor Glendening and the State of Maryland have gained national renown for their approach to the problem. In 1997, Maryland enacted into law a new program championed by Glendening and known as the “Smart Growth and Neighborhood Conservation Initiative.” The Initiative is actually a set of initiatives – five programs designed to encourage Maryland to grow smarter, to preserve neighborhoods, and to protect valuable natural resources. For example, the Priority Funding Areas initiative requires that state funds that support new development be targeted to existing towns and cities and other “Smart Growth” or “Priority Funding Areas” where infrastructure, such as water and sewer service, already exists or is planned. The Rural Legacy initiative earmarks up to $140 million over the next five years for acquisition of farmland, natural resource areas and open spaces that are especially threatened by development. Under this program, local governments and private land trusts may identify contiguous “Rural Legacy” areas and competitively apply for funds to buy the land outright, or to acquire easements to preserve them from development.

**Smart Growth**
What is “Smart Growth?” The phrase should not be equated with “no growth” or “anti-growth.” It promotes an alternative pattern of growth and seeks to reverse the inefficient and often costly pattern of development that has been the standard in this country for the past half century. Smart growth has several basic goals (Glendening, 1999):

- to save valuable remaining natural resources before they are forever lost;
- to support existing communities and neighborhoods by targeting state resources to support development in areas where the infrastructure is already in place (or is planned) to support it
- to save taxpayers millions of dollars in the unnecessary cost of building the infrastructure required to support sprawl.

The concept of smart growth is premised on a simple but profound principle – that taxpayers’ dollars should not be spent on programs that either promote sprawl or damage the environment. It

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Sprawl is “one of the most significant economic, social, and environmental problems of our time. Sprawl lies at the heart of urban decline, racial polarization, the lack of affordable houses, worsening air quality, disappearing farmland and wildlife habitat, and the erosion of community. But sprawl is not a tragic, inevitable outcome of market forces. It is the product of specific public policies that encourage car usage and low-density land development while disguising the actual long-term costs.”

- *David Bollier*
  
  Planner

“Smart Growth” – a growth policy that encourages development and economic expansion, but only in locations where it makes the most sense and where the infrastructure is in place to support it.
encourages development and economic expansion, but only in locations where it makes the most sense and where the infrastructure is in place to support it. Smart growth also promotes the preservation of open space.

**“Open Space” - Definitions**

What is “open space”? The phrase has more than one meaning. Open space may refer to parks, forests, farmland, wetlands, or other natural areas. It is land that has not been developed. It also includes other types of recreational lands including greenways and trails. It includes “active” open space such as athletic parks, and “passive” open space such as wildlife preserves. Open space may also refer to water resources such as a lake.

Open space is a broad term that is not clearly defined and may include many categories of land that possess a range of natural, historic, ecological, and economic values.

Clearly, the phrase is not familiar to everyone. As one official noted, “Some people may give you a blank stare,” even though they are actively trying to acquire or create more parkland in their towns (Hankins, 1999). People have different interpretations of “open space” (Ozier, 1999). During interviews for this study, some officials expressed concern that an open space effort might lead to the loss of productive land including farmland and timberland. They thought that “open space” did not include these types of land and assumed that an effort to create or preserve open space would mean taking farmland and timberland out of production.

Conservationists must understand that not everyone is familiar with the phrase “open space” even if those people are familiar with the concept. If an open space initiative is to succeed, it is important that proponents be able to explain what “open space” means. It means the pocket park in the downtown, the farm on the outskirts of town, and the seashore visited during summer vacation. It means green space for people and for wildlife. Education is of paramount importance. If people don’t understand what open space is, they are not likely to support it.

North Carolina has its own definition of “open space.” One definition could be found in North Carolina law. GS §160A-407 defines open space as:

(a) . . . any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

(b) . . . any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes.
“Open Space” - Benefits & Costs

Why have “open space”? What are the benefits and the costs for a state sponsored open space program? All government programs have benefits and costs. A program to acquire open space is no exception.

Costs associated with acquisition programs include the short-term and potentially substantial expense for purchase of interests in land, the long-term costs associated with liability and maintenance, foregone local property tax revenues, and the cost for staff to administer the program.

There are also obvious benefits that open space brings, both environmental and economic. The benefits to the environment are numerous. Open space protects water quality, preserves vegetation, provides oxygen, and preserves habitat for wildlife. It is also valuable to many natural processes. These include neutralizing the flux of chemicals in rainfall, filtering contaminants from storm runoff and nitrogen and carbon cycling. Keeping some of our land open also keeps open a wealth of opportunities for recreation. Open space is widely used for hiking, camping, photography, wildlife observation, educational programs, and hunting and fishing. Natural areas also allow the human spirit to recharge and help to balance mankind’s dialog with the Earth.

The economy also benefits from open space. Development increases demands on public services and on residents’ tax bills. New housing, in particular, routinely fails to pay its own way even with the additional tax revenue it provides. Many studies show that local governments often spend more on education and other public services than a residence generates in taxes. In contrast, studies show that the net benefit from open space is generally positive (TPL, 1998).

Reining in the development of additional land will also boost the value of already developed land, and tax dollars can be focused on improving and making more efficient the existing infrastructure, rather than burdening it with sprawl development.

Green spaces and parks also bring other benefits to their communities. They are excellent marketing tools for any community that wants to expand and diversify its economy. Companies planning to relocate place a premium on healthy landscapes where employees and their families can enjoy the outdoors. They value communities that offer parks where children can play and trails where employees can exercise.

“Open Space” - Types of Ownership

There are different types of ownership that allow land to be preserved. In some cases, conservationists will buy property outright to preserve it. In other cases, they will buy a “conservation easement” – a lesser interest in the property that restricts development on the property.

Fee simple

Fee simple interest or full interest is absolute ownership in a property. The purchase of a fee simple interest is a relatively simple and direct method of acquisition. The property is purchased outright and full title to the land is conveyed. The purchaser owns all rights to the property.
Easement
Less than fee simple interest in property is ownership of fewer than the total possible rights one may have in land. An easement is one type of interest that is less than fee simple. It is a right that one has in or over the land of another. The easement is a legally binding agreement that transfers a negotiated set of property rights from one party to another, without removing the property from private ownership. The purchase of an easement entitles the purchaser to only those rights granted in the easement agreement, making the purchase price less than the full value of the property (the value of fee-simple purchase). Easements can be created for various purposes including right-of-way for utilities, access, conservation or preservation.

Conservation Easement
This type of easement is a legal agreement between a landowner and a conservation organization or government agency that permanently limits a property’s uses in order to protect the property’s conservation values (Roe, 1995: 37). This type of easement may also be known by other names depending on the resources it protects. An agricultural conservation easement, for example, prohibits development practices that damage productivity or agricultural value of farmland.

In addition to direct financial gains associated with the sale or donation of property rights, many landowners can also benefit from reduced taxes for land placed under permanent conservation easement. Landowners in North Carolina who place conservation easements on their land are eligible for tax benefits from both the federal and the state government.

Land Trusts
Conservation land may be owned and protected by different types of organizations. Governments – local, state, and federal – hold substantial amounts of land on behalf of the public. In the private sector, nonprofit organizations known as land trusts also hold extensive lands.

Land trusts are nonprofit organizations that protect land directly, usually by helping landowners establish a conservation easement, accepting donations of property and easements, or buying land. They may also be termed “conservancies” (Roe, 1995: 38).

The trusts are created and sustained by conservation-minded citizens in order to preserve and enrich their community’s natural heritage. Organized at local levels, land trusts provide people and communities with choices of how green spaces in rural or urban areas can be used or preserved. In North Carolina, the local land trusts are linked through a statewide umbrella organization, the Conservation Trust for North Carolina. Land trusts have safeguarded more than 40,000 acres of woodlands, farmlands, greenways, and waterways across the state. The Nature Conservancy (TNC), a national organization with local affiliates, has protected another 58,000 acres of land in North Carolina.
The land trusts protect land using various tools such as conservation easements, voluntary protection agreements, estate planning, donations, and bargain sales. They rely on tax-deductible charitable contributions and the cooperation of private landowners who are interested in preserving their property for future generations. Participation on the part of the landowner is completely voluntary.

Land trusts are increasingly popular tools to preserve open space. Over the past ten years, the number of land trusts has increased by 63%. The land acreage protected by land trusts has doubled in the same period of time (LTA, 1998: 4). There are now about 1,200 such groups in the country according to the Land Trust Alliance in Washington, DC. In North Carolina, there are currently 24 land trusts covering all parts of the state.

The remarkable growth in the membership and number of land trusts across the nation is just one indicator of the popularity of the conservation movement. Other trends also suggest that support for land and water conservation is growing rapidly. The next section reviews some of these trends.
Now, all our communities face a preservation challenge as they grow, and green space shrinks. Seven thousand acres of farmland and open space are lost every day.

- President William J. Clinton
  State of the Union Address
  January 19, 1999

**National**

From 1970 to 1990, more than 19 million acres of rural land across the country were developed according to the Sierra Club (Preston, 1999). This translates into 400 thousand acres that are lost each year to subdivisions, shopping centers, office parks, and roads. In New Jersey, state officials estimate that 10,000 acres are consumed by development each year (Preston, 1999). Governor Parris Glendening of Maryland compared the current pace of development to historic trends: “At current rates of land consumption in our state, we stand to lose as much land to development in the next 25 years as we have consumed in the 300 years since Maryland was founded” (Glendening, 1997).

As a nation, Americans are consuming more land for development than ever before. Recent census figures show a continued exodus from cities, towns and older suburban communities, heightening the need for a national, state and local effort to curb sprawl (Glendening, 1997).

The American Farmland Trust has warned that the American population is expected to jump 50% by the year 2050. High quality farmland is projected to shrink 13%. As a result, the organization warns that the United States could become a net importer of food within the next 60 years (AFT, 1999).

Recent polls show that voters, regardless of their party affiliation, are concerned about these trends. People believe that land protection needs to be a priority for government action. The polls indicate that a majority of Americans are willing to pay more taxes to support government programs to purchase conservation land.

Over the last decade, demand for new parks and open space has far outstripped federal funding for land protection. As a result, more and more states and communities have leaped to fill the funding gap by approving new taxes and bond measures for park and open space acquisition.

**Referenda**

All across the nation, residents and governments are pushing measures to promote smart growth and open space. Last fall, voters around the country overwhelmingly supported “green” ballot initiatives to be used to protect open space and enhance local livability. They demonstrated tremendous support for open space by approving eight state initiatives and dozens of local measures. 84% of all conservation initiatives passed (LTA, 1999: 3). Millions of voters around the nation said “yes!” to measures to protect green space and open land. In total, they approved approximately $7.5 billion for conservation.

In an overwhelming vote, 76% of Florida residents approved an amendment to their constitution that
provides new authority to issue bonds for open space - $3 billion over 10 years. Voters in New Jersey authorized $1 billion for conservation bonds and amended the state constitution to set aside up to $98 million each year in sales tax revenue to finance the bonds. Two states, Minnesota and Oregon, earmarked state lottery funds for open space.

Voters also demonstrated support for open space measures at the local level. Many communities took advantage of newly granted authority to tax or bond for open space protection. On Cape Cod, Massachusetts, 15 communities voted to levy a 3 percent property tax surcharge to fund a land bank recently authorized by the state legislature. And in New Mexico, several counties acted on a 1996 constitutional amendment allowing counties to raise money for open space acquisition.

**Polls**

Politicians and the media often rely on professional polls to gauge public opinion. Polling is a statistical sampling of public opinion and can be used to show community leaders and elected representatives what people think about certain issues. The results of polls may help to convince them that an issue isn’t just personally important to one individual or one interest group – it is important to the public as a whole.

Several polls have been taken in recent years on the topic of conservation. These polls try to answer the question, “What does the public think about land conservation?” The results of the following polls indicate that conservation of open space is critically important to people all across the nation.

**The Luntz Research Companies Poll**

Frank Luntz is renown nationally as a Republican political pollster. In a recent poll commissioned by Americans For Our Heritage and Recreation and The Nature Conservancy, he examined American attitudes about federal funding for land conservation (AHR, 1999). The findings clearly indicate there is strong public support for purchasing land for conservation. Key findings include:

- people like to spend their time outdoors. Over half of Americans polled cite an outdoor location like a national park, forest, wilderness areas, beach, shoreline, lake, river, or mountain as their preferred place to spend a vacation this year. 94% would justify spending more on land and water conservation with the statement “Parks, forests, and seashores provide Americans a chance to visit areas vastly different than their own.”
- those who think the overall quality of the environment is deteriorating outnumber those who think things are improving. While many people say things will stay the same over the next 20 years, many more are likely to say that either the number or the quality of places to enjoy the outdoors will get worse.
- 88% of all Americans agree that “we must act now or we will lose many special places, if we wait, what is destroyed or lost cannot be replaced.” In an area of life where people expect progress, they do not see progress being made.
- the myth of “too much public land” does not hold, even in Mountain/Western states, where over 90% of the land is already government-owned. Only 12% find this argument most persuasive among a set of statements.
- wilderness and habitat areas are the most strongly supported use of conservation funds like the federal Land & Water Conservation Fund (LWCF). While people like funding spaces they can use themselves, also see value in conservation of areas vastly different than their own, whether or not they ever get to visit them personally. For many, conserving the
environment is its own reward. For others, they see the value coming back to people in the long run

- the trust fund for conservation of land and water is even more popular than the highway and airport trust funds (45% to 37% to 7%, respectively). This finding is especially significant since other opinion research shows that these transportation trust funds are extremely popular. As popular as the transportation trust funds are, an “open space conservation trust fund” has even greater support from the public.

- “matching” and “leveraging” are well understood by the public. People are much more readily willing to match their own contributions, in after tax dollars, to funding conservation programs if they are sure the dollars will go where they are intended. Any devolution of federal authority and management is best complimented by sharing responsibility through matching requirements, rather than tax offsets

- the educational/social link to parks, recreation, and conservation programs is strong. Nine out of 10 Americans think they provide “a place for children to learn new skills and values like teamwork and respect for nature.” Three out of four think they “help prevent juvenile crime and delinquency” and 85% think “parks and open spaces contribute to property values and economic stability of neighborhoods.” Women, parents of children under age 18, and minorities are even more likely to hold these three views

- compared to other priority issues Congress must face, open space conservation is important enough to specific groups to make a difference in an election. One-third would prefer to use the budget surplus to invest in parks and open spaces rather than receive a tax cut. One in 10 (Republican, Independent, and Democrat alike) ranks it above the “big three” issues of education, crime/drugs, and creating jobs when asked only those four priorities. These critical voters could turn an election in a close year

**The Mellman Group and American Viewpoint Poll**
The Trust for Public Land commissioned a poll to gauge public support for land and water conservation (TPL, 1999a). The Mellman Group and American Viewpoint, two Washington-based polling firms, conducted the poll. Key findings include:

- clear majorities in both major parties say that government at all levels is doing an inadequate job of creating parks and open spaces
- voters identify protecting natural lands as a key priority for government action, on par with such issues as education and a higher priority than reducing taxes
- by a 2-to-1 margin Americans across the political spectrum support a federal plan to use public funds to purchase and protect land
- a majority of Americans are willing to pay more taxes to support government programs to purchase open space land
- Americans strongly support full funding of existing federal programs, specifically Land and Water Conservation Fund, for which Congress is considering funding levels now.

The results of this recent poll also show that a clear majority of voters from both parties feel government efforts to protect land from development are inadequate. A majority of voters support full funding of federal conservation programs such as the Land and Water Conservation Fund.
The Quinnipiac College Polling Institute Poll
In 1996, the Quinnipiac College Polling Institute in Connecticut conducted a poll of residents in that state to assess their opinions on quality of life issues. The poll found that 98% of respondents ranked open space as “very important” or “somewhat important” to the quality of life in Connecticut. Clearly, Connecticut residents overwhelmingly view open space as important to their well-being (Jones, 1997).

A prominent professor at Harvard University notes that this trend in public concern and support for quality of life also extends to the business community. In a new book, Rosabeth Moss Kanter writes that “A new wave of social concerns and a growing desire for community spirit have come in the wake of economic change. Once preoccupied with economic issues, the public is more and more concerned about social issues. Once focused primarily on the competitiveness of large-business corporations, leaders are more and more concerned about the strength of communities.” (Kanter, 1995).

At the federal level, some officials have also taken notice of these trends. President Clinton demonstrated a commitment to protecting open space and controlling sprawl by proposing his Lands Legacy and Livable Communities Initiative. This initiative, announced earlier this year, is part of the Administration’s proposed budget for fiscal year 2000. The proposal includes increased funding for federal land acquisition, funds for states to acquire open space, and funds for open space planning by state and regional entities. Specific programs that are targeted to receive funds include the Forest Legacy Program, the Farmland Protection Program and smart growth initiatives.

Vice President Al Gore has made “livability” a central plank of his campaign for the presidency. At a speech before the Brookings Institution in the summer of 1998, he stressed the importance of quality of life to the health of our economy; “Our efforts to make communities more livable today must emphasize the right kind of growth – sustainable growth. Promoting a better quality of life for our families need never come at the expense of economic growth. Indeed, in the 21st Century, it can and must be an engine for economic growth” (Brookings, 1999).

Federal legislators have also shown renewed interest in conservation. Several bills are presently before the Congress that address land and water conservation. At least one bill is modeled on the President’s Lands Legacy and Livable Communities Initiative. Other bills offer other mechanisms for land and water conservation. All of these bills would provide...
money to states and local governments. They have the potential to substantially improve the ability of states and local communities to create parks and protect open space. However, the fate of the bills is very uncertain. None has been approved by Congress yet. If one of these bills passes the Congress, it could alter the course of open space preservation efforts all over the country including North Carolina. For supporters of open space, it is important that federal legislators hear their voices. If North Carolina is to embark on its own program for open space acquisition, officials and elected representatives at the state level should lobby their counterparts at the federal level to support federal funding for open space.

**North Carolina**

Our state has seen tremendous growth in recent years. Between 1980 and 1995, the urbanized area of the Triangle increased 104%. At the same time, the population increased by only 65% (Sierra, 1999a). In Wake County, forty-nine new people move into the county every day and the average price of land has more than tripled since 1984 (from $2,500 to $8,500 an acre) (Sierra, 1999b). For the state as a whole, urbanized areas grew at the rate of 23.4% from 1990 to 1997 while the population grew only 12%. Most of this growth represents low-density development on the fringes of urban areas – the pattern of growth that is known as sprawl (ZSR, 1999:1).

In North Carolina, the costs of sprawling development range from dying forests in the mountains to polluted waters at the coast. Other symptoms that typify sprawl in other parts of the nation are also problems in our state – deteriorating air quality, increased traffic congestion, and the loss of open space.

One result of this pattern of growth is increased commuting time. The City of Raleigh now ranks third in the nation for the average longest daily commute. Due to the increased number of cars on area roads and the increase in vehicle miles driven, the region is expected to be in violation of national air quality standards in the next few years (Sierra, 1999a).

Sprawling development has also resulted in the loss of open space. In Wake County, two hundred acres of farmland and forest are developed every week to accommodate new development (Sierra, 1999b). As the Z. Smith Reynolds Foundation notes, the landscape is being steadily transformed. North Carolina is changing – as it becomes increasingly developed, it is shifting from a “largely rural state to an urbanized one” (ZSR, 1999: 1).

The citizens of North Carolina are not standing idly by as open space in their communities is developed. They are concerned and they are calling for action. One resident of Raleigh decried the impacts of relentless development on the community’s green space: “As my family drives by areas of the city being bulldozed into treeless neighborhoods, strip shopping malls, and parking lots, we would gladly pay more taxes to keep open or tree-filled acres of land and the wildlife homes that are in them from being destroyed and eaten up by development (Wilson, 1999).

In response to citizen concern, local governments across the state are studying how to improve development patterns and how to preserve open space. They are also taking action. The rest of this section affords a glimpse of activity across the state.
City of Raleigh
The capital city of North Carolina has gained national renown for its greenway system, the Capital Area Greenway. It has been called the “Father of Greenways” and is believed to be the earliest comprehensive greenway system in the country (Little, 1990: 39). Raleigh’s goal is to establish 200 miles of greenway. At this time, they have completed approximately 45 miles of trail (Henderson, 1999).

In total, Raleigh has acquired more than 5,856 acres of parks, greenway trails and water facilities. The city has acquired about half of the 1,500 acres intended for a greenway and parks system along the Neuse River. It plans to use a $2.85 million state grant to acquire another 600 acres of easement along the river, creating trails along either side of the Neuse.

The city’s efforts to create green space have not gone unnoticed by the business community. The Trust for Public Land cited Raleigh as one city that has been successful in attracting new business because it has worked to preserve its natural resources and promote its quality-of-life (Allen, 1999).

Town of Carrboro
Carrboro residents place a great premium on open space. Five years ago, they took a dramatic step to promote conservation by changing the town’s land use regulations. The town became the first in the state to require that 40 percent of any residential development be set aside as open space (Kinnaird, 1999).

Gaston, Lincoln, and Mecklenburg Counties
These counties banded together to protect Mountain Island Lake, one of a series of reservoirs along the Catawba River in the Piedmont area of North Carolina. It is one of the most important watersheds in the state, supplying drinking water to more than 600,000 people in the greater Charlotte area.

Development pressures put the water supply at risk. Local partners, working in tandem with environmental organizations such as the Catawba River Land Conservancy and the Trust for Public Land (TPL), organized a coalition of diverse interest groups to buy and protect land around the reservoir. Earlier this year, they celebrated the successful purchase of a 1,231 acre tract of land and six miles of shoreline on one side of the reservoir for $6.15 million.

With the support of the Centralina Council of Governments, the coalition used a grant from North Carolina’s Clean Water Management Trust Fund to buy the property. State Senators Fountain Odom, David Hoyle, and Jim Forrester provided critical legislative support for the project (TPL, 1999b).

The coalition is not finished with this project – it is developing a long-term regional management plan for the watershed and support for a possible regional park. TPL is spearheading the effort. “We want to create a strategic vision for Mountain Island Lake that will include a regional design for the whole watershed,” said David Allen, a TPL representative and member of the coalition. “We don’t have all the land in critical watershed areas yet, and we don’t have any of the land along the many tributary creeks that flow into the lake and are critical to water quality protection.” TPL aims to create an endowed management and acquisition fund, the Mountain Island Lake Land Acquisition
and Stewardship Fund. The ambitious plan hopes to raise $1 million over the next year and $10 million in ten years for the project.

Mecklenburg County
Residents in the City of Charlotte and in Mecklenburg County have consistently provided support for open space, parks, and greenways. The county has passed four consecutive referenda in recent years generating more than $3 million for greenways. In November 1995, voters approved a $41.3 million bond to provide money to improve inner-city parks, buy parks in newly urbanizing communities, and to set aside natural areas. County residents will vote this fall on another bond package that will provide more funding for parks and open space. The bulk of the $487 million bond issue would be used for land acquisition for parks, open space and schools. $220 million would be used to buy and hold land that the county anticipates it will need in the future. Another $52 million has been specifically earmarked to support parks and recreation.

