

SAVING THE LAND



BRUCE LEPAGE

How governments, communities and individuals are joining forces to preserve rural America

by Aurelia C. Scott

In the early morning, before neighboring pickup trucks rumble their owners awake, a soft *tha-wump, tha-wump* sounds across the fields north of Taos, New Mexico. The cattle are moving, brushing and bumping against each other in their trek from one pasture to another. In October 1995, retired veterinarian and rancher Walton Hawk helped preserve this rural wake-up call by placing 550 acres of pasture, woodland and wildlife habitat in a conservation easement with the Taos Land Trust.

An easement is a legal agreement between the landowner and the trust that restricts development of privately owned property. In donating his development rights to the Taos Land Trust, Hawk retained ownership of his land, as well as the right to sell it or pass it on to his children. He also ensured that the wandering cattle, migrating birds that pause on the pastures' glassy ponds and, yes, even preying coyotes, will never be replaced by half-acre housing plots.

Land trusts such as the one in Taos work directly with landowners to protect property from development. They are private, nonprofit organizations funded primarily through private donations and foundation grants. Some land trusts accept gift donations of property; others buy and manage nature preserves and historic sites. Most commonly, though, land trusts own no land; instead, they help landowners establish restrictions that limit development of their property.

America's first land trust, Trustees of Reservations, was founded in Massachusetts in 1891. Other early trusts include the Block Island Land Trust (1896), California's *Sempervirens* Fund (1900) and the Society for Protection of New Hampshire Forests (1901). Clearly an old idea, land trusts have gained new life. Since 1985, land trusts have proliferated to such a degree that they are the fastest growing conservation movement in the United States. Trusts are now forming at an average rate of one per week, and one-third of the acreage they protect has been placed under easement since 1990. Why so fast and furious a pace? Because, say land trust organizers, rural America is

Aurelia Scott reported on the growing popularity of midwives in our January/February 1995 issue.



A piece of Lake Michigan's shoreline, owned by The Little Traverse Conservancy, as seen from an aerial view (center). A flowering dogwood (left) and browsing deer (right) are protected by the Aspetuck Land Trust in Connecticut.

HOW TO START A LAND TRUST

Land trusts are effective vehicles for protecting land from development or other undesirable use. While there is no one right way to start a land trust, the following are good first steps:

Define the issue. Many land trusts are formed when an area experiences uncontrolled growth. What is the issue of concern in your community? If you want to protect a large area of habitat or a way of life (e.g., farming), starting a land trust may be the right choice.

Get committed people involved. Starting a land trust requires the time and energy of individuals who will work hard and motivate the community.

Call and visit other land trusts. Learn all you can about why they were formed and what their successes and problems have been. Typical problems for young land trusts include overworked, underfunded governing boards; local misconceptions about land trusts (e.g., land trusts force you to give away your land or land trusts force you to allow strangers on your land); and the fear of developers and real estate agents that a land trust will "tie up all the land" in conservation easements.

Involve the community. Hold a public meeting, invite questions. You may encounter opposition, but remember that the purpose of the meetings is to inform the community and find others who support the idea, not necessarily to reach a consensus.

Form a steering committee. The committee can perform initial organizing tasks, such as recruiting board members, researching legal documents and exploring land protection strategies and funding sources.

