

“What is Private Lands Conservation and what are its Benefits?”

Remarks of Jean Hocker, President, Land Trust Alliance

Private Lands, Public Benefits: A Policy Summit on Working Lands Conservation

National Governors Association

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Good morning. It is a great pleasure to join you today and to help set the stage for this landmark policy forum. I want to thank Governor Vilsack, Governor Glendening, and the National Governors Association for your leadership in organizing this event and for the opportunity to share some thoughts with you this morning.

I want to start by passing on some advice from architect Frank Lloyd Wright about where people ought to build their houses:

“When selecting a site for your house,” he wrote in 1954, “there is always the question of how close to the city you should be... The best thing to do is to go as far out as you can get. Avoid the suburb... Go way out into the country -- what you regard as “too far” -- and when others follow, as they will... move on. ...My suggestion would be to go just as far as you can go -- and go soon and go fast...You will soon find you never can go quite far enough.”

I doubt Mr. Wright had any idea how well we would follow that advice – or that the results would end up consuming millions of acres of working farms, ranches, and wood lands by the start of the 21st Century. In fact, had we not followed Wright’s advice so well, we probably would not even be gathered here today.

You have asked me to talk this morning about the substance and benefits of private land conservation. I will also maintain that the time has never been better to mount a visionary

effort to protect and sustain the multiple public benefits we so bountifully receive from our privately-owned working lands.

For over a decade, I have had the privilege of leading the Land Trust Alliance, the national organization formed nearly twenty years ago to ensure long-lasting protection of open lands through a flourishing network of nonprofit land conservation organizations known as land trusts. Today the Land Trust Alliance is the center of professional leadership, support, and advocacy for that land trust network, which now includes over 1,200 organizations, most of them locally-based and all of them working with landowners to make long-term private land conservation a reality. Based in Washington, DC and five field locations, LTA makes sure that the leaders and practitioners of these grassroots organizations have access to the best information, the best learning opportunities, the best coaching and guidance, and the most supportive public policies possible. As the national association for land trusts, all of our work is designed to increase their ability to conserve open land and to do it in a way that will last. It is a wonderful vantage point from which to see the enormous and growing enthusiasm people have to maintain privately-owned working lands all across the country.

Together, local and regionally based land trusts are supported by about a million people and have helped to protect nearly 5 million acres of land, much of that on farms, ranches and productive wood lands in both suburban and rural areas. Among land trusts' most widely-used tools is the conservation easement, a voluntary, negotiated, legally-binding set of restrictions – sometimes purchased, sometimes donated – in which a property owner restricts future uses of his or her land and a land trust or public agency agrees to ensure that the restrictions will be upheld. The land itself stays in private ownership and use. Although many easements are purchased, Congress and a growing number of states have enacted tax laws that encourage charitable donations of conservation easements, including federal income and estate tax deductions and state income tax credits. The conservation easement can be an excellent way to encourage continuation of private ownership and productive land uses, while ensuring that land won't be converted to incompatible uses.

In fact land trusts have become so well recognized as a way to help landowners keep land in productive use that among land trust organizations formed in the last few years are the Colorado Cattlemen's Agricultural Land Trust, formed through the Colorado Cattlemen's

Association; the California Rangeland Trust, organized by the California Cattlemen's Association; and a brand new land trust formed by the Wyoming Stock growers. They join many other older land trusts whose focus is working farms, ranches and woodlands, such as the Lancaster Farmland Trust in Pennsylvania, the Marin Agricultural Land Trust in California, the Vermont Land Trust, the Montana Land Reliance, the Pacific Forest Trust, and many, many others. For example, the 20-year-old Marin Agricultural Land Trust has used conservation easements to permanently protect over 25,000 acres or about 20 % of the privately-owned farmland in Marin County.

I know that many of you in public agencies have partnered successfully with land trusts in protecting private lands. And many state and local agencies are now establishing easement programs of their own. As public agencies set up easement programs, I hope you will continue to tap the experience of land trusts and the Land Trust Alliance, not only in the drafting and negotiating of these agreements, but also in the equally critical long term stewardship of these agreements -- because easements are valuable conservation tools only if we make sure they hold up over time.

The growing success of land trusts and easement programs are vivid evidence of the widespread concern about open space loss. Equally compelling is the evidence that people are willing to invest their tax dollars in saving this land. Our research found that last year alone, voters in local and state elections approved 174 referenda to fund land protection programs, committing \$7.5 billion of state and local tax dollars for open space protection. Over the past three years, voters have committed more than \$17.5 billion of local and state funding for land protection through such referenda. Some of that money is going to purchase lands for parks. But a growing part is being used to buy conservation easements from willing farmers, ranchers, and timber owners – restricting development and subdivision but leaving land in private ownership and productive use.

Why are so many people willing to give their time and their money to protecting our productive lands? What do they see in these lands that compels them to take action? I've thought about that a lot, ever since a long-time rancher in Wyoming said to me many years ago: "I know why I want to protect my land. What I want to know is, why do you want to protect my land?"