County commissioners recently endorsed an ambitious greenway plan that envisions 185 miles of streamside trails and 30 miles of overland connectors to schools, libraries and other points of interest. The estimated cost to complete the system is $40 million over a decade. An advisory committee has proposed that $100 million for parks and recreation be included in a fall bond issue. Half of that would acquire land before rising prices put it out of public reach. About $7.2 million would go to greenways, building 32 miles of new trails (Henderson, 1999).

The popularity of greenways in Mecklenburg is evident from economic statistics. Buyers of new homes in the county pay $2,000 to $5,000 more for properties next to greenways (Henderson, 1999). Many residents are pleased to see that their local governments are spending money on open space and greenways. As one resident stated, “They’ve spent money on a lot worse stuff . . . I would much rather spend it on greenways than on a new coliseum for the Hornets” (Henderson, 1999).

Wake County
In 1998, voters in Wake County authorized a $3.2 million bond issue for parks and recreation including the acquisition of land. The Board of Commissioners also created an Open Space Task Force to develop a plan for the acquisition of open space land in the county. The Commissioners allocated $500,000 last year to hire a team of three consulting firms to develop the plan, and begin a fund to buy open space. Although the plan is still in its infancy, it has the endorsement of the Home Builders Association of Raleigh and Wake County, and the Triangle Land Conservancy (Kakanniss, 1999).

To preserve open space, the county has bought land and development rights, traded conservation easements for property-tax and estate-tax breaks, and let developers build more densely in exchange for setting aside open areas within subdivisions.

Orange County
Orange County is drafting an open space plan to go to the county commissioners in September, and Chapel Hill has adopted a policy to connect greenways and open spaces. The county already has a farmland preservation program that aims to prevent development of farms by acquiring conservation easements on the land. Residents of the county have passed several bond issues for open space including a $6 million measure in 1996.
David Stancil, director of the county’s new Environment and Resource Conservation Department, said that the rapid pace of development in the county has mobilized residents and officials to take action to preserve what is left. “Sometimes you don't notice things until they're gone,” he said. “The tremendous growth has put a strain on some aspects of the quality of life. It’s like you drive by a beautiful scenic farm that, after some point in time, turns into a subdivision, and the loss of that beauty just brings it home” (Kakanniss, 1999).

City of Durham
In Durham, planners have created a greenways plan with more than 130 miles of trails. The city is also developing a new plan for parks and open space. City and county residents approved $3.2 million in 1990 and $4.1 million in 1996 in bond issues to acquire open space and trails. Jane Korest, a senior planner in Durham’s planning department believes measures to protect open space will greatly benefit residents overwhelmed by breakneck growth.

“People really get psychologically and emotionally attached to the green spaces around them,” she said. “It becomes a real visual relief for people. Some talk about it as a quality-of-life issue, but people really value it as part of a sense of place” (Kakanniss, 1999).

Guilford County
Guilford County started a regional park system almost 11 years ago after its citizens approved a referendum releasing money for the program. In 1988, voters overwhelmingly supported a $12 million bond sale for parks and recreation. The county used the money to buy land for six regional parks. Some money also went to paved walkways, community-based recreation groups and the Piedmont Environmental Center (Feller, 1999b). The county has accumulated roughly 3,500 acres of open space by purchasing parkland, watershed land and trails and by requiring developers to donate floodplain land (Feller, 1999a).

Next May, the system could get another infusion of cash if taxpayers approve a $10 million bond issue. The new bond measure is designed to accelerate the implementation of a regional park plan that is taking shape slowly. If successful, the bond measure would allow two more regional parks, the expansion of a third park and the extension of a popular trail (Feller, 1999b). The county picked $10 million for the parks vote because that is the amount that can be financed without a tax increase (Feller, 1999a).

The new push to preserve open land began about two years ago with a group called the Citizens for the Preservation of Open Space. Members of the group envision a network of open spaces and corridors that could provide recreational opportunities, protect the environment and preserve picturesque settings. The group wants a program that is endorsed by elected leaders, paid for with public money and focused on landowners who are willing to sell their land.

The State of North Carolina
State officials and legislators have recognized the public interest and activity in open space occurring throughout the state. In response, they have initiated efforts to promote smart growth and open space.
Smart Growth Initiatives
The legislature passed a bill in the last session that established a commission to study ways of managing land use to reduce urban sprawl and protect the state’s rural character. The governor followed up by announcing his own task force to help develop “smart growth” strategies to limit sprawl and preserve open space in North Carolina.

The Governor stated that the availability of state funds in the future could depend on how well local officials limit sprawl. In coming years, transportation and other state funds flowing to local communities could become “contingent” on their efforts to manage growth.

Legislators are not expected to take action on the issue before spring 2001. The governor’s task force will hold a series of town meetings this fall and then make recommendations to the legislative study commission. A report from that panel is due in January 2001.

Governor’s Open Space Initiative
“One million green acres.” This headline, which appeared prominently in the Morning Star this summer, announced a proposal being considered by Governor Jim Hunt that would preserve additional open lands in the State of North Carolina (WMS, 1999). The story in the Wilmington newspaper signaled the interest of the Hunt administration in preserving North Carolina’s treasured landscapes. The governor is mulling a proposal to preserve one million acres of green space near urban areas over the next ten years. The administration also expressed support for providing public funds for farmland preservation.

The Hunt administration’s plan for open space is an important effort. The provisions of the plan will determine its success. As North Carolina considers a new open space initiative, it would be useful to review potential strategies for acquisition and the experience of other states with established acquisition programs. These topics are considered in the next two sections of this report.
Techniques

Land for conservation or recreation can be acquired through a variety of mechanisms. These can range from donations of land, to required dedication, to land condemnation. A number of methods for acquisition are described below. Some of these techniques may require enabling legislation from the state in order for local governments to employ them.

Donation

Individuals and organizations can donate land to the state or to local governments for conservation or recreational purposes. In return, the donor is eligible to receive federal and state deductions on personal income and may be able to avoid inheritance taxes, capital gains taxes and recurring property taxes.

Fee-simple Purchase

This is a relatively simple and direct method of acquisition. The property is purchased outright and full title to the land is conveyed to the purchaser. Opportunities to purchase tax delinquent property should be investigated.

Easements

The purchase of an easement entitles the purchaser to only those rights granted in the easement agreement, making the purchase price less than the full value of the property (the value of fee-simple purchase). Easements can be solicited from landowners who may receive tax deductions for donations. Local governments often acquire easements on property being subdivided at the time of final subdivision plat approval and recordation.

Bargain Sale

A property owner can sell property at a price that is less than the appraised fair market value of the land. Sometimes the seller can derive the same benefits that might be received if the property were donated. Bargain sales can be an attractive option to a seller when the seller wants cash for a property – the seller may be able to avoid high capital gains taxes.

Option of First Refusal

An agreement can be established with a property owner to provide the right of first refusal on a parcel of land that is scheduled to be sold. This form of agreement can be used in conjunction with other techniques, such as an easement, to protect the land in the short term. An option may provide the purchaser with sufficient time to obtain capital to purchase the property or successfully negotiate some other means of conserving the land.

Condemnation

Eminent domain for acquisition of park land can be exercised when property cannot be obtained through other means. Condemnation of land is normally only used as a last resort since it is often a lengthy process which involves court proceedings. Just compensation must be paid to the landowner. In many cases, this technique is not an option since many grant programs forbid its use.
Required Dedication
Many local governments have passed zoning and subdivision requirements that set aside a certain amount of land as open space. The Town of Carrboro places a great premium on open space. Five years ago, it became the first municipality in the state to require that 40 percent of any residential development be set aside as open space (Kinnaird, 1999). Another example is the Town of Cary. The town’s Unified Development Ordinance requires that developers of residential subdivisions and planned unit developments dedicate either a percentage of land to the town, based on the number of dwelling units, or pay a fee in lieu of dedicated land. Although the town typically requires land dedication when a parks master plan indicates a need for a park or greenway in the vicinity of the proposed development, the option of requiring payment in lieu of land can help pay for purchase and development of parks and greenways in other areas.

Utility Sharing
Multiple use of existing public property can be pursued as a method of acquiring land for recreation purposes. Water, sewer, and electric utility property and easements can be used by communities to provide space for public recreation without negatively impacting the function of the utility line or the safety of the general public.

Clustering
Communities can use this regulatory method to acquire land for parks and greenways. Clustering is an approach where units within a subdivision are grouped on the most developable portions of a tract, allowing other areas to remain undeveloped. This dedicated space could be held in private ownership or transferred to the local government. This method can be particularly useful for land acquisition along waterways in order to create greenways. In this case, development would occur in areas set back from the stream bank, with floodplain lands dedicated to the local government or a local nonprofit for greenway use. Connecticut is one state that has enabled its communities to use this technique.

Transfer of Development Rights
A transfer of development rights (TDR) program allows local governments to redistribute development away from areas which have been targeted for conservation and to areas known as “receiver” sites. Receiver sites are located where a town or county is willing to permit higher densities than would otherwise be allowed. Through this program, a landowner is allowed to sell “credits” for development assigned to his or her land by local government to developers who wish to build in the receiver sites. Communities in Connecticut and Maryland have successfully used this technique to preserve significant amounts of land.

Zoning
It may be possible for local governments to restrict the use of land by designating allowed uses on the land through the zoning process. Designation that restricts the use of land to conservation or recreation purposes can serve to protect against conversion of these areas to other land uses.

Donations
The state could solicit donations of land, cash, labor and materials to assist with recreation system
implementation. Typically, donations are for the acquisition or development of a specific park, facility, center or greenway project and can come from corporations, civic organizations and other groups or individuals.

**Funding Sources**
A variety of funding sources are available for land acquisition and development. The funding sources listed below represent different mechanisms that have been utilized by other states and communities.

**Bonding**
Many state and local governments issue bonds to finance parkland acquisition and site development costs. Often, these bond issues must be approved by the voters. Greenways can also be funded through bonds, as was the case in Charlotte, NC, where four consecutive referendums were passed to generate more than $3 million for greenways. Since bonds rely on the support of the voting population, an aggressive education and awareness program will need to be implemented prior to any referendum vote.

**Taxation**
Communities have also voted to raise tax money in support of greenway and park implementation. Both state and local governments have used sales taxes and real estate transfer taxes to fund land acquisition. At the local level, the property tax is perhaps the most conventional revenue source. Alternative sources of funding include income taxes and special taxes on technology such as cell phones. Boulder, Colorado was the first city to use a sales tax dedicated for the purchase of open space. Over the years, it has managed to preserve over 28,000 acres of land around the city using the proceeds from the sales tax. Another example is Oklahoma City, where voters approved a temporary $0.01 sales tax, which generated millions of dollars for greenway acquisition and development. This “penny” sales tax may be a very effective way of generating funds for land acquisition.

**Impact Fees**
An impact fee is a one-time charge that developers must pay to the government before beginning a development project. The revenue from the impact fee finances public goods and services associated with the project, but which the developer would not normally provide. Public facilities that may be financed by impact fees include water and sewer lines, streets and bridges, and parks and recreation facilities.

Impact fees are a common tool used by local governments to help pay for the acquisition, construction, and maintenance of parks and recreation facilities near new residential, commercial, and industrial development. Although impact fees are typically assessed by local governments, developments often require permits and other approvals from the state government. An impact fee might be assessed by the state for projects that require state review and permits.

The popularity of the fee continues to grow. Nineteen states have adopted legislation enabling the use of impact fees since 1987 when only Arizona, California, New Jersey had such statutes (TPL, 1999c). The language in the statutes that authorize the impact fee varies considerably by state. In some case, it can be specific, comprehensive, and restrictive (Texas and Illinois). In other cases, it
can be very brief and general with wide latitude provided to the local government (New Jersey and Indiana). The statutes may govern such factors as the actual calculation of impact fees, limitations on the size of service areas, whether interest or financing costs of bonds or loans may be included in the fee calculations, the required useful life for capital improvements and facilities, accounting requirements, and time limits for expenditures. Some statutes address the concern for affordable housing and employment (TPL, 1999c).

There is some precedent for such fees in North Carolina. The City of Raleigh requires all residential developers to pay impact fees to help finance greenways and other parks. The city sought and received special legislative permission to impose the fees. The General Assembly granted that authority in 1985. By 1987, the city had a dedicated impact fee program for parks and open space.

**User Fees**
For recreational services and facilities, user fees may be charged. Typically, these fees are charged only for special use facilities, such as golf courses, but may also be charged for other facilities such as ballfields, boat ramps, and trails. Revenue from these fees may provide might be used to cover operations and administration costs for the facilities or it might be used as a source of funding for acquisition and development of other properties.

**Grants**
Grant programs can be a source of significant funding. They should be pursued as another method of financing land acquisition. Several grant programs sponsored by the federal government are described below.

**Land and Water Conservation Fund (LWCF)**
This federal funding source was established in 1965 to provide park and recreation opportunities to residents across the United States. Money for the fund comes from the sale or lease of nonrenewable resources, primarily federal offshore oil and gas leases and surplus federal land sales. LWCF funds are used by federal agencies to acquire additions to federal lands. In the past, Congress has also appropriated LWCF monies for “state-side” projects. These state-side grants are funneled to local communities to acquire and develop parks and recreation facilities. In North Carolina, state-side funds are distributed annually by the Division of Parks & Recreation in the state Department of Environment and Natural Resources (DENR). Communities must match LWCF grants with 50% of the project costs through in-kind services or cash. All projects funded by LWCF grants must be used exclusively for recreation purposes, in perpetuity.

**Urban Park and Recreation Recovery (UPARR)**
This program provides another source of federal funding for parks and recreation to communities across the United States. Established in 1978, UPARR is designed to assist in the revitalization of recreation areas in urban settings. It provides matching grants directly to local governments for rehabilitation of deteriorated recreation facilities in distressed urban areas. The intent of the program is to stimulate ongoing local commitments to recreation lands and facilities in urban areas. It also provides limited funds for grants to demonstrate innovative and cost-effective ways to augment recreation programs in urban neighborhoods as well as matching grants to develop local Recovery Action Programs (plans) for overall system revitalization and continuing operations and maintenance. The program is targeted to a list of over 400 physically and economically distressed
cities and counties, based upon criteria established by the secretary of the Interior. Only cities and counties meeting the established criteria are eligible for assistance. Upon passage of the UPARR Act, the Congress authorized $725 million to provide matching grants and technical assistance to economically distressed urban communities. No funds have been appropriated for the UPARR program since 1996. However, the Clinton Administration has proposed $4 million for fiscal year 2000 (NPS, 1999).

Forest Legacy Program (FLP)
This federal program supports state efforts to protect environmentally sensitive forest land. FLP is a partnership between the federal and state governments. The program helps participating states develop and implement forest conservation plans. It is designed to encourage the protection of privately owned forest land and is entirely voluntary. To maximize the amount of land protected, the program focuses on the acquisition of partial interests in land. It encourages and supports the acquisition of conservation easements but FLP funds can also be used for outright purchase. Most FLP conservation easements restrict development and require sustainable forestry practices. To participate, private landowners are required to prepare a multiple resource management plan as part of the easement agreement. The federal government may fund up to 75% of the costs of the program. At least 25% of the costs must be matched by private, state or local sources. The United States Forest Service (USFS) administers the Forest Legacy Program in cooperation with state foresters. FLP also encourages partnerships with local governments and land trusts (USFS, 1999).

Farmland Protection Program (FPP)
The FPP is similar to the FLP except that it seeks to protect farmland rather than forestland. Established in 1996 with the passage of the Farm Bill, FPP was created to protect farmland with prime, unique, or other highly productive soils. The program is voluntary, designed to help farmers keep their land in agriculture. FPP funds are provided to state, local, or tribal entities with existing farmland protection programs to purchase conservation easements or other interests in land. Landowners who choose to participate in the program must keep their land in agriculture and agree not to convert the land for nonagricultural use. Landowners retain all rights to use the property for agriculture. All lands enrolled in the program must have a conservation plan that meets certain standards. The program is administered by the Natural Resources Conservation Service (NRCS) in the United States Department of Agriculture (USDA). The goal of the program is to protect between 170,000 and 340,000 acres of farmland. The 1996 Farm Bill allocated $35 million to the program over 6 years (USDA, 1999). By fiscal year 1998, all of this money was appropriated. Currently, there is no funding available for the program. Future funding for FPP will depend on additional appropriations by Congress.

Watershed Protection and Flood Prevention Grants
The Natural Resource Conservation Service (NRCS), a division of the United States Department of Agriculture (USDA), provides funding to state and local agencies to carry out, maintain and operate watershed improvements involving less than 250,000 acres. The NRCS provides financial and technical assistance to eligible projects to improve watershed protection, flood prevention, sedimentation control, public water-based fish and wildlife enhancements, and recreation planning including the development of parks and greenways. The NRCS requires a 50% local match for public recreation, and fish and wildlife projects.
Transportation Efficiency Act (TEA)
For greenways, the primary source of federal funding has been through the Transportation Efficiency Act (TEA) and its predecessor, the Intermodal Surface Transportation Efficiency Act (ISTEA). ISTEA and TEA have provided millions of dollars in funding for greenway projects across the country. Several sections of TEA support the development of bicycle and pedestrian transportation corridors. Those sections that apply to the creation of trail systems include:

Surface Transportation Program (STP)
These funds can be used for bicycle and pedestrian facility construction or non-construction projects such as brochures, public service announcements, and route maps. The projects must be related to bicycle and pedestrian transportation and must be part of the Long Range Transportation Plan. These funds are administered and distributed by local Metropolitan Planning Organizations (MPO’s) in accordance with the state Transportation Improvement Program (TIP).

STP Transportation Enhancements Program
Ten percent of the STP funds distributed to North Carolina each year are available for Transportation Enhancements, which include projects such as trails, greenways, sidewalks, signage, parking and downtown revitalization efforts. Usually a 20 percent match of local funds is required. Other requirements must also be met in order for projects to receive these funds.

Symms National Recreational Trails Fund Act (NRTFA)
A component of the TEA, the NRTFA is a funding source that can assist with the development of non-motorized and motorized trails. The Act uses funds paid into the federal Highway Trust Fund from fees on non-highway recreation fuel used by off-road vehicles and camping equipment. This money can be spent on the acquisition of easements and fee simple title to property, trail development, construction and maintenance. Grants are available to private and public sector organizations through DENR. The federal government provides 80 percent of the funding for NRTFA projects. Grant recipients must provide a 20 percent match. Projects funded must be consistent with the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

Partnerships
To meet the goals and objectives of a new open space initiative, the state will need to enter into partnerships with other public agencies and private organizations. It is not anticipated that the goals of an ambitious and comprehensive initiative would be accomplished solely by the state. Many communities throughout the nation have already found that the best way to accomplish community goals is through coordinated capital improvement programs with like-minded public and private sector interests. To maximize the open space initiative’s capacity for acquisition, North Carolina should pursue various types of partnerships with other organizations.
STATE PROGRAMS
— SECTION FOUR —

Other states have pursued ambitious open space programs. Their experience can be useful to North Carolina as it develops its own program. This section includes information on programs and strategies used by the following states to fund the conservation of open space:

- Connecticut
- Florida
- Maryland
- New Jersey
- New York

More information on existing state legislation related to open space and growth management can be found in Appendix E of this report. This appendix contains a copy of State Incentive-Based Growth Management Laws, a database produced by the National Conference of State Legislatures (NCSL) and the Trust for Public Land (TPL). This database can be found on NCSL’s website at the following address – www.ncsl.org/programs/esnr/growthdata.htm. The database provides summaries of existing laws in all fifty states that relate to growth management. It covers topics such as smart growth, conservation easements and tax credits.

TPL is also in the process of compiling information on land acquisition programs at both the state and local levels. State funding profiles can be found at the following website – www.tpl.org/tpl/tech/resources/. As of August 1999, only a handful of states had been profiled. However, TPL plans to add more states as the information is developed. Another set of webpages details financing mechanisms for parks and open space conservation at the local level. Local Parks, Local Financing contains extensive information on various techniques used by municipalities across the United States to fund conservation. These pages can be found in Appendix M of this report. They may also be found on TPL’s website at the following address – www.tpl.org/tpl/tech/parkfinance/.
STATE OF CONNECTICUT

Conservation of Connecticut’s natural resources is essential to keeping Connecticut a desirable place to live, work, and play. As the state continues to develop its economy, we need to increase and enhance our places to enjoy healthful outdoor recreation.

- Governor John G. Rowland
Announcement of Open Space Task Force
August 11, 1997

Summary
Connecticut currently owns approximately 210,000 acres or 6.7% of the land area of the state as open space. The goal of the state is to have 21% of its land area protected as open space. Of this amount, 10% is to be held by the state and 11% by local governments, nonprofits, and water companies. The Recreation and Natural Heritage Trust Fund, established in 1986, is the program used for the acquisition of land to be held by the state — for state parks, forests and wildlife management areas. In 1998, the legislature enacted the Open Space and Watershed Land Acquisition Program. This program provides funds, in the form of matching grants, to local governments, nonprofit conservation organizations, and water companies for the acquisition of open space including farmland and watershed land. Annual bond issues authorized by the legislature on a bi-annual basis fund these programs. Current funding for the programs is $32 million per year. Of this amount, $20 million is directed to the state program and $12 million to the local program.

Several state and municipal programs and powers encourage open space preservation. They range from purchasing land outright and purchasing development rights to tax incentives and planning and zoning.

The principal program for the preservation of open space in Connecticut has been the Recreation and Natural Heritage Trust Fund. PA 98-157, An Act Concerning Open Space and Watershed Land Acquisition, established a new program, the Protected Open Space and Watershed Land Acquisition Grant Program, to provide matching grants for municipalities, nonprofit land organizations, and water companies to preserve open space. It also makes important changes to the way bonds are issued for the state’s primary open space program, the Recreational and Natural Heritage Trust Fund.

PA 97-227, An Act Concerning Acquisition Of Open Space Land, Multiple Use Rivers Commissions And The Riverfront Recapture Project, set a goal for the state to own at least 10% of Connecticut’s land as open space and requires the DEP to develop and report a strategy for achieving the goal. Governor John Rowland established a task force to study the issue and report its findings and
recommendations. Many of the recommendations were incorporated into PA 98-157.

PA 99-235, *An Act Concerning Tax Incentives For Donation Or Discount Sale Of Land To Be Preserved As Open Space*, states that 21% of the state’s land area shall be held as open space. The goal of the state is to secure at least 10% of Connecticut’s land area as open space held by the state and to secure at least another 11% of the state’s area as open space held by municipalities, water companies or nonprofit land conservation organizations. The act set a strategy for land acquisition beginning with 3,000 acres in 1999, 4,000 acres in 2000 and 2001, and 5,000 acres in 2002, to continue until the open space land acquisition goal is achieved. The state may not convey open space land to any person, organization or political subdivision of the state unless the recipient executes a conservation easement restricting development of the land.