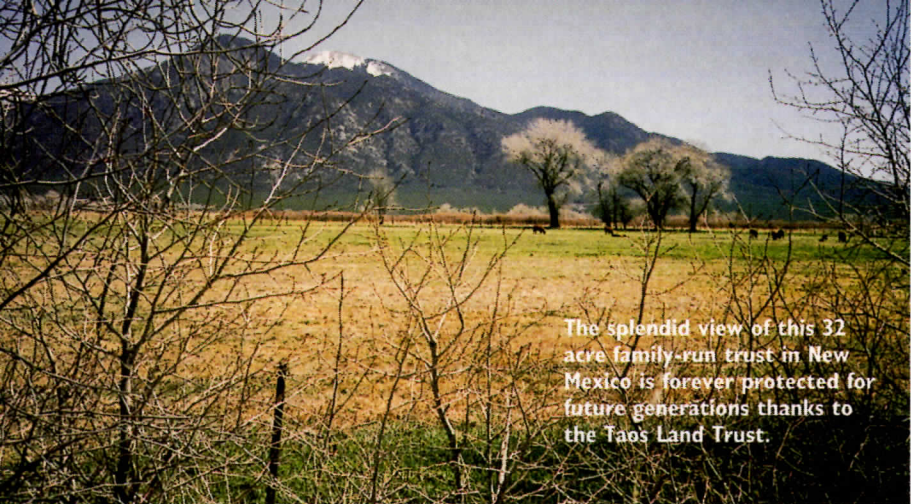
—(Adapted from *Starting a Land Trust*, published by The Land Trust Alliance.)

The Land Trust Alliance, a national organization of trusts that provides information and training for land conservation organizations, has a packet of information available for those interested in starting land trusts. Contact: The Land Trust Alliance, 1319 F Street, N.W., Suite 501, Washington, DC 20004-1106, (202) 638-4725.



BRUCE LEPAGE

ROB CARR



The splendid view of this 32 acre family-run trust in New Mexico is forever protected for future generations thanks to the Taos Land Trust.

CLARE SWANGER

AT-A-GLANCE

Land trusts are also called conservancies, foundations, reservations and associations. They are private, nonprofit organizations that protect land that has natural, recreational, scenic, historic or agricultural value as determined by the community they serve and by federal, state or local conservation policy.

The most recent (1994) survey by The Land Trust Alliance indicated that 1,095 land trusts protect just more than 4 million acres. The survey also showed that land trusts exist in all states except South Dakota and Oklahoma.

PACE programs are public programs established by local and state governments to protect quality agricultural land from development by buying agricultural conservation easements from farmers who wish to sell their development rights.

The American Farmland Trust is a private, nonprofit, membership organization founded in 1980 to protect the nation's farmland. AFT works with local communities, states and individuals to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment. The AFT has information on PACE and other farmland protection programs. Its address is: American Farmland Trust, 1920 N Street, N.W., Suite 400, Washington, DC 20036, (202) 659-5170.

fast and furiously disappearing. Wilderness habitats, scenic vistas, farmland and "quaint" small towns are being inadvertently roofed over by the very people who are moving in to appreciate them.

By covering the fields with office parks, development is changing the look of rural America. It's also changing a way of life. Quite often, as the countryside is developed into suburbs, land-rich, cash-poor locals find they cannot afford to grow apples or raise dairy cows anymore.

Enter America's land trusts, which, said Clare Swanger, executive director of the Taos Land Trust, "are a powerful tool to help people determine the future of their own communities." The community in which she lives and the land trust for which she works are a case in point. Taos County, New Mexico, is rural, poor and famously beautiful. Recently, it has been "discovered" by retirees, people wanting second homes, and by urban

refugees seeking a more relaxed way of life. Discovery has been a mixed blessing. The influx of people who can afford higher prices has contributed to a doubling, in some neighborhoods a tripling, of property values in 10 years, allowing those who wish to sell their land to do very well financially. Higher property values and an increased tax base also mean that the town now has enough money to help build a new hospital and to support new businesses. However, there are drawbacks. Expensive houses are climbing the slopes where sheep once grazed and condos are replacing the sagebrush mesas that at one time seemed to stretch into infinity. While these skyrocketing property values serve those who want to sell their land, they hurt those who cannot afford the concurrent doubling of property taxes. High property values also hurt farmers who want to pass their land on to their children; those children are often

forced to sell their parents' gift in order to pay inheritance taxes, which are based on the property's market value.

Since 1988, the Taos Land Trust has used the tool of conservation easements to keep Taos's beauty and its traditional way of life from vanishing in a welter of new construction. Conservation easements help families retain ownership of rural land by reducing their tax burden in three possible ways. First, the gift of development rights to the trust is a charitable, federally tax-deductible, donation; second, local property taxes are lower on non-developable land; and third, inheritance taxes are less on land that has a decreased market value because its development rights have been relinquished. To date, the land trust has protected 1,015 acres and, by its example and advice, influenced the preservation of another 18,000.