Even those who aren't trying to make a living from the land now see that they and their communities receive a great deal of benefit from private productive open lands. These lands can provide key habitat for wildlife, including wetlands for migratory waterfowl and other birds or maybe calving areas for elk or other game animals. They can offer tranquil or sometimes spectacular scenery, and give nearby communities a sense of history and place. They may prevent damaging flooding, help keep water and air clean, prevent soil erosion, and provide access to places to hunt and fish. Working lands can be key ingredients in larger ecosystems, buffering or providing connections with pristine parkland. Or they may give a defined edge to development that would otherwise trickle and sprawl across the land. We can all name other benefits of keeping these lands in productive use, some scientific and objective, others very subjective but no less real -- and all in addition to the basic commodities these lands produce. Moreover, as conversion to other uses accelerates, people understand what a loss they are experiencing; they are ready to seek new solutions to keep these lands from being paved and subdivided.

There is something in us, as human beings, that compels us to know we can have a connection to open places.

Now that more people see what is being lost, and want to take action, what can we do? What does private land conservation mean in the 21st century? And how can we get it done?

Like so many worthwhile endeavors, this does not have a formulaic solution. Answers depend a great deal on the particular market forces at work, the economic productivity of the land, and the desires and situations of individual landowners. The set of policies that will help sustain working lands in Vermont are likely to be somewhat different from those that will help in Iowa, and different again from solutions for Utah or California.

However, there are some principles that I believe are cross cutting. Solutions will be

- both public and private
- incentive based, as well as regulatory where necessary
- both temporary to encourage best conservation practices, and permanent in order to provide certainty

- directed both at the economics of agriculture and long-term protection of the land base.

It will take a clearly stated and integrated combination of federal, state, local and private efforts. We have to make it a priority. We have to overcome some some biases about the incompatibility of agriculture and conservation and make some reasonable compromises. We have to spend money to provide some assistance and compensation to landowners. And we have to act now.

It seems to me that state and local governments and the nonprofit sector are already shouldering a substantial part of addressing this problem, as of course are the landowners themselves. Right to farm laws and preferential tax assessments, agricultural zoning, purchase of development rights and transfer of development rights programs, property tax relief for protected lands and tax credits for easement donations – these are all state and local efforts and expenditures to help farmers and ranchers to keep their land in productive uses rather than converting it to subdivisions and shopping centers. I encourage all states and localities to learn from one another about what programs work, what improvements can be made, and what expenditures provide the greatest return on investment. In addition, substantial private philanthropic dollars, leveraged by nonprofits like land trusts, are going into land conservation, and we must continue to encourage that in every way possible.

But conservation of private working lands is takes comprehensive coordinated effort, including a stronger federal commitment. We need federal resources to match and stimulate these state, local, and private resources.

The time has come to demonstrate that productive open private lands are important to the nation and to the environment– that they are part of our heritage and way of life – that they provide significant benefits that we can ill afford to lose. We need to send a loud and clear message that farm and ranch lands are not disposable resources to be thrown aside whenever a more lucrative offer comes along. We need to demonstrate as a nation that working lands are valuable environmental and cultural assets, and sustaining them is worth our investment.

We need to give the owners of these lands reasonable choices other than selling for development or agri-business.

At the federal level, we can start with new or increased funding for programs like:

- the Farmland Protection Program – This USDA program, authorized in the last farm bill at \$35 million, provides matching grants to state and local governments to purchase conservation easements on farmland. More than \$200 million in projects were submitted, and the demand has at least doubled since then.
- A Grassland Reserve Program – A number of groups, including the National Cattlemen’s Beef Association, have been proposing a similar program, targeted at grasslands. Grasslands may be even more defenseless against development than croplands – without our support.
- The Forest Legacy Program – This Forest Service program makes grants to state governments to purchase conservation easements on forestlands. It got \$60 million last year – and the states had to fight over all of it, because they had a list of \$200 million in projects. This year, as many as 10 new states will join the 23 already in the program.
- The Wetlands Reserve Program – This program of the Natural Resources Conservation Agency provides funding to restore and protect wetlands on farmland. It provides funding for conservation easement purchase, as well as cost sharing for restoration, and is another program where the demand has greatly exceeding available funding.

We can also invest in federal cost share programs that support the link between agricultural land and environmental values – programs like WHIP (Wildlife Habitat Incentives Program) and EQIP (Environmental Quality Incentives Program).

We can add federal tax incentives that make it economically attractive to sell conservation easements – like the currently proposed capital gains tax reduction on sales of land or easements for conservation – and that provide increased tax benefits to farmers and ranchers who donate land or easements for conservation.

We need to look across all federal agencies at all initiatives aimed at private lands conservation and be sure that they are compatible with each other, that they are carried out in ways that address real, on-the-ground needs, and that they complement and support state, local, and private efforts.

Working together, we can harness the emotional attachment of the American public to their landscape, and make the connection between that working private landscape, the water they drink, the wildlife they enjoy, and the sense of place they treasure. If we do that, I firmly believe the American people will support public investments that recognize and reward landowners for improving soil and water conservation, promoting riparian buffers, providing wildlife habitat, and safeguarding the environment we all share.

I want to close with another piece of advice from a few decades ago -- except this advice I urgently wish we had heeded then, and I fervently hope we will follow now. It comes from William H. Whyte, best known perhaps as the author of *The Organization Man*, who in 1968 turned his attention to land issues in a visionary tome called *The Last Landscape*.

“Over these past years a great tide of public support for open space and natural beauty has been building up, and now it is at a flood. How much longer can we count on it? If ever there was a time to press for precipitate, hasty premature action, this is it.

Our options are expiring....The land that is still to be saved will have to be saved in the next few years. We have no luxury of choice. We must make our commitments now and look to this landscape as the last one. For us, it will be.”