The following sections include summaries of the various programs in Connecticut designed to preserve open space. The legislation that established or authorized each program or funding mechanism is provided in Appendix C1 of this report.

Before describing the programs, however, it will be useful to review the definition of “open space” employed by the state. Definitions are important because a program focused on open space depends upon clear identification of the locations where the program may apply. It will also be useful to review statements of policy made by the state and how much land the state has already managed to preserve as open space. The next three sections review policy declarations, definitions of open space and open space statistics for Connecticut.

**Policies**

The state has long recognized the value of open space and the importance of conservation. Many environmental values are embodied in state policy. The state has declared that it intends to: (1) fulfill the responsibility of each generation as trustee of the environment for succeeding generations; (2) assure safe, healthful, productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment; (4) preserve important, historic, cultural, and natural aspects of Connecticut heritage; and (5) achieve an ecological balance between population and resource use (Connecticut General Statutes (CGS) §22a-1a(b)).

**Definitions**

“Open space” is generally used to describe undeveloped land having some level of protection against development. Protection may be designation as a park or forest, a restrictive covenant, or ownership by a land trust organization. Two statutes define open space for the specific purpose of separate municipal and state acquisition programs. CGS §12-107b defines open space land as:

any area of land, including forest land, land designated as wetland under section 22a-30 and not excluding farm land, the preservation or restriction of the use of which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetlands,
beaches or tidal marshes, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites or (7) promote orderly urban or suburban development.

This definition also applies to CGS §7-131c, which also defines open space as any land acquired under the municipal acquisition program.

The State Plan of Conservation and Development lists several types of land with open space characteristics suitable for preservation. It establishes categories for three levels of conservation priority and describes land in each. Definitions and criteria are listed in a table at the end of this section.

**Statistics**
Connecticut owns over 210,000 acres or 6.7% of its land area as open space – parks, forests, recreation areas, flood control areas, historic preserves, and water bodies. To achieve the 10% open space goal established in PA 97-227, the state must acquire approximately 100,000 additional acres.

The federal government owns just over 12,000 acres of land in Connecticut, most of which is open space. Towns own over 55,000 acres of open space, and private nonprofits (including land trusts) own over 40,000 acres.

Other states near Connecticut own more open space – 10.7% in Massachusetts, 9.7% in New Jersey, 14.7% in New York, and 8.9% in Rhode Island (approximate figures for January 1998). Part of the impetus behind Connecticut’s new open space initiative was a perceived need to be competitive with neighboring states.

**The Recreation and Natural Heritage Trust Program**
This program, established in 1986, authorizes the DEP to acquire open space lands outright or in cooperation with municipalities, conservation organizations, or other parties (CGS §23-73-80). It is the DEP’s largest land acquisition program. The lands acquired under the program must represent the ecological diversity of the state for recreation, scientific, education, culture, and esthetic purposes as well as land of unusual natural interest. Land acquired under the program must be preserved in perpetuity, predominantly in its natural condition. Development for recreational purposes, including golf courses, tennis courts, ball fields and swimming pools, is prohibited.

State general obligation bonds pay for the program. As of January 1998, the DEP had acquired over 11,799 acres outright and 387 acres of easements under the program at a cost of approximately $53 million.

In deciding whether to make a purchase, the DEP must consider whether the property is:
- identified as having high recreational or natural value
- consistent with the SCORP and state Conservation and Development Plan
- a prime landscape feature
- a habitat for threatened or endangered species

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a relatively undisturbed and outstanding example of a native ecological community which is now uncommon, or threatened with conversion to an incompatible use

Before acquisition, sites must be evaluated through a computer-assisted inventory of special natural features, plants, and animals known as the “natural diversity database.” Using the database and the evaluations of resource managers, the department has developed a priority rating system to evaluate the suitability of properties by assigning numerical ratings to various property characteristics. The rating, along with other non-numerical factors, typically determines which lands deserve protection under the program.

Land is generally acquired from voluntary sellers. Purchases may be made in conjunction with “cooperators” which are private nonprofit land-holding organizations, municipal conservation commissions or other entities deemed by the DEP as able to assist in acquisition. Contributions of cooperators must generally be 20% of the purchase price.

A stewardship account is used for maintenance, protection, and management of acquired land. Concurrent with each acquisition, up to 20% of the land’s appraised value may be applied to the stewardship account.

In 1998, lawmakers committed to a bond program that will provide at least $166 million over 5 years. Prior to that commitment, funding for the program was inconsistent. In its first year of operation, 1986, the legislature allocated $2 million to the program. It then provided $5 million in 1987, and $15 million each in 1988, 1989, and 1990. In 1991 no new money was authorized and in 1992, $4 million was provided. In 1993 $5 million each was authorized for the 1994 and 1995 fiscal years bringing the total authorization to $66 million up that point in time.

This program is subject to review by the Natural Heritage, Open Space and Watershed Land Acquisition Review Board. The board is also charged with overseeing the Protected Open Space and Watershed Land Acquisition Program. By law, the review board must report annually to the General Assembly by February 15. PA 98-157 created the review board (replacing another board, the Natural Heritage Advisory Board) to advise the DEP on both programs.

PA 98-157 made several changes to the program. Most importantly, it authorized bonding for the program to be issued semiannually in lump sum amounts rather than requiring bond issues for each individual parcel. The past practice, in which bonding would be released for one property at a time after each property received approval from the state Bond Commission, was a time consuming and expensive process.

**The Protected Open Space and Watershed Land Acquisition Grant Program**

PA 98-157 established this new program. Like the Recreation and Natural Heritage Trust Program, it is also administered by the DEP. The program helps (1) municipalities and nonprofit land organizations acquire land or permanent interests in it, (2) water companies acquire land that protects drinking water supplies, and (3) distressed municipalities and targeted investment communities restore or protect open space land they already own. Municipalities, nonprofit conservation organizations, and water companies must provide matching funds in order to receive
The act sets land eligibility criteria and future use restrictions and requires all land purchased through the program to have a conservation easement in favor of the state or its designee. The easement must be permanent and must be executed at the time of the closing on any property purchased with grant funds to protect in perpetuity the natural and open space characteristics of the land. Land acquired under the program must generally be protective of wildlife habitat, prime natural landscapes, fishing and recreation opportunities, water resources, or other important ecological or agricultural resources. As with the Recreation and Natural Heritage Trust Fund, the land must be preserved in perpetuity, predominantly in its natural condition. The land can not be used for commercial or recreational purposes requiring intensive development. Development for these purposes, including golf courses, tennis courts, ball fields and swimming pools, is prohibited.

Watershed lands not purchased with state funds are also subject to special restrictions. Water companies wishing to sell land must notify the municipality in which the land is located and any private nonprofit organizations that request notification of potential watershed land sales that the land is available. The municipality and nonprofit organizations have the right of first refusal to acquire the land.

As noted above, this program is subject to review by the Natural Heritage, Open Space and Watershed Land Acquisition Review Board.

**Insight**

It may be useful to examine some of the issues and strategies that led to the creation of the Governor's Blue Ribbon Task Force on Open Space and to PA 98-157, *An Act Concerning Open Space and Watershed Land Acquisition*.

Clearly, Governor John Rowland is a key factor. In the summer of 1997, discussions of Connecticut politics began to focus on the gubernatorial campaign for 1998. The Democratic Party began touting a very popular Congresswoman as a potential opponent for the Republican governor. Early polls showed the Congresswoman would beat the governor in an election (by a narrow margin). Critics pointed at his poor environmental record. Many believe that his interest in open space was an attempt to compensate for his past performance on environmental issues.

Part of the impetus behind Connecticut’s new open space initiative was a perceived need to be competitive with neighboring states. As the Open Space Task Force wrote in its report to the governor (OSTF, 1998):

> Connecticut has far less publicly-owned open space, either on a per capita basis or as a percentage of our total land mass, than most other Northeastern states. The average Connecticut resident, therefore, has fewer opportunities to camp, swim, boat, hunt or hike at public facilities. Furthermore, many private lands which have been used by local communities for these purposes are being closed to public use, either by sale to other owners or due to liability concerns.

> If Connecticut is to compete with other Northeastern states to attract businesses and tourists, it must catch up with these states in permanently preserving the carefully selected landscapes which define our character, provide recreational opportunities for our citizens, and protect our water supplies, wildlife populations and property values.
To ensure that the public and legislators understood the need for a substantial program at the state level, the taskforce felt it necessary to emphasize the unique role that state government plays in providing open space. Many decision-makers appeared to see private or municipal open space as being totally comparable to that owned by the state. The taskforce felt that this perception greatly weakened the chance of gaining approval for dramatic state measures to protect land.

Our state government plays a unique role in protecting open space. Many municipalities and private land trusts have preserved an impressive amount of open space. Most of this land, however, is restricted in terms of either the number of people who are allowed access, and/or the uses which are permitted. For municipalities or land trusts to open their lands to all of the state’s citizens for uses such as swimming, boating, hunting, or other intensive uses would create an enormous and insurmountable hardship for these owners. The State is the only entity which can provide a wide range of outdoor recreational opportunities to those who can not afford to belong to private clubs or live in wealthy towns, or to those who are visiting from other states.

Furthermore, the state DEP is the only entity which plans and implements strategies on a statewide basis to provide habitats for all of our state’s plant and animal populations.

Many other Northeastern states have already acquired state ownership of 10% of their land mass, apart and distinct from the considerable lands owned in most of these states by private land trusts, municipalities and, in some cases, county governments.

Other Programs
A number of other programs and policies encourage state and municipal open space preservation and conservation in Connecticut. These include:

*The Farmland Preservation Program*

This program, established in 1978, authorizes the Department of Agriculture (DOAg) to purchase the development rights of existing farms (CGS §22a-26aa). Development rights are the rights of an owner to develop, build on, sell, lease, or otherwise change the use of the land to nonagricultural purposes. Purchasing the development rights allows the state to prevent nonagricultural development on the land and to preserve pastures, woods, and open areas while leaving the operation and management of the land to the owner. Participation in the program is voluntary.

As of August, 1999, the DOAg had acquired interests in 172 farms consisting of 26,000 acres. These were acquired at a total cost of $76,320,000. The program depends on bonding or annual appropriations from the legislature. It has been successful in obtaining authorizations for bonding but it has not been as successful in obtaining the bonds themselves – $83,750,000 of bond funds have been allocated since the program began in 1978. Last year, $1 million was authorized but the state Bond Commission has not released these funds for the program (Dippel, 1999).

The DOAg must consider a number of factors before buying development rights including: (1) whether the land is productive; (2) whether it is located near other preserved farms; and (3) the probability the property would otherwise be developed. Successful applicants are those with active farms that contain a high percentage of prime agricultural soils and are in established farm
communities. When development rights are purchased, the development restriction must be filed as an encumbrance on the land records.

The DOAg may release the property’s development rights under certain circumstances and where there is an overriding public interest in doing so (CGS § 22-26cc(c)). DOAg may release the rights if:

- the department, in consultation with the DEP and any advisory group appointed by DOAg (e.g. the Farmland Preservation Advisory Committee), approves a petition submitted by the property owner or the town’s governing body (and approved by both) stating the facts and circumstances for the release
- after such approval, the town’s voters approve a referendum, held at a regular election or valid special election, to remove the use restriction (and such result is filed on the land records and with the Secretary of the State’s Office).

The DOAg must hold at least one public hearing before deciding to approve a petition and it must determine that “the public interest is such that there is an overriding necessity” to release the development rights. The referendum and hearing expenses must be paid by the petitioner. Once the petition is approved and the referendum results are filed, the DOAg may sell or otherwise exercise the development rights. If DOAg sells the rights it must receive their reasonable value.

According to the DOAg, farmers strongly support the program. They “think of it as a permanent program that will be there to give them a realistic alternative to selling their farm for residential development” (DOAg, 1999a).

The Farmland Preservation Program has received $2 million in matching funds from the federal government through provisions related to farmland preservation in the Federal Farm Bill passed in 1996.

*Farm Enhancement Program (FEP)*

FEP is a new program that will begin in the fall of 1999. Administered by DOAg, it will provide grants to farmers for capital enhancements. The intent is to improve farm production and to help preserve the state’s agricultural base. It is not a land acquisition program. However, it promotes farmland preservation by helping to ensure the viability of agriculture in the state.

One million dollars has been allocated to the program for the next two years. Half of the funds will be available in 1999-2000 and the other half in 2000-2001. Grants will be awarded to eligible farmers on a first come, first served basis by region and by amount requested. The available funds will be distributed evenly within each region in the following categories of amounts requested: $10,000-20,000; $20,000-30,000 and $30,000-40,000.

The farmer is required to match or exceed the amount of the grant being requested. FEP funds and matching funds must be used for projects that are defined as capital fixed assets and have a life of ten years or more. The funds may be used for the expansion of existing agricultural production facilities or for expansion into new production areas. They may also be used for site improvements related to such expansion or diversification (DOAg, 1999b).
PA 99-173, An Act Concerning Various Tax Reductions, Exemptions, and Credits for Individuals and Businesses, exempts farmers who participate in the Farmland Preservation Program from paying the real estate conveyance tax.

In the case of municipalities and land conservation organizations, grants from the Protected Open Space and Watershed Land Acquisition Grant Program can be used to acquire land or interests in land to preserve local agricultural heritage.

**Tax Incentives – the “490 Program” (property taxes)**

This program, established by PA 63-490, provides tax incentives to promote the conservation of agricultural land and open space. It is not an acquisition program. It gives approved landowners property tax relief by assessing their land based on its current use, rather than its market value. After municipalities and property owners designate certain lands as farm, forest, or open space, taxes on the land are reduced according to valuation guidelines set by the DOAg.

The program recognizes that it is in the public interest “to encourage the preservation of farm land, forest land, and open space . . . to conserve the state’s natural resources and to provide for the welfare and happiness of the inhabitants of the state . . . [and] to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by property taxation . . .”(CGS §12-107a).

Interested landowners must apply, on a DOAg form, to the town assessor or the state forester to have their property classified as farmland or forestland respectively. The assessor must consider several factors including (1) the property’s acreage, (2) the portion actually used for farming, (3) the land’s productivity, and (4) the income derived from the land (CGS § 12-107c). If the application is approved the property is assessed at its current use value (i.e., its value as farmland) rather than its market value. The DOAg publishes a schedule of farmland values based on the soil quality and location of the farms. The land remains classified until the owner sells it or changes its use.

Owners may remove their property from the program by changing their use of the property or by selling it. To prevent abuse of the 490 benefits, owners who sell or change the use of classified property within 10 years after its classification must pay a special conveyance tax. The tax is pro-rated starting at 10% of the property’s sale price or fair market value in the first year and decreasing to 1% in the tenth (CGS §§ 12-504a-f).

**Tax Incentives - Farms, Fruit Orchards, and Vineyards (property taxes)**

Another act of legislation creates separate tax incentives that also encourage the preservation of open space by supporting working farms. Municipalities may, with the approval of their legislative bodies and boards of finance, abate up to 50% of the property taxes on certain farms and vineyards maintained as a business (CGS §12-81m). The following types of properties are eligible (1) dairy, vegetable, nursery, and tobacco farms; (2) fruit orchards; and (3) farms using nontraditional farming methods.

**Tax Incentives – Capital Gains Taxes**

PA 99-173, An Act Concerning Various Tax Reductions, Exemptions, and Credits for Individuals and Businesses, establishes various tax incentives to encourage the preservation of open space (PA
99-235 modifies several of PA 99-173’s provisions). The legislation allows any taxpayer who donates land or an interest in land to take a tax deduction for the value of any capital gain realized from the sale where the land is to be permanently protected as open space.

**Tax Incentives – Credits**

PA 99-173, *An Act Concerning Various Tax Reductions, Exemptions, and Credits for Individuals and Businesses*, authorizes tax credits equal to 50% of the fair market value of land for donations of land to be permanently protected as open space. Qualifying donations include sales of land at discounted prices as well as outright gifts.

**Tax Incentives – Credits**

PA 99-173, *An Act Concerning Various Tax Reductions, Exemptions, and Credits for Individuals and Businesses*, authorizes tax credits for contributions of money to dedicated funds for conservation established by the state or local governments or by nonprofit land conservation organizations. The contributions must be used only to buy land or an interest in land, or to permanently restrict how the land can be used.

**Tax Incentives – Exemptions – Admissions, Cabaret, and Dues Tax**

PA 99-173, *An Act Concerning Various Tax Reductions, Exemptions, and Credits for Individuals and Businesses*, exempts all clubs from charging the Admissions, Cabaret, and Dues Tax on special assessments the clubs impose on their members for acquiring land the clubs will preserve as open space, farmland, or forests. The clubs qualify for the exemption only if they applied to the town to have the land assessed based on its current use (the 490 program) instead of its fair market value.

**Tax Incentives – Exemptions – Conveyance Tax**

PA 99-173, *An Act Concerning Various Tax Reductions, Exemptions, and Credits for Individuals and Businesses*, exempts farmers who participate in the Farmland Preservation Program from paying the real estate conveyance tax.

**Adverse Possession**

PA 99-64, *An Act Concerning Adverse Possession Of Land Belonging To A Land Trust*, protects land belonging to a nonprofit land-holding organization from adverse possession. The act applies to non-stock corporations whose principal purposes include the conservation and preservation of land. By law, a landowner can lose title to his property by adverse possession if someone else openly and visibly occupies it continuously for 15 years.

**Supplemental Environmental Projects**

When the DEP settles an environmental enforcement case, at its discretion, the settlement may include a Supplemental Environmental Project or SEP. Either the company or the DEP may suggest a project. The general purpose of a project must be to benefit public health and the environment. The alleged violator must first achieve and maintain compliance with state environmental laws and regulations. Donations of land, interests in land, or money for land acquisition is one type of SEP that has been used in Connecticut.

**Greenways Program**

This program, established in 1995, allows the DEP to make grants of up to $5,000 to towns or
organizations (up to a total of $50,000 per year) to plan, design, and implement greenway projects (CGS §23-100). The money cannot be used to acquire land, but the projects are eligible for other state funds and federal Intermodal Surface Transportation Efficiency Act funds that may be used to acquire land.

Local Land Acquisition Funds
A municipality may establish a land acquisition fund and deposit up to 2 mils of its property tax assessment into the fund (CGS §7-131r). The fund may be used to acquire land for open space, recreation, or housing.

The Forest Legacy Program
This program, established in 1990, is a cooperative federal program administered by the DOAg that provides federal matching funds to acquire forestlands or development rights for acreage that may be threatened by conversion to non-forest uses.

Planning & Zoning
Cluster Development and Transferable Development Rights
Local planning and development controls can significantly contribute to open space preservation. Cluster development and transferable development rights (TDR) are important zoning powers that give municipalities planning flexibility to achieve important environmental and public health goals (like open space, wetlands, and historical preservation, sanitary sewerage planning, and ground water protection) while facilitating development within the development density of conventional zoning requirements.

Cluster development is a method of subdivision planning that clusters the dwellings and structures in one area of the subdivision and leaves the rest of the area undeveloped. It allows the developer to preserve the most vulnerable or critical area of the parcel and to build on the portion best suited for dwellings; it also can be used to minimize the portion of the parcel that will be cleared and minimize the area of impervious surfaces. By law, at least one-third of the land in a cluster development must remain as open space to be used exclusively for recreational, conservation and agricultural purposes, although municipalities may require more than one-third in any particular development (CGS §8-18). TDR systems allow owners in designated preservation areas to sell the rights to their forgone development to owners in designated development areas who want to exceed regular zoning limits. Municipalities may singly or jointly establish a TDR system and adopt special zoning regulations for properties in the system (CGS §8-2,2e, and 2f).

Private Conservation Land
Water Companies
Water companies own over 130,000 acres of open space lands in Connecticut. The state’s approach to drinking water protection requires water companies to acquire certain lands within each water supply watershed. The lands are divided into three classes depending upon their proximity and importance to the water supply. The costs associated with buying and carrying these lands may be incorporated, depending on the class of land, in the Department of Public Utility Control’s (DPUC’s) determination of a company’s rates. If the purchase of watershed land is included in its rate base for the water company, the company must use the net proceeds of any future sale of that land for improvements to the water supply. One goal of the new Open Space and Watershed Land
Acquisition Program is to secure critical lands needed to protect water supplies. Land that is protected using money from this program must be protected in perpetuity.

*Land Trusts*
Connecticut has a long history of land trust activity. The state has over 110 land trusts with approximately 23,000 members and 22,000 acres (1998 figures). The Connecticut Chapter of The Nature Conservancy (TNC) houses the Land Conservation Coalition of Connecticut (LCCC), an alliance of organizations pushing for open space, as well as the Land Trust Service Center, which provides technical assistance for the state’s land trusts.

Along with TNC, the state’s land trusts played a critical role in the year leading up to the passage of PA 98-157, *An Act Concerning Open Space and Watershed Land Acquisition*. Under TNC’s leadership, the land trusts and other environmental organizations rallied to drum up support among both legislators and the public for an ambitious open space program. Strategy meetings, mailings, phone banks, and letters to newspapers were all critical elements of this campaign that helped to ensure its success.
### Level 1: Existing Preserved Open Space

**State Action Strategy**
Support for permanent continuation as public or quasi-public open space, and discouragement of sale and structural development of such areas except as may be consistent with the open space functions served.

**Definitional Criteria**
Existing Preserved Open Space represent areas in the state with the highest priority for conservation and permanent use of open space.

Lands classified as Existing Preserved Open Space include:
- federal, state, and municipal parks, forests, and other select open spaces
- major open space preserves in quasi-public ownership
- class I type water supply lands that are in state and water utility ownership

### Level 2: Preservation Areas

**State Action Strategy**
Foster the identification of significant resource, heritage, recreation, and hazardous areas of statewide significance and advocate their protection by public and quasi-public agencies in their planning and investment decisions. Avoid support for structural development except as directly consistent with the preservation values.

**Definitional Criteria**
Preservation Areas are lands that do not reflect the level of permanence of Existing Preserved Open Space but which nevertheless represent significant resources that should be effectively managed in order to preserve the State's unique heritage.

Lands classified as Preservation Areas include:
- class I type water supply lands, exclusive of state and water utility ownership
- floodways and wave hazard areas
- inland wetland soils
- tidal wetlands
- open space areas including areas designated in local plans and approved by the local legislative body
- existing waterbodies
- agricultural lands for which the development rights have been acquired

### Level 3: Conservation Areas

**State Action Strategy**
Plan and manage, for the long-term benefit, the lands contributing to the state's need for food, fiber, water and other resources, open space, recreation, and environmental quality and ensure that changes in use are compatible with the identified conservation values.

**Definitional Criteria**
Conservation Areas represent a significant area of the state and a myriad of land resources. Proper management of these lands provides the state with its best opportunity to provide for the state's future need for food, fiber, water and other resources.

Lands classified as Conservation Areas include:
- class II water supply lands, irrespective of ownership
- level A aquifer protection areas
- 100-year flood fringe areas
- scenic and recreation river corridors
- significant sand and gravel resources
- prime agricultural lands
- historic areas
- trap rock ridges
- greenways and scenic areas
- conservation easements
- potential major outdoor recreation areas
STATE OF FLORIDA

Florida Forever will continue Florida's role as a national leader in preserving and protecting our precious natural resources for the enjoyment of future generations. All of Florida’s residents should take pride in their state government’s $3 billion commitment to leave a legacy of environmental protection for our children and grandchildren.

- Governor Jeb Bush
Signing Florida Forever Act
June 7, 1999

Summary
Open space programs in the State of Florida are primarily funded under the Preservation 2000 Act. The state legislature passed this act in 1990 in response to a constitutional amendment approved by the voters in the preceding election. The amendment granted bonding authority for the preservation of open space. Preservation 2000 is a ten year, $3 billion land and water conservation program.

Extending Florida’s commitment to the preservation of open space, voters passed a second constitutional amendment in 1998 that led to the Florida Forever program. This program is essentially an extension of the Preservation 2000 program which is currently in its last year.

Prior to the passage of Preservation 2000 and Florida Forever, open space laws in Florida were limited to smaller, individual programs which are now primarily funded by the two major programs mentioned above, although they still receive funds from their original sources. In 1972, Florida began acquiring conservation and recreation lands under the bond-financed Environmentally Endangered Lands Program (EEL). In 1979, Florida established the Conservation and Recreation Lands (CARL) and Save Our Coast (SOC) programs. In 1981, another program, Save Our Rivers (SOR) was enacted. These programs were primarily funded by revenues from the phosphate severance tax and the state documentary stamp tax. They still receive money from these sources in addition to the funds from Preservation 2000 and Florida Forever.

The following sections include detailed summaries of the major components in Florida’s open space efforts: Preservation 2000, Florida Forever, the Conservation & Recreation Lands Program, and the Florida Communities Trust Program. The legislation that established or authorized each program or funding mechanism is provided in Appendix C2 of this report.
Preservation 2000
Florida established the Preservation 2000 program in 1990 when the voters approved it as a constitutional amendment. Preservation 2000 (P2000) is a ten year, $3 billion commitment to land and water conservation. Funds from the program are used to purchase endangered species habitat, water resource areas, archeological and historical sites, and public recreation lands that meet mandated criteria. The following agencies have authority to purchase land under P2000:

- **DEP** - Department of Environmental Protection
- **GFWFC** - Game and Fresh Water Fish Commission
- **DACS** - Department of Agriculture and Consumer Services
- **DCA** - Department of Community Affairs
- **WMD** - Water Management Districts (Florida has 5)

Funding for P2000 is distributed to seven different land acquisition programs that are administered by the agencies noted above. The following programs receive money from Preservation 2000:

- Conservation and Recreational Lands Program
- Recreation and Parks Program
- Forestry Program
- Save Our Rivers Program
- Greenways and Trails Program
- Wildlife Program
- Florida Communities Trust Program

The distribution of these funds in percentage terms to these seven programs is illustrated in the following figure.
The advent of P2000 marked a substantial increase in land acquisition by the state. The impetus for the program’s development has been attributed to the consistent double-digit growth in population that the state of Florida experienced throughout the 1980’s. One of the principal concerns was that tourism would be adversely affected by the continued loss of natural areas. Tourism is the largest industry in Florida and the state relies heavily on it as a crucial source of revenue. Government services at the state level are funded through the state sales tax which is largely dependent on tourism. Furthermore, public support was very strong for increased funding for the acquisition of open space. The popularity of preserving land in Florida was clearly evident when the citizens of Florida voted to establish P2000 by amending the state constitution.

Since the passage of the Preservation 2000 Act, the State of Florida has issued $300 million in revenue bonds for the administration of the program each year. The program seems to have enjoyed great support over the past decade, receiving accolades from the media, from government officials, and from members of the public. The apparent success of the program was solidified in 1999 when the people of Florida voted to continue the program by passing the Florida Forever Act.

Florida Forever
In 1999, the Florida Legislature enacted the Florida Forever Program. The program is essentially an extension of P2000, which is scheduled to expire at the end of this year. The Florida Forever Act authorized the issuance of bonds in an amount not to exceed $3 billion over a period of ten years. The funds are to be used for the acquisition of land and water resources, for environmental restoration, and for land management. The program was enacted by the state legislature in response to a constitutional amendment passed by the
voters in the preceding election. The amendment was one of nine proposed revisions to the Florida constitution that appeared on the ballot. Revision 5, entitled “Conservation of Natural Resources and Creation of Fish and Wildlife Conservation Commission,” authorized the state to issue bonds to finance the purchase and improvement of land, water areas, and related property interests for conservation, recreation, water resource development, restoration of natural systems, and historic preservation. The passage of Revision 5 ensured that the state could continue the issuance of bonds for the purchase of land.

Although it continues the land conservation efforts of P2000, Florida Forever is not the same program. It differs in that it places greater emphasis on land management, water resource development, and the acquisition of land for parks in urban areas. However, the program will continue to fund the same seven acquisition programs that P2000 currently funds, albeit at different levels. One reason for the change in funding levels is a new emphasis on management. Legislators expressed concern in the last session, in which the Florida Forever Act was passed, that the state would be preserving large areas of land but would not be providing for stewardship of those lands. The new law directs some of the funds to an account for stewardship purposes.

The impetus for the new Florida Forever program was the success of the P2000 program and the continued popularity among the public for the preservation of open space. Florida Forever continues the same policies established by the P2000 program, with slight adjustments.

Both programs have encountered problems of a similar nature. For example, because funding is distributed through several different agencies, finding consensus as to which lands should be given priority has proven to be difficult. In addition, some private landowners have strongly objected to having their lands identified on state acquisition maps. Finally, lawmakers have begun to express concern that the future costs of managing lands are unknown and may be more than the state can afford. By channeling money to a stewardship account, the state is reserving money for management purposes.

Included in the appendix are several legislative documents related to the Florida Forever Program. These include a summary of the bill from the Senate Committee on Natural Resources, a Senate Staff Analysis and Economic Impact Statement on the bill, and a copy of the act itself.

**Conservation & Recreation Lands Program**

Florida established the Conservation & Recreation Lands Program (CARL) in 1979. This program acquires lands to protect unique natural areas, endangered species, unusual geologic features, wetlands, and significant archeological and historical sites. Lands acquired under the program are maintained as parks, recreation areas, wildlife management areas, wilderness areas, forests, and greenways.

Under CARL, anyone may nominate a property for purchase by the state. Sponsors may include federal, state, and local government agencies, conservation organizations or private citizens. A project is more likely to be approved if it has the endorsement of a state or local government agency, especially an agency that is a manager of state land. Applicants are encouraged to seek the sponsorship or support of such an agency before submitting a proposal.
A board, the Land Acquisition Advisory Council, selects and ranks projects on the CARL acquisition list. The board is comprised of six members representing various state agencies including the Department of Community Affairs, the Department of Environmental Protection (2 members), the Department of Agriculture and Consumer Affairs, the Game and Fresh Water Fish Commission, and the Department of State. After ranking, the CARL acquisition list is submitted to the Governor and Cabinet for approval at the first cabinet meeting in February.

The Department of Environmental Protection (DEP) actually buys the land. The DEP negotiates with owners and completes the transaction. The Department, however, cannot act without the consent of the Governor and his Cabinet. The Governor and his Cabinet oversee the entire program by approving the list of projects recommended each year by the Council and by approving specific purchases.

The CARL Trust Fund receives approximately $40-45 million annually from documentary stamp and phosphate severance tax revenues. However, only $10-20 million of these funds are appropriated by the legislature for land acquisition purposes under the CARL program. The remainder is allocated for land management, local tax payments, special projects, administrative costs and other uses. Additionally, the CARL Program receives approximately $135 million a year from the sale of bonds under the Preservation 2000 program.

This level of funding is not enough money to purchase all of the projects on the CARL priority list. In any one year, the estimated market value of the properties on the list easily exceeds a billion dollars.

**Florida Communities Trust**

The speed with which growth has engulfed Florida has put a premium on open space. Cities and counties hoping to create public parks now covet the little land remaining that has not yet been developed.

The Florida Communities Trust (FCT) provides money to local communities for the creation of urban parks. Established in 1991, FCT is an agency of the Department of Community Affairs. Its program is designed to help local governments buy parkland as a way to further the goals of their comprehensive growth-management plans. Local governments compete for grants that are funded by bond money from Preservation 2000. Currently, FCT receives 10 percent of the bond proceeds or $30 million annually.

These monies are awarded each year in the form of grants and loans to local governments for the acquisition of environmentally sensitive areas, coastal lands, recreational areas, urban parks, green spaces, and other community projects. After a local government submits an application, which includes a detailed land management plan, FCT evaluates, scores, and selects projects. Local governments are encouraged to match the FCT funds on a dollar-for-dollar basis.

**Land Trusts**

Land trusts have played an active role in the development of Florida’s open space programs. Under their leadership, the land trusts and other environmental organizations devoted significant time and
effort to rally support among both legislators and the public for an ambitious open space program. Mailings, phone calls, and letters to newspapers were all critical tasks that helped to ensure the success of the campaign.
We will build upon our Smart Growth / Anti-Sprawl program, protecting farms, fields, rivers and streams, while reinvigorating established neighborhoods . . . It is crucial that we protect our environmental infrastructure . . . our green infrastructure. Tax dollars will no longer be used to subsidize sprawl. State funds will only be spent in accordance with Smart Growth guidelines.

- Governor Parris N. Glendening
  Inaugural Address
  January 20, 1999

**Summary**

Maryland has three principal programs that underlie its efforts to preserve open space. These are Program Open Space, the Rural Legacy Program, and the Maryland Agricultural Land Preservation Foundation. All of these programs depend on a single tax, a real estate transfer tax. The state enacted the tax in the late seventies. The revenues generated by the tax provide a large portion of the funding for the open space programs.

While the real estate transfer tax, Program Open Space, and the Maryland Agricultural Land Preservation Foundation have all existed for years, the Rural Legacy Program is new. The Rural Legacy Program is part of Governor Parris Glendening’s Smart Growth and Neighborhood Conservation Initiative. As part of its effort to control sprawl and to promote smart growth, the state is aggressively pursuing the preservation of open space. The Rural Legacy Program was designed to expand and accelerate existing efforts to acquire land and to significantly increase the amount of funding available for such acquisition. As a major component of the Governor’s Smart Growth agenda, open space figured prominently in the last gubernatorial campaign.

The foundation of the open space programs in Maryland is the real estate transfer tax. Proponents of the tax argue that it is an appropriate tax because it keeps pace with the rate of development in the state. It has proven to be a steady and reliable method of providing funds for open space acquisition in Maryland.

The following sections include detailed summaries of the four components to Maryland’s open space efforts: Program Open Space, the Rural Legacy Program, the Maryland Agricultural Land Preservation Foundation, and the real estate transfer tax. The legislation that established or authorized each program or funding mechanism is provided in Appendix C3 of this report.

**Program Open Space**
Established in 1969, Program Open Space (POS) is Maryland’s oldest open space acquisition program. Funding for the program is derived largely from revenue generated by the real estate transfer tax. When the program first began, and periodically since then, a portion of the funds for POS have come from capital bond loan funds instead of, or in addition to, the revenue from the transfer tax.

Since POS was established, it has preserved more than 160,000 acres of open space. The goal for the program is to acquire 240,000 acres by the year 2011. The program provides funding for land acquisition and for development of parks. The amount of funding for a project varies according to the type of project and the type of applicant (ie, level of government). POS provides 100% of the funding required for land acquisition where the land is to be maintained as open space or as recreational parks. For development of parks and recreation areas, it provides 75% of the costs for municipal projects and 25% of the costs for state projects.

Each year, the overall budget for POS is established by the Maryland General Assembly. Funds budgeted are then allocated according to the following formula:

- 41.75% - state acquisition or development
- 41.75% - local acquisition or development
- 14.5% - agricultural easements
- 2.0% - natural heritage acquisition

The local share of the budgeted funds is further allocated by formula based on population, size of the county, and the amount of revenue originating in the county from the real estate transfer tax.

The program has enjoyed considerable support from the public over the last 30 years. POS will receive increased funding as a result of the recently established Rural Legacy Program. This initiative increased the amount of revenue available for Program Open Space from the real estate transfer tax by 10%.

**Rural Legacy Program**

In April 1997, the Maryland General Assembly enacted the Rural Legacy Program (RLP). This program is a major element of the Governor Glendening’s Smart Growth and Neighborhood Conservation initiative.

The program is overseen by a board, the Rural Legacy Board, with assistance and advice from an Advisory Committee. The board is responsible for administering RLP grants. Applications for the grants can only be made by qualified sponsors. Sponsors include one or more local governments or land trusts endorsed by local governments. The board then transmits the application to the Advisory Committee for review and comment. After the committee returns the application, the board considers it based on specific criteria.
For fiscal years 1998 through 2002, a total of $71.3 million in funding has been authorized for the RLP. The funds may be categorized by source and amount as follows:

- $23 million - general obligation bonds
- $18.3 million - 10% increase in the revenue available for Program Open Space from the real estate transfer tax
- $30 million - stateside land acquisition budget for Program Open Space

The impetus for the increase in funding available for open space acquisition were the issues of smart growth and sprawl, issues which figured prominently in the last gubernatorial election.

Maryland Agricultural Land Preservation Foundation

The Maryland Agricultural Land Preservation Foundation (MALPF) is administered by a twelve-member Board of Trustees. Ex-officio members of the board include the Comptroller, Treasurer, and Secretary of Agriculture for the state. Responsibilities of the board include:

- education - dissemination of information to farmland owners and other citizens of the state
- administration - providing assistance and coordination to 23 Agricultural Land Preservation Advisory Boards
- rule-making - promulgating rules, regulations, and procedures for the program
- review - reviewing and approving District Agreements
- acquisition - acquiring, by purchase or donation, conservation easements on agricultural land

MALPF is a completely voluntary program. A landowner must choose to participate. Each local government is required to appoint a five-member Agricultural Land Preservation Advisory Board to assist the Foundation in dispersing information about the program, creating rules, regulations, and procedures, and establishing “districts” for agricultural land preservation. A district can be an individual farm but it must meet certain basic criteria.

To qualify as a district, a property must have at least 100 contiguous acres with at least 50% of all soils in the property classified as USDA Soil Capability Class I, II, or III and/or Woodland Group I or II. Smaller properties may qualify under special exceptions or if the property is adjacent to land already enrolled in the Maryland Agricultural Land Preservation program.

The landowner must be willing to maintain the land in agricultural use for a minimum of five years and be willing to have a document recorded in the land records that would restrict the subdivision and development of land and prevent the land from being used for any commercial, industrial, or residential use during the term of the District Agreement. A landowner that participates in the program receives the following benefits:

- direct and indirect support of agriculture
- recognition from the county and the state by a recorded document in the land records that the preferred use of the property is agriculture
- insulation of normal agricultural activities from nuisance complaints
- possible tax credits
- eligibility to make application to sell an agricultural land preservation to the MALPF
The MALPF is partially funded by the real estate transfer tax, as well as an Agricultural Land Transfer Tax, which is imposed on all transfers of title in agricultural land taken out of production. Funding has increased over the last two years, with the passing of the Rural Legacy Program which provides an annual allocation to the MALPF.

**Real Estate Transfer Tax**
Maryland relies on the revenue from a real estate transfer tax for much of the funding for its open space programs. The rate of the tax is one-half of one percent of the purchase price of a home or land. There are a few cases in which exemptions from the tax are allowed. These are:

- qualified first-time home buyers
- transfers between relatives, government agencies, or related corporations
- land to be preserved in agricultural use by qualified organizations

The revenue from the tax is distributed to and provides partial funding for the various open space programs in the state.
In just the past four years, we have preserved 115,000 acres – including record amounts of farmland. That’s a great down-payment on our quality of life, and we can be proud of what we have achieved. But we can do better. We must. This land helps clean our air. It gives us the water we drink, the food we eat, the places we play, and the tourist dollars we need to thrive. We have an obligation to be good stewards of these blessings.

- Governor Christine Todd Whitman  
Inaugural Address  
January 20, 1998

Summary
New Jersey has three principal programs that underlie its efforts to preserve open space. These are the Garden State Preservation Trust Act, the State Agriculture Development Committee, and the County and Municipal Open Space Tax Law.

Voters have repeatedly authorized general obligation bonds to pay for the protection of open space. Approximately $1.4 billion has been approved in nine measures between 1961 and 1995.

In the early 1980’s, New Jersey established the State Agriculture Development Committee. This program is administered by the Department of Agriculture and is responsible for coordinating the state’s farmland preservation programs.

In 1997, New Jersey passed the County and Municipal Open Space Tax Referendum Law which enables both counties and municipalities to impose an extra surcharge in property taxes when approved by referendum. The revenue generated from such a tax must be used for the purchase of open space.

New Jersey, the most densely populated state in the nation, made headlines last year when voters overwhelmingly passed an amendment to the state Constitution that will allocate $98 million a year for up to 30 years to buy land for parks and conservation and to preserve farmland and historic sites. Governor Christine Todd Whitman promoted the plan and personally fought for its passage. The ultimate goal: a million acres of open space.

This year, the state legislature responded to the referendum by passing the Garden State Preservation Trust Act. Prior to this legislation, New Jersey did not have a dedicated and stable funding source for open space acquisition. This act dedicated a portion of the state sales tax to land conservation.
The following sections include summaries of these programs. Several other programs that encourage or acquire open space are also discussed. The legislation that established or authorized each program or funding mechanism is provided in Appendix C4 of this report.

**Garden State Preservation Trust Act**

In November of 1998, voters in New Jersey approved a constitutional amendment by an overwhelming majority in a referendum vote. They established a stable source of funding for Governor Whitman’s Open Space Preservation Initiative. The funding source established by the constitutional amendment is the dedication of a portion of sales tax revenues to open space. The tax for open space will generate $98 million annually for the next 30 years. This figure amounts to approximately 2 to 2.5% of total sales tax revenue. In addition, the vote authorized the sale of up to $1 billion in revenue bonds over the course of ten years. The act also established a board, the Garden State Preservation Trust (GPST), to be responsible for issuing those bonds and for developing procedures and funding allocations for the state agencies that would receive money from the fund – the Department of Environmental Protection (DEP), the State Agriculture Development Committee, and the New Jersey Historic Trust.

For the first ten years of the program (through fiscal year 2009), the sales tax revenue redirected to this program must be used for the purchase of open space. The Garden State Preservation Trust has the authority to authorize bonds on the $98 million received annually in the first ten years of the program. However, for the remaining 20 years of the program (FY 2010 through FY 2029), the $98 million collected from the sales tax must be used to pay the debt service on any bonds issued in the first ten years.

For the next ten years, the GSPT must transfer each year $6 million to the New Jersey Historic Trust, 60% of the remaining funds to the Green Acres program (DEP), and 40% of the remaining funds to the farmland preservation program, after it has used sufficient funds to pay any debt service.

Within the Green Acres program, which is administered by DEP, 50% of funding is allocated to the state, 40% for grants and low-interest loans to local governments, and 10% for grants to nonprofit organizations. All of this money is used for open space acquisition or park development.

Both the DEP and the State Agriculture Development Committee must submit proposed project funding lists twice a year to the GPST for approval, which must then forward the lists to the governor and the legislature for approval in the form of appropriations bills. The New Jersey Historic Trust must do the same once a year.

Administrative costs to the state as a result of the constitutional amendment are estimated at $8,142,000 in FY 2000, which must be paid from the General Fund. The state also is obligated to pay local governments “payments in lieu of taxes” (PILOT) for land that is set aside as open space in their jurisdictions (land which is not subject to property taxes). Aid to local governments for that purpose is estimated at approximately $4,520,000 in FY 2000. The actual debt service costs for the bond issues under this program have not been estimated – they will fluctuate according to economic conditions.
Clearly, the greatest benefit of this new legislation is that it establishes a stable source of funding for the purchase of open space and parkland. The figure of $98 million will be a fixed amount rather than a percentage of receipts which would fluctuate with revenue levels. This fact guarantees a stable source of money and means that the goal of preserving a million acres over the next ten years is well within reach. Furthermore, this plan not only makes use of existing tax revenue, it also takes into account the debt service that results from bonds authorized during the first ten years of the program, by requiring that the revenue collected from the sales tax be used to pay down the debt for the last twenty years of the thirty year program.

However, redirecting $98 million of existing sales tax revenue toward the purchase of open space also means that money is being taken out of the budget and can not be used to pay expenses in other programs. Judging from the overwhelming support that this legislation received, among both government officials and the general public, it seems that the people of New Jersey felt that the acquisition of open space was important enough to justify the transfer of funds.

It should be noted that the idea to use a portion of the sales tax to fund open space was only one of many ideas floated. The Governor’s Council on New Jersey Outdoors suggested a number of ideas. Several of these became very controversial as they typically upset a particular industry. Governor Whitman personally championed an increase in the gasoline tax to fund open space acquisition. However, she could not gain the support needed to pass the required legislation, even among traditional supporters in her own political party.

**State Agriculture Development Committee**

New Jersey’s farmland preservation programs are administered by the State Agriculture Development Committee (SADC). SADC is a division of the Department of Agriculture. Established in the early 1980’s, the SADC is responsible for coordinating the following programs within the state:

- Farmland Preservation Program
- Soil and Water Cost-Sharing Grants
- Right-to-Farm Program
- Farm Link Program
- Transfer of Development Rights Bank

In the past, state funding for farmland preservation came primarily from three bond acts passed in 1981, 1989, and 1992. Each of these provided $50 million for the acquisition of farmland. State funds only comprised about two-thirds of the total amount of money applied towards farmland preservation. Most of the remaining money was contributed by county and municipal governments.

With the establishment of the Garden State Preservation Trust Act, farmland preservation is now guaranteed to receive a portion of the stable funding provided under the act.

An important reason for the success of the farmland programs is the fact that all of the programs are voluntary. Farmland is protected in New Jersey by acquiring conservation easements. Deed restrictions are placed on the properties which prohibit development for non-agricultural purposes.
According to state officials, there has been a tremendous amount of interest in the farmland preservation programs (Janoli, 1999).

In FY 1998, the state spent $36 million on the preservation of farmland, permanently protecting 55 farms protecting 10,103 acres. This is the most acreage and the greatest number of farms preserved in a single year in the 15 year history of the program. In total, number of farms and acres preserved by the program is 305 farms and 47,301 acres.

**County and Municipal Open Space Tax**

In 1989, the New Jersey legislature enacted a law that enabled counties to assess a tax for open space preservation. The tax must be approved by public referendum. The law allows local governments to create a dedicated fund and a consistent source of revenue for the preservation of open space, including farmland and other land set aside for conservation or recreation purposes. In 1997, new legislation broadened the allowed use of the open space tax funds to include park development and maintenance and historic preservation. The legislation passed overwhelmingly in the state legislature.

The legislation has been successful in advancing open space preservation at the local level. In 1997 alone, 23 local governments passed referenda that either increased existing taxes for open space or established new taxes. To date, 16 of 21 counties and 92 municipalities have approved an open space tax. Only one municipality failed to approve a tax through a referendum. That municipality ultimately did pass an open space tax after voting in a second referendum.

While anti-tax feelings existed in the state at the time the bill was being considered, broad public support for local funding for open space was strong enough to overcome such feelings (Janoli, 1999).

**Other Programs**

A number of other programs and policies encourage state and municipal open space preservation and conservation in New Jersey. These include:

*Blue Acres*

Established in 1995, this program uses bond money to provide grants and loans to local governments to acquire land in coastal areas or riparian areas that is repeatedly damaged in storms or floods, is at high risk to be damaged, or that buffers and protects other land from such damage. Acquisition projects are proposed by local governments and selected for funding by the state using a competitive process. Selection criteria include hazard mitigation, public access, public lands enhancement, and public support and planning. The bond act passed in 1995 allocated $30 million to the program. Of this amount, $15 million is available for coastal areas. The Bureau of Green Trust Management manages these funds for the “Coastal Blue Acres” program. Another $15 million is administered by the Bureau of State Land Acquisition for the “Inland Blue Acres” program. This money is used for state acquisition of flood prone lands in the Passaic River basin (NJDEP, 1999).

*Green Acres*

This program began in 1961 under the leadership of Governor Robert Meyner who proposed a “Green Acres
Open Space Land Conservation Program.” Voters have consistently supported the program, providing over $1.4 billion for land and water conservation through a series of nine bond approvals between 1961 and 1995. To date, over 350,000 acres have been preserved as protected lands in state, county, municipal or nonprofit ownership. In addition, hundreds of public parks have been developed with funding from Green Acres. The Trust for Public Land states that Green Acres is considered “one of the most successful state land preservation programs in the country’s history” (TPL, 1999d).

Initial bond issues focused solely on acquisition of open space. The first two bond issues, in 1961 and 1971, provided $80 million to purchase land for state parks, forests, natural areas and fish and wildlife management areas. They also provided $60 million for 50% matching grants for county and municipal land purchases. Later bond issues, beginning in 1974, provided money for facility development for recreation as well as for land acquisition.

Green Acres is governed by the following four bureaus of the Department of Environmental Protection (DEP): the Bureau of Green Trust Management; the Bureau of State Acquisition; the Bureau of Legal Services and Compliance, which monitors municipal, county, and nonprofit sites acquired and developed with funding from Green Acres; and the Bureau of Open Space and Outdoor Recreation Planning, which provides environmental planning and technical assistance for municipal, county, nonprofit and state open space acquisition and recreational development efforts.

Green Trust
The Green Trust is a permanent source of funding for land conservation. It was established in 1983 when voters approved the concept in a ballot question. The trust is a revolving fund that provides low interest loans (2%) and grants for local park acquisition and development projects. Initially, the trust received $83 million (the remaining $52 million of the 1983 $135 million bond measure was earmarked for state projects). As part of a combined $100 million bond issue for cultural centers, historic sites and Green Acres, $35 million was added to the Green Trust in 1987. The Bureau of Green Trust Management oversees the program.

New Jersey Natural Lands Trust
The New Jersey Natural Lands Trust was established by the state legislature in 1968. The mission of the trust is to preserve land in its natural state for the enjoyment of the public and to protect biodiversity. Operating under the Division of Parks and Forestry, it is an independent, incorporated state land trust organization.

Nonprofit Acquisition Grant Program
This program provides 50% matching grants to nonprofit organizations to acquire open space for public conservation and outdoor recreation purposes. In the 1989, 1992 and 1995 Green Acres bond issues, a total of $45 million was set aside for the program. The Bureau of Green Trust Management administers the program and distributes grants to qualified nonprofit organizations. The partnership between government and nonprofit organizations has been a particularly successful component of the Green Acres Program.

One area of focus for the program has been summer camps. New Jersey has many camps operated by nonprofit organizations. Some of these have been purchased under the Green Acres program.
The state’s focus, however, is to purchase conservation easements that allow operation of the camp while preserving the natural resource value of the land (TPL, 1999d).

Planning Incentive Program
Established in 1996, this program gives funding preferences to communities that create trust funds for open space. Grants and loans area available on a competitive basis to counties and municipalities that have a dedicated tax and an open space plan. Communities may receive a 25% grant and a 2% interest loan for 20 years that makes the purchase of land immediately possible. Proceeds from the open space tax are then used to pay off the loan.

Senate Resolution No. 44
This resolution memorializes the state’s congressional delegation to support federal funding for parks, open space, and recreation. It asks all federal legislators from the state to support state and local efforts to acquire, develop, and manage open space and recreational facilities. The New Jersey legislature warns that increased federal assistance is required in order for state and local governments to meet the public need for these types of amenities. It specifically asks that the congressional delegation support the Land and Water Conservation Fund and the Urban Park and Recreation Recovery Program.

Tax Exemption Act
Passed by the legislature in 1976, this act provides a cost-effective way to help satisfy the need for public open space. The act encourages the dedication of privately owned open space for public use by providing complete exemption from local property taxes for a renewable period of three years to eligible nonprofit organizations that own recreation or conservation land. The tax exemption program is administered by the Bureau of Green Trust Management. Over 50 organizations currently participate in program and have opened more than 38,000 acres of privately owned lands all across the state to the public for a variety of conservation and recreational uses (BGTM, 1999).

Pinelands National Reserve
The Pinelands is an area of approximately 1.1 million acres protected under both federal and state legislation. It represents 22% of the state’s total land area and includes portions of seven counties and all or parts of 56 municipalities. Land ownership in the Pinelands is 1/3 public and 2/3 private. Public lands of the State of New Jersey comprise over 300,000 acres and include parks and forests. Federal properties include three military installations, and the Forsythe National Wildlife Refuge. Numerous county and municipal parks, as well as conservation lands owned by nonprofit organizations, exist within the Pinelands. The historic villages of Batsto and Double Trouble are visitor attractions administered by the Division of Parks and Forests of the New Jersey Department of Environmental Protection. The Pinelands is protected and its future development guided by the Pinelands Comprehensive Management Plan. The plan is administered by the New Jersey Pinelands Commission in cooperation with units of local, state and federal governments. The commission is responsible for management of the reserve. Its mission is to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose (NJPC, 1999).

The Pinelands can be considered an example of a greenline parks. Greenline parks are parks whose boundaries encompass protected public lands as well as private lands over which an agency has
some authority. As defined in the article, “Alternative Recreation and Open Space Programs including the Establishment of Greenline Parks” in the DOI publication, *National Urban Recreation Study, Technical Reports Volume 1: Urban Open Space – Existing Conditions, Opportunities and Issues* (Kusler, 1978), greenline parks are:

coherent resource areas containing a mix of public and private lands which are comprehensively planned, regulated, and managed by an authority set up specifically to preserve their recreational, aesthetic, ecological, historical and cultural value.

The concept is similar to the better-known “blueline” idea in the Adirondack State Park in New York. Only one-third of the Adirondacks is protected under public ownership. Most of the park is privately owned. These private lands are, however, subject to land use restrictions designed to preserve the integrity and value of the natural resources in the area. The Adirondack State Park Agency is charged with developing and administering the comprehensive land use plan and regulations that govern the use of private lands in the park.

Greenline parks may provide one answer to the question of how to control sprawl and how to preserve open space. The Nation continues to grow rapidly in population and to develop its land resources. Proposals for new parks are increasingly likely to emerge for land in and near areas already developed. Greenline parks offer an attractive alternative to preserve the integrity and value of resources in these areas while allowing local residents and governments to exist and to retain some control over land use. In addition, they provide financial flexibility – unlike traditional park acquisition, they do not require that entire landscapes be purchased in fee simple (large and expensive lands!). In short, greenlining affords great flexibility in land ownership and land use, management style and format, and cooperative mechanisms among multiple levels of government and the private sector.
 STATE OF NEW YORK

The people of this state demonstrated that they want a Green New York. Together, we have made the commitment to clean water and clean air, making an investment that will pay real dividends for our children and grandchildren.

- Governor George E. Pataki
  Press conference after passage of Bond Act
  November 22, 1996

Summary
New York has three principal programs that underlie its efforts to preserve open space. The Environmental Protection Fund and the Clean Water/Clean Air Bond Act are the two main sources of funding for open space. The third program, the Farmland Protection Program, is partially funded by the other two programs.

In addition to these programs, New York has made other efforts to promote the preservation of open space in the state. The state passed enabling legislation that allows five towns in the Peconic Bay region to establish a Community Preservation Fund. Revenues for the fund are derived from a real estate transfer tax. The tax must be passed by local referendum.

The following sections include summaries of the principal components in New York’s open space efforts: the Environmental Protection Fund, the Clean Water and Clean Air Act, and the Farmland Protection Program. The legislation that established or authorized each program or funding mechanism is provided in Appendix C5 of this report.

Environmental Protection Fund
The state created the Environmental Protection Fund in 1993 upon the passage of the Environmental Protection Act. The EPF provides funding for a variety of environmental programs at the state and local levels including land conservation and farmland protection. All money directed to the EPF is transferred to one of three accounts:

- open space
- parks, recreation, and historic preservation
- solid waste

Funding to support the EPF includes proceeds derived from the refinancing of state and public authority obligations, the sale or lease of surplus state lands, and revenue generated from a conservation license plate program. In addition, a portion of the revenues from the state real estate transfer tax are deposited into the fund. The amount of funding in the EPF has increased steadily in
recent years. In 1997-98, the legislature appropriated $110 million for the fund. Of this amount, approximately $47 million went to projects for open space conservation.

The amount and distribution of these funds is illustrated in the following two tables.

### Environmental Protection Fund

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>(millions of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APPROPRIATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>YEAR</td>
<td>94-95</td>
</tr>
<tr>
<td>solid waste</td>
<td>13.000</td>
</tr>
<tr>
<td>open space</td>
<td>11.030</td>
</tr>
<tr>
<td>parks, recreation &amp; historic preservation</td>
<td>7.470</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>31.500</td>
</tr>
</tbody>
</table>

Projects eligible for EPF funding are placed on a priority project list that is included in the state’s Open Space Conservation Plan. The Environmental Protection Act requires that the Governor and legislature annually adopt specific projects from the priority list to be included in the state budget. This requirement has been somewhat controversial. Many consider it to be detrimental to conservation efforts because the appropriations process is politicized. Instead of projects being picked on the basis of conservation value, they are funded according to legislative whim.

### Clean Water/Clean Air Bond Act

Voters approved the Clean Water/Clean Air Bond Act in 1996 by a statewide referendum. The Act provides $1.75 billion to be spent over ten years to reduce air, water, and soil pollution. Money may
be used for projects related to water quality, brownfields, air quality, solid waste, and land acquisition.

The act was designed to address some of New York’s most pressing environmental problems including: improving municipal sewage treatment, strengthening habitat restoration, preserving important open spaces and parks, improving drinking water by helping communities upgrade old water systems, addressing major trash issues, attracting businesses by helping municipalities pay for clean up of polluted and abandoned industrial sites (brownfields), helping schools switch to cleaner natural gas from outdated coal furnaces, and developing clean technologies, such as low emission motor vehicles.

Governor George Pataki’s leadership played a critical role in garnering the support needed for the act’s passage. He brought together an historic coalition that worked together to pass the Bond Act.

In the spring of 1996, Governor Pataki asked the environmental community to help create bond language and lobby for its passage. Using their recommendations, the Governor and his colleagues negotiated with legislative leadership to design a bill that was acceptable to all interested parties. The state legislature passed the bond act legislation at the end of July, and the Governor immediately signed it – placing the measure on the November ballot. Once the language was approved, a vigorous campaign began. Taking lessons learned from the unsuccessful 1990 Environmental Bond Act, the strategy included: educational outreach to registered voters who were members of environmental groups, a coordinated free media campaign, a paid media campaign and election day get-out-the-vote activities. Overall, $3.4 million was spent on activities related to the campaign. Environmental groups spent approximately $500,000. The rest of the money was raised and spent by Governor Pataki’s committee and a committee formed by former Senator Alfonse D’Amato. In November, approximately two million New Yorkers (56 percent) voted in favor of the 1996 Clean Water/Clean Air Bond Act. Its success was due, in large part, to the bond’s unprecedented coalition of supporters: the fiscally conservative Republican governor teamed up with the environmental community, major businesses, organized labor, education, and political leadership from both political parties.

Recently, the administration of this program became engulfed in controversy. An amendment to the state budget passed in August 1999 modified the rules governing the act passed in 1996. The new language was written by one senator in order for a certain business to receive money under the bond act, thus making it economically feasible for that business to locate in his district. The environmental community and others in the state have denounced the change. They argue that the act was never intended to support industry.

The debt service for the $1.75 billion bond is reimbursed through existing real estate transfer tax revenues. The bond proceeds are divided in the following fashion:

- $790 million for clean water projects
- $200 million for municipal environmental restoration projects (brownfields)
- $175 million for solid waste projects
- $355 million for the creation of a state safe drinking water program
- $230 million for projects to improve air quality
The bond provides significant new resources for several open space programs. The following amounts are available for land conservation:

- $150 million for state open space projects undertaken by the Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP), and for farmland protection grants administered by the Department of Agriculture and Markets
- $50 million for the continuation of the Municipal Park, Historic Preservation and Heritage Area programs administered by the OPRHP. Under this program, municipalities or nonprofit organizations are provided funds on a competitive matching basis for the acquisition or development of municipal parks and historic preservation projects. Heritage Areas may also receive funding under this program
- $50 million is authorized for OPRHP to undertake State Park, Historic Preservation or Heritage Area projects

The 1996-97 Clean Water/Clean Air Bond Act budget appropriated $8 million for open space, $5 million for municipal parks and $5 million for the state park program. The 1997-98 budget included $20 million for open space, $5 million for municipal parks and $10 million for state parks. The 1998-99 budget includes $40 million for open space, $10 million for Park, Historic Preservation or Heritage Area projects, and $10 million for state parks. Most of the bond funds are allocated through a grant competition to municipalities and nonprofit organizations.

**Farmland Protection Program**

In 1996, the state legislature strengthened its Farmland Protection Program by authorizing assistance payments by the state to counties and municipalities for implementation of approved farmland protection plans. The state program is intended to promote local initiatives to maintain the economic viability of the state’s agricultural industry.

Funding for the state program is provided by the Environmental Protection Fund and the Clean Water and Clean Air Act. In the 1997-98 fiscal year, the program received $4 million from the Environmental Protection Fund and an additional $1 million from the Clean Water and Clean Air Act.

New York has taken other measures to protect farmland besides funding acquisition of land. In 1999, the state passed a measure, S. 6275 / A. 9443, in an effort to lessen nuisance complaints from nonagricultural landowners. It requires sellers of land in agricultural districts to notify prospective buyers of the zoning and to inform them that farm activities generate noise, dust, and odors. The disclosure must be made at the time a sales contract is presented. A similar requirement, established in 1992, was considered ineffective because it did not require notice until the sale closed.
The General Assembly finds that the rapid growth and spread of urban development in the State is encroaching upon, or eliminating, many open areas and spaces of varied size and character, including many having significant scenic or esthetic values, which areas and spaces if preserved and maintained in their present open state would constitute important physical, social, esthetic, or economic assets to existing and impending urban development.

- North Carolina General Assembly
GS §160A-402

Summary
North Carolina has a variety of special funds and programs designed to preserve open space. They include the purchase of land, the purchase of development rights, and tax incentives. The largest and most successful program is the Clean Water Management Trust Fund which was established in 1996. Along with this program, the Natural Heritage Trust Fund, the Parks and Recreation Trust Fund, and the Farmland Preservation Trust Fund form the key components in North Carolina’s strategy to preserve open space.

Several other smaller programs are also authorized to provide funding for the acquisition of open space. For some programs, acquisition is only one of several purposes for which funding may be granted. The proportion and amount of funding devoted to land acquisition is variable. The amounts will vary depending on the types and quality of the projects submitted to a program and the priorities of the program (or the state) at any point in time.

In addition to the programs sponsored by the state, the state administers several programs sponsored by the federal government that also provide funding for land acquisition. A few of these programs are described in this section.

Programs in North Carolina that preserve open space include:
- Clean Water Management Trust Fund
- Conservation Grant Fund
- Conservation Reserve Enhancement Program (federal partnership)
- Conservation Tax Credit Program
- Farmland Preservation Trust Fund
- National Recreational Trails Grant Fund (federal partnership)
- Natural Heritage Trust Fund
- Parks and Recreation Trust Fund
• Public Beach and Coastal Waterfront Access Program
• Water Resources Development Grant Fund
• Wetlands Restoration Program

The following sections include detailed summaries of each of these open space programs. Some of the programs, such as the Clean Water Management Trust Fund, have websites that provide detailed information describing the goals, structure, and funding history of the programs. The program descriptions provided in the following sections are derived, in part, from information provided on those websites. The websites and other contact information for the programs are provided in Appendix A of this report. The legislation that established or authorized each program or funding mechanism is provided in Appendix D of this report.

Before describing the programs, it will be useful to review the definition of “open space” employed by the state. Definitions are important because a program focused on open space will depend upon clear identification of the locations where the program may apply. It will also be useful to review statements of policy made by the state and how much land the state has already managed to preserve as open space. The next three sections review policy declarations, definitions of open space and open space statistics for North Carolina.

**Policies**
The state has long recognized the value of open space and the importance of conservation. In 1963, it made the following declaration (GS §160A-402):

> The General Assembly finds that the rapid growth and spread of urban development in the State is encroaching upon, or eliminating, many open areas and spaces of varied size and character, including many having significant scenic or esthetic values, which areas and spaces if preserved and maintained in their present open state would constitute important physical, social, esthetic, or economic assets to existing and impending urban development. The General Assembly declares that it is necessary for sound and proper urban development and in the public interest of the people of this State . . . to . . . conserve open spaces . . .

**Definitions**
“Open space” is generally used to describe undeveloped land having some level of protection against development. Protection may be designation as a park or forest, a restrictive covenant, or ownership by a land trust organization. One definition could be found in North Carolina law. GS §160A-407 defines open space as:

(a) . . . any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

(b) . . . any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic
purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes.

Statistics
The total area of the state is 31,179,571.2 acres. Of that amount, the state currently has approximately 8.9% or 2,786,333 acres preserved as open space. The federal government owns the bulk of this amount, holding 6.6% (2,043,854 acres) in the form of national parks, national forests, national wildlife refuges and other protected open space. Nonprofit organizations have preserved approximately .4% (115,000 acres) of the state’s land area as open space. At least .2% (65,800 acres) is owned by local governments and conservation organizations. The state itself has set aside approximately 1.8% (561,679 acres) of its land area as open space.

Tables are provided at the end of this section that detail the amount of land held as open space in North Carolina. The first table, “Conservation Lands – Summary,” provides a breakdown of the amount (acres) and proportion (percentage) of open space held by the federal government, the state government, and private nonprofit organizations. The next two tables, “Conservation Lands – Public Domain” and “Conservation Lands – Private Domain,” provide more detailed breakdowns for public and private agencies or organizations respectively. Note that the figures contained in these tables are approximate.

Graphics created by the Center for Geographic Information and Analysis (CGIA), a state agency, are also provided at the end of this section. They show the distribution across the state of existing conservation lands and lands under consideration for preservation.

Clean Water Management Trust Fund
Established in 1996, the Clean Water Management Trust Fund (CWMTF) was established by the General Assembly to address water pollution problems (G.S. §113-145.1).

At the end of each fiscal year, 6.5% of the unreserved credit balance in North Carolina’s General Fund or a minimum of $30 million will go into the CWMTF. Revenues from the CWMTF will then be allocated in the form of grants to local governments, state agencies and conservation nonprofit organizations to help finance projects that specifically target the restoration, improvement or preservation of water quality. The fund has two application cycles per year. In its first year of operation, fiscal year 97-98, the fund approved 81 applications for funding and spent $63 million on these projects (CWMTF, 1998: 5). The fund was initially allocated approximately $48.2 million in 1996. Another $49.4 million was given to the fund in 1997. $9.2 million of this money was directed to establish the Wetlands Restoration Program (discussed below). At this time, after 4 cycles and 2 years, the fund has approved approximately 152 projects for a total cost of $140 million. In 1999, the fund was allocated $30 million (McNaught, 1999).

Funding from the CWMTF is distributed to five different types of projects. The following general project types or purposes receive money from the CWMTF:

- land acquisition
• wastewater (infrastructure)
• restoration
• stormwater
• planning

For FY97-98, the distribution of funds in percentage terms for these five purposes is illustrated in the following figure.

**Distribution of Funding from the Clean Water Management Trust Fund**

- **Land Acquisition** - $33.6 million (54%)
- **Wastewater (Infrastructure)** - $17.5 million (28%)
- **Restoration** - $7.2 million (11%)
- **Stormwater** - $3.4 million (5.4%)
- **Planning** - $1.3 million (2.1%)

The CWMTF is overseen by an independent Board of Trustees, comprised of eighteen members. The Board has full responsibility over the allocation of funds. The CWMTF will fund projects that meet the following eligibility requirements, objectives and purposes:

**Eligibility**
Applicants eligible for CWMTF grants include:
- state agencies
- local governments or other political subdivisions of the state or a combination of such entities
- nonprofit corporations whose primary purpose is the conservation, preservation and restoration of natural resources

**Objectives**
- enhance or restore degraded waters
- protect unpolluted waters
- contribute toward a network of riparian buffers and greenways for environmental, educational, and recreational benefits.
**Purposes**

Grant monies from CWMTF may be used for any of the following purposes:

- acquire land for riparian buffers for environmental protection of surface waters or urban drinking water supplies, or for establishing a network of greenways for environmental, educational or recreational uses
- acquire easements in order to protect surface waters or urban drinking water supplies
- coordinate with other public programs involved with lands adjoining water bodies to gain the most public benefit while protecting and improving water quality
- restore degraded lands for their ability to protect water quality
- repair failing waste treatment systems
- repair/eliminate failing septic tank systems
- improve stormwater controls and management
- facilitate planning that targets reductions in surface water pollution

No match is required. However, the Board may choose to provide less than the full amount of funds requested in an application for a project. In this case, it is the responsibility of the applicant to secure the additional funding (in effect, a “match”) required for the project.

**Criteria – Quantitative**

Applications for grants are evaluated on a quantitative basis using a numeric scoring system. Points are awarded to an application to the degree that the project achieves the principal objectives of the fund: (1) restoration of degraded waters, (2) protection of unpolluted waters, and (3) establishment of riparian buffers. This numeric system is used by the Board to prioritize projects eligible for funding.

For a detailed list of the specific criteria used by the CWMTF, please consult the statute that established the CWMTF (G.S. §113-145.1) which can be found in Appendix D of this report or the website for the CWMTF which is listed in Appendix B of this report. Some of the criteria are pertinent to any grant program and may be useful for a new open space program. For example, the CWMTF considers an applicant's qualifications. Preferred applicants will demonstrate:

- their ability to ensure any long time management required by the project
- fiduciary responsibility
- likelihood of success for project
- commitment to the project
- performance on past projects (if the applicant has received previous CWMTF grants)

**Criteria – Non-quantitative**

The Board is also guided by the following non-quantitative criteria in making final funding decisions:

- applications for projects which are mandated by legislation or regulation may be funded but are not preferred. The CWMTF is not available for compensatory mitigation projects
- projects eligible for funds from other state or federal grant programs will be considered, but will not be preferred unless significant matching resources are provided
- to the extent practicable, grant awards will be distributed geographically across the state. At least 20% of annual allocations will be targeted to each of three geographic regions of the
state: mountain, piedmont and coastal

• the scope and benefits of the project will be evaluated relative to the amount of the requested grant
• the Board may award grants on a limited basis for (1) projects which facilitate planning that targets reduction in surface water pollution or protection of unpolluted waters; or (2) coordination with other public programs to gain the most public benefit while protecting and improving water quality; even though such applications may not score well on our measures of quantitative criteria above
• the Board may award grants to applicants for projects which the Board finds are uniquely different than the quantitative criteria anticipate and are exceptional opportunities for restoration or preservation.

The establishment of this fund has provided a critical source of funding for conservation projects. However, the program also provides funding for infrastructure projects. As a result, the environmental community has expressed concerns that the pressing short-term fiscal demands of complying with the Clean Water Act and Safe Drinking Water Act may consume the available funds, shortchanging investments in land conservation that, over the long term, would be more cost effective in protecting water supplies. Some would like to see greater emphasis placed on conservation projects. TPL, one organization that is concerned about the future direction of the fund, notes that “Given the rapid pace of urbanization in the state, there is a narrowing window of opportunity to take advantage of these conservation measures” (TPL, 1999e).

**Conservation Grant Fund**
The Conservation Grant Fund was established in 1997 to provide technical assistance and grants to land trusts in North Carolina. The legislation names the Department of Environment and Natural Resources (DENR) as the agency responsible for administration of the fund (G.S. §113A-232). The legislation also lists several purposes:

• to stimulate the use of conservation easements
• to improve the capacity of private nonprofit land trusts to accomplish conservation projects
• to better equip real estate related professionals to pursue opportunities for conservation
• to increase citizen participation in land and water conservation
• to provide an opportunity to leverage private and other public monies for conservation easements

To be eligible for grants from the fund, land must possess or have a high potential to possess ecological value, must be reasonably restorable, and must qualify for tax credits under the Conservation Tax Credit Program. For land trusts to be eligible to receive grants, they must be qualified under the Conservation Tax Credit Program and must be certified under section 501(c)(3) of the federal Internal Revenue Code (G.S. §113A-232c).

Funds are provided by appropriations from the General Assembly and by any other monies received from public or private sources. At the end of the fiscal year, any funds which have not been expended and which are derived from appropriations from the General Assembly shall revert to the General Fund. Funds derived from other sources shall not revert. In 1999, the General Assembly approved a $150,000 appropriation to be administered by the Conservation Trust for North Carolina.
(CTNC). CTNC will use the funds to begin a small grants program for land trusts, increase public awareness about land trusts, educate the public about their conservation options, and promote the Conservation Tax Credit Program (Roe, 1999).

**Conservation Reserve Enhancement Program**

The Conservation Reserve Enhancement Program (CREP) is a voluntary, cooperative environmental improvement program that partners farmers and ranchers, state government and the federal government. CREP is a joint effort of the North Carolina Division of Soil and Water Conservation, the NC Clean Water Management Trust Fund, the NC Wetlands Restoration Program, and the United States Department of Agriculture (USDA). The Farm Service Agency (FSA), part of the USDA, provides incentives to agricultural producers to participate in the program. The state government, through the Division of Soil and Water Conservation, contributes specialized local knowledge, technical help and financial assistance. CREP seeks to improve soil, water and air quality while also enhancing habitat for threatened wildlife species (FSA, 1999).

In North Carolina, the program is designed to address water quality problems in the Neuse, Tar-Pamlico and Chowan river basins as well as the Jordan Lake watershed area. It is a voluntary program that seeks to protect land along watercourses that is currently in agricultural production. The objectives of the program include: installing 100,000 acres of forested riparian buffers, grassed filter strips and wetlands; reducing the impacts of sediment and nutrients within the targeted area; and providing substantial ecological benefits for many wildlife species that are declining in part as a result of habitat loss. Funding for the program will come from several sources including federal money from the Conservation Reserve Program (CRP), and state funding from the Clean Water Management Trust Fund, Agriculture Cost Share Program, and North Carolina Wetlands Restoration Program. These agencies have made a major commitment to the program and have agreed to provide $270 million over a six year period. Of this amount, $221 million will come from the federal government and $50 million will come from the state. The money will be used for two principal purposes:

- best management practices – financing the installation of these practices to reduce nutrient runoff
- land acquisition – compensation for taking riparian lands out of production to create buffers along surface waters

Landowners of existing agricultural land within the Neuse, Tar-Pamlico and Chowan river basins and the Jordan Lake watershed are eligible to participate in CREP. Under CREP, landowners can voluntarily enroll eligible land in 10-year, 15-year, 30-year, and permanent contracts. The state will pay additional bonuses to landowners that enroll land in 30-year and permanent agreements. Cost sharing is available for the installation of forested riparian buffers, grassed filter strips, wetlands restoration practices, and other Best Management Practices.

**Conservation Tax Credit Program**

First established in 1983, this program provides tax incentives to promote the preservation of open space. When real property is donated for conservation purposes, a credit is allowed against
individual and corporate income taxes (per G.S. §105-151.12 and G.S. §105-130.34 respectively). Landowners may receive substantial tax credits for donations of property for conservation purposes. Donations of interests in property are eligible for tax credits if they promote specific public benefits and if they are given to qualified recipients (NCTCP, 1999). The public benefits that must be served are one of the following:

- public beach access and use
- public access to public waters
- fish and wildlife conservation
- other land conservation purposes

The donor’s tax return must be accompanied by a certification from the state Department of Environment and Natural Resources (DENR) that the donated property is suitable for one or more of the required public benefits. Qualified recipients of donations of property include:

- state government
- local government
- qualified nonprofit organizations (incorporated to receive and administer land for conservation purposes and receive charitable contributions under G.S. 105-130.9)

The interests in property that qualify under this program include:

- fee simple title transfer
- less than fee simple title transfer, e.g., a conservation easement

Any transfer of property that includes a reversion interest to non-qualified recipients is not eligible under this program. In addition, any land that is required to be dedicated by local government regulation or ordinance is not eligible nor is any dedication of land made to increase the building density level.

The amount of the tax credit allowed is equal to 25% of the fair market value of the donated property interest, up to a maximum credit of $250,000 for individuals and $500,000 for corporations. Any unused portion of the credit may be carried forward for five succeeding years (credits may be obtained over a six year period). The amount of the credit taken in any year may not exceed the amount of income tax imposed by the state, reduced by the sum of all other credits. Any portion of the fair market value of a donation that is not eligible or taken for credit may be considered as a charitable contribution (under G.S. 105-130.9). Thus, the value of a gift in excess of the maximum state income tax credit may still be claimed as an income tax deduction.

New legislation passed in 1997 requires that local assessments for property taxes take into account any reduction in development value of property subject to conservation easements.

The federal government also provides tax incentives that similarly promote gifts of land for conservation purposes. Together, the federal and state tax incentive programs provide significant advantages to donors of land or interest in land for conservation.

**Farmland Preservation Trust Fund**
Established in 1986, the Farmland Preservation Trust Fund is intended to promote the preservation of agricultural land (G.S. §106-744). The program has not been active until recently because it was
not funded. In 1998, the fund received its first allocation of money when the General Assembly appropriated $250,000 to it. For the coming fiscal year, funding for the Farmland Preservation Trust Fund was increased to $500,000.

By law, the fund is administered by the Department of Agriculture. The department has contracted with the Conservation Trust for North Carolina (CTNC), a nonprofit conservation organization, to handle the fund. Money from the fund is to be used for the purchase of agricultural conservation easements, including transaction costs. Counties and private nonprofit conservation organizations are eligible for funding. The Department of Agriculture is responsible for adopting rules and regulations governing the use, distribution, investment, and management of money in the fund. Under its contract to the department, CTNC accepted the responsibility for developing and distributing grant applications to local governments and qualified nonprofit organizations that have active farm protection programs. Grants are awarded to cover the transactional and monitoring costs for donated easements or to provide matching grants for the purchase of development rights.

**National Trails Program**

The National Trails Program (NTP) is a federal grant program designed to help fund trails and trail-related recreational needs at the state level. Funding for the NTP comes from federal gas taxes paid on non-highway fuel used in off-highway vehicles. The program is administered by the Federal Highway Administration at the federal level and by the North Carolina Trails Program at the state level.

In 1999, the North Carolina Trails program has $935,000 available for grants under the NTP. Federal, state and local government agencies as well as certified non-profit organizations are eligible to apply for grants. Money may be provided for projects involving trails and trail facilities which are open to the public. The maximum amount any one project can receive is $50,000. The minimum amount a project can receive is $5,000. Applicants must match federal funds 80/20 with cash or in-kind contributions.

**Eligibility**

Money may be used for:

- development of urban trail linkages
- maintenance of existing recreational trails
- restoration of areas damaged by usage of recreational trails and back country terrain
- development of trail-side and trail-head facilities
- provision of features which facilitate the access and use of trails by persons with disabilities
- acquisition of easements for trails, or for trail corridors identified in a State trail plan
- acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means
- construction of new trails on state, county, municipal, conveyed easements across private lands, where a recreational need for such construction is shown
- construction of new trails crossing federal lands, where such construction is approved by the administering agency charged with management of all impacted lands
design and engineering costs of up to 10% of the grant award

The NTP also makes specific exclusions for the use of its money. A grant recipient may not use grant money for:

- condemnation of any kind of interest in property
- construction of any recreational trail on National Forest System lands for motorized uses unless such lands (other than wilderness areas) are otherwise consistent with the management direction in land and resource management plans
- upgrading, expanding or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users, and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred
- salaries or wages of permanent employees.

Requirements

- 80/20 match – the NTP provides an 80% federal share for each project and requires a 20% non-federal matching share either in budgeted appropriations or in-kind contributions
- a minimum of 30 percent of the state’s allocation must be reserved for uses relating to motorized recreation. Another minimum 30 percent of the state’s allocation must be reserved for uses relating to non-motorized recreation
- forty percent of the state's allocation is made up of discretionary funds, but preference will be given to projects with the greatest number of compatible recreational purposes or that provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use
- the project sponsor must finance 100% of the project costs. Eighty percent of all eligible expenditures will be refunded to the project sponsor by the state in a minimum of 25% increments, with the last 25% being held until the project is complete and all records submitted

Natural Heritage Trust Fund

Established in 1987, the North Carolina Natural Heritage Trust Fund is a supplemental funding source for state agencies to acquire and protect the state's ecological diversity and cultural heritage and to inventory the natural areas of the state (G.S. §113-77.6).

Funding

The Natural Heritage Trust Fund is financed by receipts from the annual fees for automobile personalized license plates, and as a result of new legislation in 1991, by 15% of the deed stamp tax. In July 1996, the legislature increased the funds available from the deed stamp tax to 25% of the state’s share. Funds not expended remain in the Natural Heritage Trust account which accumulates interest. They do not revert to the general fund. Approximately $10.5 million was available to the fund in 1998. A history of grant allocations is shown in the table, “Natural Heritage Trust Fund – Financial Status,” at the end of this section.

Objectives

Grant applications are accepted from state agencies (the Department of Environment and Natural
Resources, the Wildlife Resources Commission, the Department of Cultural Resources, and the Department of Agriculture) for purposes of acquiring natural lands for state parks, preserves, wildlife conservation areas, coastal reserves, natural and scenic rivers, site properties, and other outdoor recreation and natural areas. Inventories by the Natural Heritage Program are also eligible for grants. Funding priorities are given to projects which will protect areas of state or national ecological significance or outstanding cultural significance.

Administration
Grant agreements are executed between the Board of Trustees and the recipient agencies. The Board of Trustees requires that qualified lands be dedicated as North Carolina Nature Preserves.

Oversight
A nine-member Board of Trustees administers the Natural Heritage Trust and awards grants to state agencies. Members are appointed for staggered 6-year terms by the General Assembly at the recommendation of the Governor, Speaker of the House, and President Pro-Tempore of the Senate.

Parks & Recreation Trust Fund
Established in 1994, the Parks and Recreation Trust Fund (PARTF) (G.S. §113-44.15). The money is used for parks and recreation purposes at both the state and local levels. Sixty-five percent of the receipts are allocated to the state park system, thirty percent to local governments, and five percent to coastal resources. This relatively new funding source provides more than $5 million in matching funds annually for local parkland acquisition, development and renovation to communities across the state. The amount of money is limited to $250,000 for any one project. Funds distributed to local governments must be matched dollar for dollar by the local governments.

PARTF is funded from the state’s portion of the proceeds from the state real estate transfer tax. 75% of the state’s portion goes to the Parks and Recreation Trust Fund and 25% to the Natural Heritage Trust Fund. Funds from PARTF are allocated three ways:

- 65% for the State Parks System for capital projects, repairs and renovations of park facilities, and land acquisition
- 30% provides dollar-for-dollar matching grants to local governments for park and recreation purposes
- 5% for the Coastal and Estuarine Water Beach Access Program

PARTF provides dollar-for-dollar matching grants to local governments for park and recreation purposes. Consultants from the Recreation Resources Service (RRS) at North Carolina State University are available to assist local governments with the grants process. Grants are awarded yearly to county governments or incorporated municipalities. The maximum amount of any one grant is $250,000.

All counties and incorporated municipalities are eligible for funding. School administrative units may submit a joint application with a county or an incorporated municipality. Local governments can request PARTF assistance for land acquisition and construction projects at a single park site. Eligible construction projects include new or renovated facilities, indoor or outdoor facilities, and
recreational or support facilities. All areas and facilities funded by PARTF must be open to the public and accessible for persons with disabilities.

All grants awarded from PARTF must be matched dollar-for-dollar by the local government for at least 50% of the total project cost. Local government funds can exceed the PARTF grant amount. Land donations and in-kind services, such as the value of volunteer work, cannot be counted as a local match.

As part of North Carolina's environmental review process, the State Clearinghouse reviews each application to determine the project's impact on the environment. If a project is judged to have a significant impact, the applicant must submit an environmental assessment. The applicant is responsible for assuring that any proposed development is environmentally sound.

The Parks and Recreation Authority, an eleven-member board appointed by the Governor and General Assembly, selects which projects will receive funding. Factors considered by the Authority include: criteria contained in the PARTF Project Scoring System; served by the grant applicant; distribution of projects across the state; presence or absence of other funding sources; and level of compliance with prior grant agreements.

Property acquired with PARTF assistance must be retained for public recreation use in perpetuity. Facilities funded with PARTF assistance shall be maintained and managed for public recreational use for at least 25 years.

**Public Beach and Coastal Waterfront Access Program**
The North Carolina General Assembly established the Public Beach and Coastal Waterfront Access Program in 1981 by amending CAMA to provide matching grants to local governments for low-cost projects designed to improve pedestrian access to the state's beaches. In 1983, the legislature expanded the program to include estuarine beaches and waterways.

As coastal population has increased, traditional accessways have been developed for private use, leading to a greater demand for additional public access sites. While most of the early projects were located along the oceanfront, more and more are now designed to improve access to estuarine shorelines, coastal rivers and urban waterfronts.

Local governments may use access funds to construct low-cost public access facilities, including parking areas, restrooms, dune crossovers, and piers and related facilities. Projects range in size from small unimproved local access areas to regional access sites with amenities such as large parking lots, bathrooms and picnic shelters. Funds may also be used toward land acquisition or for the revitalization of urban waterways.

More than 200 access sites have been constructed since the program began. Local governments are responsible for construction, operation and long-term maintenance of their sites.

**Water Resources Development Grant Fund**
Established in 1979, the Water Resources Development Grant Fund is designed to provide cost-share grants and technical assistance to local governments for a variety of projects related to water resources (G.S. §143-215.70). The program is administered by the Division of Water Resources in
the Department of Environment and Natural Resources. Applications for grants are accepted for seven purposes:

- General Navigation
- Recreational Navigation
- Water Management
- Stream Restoration
- Beach Protection
- Land Acquisition and Facility Development for Water-Based Recreation
- Aquatic Weed Control

**Purposes**

Applications for grants may be made for the nonfederal share of water resources development projects for the following purposes in amounts not to exceed the percentage of the nonfederal costs indicated:

- general navigation projects that are sponsored by local governments – 80%
- recreational navigation projects – 25%
- construction costs for water management (flood control and drainage) purposes, including utility and road relocations not funded by the Department of Transportation – 66 2/3%, but only of that portion of the project specifically allocated for such flood control or drainage purposes
- stream restoration – 66 2/3%
- protection of privately owned beaches where public access is allowed and provided for – 75%
- land acquisition and facility development for water-based recreation sites operated by local governments – 50%
- aquatic weed control projects sponsored by local governments – 50%

**Criteria**

In reviewing each application, the department will consider:

- the economic, social, and environmental benefits to be provided by the project
- regional benefits of projects to an area greater than the area under the jurisdiction of the local sponsoring entity
- the financial resources of the local sponsoring entity
- the environmental impact of the project
- any direct benefit to state-owned lands and properties

**Eligibility**

The following types of projects are eligible for state cost-sharing:

- general navigation improvement
- recreational navigational improvement
- water management (flood control and drainage)
- stream restoration (clearing and snagging and limited channel excavation)
- beach protection
- land acquisition and facility development for water-based recreation sites
Projects planned and constructed by a federal agency with a local cost-share and projects without federal assistance are both eligible for state financial assistance. Small watershed projects of the U.S. Soil Conservation Service reviewed by the North Carolina Soil and Water Conservation Commission are not eligible for cost-sharing.

**Wetlands Restoration Program**

Established in 1996, the Wetlands Restoration Program (WRP) is an innovative, nonregulatory program administered by the Division of Water Quality in the Department of Environment and Natural Resources. The WRP is designed to restore wetlands, streams and riparian areas throughout the state. To accomplish this purpose, the program pursues a variety of tasks. Among these is land acquisition.

The WRP can acquire property by fee simple purchase, by donation (donations are then eligible for tax credits), or by purchase of a permanent conservation easement. The property acquired is protected in perpetuity. For restoration projects, the WRP will pay up to 100% of the costs of restoration.

The WRP will fund projects that meet the following eligibility requirements, criteria and goals:

**Eligibility**

Applicants eligible for WRP funding include:
- all landowners

**Goals**

- to restore functions and values lost through historic, current and future wetland impacts
- to achieve a net increase in wetland acres, functions and values in all of North Carolina's major river basins
- to provide a consistent approach to address mitigation that may be required by law when dredging or filling of wetlands is authorized
- to increase the ecological effectiveness of required wetlands mitigation, to promote a comprehensive approach to the protection of natural resources

**Criteria**

Potential projects are evaluated according to set criteria. These criteria include:
- site location within a WRP priority watershed for restoration
- cost and difficulty to restore a site
- potential benefits of restoration for water quality improvement, flood prevention, fisheries and wildlife habitat and recreational opportunities

Landowners interested in participating in the program may request, complete and return a Participation Interest Form. This form will provide WRP staff with basic information about the
location and characteristics of the site. Staff will use this information to determine if a site is consistent with the Basinwide Wetlands and Riparian Restoration Plans. For sites that pass this review step, staff may schedule an appointment with the landowner(s) to visit and evaluate the restoration potential of the site. For every project, WRP staff perform a set of tasks. These tasks include:

**Tasks**
- site identification
- landowner contact and land acquisition
- restoration plan review
- project construction oversight
- monitoring, maintenance and report generation

In the search for wetland, riparian and stream restoration projects, NCWRP is focusing on sites within priority watersheds that are consistent with the guidelines developed in the Basinwide Wetlands and Riparian Restoration Plans. Examples of such sites would be:
- channelized streams bordered by previously converted agricultural land
- streamside areas in the headwaters of a priority watershed which have been altered (clear cut, farmed, channelized, ditched)
- any streams or areas adjacent to streams to streams that are degraded in some way (bank erosion, channelized, lack of vegetated buffer, heavy sediment deposition)
### Financial Status

#### Income and Awards

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL AMOUNT AWARDED</th>
<th>AMOUNT AWARDED - AMOUNT RETURNED</th>
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<td>1991</td>
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<td>$5,392</td>
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<td>1992</td>
<td>$3,720,582</td>
<td>$894,500</td>
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<td>$4,252,960</td>
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<td>1995</td>
<td>$5,136,146</td>
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<td>1996</td>
<td>$6,117,723</td>
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<td>$9,073,773</td>
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<td>1998</td>
<td>$10,459,690</td>
<td>$501,000</td>
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<tr>
<td>1999</td>
<td>$2,900,097</td>
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**TOTAL**

$50,906,201  $2,169,746  $113,629,130  $55,766,918

- **TOTAL AMOUNT AWARDED** = AMOUNT AWARDED - AMOUNT RETURNED = $53,597,172

**NOTE**

- Information derived from the Spring 1999 Award Report of the Natural Heritage Trust
- Funds returned to the Natural Heritage Trust for subsequent distribution when a project could not be completed or is completed for less than the amount awarded
- Includes spring 1999 awards and first quarter income only
# CONSERVATION LANDS

## summary

The State of North Carolina

<table>
<thead>
<tr>
<th>LAND AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL</strong> by TYPE</td>
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<tr>
<td>government level</td>
</tr>
<tr>
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</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
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</table>

**TOTAL LAND AREA OF THE STATE = 31,179,571.2 ACRES**

| TOTAL | 2,752,210 | 32,673 | 1,200 | 250 | 2,786,333 | 100.00% | 8.94% |

8/10/1999

C:/data/DEL/education/INTERN/ctnc/REPORT/tables/CONSERVATION LANDS/summary

**NOTE**
- information derived from various sources at the North Carolina Department of Environment & Natural Resources (DENR) and the Center for Geographic Information and Analysis (CGIA)
- the registry program operated by the Natural Heritage Program at DENR could apply to this category
### CONSERVATION LANDS

**Public Domain**

The State of North Carolina

<table>
<thead>
<tr>
<th>Ownership</th>
<th>#</th>
<th>agency level</th>
<th>TOTAL area (acres)</th>
<th>% state land area</th>
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<td>park service</td>
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<tr>
<td></td>
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<td>fish &amp; wildlife</td>
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<tr>
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<td>C</td>
<td>forest service</td>
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<td></td>
<td>D</td>
<td>coastal reserves</td>
<td>9,812</td>
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<tr>
<td></td>
<td>E</td>
<td>corps of engineers</td>
<td>240</td>
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<tr>
<td></td>
<td>F</td>
<td>tn valley authority</td>
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<td>state</td>
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<td>lakes (water)</td>
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<td></td>
<td>C</td>
<td>natural areas</td>
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<td></td>
<td>D</td>
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<td>nc zoo</td>
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<td>I</td>
<td>nc state fair</td>
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<tr>
<td></td>
<td>C</td>
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<tr>
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<tr>
<td></td>
<td>C</td>
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**TOTAL LAND AREA OF THE STATE = 31,179,571.2 ACRES**

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<thead>
<tr>
<th>Subtotals</th>
<th>fee simple</th>
<th>conservation easement</th>
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<th>area (acres)</th>
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<td>0</td>
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<td>0</td>
<td>0.000%</td>
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**TOTAL** 2,605,533 0 0 0 2,605,533 8.4%

---

**NOTE** - Information derived from various sources at the North Carolina Department of Environment & Natural Resources (DENR)

* **NOTE** - The registry program operated by the Natural Heritage Program at DENR is an example
### CONSERVATION LANDS

The State of North Carolina

#### LAND AREA

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<th>management agreement</th>
<th>other*</th>
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#### TOTAL LAND AREA OF THE STATE = 31,179,571.2 ACRES

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TOTAL: 80,877 32,673 300 0 113,850 0.4%

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NOTE: information derived from various sources
- information for land trusts derived from the CTNC website [http://metalab.unc.edu/ctnc/trusts/index.html]
- information for other nonprofits derived from sources at each of the organizations listed
- information on lands held by educational institutions derived from Mr. Judson Edeburn, Chief Forester, at Duke University
- information on corporate lands derived from various sources at the North Carolina Department of Environment & Natural Resources (DENR)
Preserved Lands in North Carolina
Proportion of State

All Preserved Lands
Major River Basins
Preserved Lands in North Carolina
Ownership

Legend:
- Federal
- State
- NonProfit
- Local
- Major River Basins
Preserved Lands in North Carolina
Under Consideration
In an era characterized by considerable growth and change, it is unlikely that we will attain a desirable future for North Carolina by accident.

- North Carolina Land Policy Council
1976

**Introduction**

The State of North Carolina has several established programs that preserve open space. Thousands of acres have been acquired through the Clean Water Management Trust Fund, the Natural Heritage Trust Fund, and the Parks and Recreation Trust Fund. The state is making progress in its efforts to save land for the future. However, the supply of available open space in North Carolina is finite and development pressures are great. To secure a meaningful amount of open space and to protect important lands now threatened with development, it is necessary to greatly accelerate and expand the state’s efforts.

Governor Jim Hunt is mulling a proposal to preserve one million acres of green space in North Carolina. The Hunt administration’s plan for open space is an important effort. Its success will be determined by the elements in the plan. They should include, at a minimum, a dedicated revenue source, a target amount of land that makes a difference, and a realistic timeframe. The rest of this section discusses elements to be considered in a new open space program. A list of detailed recommendations and a list of “next steps” to be taken are provided at the end of the section.

**Goals**

In devising a new program, several questions need to be answered at the start. How much land should the state target for preservation? How much time is needed to reach this target? Over what time period? What type of lands should be preserved? How much will it cost? How much can the state afford to pay?

Perhaps the best way to answer these questions is by going to the people of North Carolina. To be successful, any new program to be sponsored by the state must have the support of the public. It must be designed so that it meets the needs of the public.

A taskforce should be convened to study open space trends, to meet with and listen to the public, to find consensus, and to make recommendations to the state for a comprehensive open space program. It is recommended that:

- **taskforce** – establish taskforce to study open space trends, to meet with and listen to the
public, to find consensus, and to make recommendations to the state for a comprehensive open space program

- **goals** – taskforce should establish goals for the state that define the amount and types of land the state wishes to protect in conservation status
- **timeframe** – taskforce should establish a definite timeframe for reaching its goals

### Funding

Given that the acquisition of a sizable and significant amount of land will require major capital expenditures, it is essential that an appropriate funding mechanism be developed. How can a new open space program be funded? As noted in sections three and four of this report, many options are available.

*Real Estate Transfer Tax*

One potential source of revenue is the real estate transfer tax or deed stamp tax. The state already has such a tax in place. A portion of the revenues from this tax already funds the acquisition of open space through the Natural Heritage Trust Fund and the Parks and Recreation Trust Fund. Taxes on real estate transfers are also used by many other states and local governments. However, proposals to establish or increase such a tax generally encounter fierce resistance. An effort last year in Connecticut to pass enabling legislation to allow municipalities the right to employ a real estate transfer tax died in the face of great opposition from the homebuilding and real estate industries. They made the argument that the tax places an unfair burden on a small segment of the population. For a purpose such as open space acquisition that benefits the whole population, the whole population should be responsible for the cost. It is also noteworthy that the only statewide “green” ballot initiative to be defeated in the 1998 elections was in Georgia where voters said no (54 to 45%) to an increase in Georgia’s existing real estate transfer tax. Officials attributed the defeat to the difficulty in securing approval from the public for a tax increase and to an effective opposition campaign mounted by the real estate and construction industries (Myers, 1999: 12). In North Carolina, the homebuilding and real estate industries have also consistently opposed efforts by counties to win the ability to impose development impact fees or taxes on real estate transfers. A proposal to increase the existing tax in North Carolina to fund open space acquisition is likely to be politically difficult.

However, it is not impossible. The State of Tennessee, our neighbor, increased its real estate transfer tax only two years ago. In fact, North Carolina itself raised the tax only eight years ago in 1991. The General Assembly increased the tax to $2 per $1000 value. Of this amount, half is given to local governments and half goes to the state. The state’s share of the revenues from the tax are set aside for conservation with 75% going to the Parks and Recreation Trust Fund and 25% going to the Natural Heritage Trust Fund. A further increase in the tax could be used to augment the revenues available for the state’s conservation programs.

*Severance Tax*

“Severance” refers to the extraction or withdrawal of any solid mineral from the soil or water. Florida uses a severance tax on phosphate to provide a portion of the funding for its open space programs. Each year the first $10 million collected from the tax on phosphate is credited to Florida’s Conservation and Recreation Lands Trust Fund. The balance of tax receipts is paid to the General Fund, to funds for land reclamation and phosphate research, and to counties in which...
mining takes place. The tax rate is variable but is approximately $1.35 per ton severed (the base rate).

Like Florida, North Carolina supports an extensive mining industry. Products mined include construction aggregates, phosphate, feldspar, quartz, mica, brick clay, gemstones (e.g., emeralds) and precious metals (e.g., gold). Mining activities occur in all parts of the state – the coast, piedmont, and mountains. There are approximately 800 mines permitted under the State Mining Act. Permits are required for any mining activity in an area larger than 1 acre.

Most mining activities in North Carolina are for construction aggregates such as gravel. The single largest mine in the state, located in Beaufort County, is for phosphate. That mine covers several thousand acres and produces eight to twelve tons per year. The industry as a whole generates $800 million to $1 billion each year in revenue (Gardner, 1999).

Currently, North Carolina does not have a severance tax on mineral extraction. The only payments made to the state for mining activity are the price of the permits required under the State Mining Act. According to Charles Gardner, Director of the Land Resources Division in the Department of Natural Resources, most states do not have severance taxes.

When questioned about the use of such a tax to fund an open space program, Mr. Gardner stated that he did not think it would be feasible to have a severance tax (whether for open space or any other purpose) in North Carolina – he believes it would be politically difficult to pass such a tax. He also questioned the idea of a severance tax because he believes such a tax would simply be passed on to the customer. After subtracting administrative costs for handling the tax, he believes it would represent a “net loss” to North Carolina. For certain other commodities such as coal that are typically exported, however, a severance tax might be feasible, according to Mr. Gardner. Because these commodities are being exported, any tax would be passed on to consumers in other states or countries.

Such criticism, however, would seem to apply to taxes in any context. The same argument could be applied to any other tax including the property tax, the income tax, and the sales tax – three of the primary methods used to finance government. All taxes require some administration. It is true, however, that a tax on products being exported would not present the same type of “loss” to North Carolina since nonresidents would be paying the tax. One natural resource in North Carolina that does have a large export market is wood.

Forestry is another area where a resource extraction or severance tax might be applied. North Carolina has approximately 19.3 million acres (58%) of forestland. The majority of this land, 18.7 million acres, is classified as timberland, while the remainder is classified as reserved timberland or woodland (i.e., forested parks, wilderness areas, scenic areas, and historic sites). Standing timber in North Carolina is worth an estimated $19 billion. In 1997, the forest products industry paid an estimated $787 million dollars to landowners in the state for wood to make products including lumber, paper, and furniture. The value of finished forest products totaled $17.3 billion. Wood products represent the state’s largest export commodity in terms of tonnage (NCFS, 1999). The fact that any potential revenue generated by a severance tax would help to fund the protection of the forest resource base which supports the timber industry may help to defuse opposition to the tax.
The idea to use revenue generated from environmentally damaging activities to fund the protection of natural resources is also employed by the federal government. The Land and Water Conservation Fund, a federal conservation program, receives the bulk of its funding from oil and gas leases on federal lands. The theory behind these types of funding mechanisms is simple and elegant – they use resource extraction to fund resource protection.

**Bonding**
Bonding are a preferred funding mechanism because of their ability to furnish the large sums of money that are needed immediately to purchase real estate and because they fairly allocate the burden of repayment among all citizens, present and future.

In Connecticut, the homebuilding and real estate industries strongly supported a bonding initiative for the acquisition of open space. These are the same people who opposed the establishment of new real estate transfer taxes at the local level and increases in the existing transfer tax at the state level. They supported bond issues for open space because it distributes the cost among all residents.

All of the states reviewed in this report – Connecticut, Florida, Maryland, New Jersey, and New York – have used bonding to finance open space acquisitions. For the reasons cited above, it is recommended that North Carolina also employ this financing mechanism. Bonding can also provide steady funding during times of slow economic growth or times when the state faces a shortfall in its budget.

Open space bonds should be supported by a dedicated source of funding. In Florida, the state sells bonds to pay for land acquisition, then pays the debt each year with money from the documentary stamp tax on real estate transactions. The proceeds generated from these revenue bonds should be placed into a dedicated fund, one that cannot be accessed for any other expenditure even when there is a deficit in the state budget.

**Lottery**
Some potential sources of funding are probably poor candidates to finance an initiative in North Carolina. Lotteries are being used successfully in some states such as Colorado, Minnesota, and Oregon to generate hundreds of millions of dollars for conservation purposes. However, no lottery exists now in North Carolina and the idea to establish a lottery has never gained enough support in the state to be placed on the ballot for a public referendum. Many people think a lottery is morally wrong. As one newspaper editor wrote, “it never will be time to put a lottery on the ballot” (WMS, 1999). Many, including the newspaper, believe it is bad policy to have a state sponsored lottery. They argue that lotteries “give the state’s official approval to a habit that destroys the lives of some people.” Opponents also believe that they “provide an unreliable source of revenue” (WMS, 1999).

Specific recommendations for funding include:

- **funding** – provide dedicated source of funding for open space acquisition – possible sources include reserving a portion of the annual budget surplus (North Carolina’s CWMTF is an example program), sales tax revenue (New Jersey’s Green Acres program is an example), increasing the portion of the real estate transfer tax dedicated to open space purposes, dedication of fees related to resource extraction (Florida’s phosphate severance tax is an
example), and dedication of penalties and fines related to environmental violations.

- **funding** – issue bonds backed by a dedicated source of funding (see item above); bonds are a preferred funding mechanism because of their ability to furnish the large sums of money that are needed immediately to purchase real estate and because they fairly allocate the burden of repayment among all citizens, present and future.

- **funding** – create a permanent funding source for use by local governments – a revolving fund that provides low interest loans (for example, New Jersey’s Green Trust uses 2%) for local park acquisition and development projects (New Jersey’s Green Trust is an example program)

- **funding** – to stretch dollars, pursue the acquisition of conservation easements rather than fee simple title to property when the objective of the acquisition can be accomplished by an easement

**Partnerships**

In addition to direct funding, North Carolina should pursue other methods of open space acquisition. By providing incentives and by reaching out to all sectors of the community, an open space program can encourage donations of land from civic-minded individuals and organizations. Producing measurable results will entail building partnerships with individuals, foundations, public agencies, and businesses.

An example of one type of partnership that has resulted in the donation of significant land for conservation purposes is a program in Tennessee. This state recently began a program that encourages donations from corporations and other organizations by promising significant and positive publicity. It is a partnership between businesses that donate land as open space and state government. The Division of Natural Heritage, an agency of the state, will partner with any business that donates land to generate and maximize positive public relations for the business. Apparently, this agreement has been very attractive to businesses in the state and has had some success (Catania, 1999). One recommendation for a new open space program is:

- **partnerships** – encourage donations from corporations, other organizations, and individuals by promising significant and positive publicity

**Conservation Design**

Land use planning is another way to potentially create open space. Conventional zoning and subdivision regulations generally do not offer incentives for the preservation of open space. Alternative approaches exist. Conservation design is one approach that has been applied successfully in other parts of the country. It is recommended that the state promote this type of alternative planning technique.

- **conservation design** – promote new design principles and zoning ordinances that allow both development and conservation objectives to be met; encourage preservation of significant natural and historic resources while also allowing landowners to meet or exceed their investment objectives (a guide is provided in Appendix L)

**Criteria**

Not all open space is equally valuable or desirable. A list of criteria is essential to the consideration of parcels for acquisition.
It is not the intent of this study to establish specific criteria or objectives for a new open space initiative. A comprehensive set of guidelines is best established by the consensus process. A taskforce should be convened to study open space trends, to meet with and listen to the public, to find consensus, and to make recommendations to the state for a comprehensive open space program.

A comprehensive program will seek to secure open space that serves different purposes. One purpose may be recreation in urban areas. Another may be maintenance of biodiversity. Criteria will need to vary according to the purpose. North Carolina already has several programs that acquire open space for different purposes. Each component program has specific and focused criteria.

For any of the programs, it is important to allow flexibility in the criteria. A rigid set of criteria may not be practical. As noted by the CWMTF in its annual report, “Perhaps a set of wholly objective criteria would make the application process predictable and more easily administered; however, the complexity of the water quality problems to be addressed and the range of potential solutions are such that more detailed guidelines are impractical” (CWMTF, 1998: 4).

Although this report will not list specific criteria, it will offer certain general criteria that may be applicable to all parts of an open space program. These suggestions may provide useful guidelines. Some of these suggestions have already been adopted by the state as part of one program or another. For example, the CWMTF considers geography in its list of criteria to ensure an equitable distribution of funds to all areas of the state. Suggested criteria are listed below with a parenthetical reference to any program(s) that already use the criteria, if such a precedent exists. Potential criteria include:

- **local incentives** – grants and loans may be awarded to projects on a preferential basis so that local governments which have established dedicated funding sources and plans for open space are eligible for higher awards (New Jersey’s Green Acres program; North Carolina’s PARTF)
- **distribution** – to the extent practicable, grant awards will be distributed geographically across the state. At least 20% of annual allocations will be targeted to each of three geographic regions of the state: mountain, piedmont and coastal (North Carolina’s CWMTF)
- **flexibility** – grants may be awarded to projects which are uniquely different than the quantitative criteria anticipate and are exceptional opportunities for preservation (North Carolina’s CWMTF)
- **preference** – giving preferential treatment to properties identified in a state or local plan (North Carolina’s NTP employs a State Trail Plan, North Carolina’s WRP employs Basinwide Wetlands and Riparian Restoration Plans)
- **multiplicity** – give priority to properties that achieve multiple goals – a property in a floodplain, for example, may meet several goals including hazard mitigation, recreation, and wildlife habitat

In addition, it is recommended that the state employ a criterion that is focused on “hazardous areas.” Hurricanes and other storms are a recurrent phenomenon in North Carolina. It is inevitable that our state will be subject to wind, wave, and flood damage in future storms and that damages will be costly. Great loss of life and property might be avoided if areas subject to these hazards were left as open space instead of being developed. After Hurricanes Bertha and Fran in 1996, the state
commissioned a comprehensive study on coastal hazards mitigation. This study, completed in 1998, recommended land acquisition as one key component of any hazard mitigation program (Godschalk, 1998). As the study noted, “acquisition offers a way to permanently reduce or eliminate susceptibility to flood damage . . . at the lowest cost over the long term” (Godschalk, 1998: xi). Acquisition for hazard mitigation may also achieve other goals – besides hazard mitigation, properties may meet other traditional goals such as recreation or wildlife habitat. In addition, acquisition will help to maintain protective natural features such as dunes and wetlands which can effectively buffer impacts from wind and waves.

It is recommended that the state adopt and incorporate a new criterion in all open space programs that considers the risk a property faces from various natural hazards. Priority should be given to areas facing the greatest risk of damage. In summary,

- **hazard mitigation** – adopt and incorporate a new criterion in all open space programs that considers the risk a property faces from various natural hazards; acquisition of many properties subject to hazards may achieve multiple goals – besides hazard mitigation, properties may meet other traditional goals such as recreation or wildlife habitat

**Staffing**

Land acquisition is a labor-intensive process. To carry out an accelerated and expanded program, staff will be needed to identify and evaluate properties and to negotiate transactions.

As a new program is developed in North Carolina, planners will need to be aware of the staff levels needed to achieve the goals of the program. The appropriate level of staffing was a potential stumbling block in negotiations for an open space program in Connecticut. Some people argued that the program should be scaled down because the DEP’s staff was not large enough to handle a more ambitious program. Fortunately, this potential obstacle was overcome. An agreement was reached among members of the Open Space Taskforce and executives with The Nature Conservancy and land trusts that those organizations would lend their staff if needed.

North Carolina already participates in this type of arrangement. Land trusts, such as the Conservation Trust for North Carolina, and other organizations including the Nature Conservancy, the Trust for Public Land, and the Conservation Fund regularly assist the State Property Office to complete land transactions. To allow these nonprofit organizations to focus on land preservation rather than logistics and compensation, it is recommended that the state set standards for compensation for this type of work.

Some conservationists in North Carolina feel that the state should hire additional staff to (1) handle the increased workload that can be expected with an expanded open space program and (2) to obviate the need for outside contractors to perform such services as appraisals, title searches, and environmental impact statements. Todd Miller, the Executive Director of the North Carolina Coastal Federation, is one person who feels that the state could save considerable time and money and could eliminate or reduce subjectivity by hiring its own staff to perform these types of services (Miller, 1999). It is recommended that:

- **staff** – evaluate capacity of staff in State Property Office to handle increased workload from an expanded acquisition program; hire and train additional staff as needed; hire new staff to perform functions traditionally delegated to the private sector including appraisals, audits,
and environmental surveys in order to minimize subjectivity and variability of such work and to save money

- **staff** – collaborate with other organizations who have expertise in negotiation and acquisition including land trusts, The Nature Conservancy, the Trust for Public Land, and the Conservation Fund; provide fair compensation to these organizations for lands transferred to state ownership

**Management**

Some funds should be set aside in a special account for land stewardship. Money can be allocated at the time of purchase as a percentage of the purchase price. Precedents exist in programs from other states.

For example, Connecticut has a separate account for stewardship purposes. The law which created the Recreation and Natural Heritage Trust Program in 1986 also established a stewardship account for maintenance, protection, and management of acquired land. Concurrent with each acquisition, up to 20% of the land’s appraised value may be applied to the stewardship account. In Florida, lawmakers expressed concern in the last session, in which the *Florida Forever Act* was passed, that the state would be preserving large areas of land but would not be providing for stewardship of those lands. The new law directs some of the funds to an account for stewardship purposes.

A new open space initiative in North Carolina should also set aside funds for management of new state-owned lands. It is recommended that:

- **management** – establish fund or account for express purpose of land stewardship with money allocated at the time of purchase as a percentage of the purchase price

**Strategy**

Strategy is needed to design a program that matches North Carolina’s needs and to secure its passage. Several important elements that should be considered in any strategy are discussed in this section.

**Education**

A strong education and awareness campaign will be required to secure the passage of legislation for a new open space program. If the program is financed with a bond issue, the bond measure will likely need to be placed before the voters.

Earlier this year, the legislature engaged in an intensive debate over a bond issue proposed for the University of North Carolina system. The original proposal would have authorized the expenditure of $6.9 billion dollars for repairs and upgrades to university infrastructure. Many supporters of the university pushed for the passage of a bonding bill that would not require a referendum. Others argued that such a large sum of money required a vote of the people. They demanded that the financing plan be put to a statewide referendum. In the end, the bill died because of irreconcilable differences. Legislators could not agree on the referendum issue.

A bonding proposal for a state open space initiative will almost certainly need voter approval. It will be easier for proponents of an open space bill to secure its passage if they concede the need for a referendum at the start. Supporters of open space must be prepared for the task ahead. A bond
referendum is a political campaign. Proponents must be consistent, honest, and aggressive in trying to influence voters’ opinion.

The defeat of several notable bond measures this year demonstrates the challenge that may lay ahead. Besides the UNC bond issue, a $650 million school bond measure in Wake County was easily defeated in June. As one newspaper put it, “it was the ‘no’ heard round the world” (Silberman, 1999). According to this paper, the effects of the vote “did not stop at the county border. The vote spooked Charlotte’s school board into postponing its bond referendum. It gave state legislators cause to jettison a $3 billion financing plan for the University of North Carolina’s own ambitious construction projects. And it gave the jitters to school boards in fast-growing areas as far away as Northern Virginia.”

Some have interpreted the defeat as a referendum on growth. Others believe that county leaders simply exceeded the public’s tolerance for tax increases. If the vote was a referendum on growth – an indication that voters are unhappy with sprawling development and rising costs for public services – it may not be a bad sign for a bond issue that is focused on open space. The effort to preserve open space is a response to uncontrolled growth and development – it is an effort to mitigate one of the negative impacts of sprawl, the loss of open space. From this perspective, voters who may be inclined to vote against a school bond issue because they are rebelling against growth may be inclined to vote for an open space bond issue for the same reason.

In fact, bond issues for parks and open space acquisition have been quite successful in recent years. As noted in Section Two of this report, residents and governments are pushing measures to promote smart growth and open space all across the United States. Last fall, voters around the country overwhelmingly supported “green” ballot initiatives to be used to protect open space and enhance local livability. 84% of these initiatives passed (LTA, 1999: 3). In total, voters approved approximately $7.5 billion for conservation.

Studies have shown that many citizens who balk at the prospect of paying more for schools are willing to pay more in taxes to support the preservation of open space. A study performed in the suburbs of Chicago demonstrates that the average household is willing to pay approximately $500 a year to preserve farmland in the region (King, 1999: 15). Researchers were not surprised that residents liked and valued open space but were very surprised to find that they are willing to pay significant sums of money to ensure that open space is protected. After all, school districts in these same communities have had great difficulty in gaining the support required to raise taxes for the benefit of the schools. Ann Sorensen, director of the institute that conducted the study, said, “That number absolutely amazed us. Watching how schools and other taxing districts struggle to pass tax referenda in this region, we were surprised to see residents say that they would raise their taxes for farmland protection” (King, 1999: 15).

In any case, no assumptions should be made and support for open space should never be taken for granted. Success in establishing a new open space initiative will require a concerted effort – a coalition.

**Coalition**

Land trusts and other conservation groups will have a vital role to play in educating local and state
leaders and elected officials about the importance of open space. A campaign must be mounted to encourage and facilitate their involvement in the land conservation effort.

Success in conservation work would not be possible without local support and citizen leadership. The Mountain Island Lake project described in section two of this report is a perfect example of how individual volunteers and conservation organizations such as the Catawba River Land Conservancy can achieve great success by working together.

This type of effort must also be used to build a coalition and support for a new state program for open space. Broad-based support is needed. The Conservation Trust for North Carolina, the state’s “umbrella” land trust, is organizing a coalition to support the open space program. The coalition will have the greatest chance for success if it is inclusive. It should recruit a diverse membership, inviting city and county elected officials, philanthropic leaders, community activists, environmental organizations, and the business community. Partnerships with volunteers from grassroots organizations, government agencies, foundations, and businesses must be an integral part of the coalition’s strategy.

**Lobbying**
The state should also look to the federal government as a partner in the effort to preserve open space. Programs at the federal, state, and local levels should be complementary.

Several bills are presently before the Congress that address land and water conservation. All of them would provide money to states and local governments. They have the potential to substantially improve the ability of states and local communities to create parks and protect open space. However, the fate of the bills is very uncertain. For supporters of open space, it is important that federal legislators hear their voices. If North Carolina is to embark on its own program for open space acquisition, officials and elected representatives at the state level should lobby their counterparts at the federal level to support federal funding for open space.

It is important to educate all elected officials – local, state, and federal – about the importance of federal funding to natural resource conservation in North Carolina. Our state’s delegation in Congress must understand that money is needed in North Carolina for open space. State and local officials must be made aware of the legislation pending before Congress that would benefit our conservation efforts so that they can effectively lobby for its passage. In New Jersey, legislators passed a resolution to formally declare the state’s desire and need for federal funding. North Carolina could use the same tactic. Another recommendation for a comprehensive open space effort is:

- **lobbying** – encourage the state delegation in Congress to establish and fund federal open space programs, including the Land and Water Conservation Fund and the Community Open Space Bonds program / Better America Bonds program
Consulting

To ensure that a new program matches the needs of the people of North Carolina, the state should consider hiring a consultant with expertise and experience in public financing for land conservation. One organization that meets this criterion is the Trust for Public Land (TPL). TPL is a nonprofit organization that specializes in conservation real estate.

It has helped to design public finance programs for both state and local governments. The State of Connecticut is one state that retained TPL in 1997 and 1998 when the state embarked on a new conservation initiative. TPL provided technical assistance on methods to finance the conservation of watershed lands.

TPL has a website that provides more information on its public finance program. The site describes the services that can be provided and gives the names and backgrounds of the people that make up TPL’s consulting team. This information can be accessed at the following web address – www.tpl.org/tech/pubfin/intro.html. The websites and other contact information for TPL are provided in Appendix A of this report. It is recommended that:

- consulting – consider hiring a consultant with expertise and experience in public financing for land conservation to ensure that a new program matches the needs of the people of North Carolina

Recommendations

A detailed list of recommendations is provided below with a parenthetical reference to any program(s) that may serve as examples, if such a precedent exists. In devising a new open space initiative, the following elements should be considered:

- taskforce – establish taskforce to study open space trends, to meet with and listen to the public, to find consensus, and to make recommendations to the state for a comprehensive open space program
- goals – taskforce should establish goals for the state that define the amount and types of land the state wishes to protect in conservation status
- timeframe – taskforce should establish a definite timeframe for reaching its goals
- consulting – consider hiring a consultant with expertise and experience in public financing for land conservation to ensure that a new program matches the needs of the people of North Carolina (Connecticut)
- funding – provide dedicated source of funding for open space acquisition – possible sources include reserving a portion of the annual budget surplus (North Carolina’s CWMTF), sales tax revenue (New Jersey’s Green Acres), increasing the portion of the real estate transfer tax dedicated to open space purposes, dedication of fees related to resource extraction (Florida’s phosphate severance tax), and dedication of penalties and fines related to environmental violations
- funding – issue bonds backed by a dedicated source of funding (see item above); bonds are a preferred funding mechanism because of their ability to furnish the large sums of money that are needed immediately to purchase real estate and because they fairly allocate the burden of repayment among all citizens, present and future
- funding – increase funding for the three existing funds dedicated to resource protection – Clean Water Management Trust Fund, Natural Heritage Trust Fund, Parks and Recreation
Trust Fund

- **funding** – provide adequate funding for the Farmland Preservation Trust Fund; CTNC recommends $15 to 20 million annually; potential revenue source is dedicated excise tax on sales of farmland for non-agricultural development (Maryland)
- **funding** – increase appropriations for Conservation Grants for private land trusts (program administered by CTNC) to promote voluntary land conservation on private lands and to build the organizational capacity of land trusts to handle land protection activities; CTNC recommends an increase from $150,000 in 1999 to $350,000 annually
- **funding** – create a permanent funding source for use by local governments – a revolving fund that provides low interest loans (New Jersey’s Green Trust issues loans at 2%) for local park acquisition and development projects (New Jersey’s Green Trust)
- **funding** – to stretch dollars, pursue the acquisition of conservation easements rather than fee simple title to property when the objective of the acquisition can be accomplished by an easement
- **staff** – evaluate capacity of staff in State Property Office to handle increased workload from an expanded acquisition program; hire and train additional staff as needed; hire new staff to perform functions traditionally delegated to the private sector including appraisals, audits, and environmental surveys in order to minimize subjectivity and variability of such work and to save money
- **staff** – collaborate with other organizations who have expertise in negotiation and acquisition including land trusts, The Nature Conservancy, the Trust for Public Land, and the Conservation Fund; provide fair compensation to these organizations for lands transferred to state ownership
- **mapping** – continue development of comprehensive GIS database for the entire state to support the identification and prioritization of existing and potential conservation lands
- **distribution** – any state program should have a statewide focus – aim to preserve open space in urban and rural areas all across the state; all citizens of the state will be paying for the program and all citizens should have access to the benefits;
- **prioritization** – support natural heritage program and its function in identifying areas possessing significant and valuable natural resources (note, however, that natural resource value would not be the only criterion in a comprehensive open space program)
- **hazard mitigation** – adopt and incorporate a new criterion in all open space programs that considers the risk a property faces from various natural hazards; acquisition of many properties subject to hazards may achieve multiple goals – besides hazard mitigation, properties may meet other traditional goals such as recreation or wildlife habitat
- **multiplicity** – give priority to properties that achieve multiple goals – a property in a floodplain, for example, may meet several goals including hazard mitigation, recreation, and wildlife habitat
- **incentives** – increase the amount of the tax credit available in the Conservation Tax Credit Program (current credit allowed is 25%; Connecticut allows a credit of 50%)
- **surplus lands** – review by DENR of all “surplus” lands processed by the State Property Office for possible addition to open space lands held by the state
- **utility lands** – for sale of land by public or regulated private utilities, give governments and conservation organizations the right of first refusal, ie, allow these entities the first opportunity to purchase the land for open space purposes and allow them a certain amount of
time to organize, raise funds, and negotiate the purchase (Connecticut)

- **projects in lieu of penalties** – allow flexibility in the assessment of penalties or fines for violations of environmental regulations; consider alternatives in lieu of or in combination with the prescribed penalties or fines as long as the alternatives provide a public benefit with a value at least as great as the cost of the fine; donation of interests in land are an example (Connecticut)

- **rail-trails** – amend North Carolina statutes (§136-44.36D) to allow for the use of state owned rail corridors (whether ownership is in fee simple or easement) as recreational trails

- **language** – emphasize that participation in the acquisition programs is voluntary; North Carolina citizens are strongly protective of property rights; eminent domain is no longer a politically viable method of acquisition

- **marketing** – encourage donations from corporations, other organizations, and individuals by promising significant and positive publicity (Tennessee)

- **lobbying** – encourage the state delegation in Congress to establish and fund federal open space programs, including the Land and Water Conservation Fund and the Community Open Space Bonds program / Better America Bonds program (New Jersey’s Senate Resolution 44)

- **local participation** – leverage state efforts to preserve open space by creating incentives for local governments to create own programs – either require that local governments have open space plans and/or dedicated funding or provide grants in variable amounts depending on the presence or absence of local plans or funding

- **protection** – require all land purchased through the program to have a conservation easement in favor of the state or its designee (Connecticut’s Protected Open Space and Watershed Land Acquisition Grant Program)

- **regionalism** – encourage regional governments to engage in collaborative planning; aim to distribute funds evenly across the state either by allocating set amounts for various regions or by allocating money to programmatic areas (ie, coastal resources, ridgetops, etc.)

- **management** – establish fund or account for express purpose of land stewardship with money allocated at the time of purchase as a percentage of the purchase price

- **audits** – using money in the stewardship fund, hire or train staff to monitor lands purchased with money from the state by performing surveys of said properties at random intervals

- **promotion** – engender public support by keeping the citizens of North Carolina informed on the progress of the program, including its goals and its achievements (press releases, website, informational brochures)

- **promotion** – for the Conservation Tax Credit Program, appropriate funds for operations and publicity; CTNC recommends $200,000 annually

- **education** – provide workshops to educate applicants for funding from existing and future programs in order to improve the quality and number of applications (Connecticut, New Jersey)

- **smart growth** – evaluate public expenditures for impacts and promote spending on areas already developed and having existing services and infrastructure (Maryland)

- **conservation design** – promote new design principles and zoning ordinances that allow both development and conservation objectives to be met; encourage preservation of significant natural and historic resources while also allowing landowners to meet or exceed their investment objectives (a guide is provided in Appendix L)
Next Steps
To be successful, any new program to be sponsored by the state must have the support of the public. Such support is more likely to be gained if a democratic process is followed in developing the program. The people of North Carolina should be fully involved in crafting the initiative and should be encouraged to contribute ideas and concerns. Critical tasks in this venture are communication and education. The government and land trusts both have critical roles to play in performing these two tasks. They each have steps to be taken to advance a new initiative to preserve open space. These steps, focused on communication and education, include:

Government

- **stakeholders** – identify stakeholders (conservation community, real estate industry, homebuilding industry, planners, elected officials, and private citizens for example)
- **task force** – an Open Space Task Force should be convened to study open space trends, to meet with and listen to the public, and to make recommendations to the state for a comprehensive open space program
- **collaboration** – Open Space Task Force should meet or consult with the 21st Century Communities Task Force and the Rural Prosperity Task Force; share ideas and strategies
- **inventory** – identify and map existing lands in the state, including areas already preserved and areas targeted for preservation; assess amount, placement and distribution of such lands
- **planning** – initiate statewide comprehensive planning effort
- **collaboration** – assist planning organizations (nonprofits and government agencies) by building their capacity to help communities realize their conservation goals
- **media** – engage media in open space campaign; highlight successes
- **education** – educate members of the public and government officials
- **workshops** – meetings should be scheduled around the state so that the task force can interact with the public to hear ideas and concerns and to learn from their experience
- **advocacy** – champion the cause!

Land Trusts

- **education** – educate members of the public and government officials
- **organizing** – unify interested parties, mobilize constituents, build coalition to support OS initiative
- **organizing** – if and when the governor announces the creation of a taskforce or a proposal for open space, consider hiring an experienced community organizer to devote full time to energizing and expanding the coalition and broadcasting its message; share and spread costs among coalition members; apply for foundation support (Connecticut campaign provides example – professional organizer made substantial impact)
- **organizing** – recruit conservation-minded celebrities to support cause; attract publicity (Connecticut campaign provides example – actor Paul Newman’s support had substantial impact)
- **outreach** – engage developers and lenders, not as adversaries, but as potential partners; underscore shared interests in improving quality of life and quality of development
- **politics** – encourage or sponsor candidate forums on the issues of open space and sprawl; inform political debate; educate voters
- **media** – engage media in open space campaign; highlight successes
• **advocacy** – champion the cause!

In addition, it is critically important to recognize and understand the role of local governments in the conservation of open space. This report discusses initiatives at the state level. It is recommended that the approach used in this study be extended to local initiatives. Another step to be taken is:

• **research** – extend the work performed on state initiatives in this study to devise strategies for open space acquisition at the local level
CONCLUSION
— SECTION SEVEN —

North Carolina is fast losing its green lands. One of the state’s greatest assets and one of the attractions that brought so many people to the state in the first place, the beauty and diversity of North Carolina’s native landscapes are being supplanted in many places by new construction. Growth pressures are great and development is rapid. Open space, once taken for granted, is increasingly being lost as land is developed to meet the pressures of a growing population and a strong economy.

A balance can be found. We can preserve open space while also allowing for growth and economic development. Many other states also face substantial development pressures from growth and have responded by establishing programs to control growth and to preserve open space. These states realize that conservation and development can complement each other. Elected officials know that voters believe land protection needs to be a priority for government action and they recognize that action must be taken now before the opportunity for preservation is lost.

In North Carolina, government officials and community leaders at the local level have taken notice of these trends. Indeed, many communities in our state are pushing open space measures. From New Hanover County to Wake County, from the Town of Carrboro to the City of Charlotte, local governments across the state are devising plans and allocating funds for the acquisition of open space.

The State of North Carolina has also recognized the public interest and activity in open space. Governor Jim Hunt is considering a proposal of his own. “One Million Green Acres” – this headline, appearing prominently in the Morning Star this summer, announced the governor’s desire to secure a web of green space in and around the state’s urban areas (WMS, 1999).

The Hunt administration’s plan for open space is an important effort. The provisions of the plan will determine its success. They should include, at a minimum, a dedicated revenue source, a target amount of land that makes a difference, and a realistic timeframe. It will also require political will and leadership to ensure that the plan is enacted into law.

We can meet the need for development while preserving the environment. We can preserve open space while also allowing for growth. We can establish a balance. This is the window of time to take action. Voices need to be raised, interest groups need to organize and work together, and plans need to be implemented. We must do so in order to preserve our open space to benefit generations now and in the future.
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LEFF, DAVID. 1999. Personal Communication. Mr. Leff is the Assistant Commissioner of the Department of Environmental Protection in Connecticut. 8-6-99.


MILLER, TODD. 1999. Personal Communication. Mr. Miller is the Executive Director of the North Carolina Coastal Federation in North Carolina. 8-20-99.


***


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SUTHERLAND, DAVID. 1999. *Personal Communication*. Mr. Sutherland is the Director of Government Relations for the Connecticut Chapter of The Nature Conservancy in Connecticut. 8-6-99.


for Public Land. Washington, DC.


— APPENDIX A —

LIST OF CONTACTS
LIST OF CONTACTS

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www.ncsl.org  
202 . 624 . 5400 (V)
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LIST OF RESOURCES
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PUBLICATIONS

Clean Water Management Trust Fund – Report to North Carolina
Clean Water Management Trust Fund
2313-B Executive Park Circle
Greenville, NC 27834
dave@cwmtf.net
www.cwmtf.net
252. 830. 3222 (V)
252. 830. 3224 (F)
This report is produced every two years by the Clean Water Management Trust Fund. It will be issued every other August for the fiscal year ending on July 1. It explains the mission and purposes of the fund and it lists and describes projects funded during the previous two fiscal years and funding cycles.

Coastal Hazard Mitigation: Public Notification, Expenditure Limitations, and Hazard Areas Acquisition
David R. Godschalk
Center for Urban and Regional Studies
The University of North Carolina at Chapel Hill
CB 3410
Chapel Hill, NC 27599-3410
carolyn_jones@email.unc.edu
www.unc.edu/depts/curs
919 . 495 . 4014 (V)
This report reviews hazard mitigation programs in other states and makes recommendations for a program in North Carolina. Among the topics considered is the acquisition of hazardous areas.

Common Ground
The Conservation Fund
1800 N. Kent Street
Suite 1120
Arlington, VA 22209-2156
www.conservationfund.org
703 . 525 . 6300 (V)
703 . 525 . 4610 (F)
This newsletter appears bimonthly and provides national news on open space issues.

Connecticut – A Legacy of Land
The State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127
dep.state.ct.us
860 . 424 . 3016 (V)
860 . 424 . 4070 (F)
This is an annual report produced by the state each August. It explains the status of conservation in the state and results from the Open Space Protection Program for the previous year.

Conservation and Historic Preservation Easements.
Conservation Trust for North Carolina
Post Office Box 33333
Raleigh, NC 27636 – 3333
ctnc@mindspring.com
metalab.unc.edu/ctnc
919 . 828 . 4199 (V)
919 . 828 . 4508 (F)

The Economic Benefits of Parks and Open Space
www.tpl.org/newsroom/reports/econbenz/econbez.pdf
The Trust for Public Land
116 New Montgomery Street
4th Floor
San Francisco, CA 94105
www.tpl.org
415 . 495 . 4014 (V)
415 . 495 . 4103 (F)
(Note - this document is included in Appendix K)
This report explains how land conservation enables communities to grow smart while saving money. Communities around the country are learning that open space conservation is not an expense but an investment that can produce important economic benefits.

GreenSense
The Trust for Public Land
116 New Montgomery Street
4th Floor
San Francisco, CA 94105
kelly.haines@tpl.org
www.tpl.org
415 . 495 . 4014 (V)
415 . 495 . 4103 (F)
This newsletter gives useful information on financing parks and conservation. Publication was recently
discontinued. However, past issues are still available.

Growing Greener
www.natlands.org/pdffiles/growinggreener.pdf
Natural Lands Trust
1031 Palmers Mill Road
Media, PA 19063
planning@natlands.org
www.natlands.org
610 . 353 . 5587 (V)
610 . 353 . 0517 (F)
(Note - this document is included in Appendix L)
The Natural Lands Trust developed this program in partnership with the Pennsylvania Department of Conservation and Natural Resources (DCNR) and the Penn State Cooperative Extension Service. It encourages communities to adopt the principles of conservation design in planning and zoning regulations.

How Smart Growth Can Stop Sprawl
David Bollier
Sprawl Watch Clearinghouse
PO Box 33144
Washington, DC 20033-0144
allison@sprawlwatch.org
www.sprawlwatch.org
This comprehensive report describes threats posed by sprawl and ways to combat unplanned development through smart growth measures.

In Progress
East Coast Greenway Alliance
481 Post Road
Wakefield, RI 02879
kvotava935@aol.com
ecca@juno.com
www.greenway.org
401 . 789 . 1706 (V)
401 . 789 . 4625 (F)
This newsletter appears quarterly and provides news and event listings related to the East Coast Greenway.

Livability at the Ballot Box: State and Local Referenda on Parks, Conservation, and Smarter Growth, Election Day 1998
www.brook.edu/es/urban/urban.htm
The Brookings Institution
1775 Massachusetts Ave NW
Washington DC 20036
brookinfo@brook.edu
www.brook.edu/es/urban/urban.htm
202 . 797 . 6139 (V)
202 . 797 . 2965 (F)
(Note - this document is included in Appendix G)
This report lists and discusses the results of ballot initiatives in the 1998 elections.

Open Space – Connecticut!
The State of Connecticut
Governor’s Blue Ribbon Task Force on Open Space
c/o
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106
dep.state.ct.us
860 . 424 . 4000 (V)
860 . 424 . 4070 (F)
(Note - this document is included in Appendix I)
This is the report produced by the Governor’s Blue Ribbon Task Force on Open Space in 1998. It explains the status of conservation in the state and provides recommendations to promote the preservation of open space. In particular, it recommends significant changes to the state acquisition program.

Open Space Directory
Kate Dixon
Staff
Triangle Open Space Network
1100A Wake Forest Road
Raleigh, NC 27604
tosn@mindspring.com
www.mindspring.com/~tosn/
919 . 833 . 3662 (V)
919 . 755 . 9356 (F)
This directory provides a list of names and contact information people, organizations, and agencies working on open space issues in the Triangle area.

Reexamining Progress – Sprawl in North Carolina
Z. Smith Reynolds Foundation
101 Reynolda Village
Winston-Salem, NC 27106-5199
peter@zsr.org
www.zsr.org
800 . 443 . 8319 (V)
336 . 725 . 8319 (V)
336 . 725 . 6069 (F)
(Note - this document is included in Appendix H)
This publication discusses development trends in North Carolina. It is a collection of reprinted articles that explain threats posed to the state’s environment and economy from uncontrolled growth.
This newsletter provides news and event listings related to rail-trails.

**WEBSITES**

**Beyond Sprawl**
Bank of America

**Center for Excellence on Sustainable Development**
www.sustainable.doe.gov/index.html
Department of Energy, United States of America

**Council on Sustainable Development**
www.whitehouse.gov/PCSD/Overview/index.html
President, United States of America

**Federal Issues**
www.tpl.org/tech/fedaff/index.html
This website is produced by the Trust for Public Land (TPL) and contains information about federal funding for land conservation and pending legislation that may affect the ability of communities to create parks and protect open space. It also contains testimony by TPL before Congress and links to federal land protection resources.

**Growing Greener**
www.natlands.org/Planning/growgreen.html
www.natlands.org/pdffiles/growinggreener.pdf
Natural Lands Trust
(Note - the pdf document is included in Appendix L)

**Growing Greener**
www.dep.state.pa.us/growgreen/
Pennsylvania Department of Environmental Protection

**Local Parks, Local Financing**
www.tpl.org/tpl/tech/parkfinance/
The Trust for Public Land
(Note - this document is included in Appendix M)

**New Jersey Governor’s Inaugural Speech**
www.state.nj.us/inaug/inspeech4.html
The Office of the Governor, State of New Jersey
(Note - this document is included in Appendix J)

**State Funding Profiles**
www.tpl.org/tpl/tech/resources/
The Trust for Public Land
The Public Finance Program of the Trust for Public Land gathers information on state funding for parks and open space conservation. This website summarizes that information. New states will be added as the information is developed.

**State Incentives Database**
www.ncsl.org/programs/esnr/growthdata.htm
National Conference of State Legislatures
(Note - this information is included in Appendix E)
The National Conference of State Legislatures (NCSL) and the Trust for Public Land (TPL) have developed a database of state legislation designed to provide incentives to manage growth and preserve open space. This website gives information on existing state laws on smart growth, conservation easements and tax credits, among other topics. It also covers new bills considered during the most recent legislative sessions.

**Sprawl Resource Guide**
www.plannersweb.com/sprawl.html
Planner’s Web

**Sprawl Watch Clearinghouse**
www.sprawlwatch.org
Sprawl Watch

**Voters Invest in Parks and Open Space - 1998 Referenda Results**
www.lta.org/refernda.html
The Land Trust Alliance
(Note - this document is included in Appendix F)
Voters overwhelmingly approved ballot measures to protect open space in November 1998. This website lists the results of 148 ballot questions on open space funding. 124 (84 percent) were approved by the public.
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Trust for Public Land