Keeping land safe from development sounds like the uncompromising cry of 1960s conservationists. Yet Tom Bailey, executive director of Michigan's Little Traverse Conservancy, said that "land trusts are not anti-change."

"We're not telling people not to build. Instead, we're saying that for every house built and for every new condo development, we should preserve a scenic view or a working farm. It's a principle of balance." Since 1977, when the Little Traverse Conservancy was founded in order to protect part of the Lake Michigan shoreline that Bailey calls the "Cape Cod of the Midwest," he has spent a lot of time making the "principle of balance" acceptable to developers.

"We can have better conservation and better development. The fact is that people will pay more for condos that have a common open space, for apartments in a greenbelt and for houses with scenic views. That means that land trusts can provide tangible rewards like a larger return on the builder's investment and intangible rewards like scenery and open space. It's a win-win situation."

This message seems to be having an effect. Now, said Bailey, developers who have recognized the economic value of green areas "call us first, *before* they build," in order to plan for protected open space in their developments.

Saving Farmland

Farmland defines rural America just as much as open space. Unfortunately, farmland is being lost to development just as

fast as the rolling hills and open fields. Current estimates are that more than 1 million acres of productive farmland disappear each year into shopping malls and housing tracts. Conservation easements issued by land trusts can protect farms from development in the same way they protect wildlife habitats and scenic views, yet despite the tax advantages of conservation easements, most farmers cannot afford to give away what could amount to hundreds of thousands of dollars of property value.

Since 1977, PACE (an acronym for "purchase of agricultural conservation easements") programs run by local governments and state agencies have worked to stop the loss of productive farmland by *paying* farmers the value of the property's development rights. By purchasing agricultural conservation easements from farmers, PACE programs protect productive land from non-agricultural use, while also ensuring that farmers can afford to continue farming. A 1995 survey of PACE programs by the American Farmland Trust (AFT), a private, non-profit organization that protects farmland, shows that, to date, \$664 million has been spent by more than 70 programs in 18 states to preserve more than 400,000 acres of productive agricultural land.

Instead of the donations and grants that often support private land trusts, most PACE programs are funded through bond financing and property transfer taxes. Maryland's PACE program, for example, is supported by a 5 percent transfer tax levied whenever farmland is sold for development, meaning that the development of some farms pays for the protection of others.

Despite the amount of funding that states and local governments have committed to PACE programs, it is not enough to stem the tide of farmland loss. AFT's recent survey indicates that for every farmer able to join a PACE program, another six owners of quality farms must wait to sell their agricultural conservation easements or, if pressed for funds, must choose to sell their land for development. PACE programs simply do not have enough cash to buy all the agricultural conservation easements available and most farmers cannot afford to donate their easements.

Last March, Congress passed a new farm bill that should significantly ease the situation by providing federal match-

ing funds to state and local PACE programs. Although the bill's regulations are still being finalized, its farmland protection provision should provide \$35 million in matching funds over three years to current PACE programs. It is also expected to encourage the establishment of new PACE programs, create an environmental quality incentives program for crops and livestock that offers farmers financial aid to make environmentally safe choices such as using diverse cropping patterns, and establish a Natural Resources Conservation Foundation to educate the public about the preservation of resources in farming areas.

Despite the millions of acres preserved by land trusts and the hundreds of thousands protected for agricultural use by PACE programs, private and public land trusts still cope with misconceptions about what they do. Darby Bradley, president of the Vermont Land Trust, said that even 18 years after the trust's found-

ing, some people still fear that giving a conservation easement means giving away your land.

"Farmers worry," he said. "They wonder, 'Will the land trust run my farm? Will I be able to sell it? Can I still get a bank loan?'"

The trust's staff patiently answers those questions (no, yes, yes) and any others, for staff members understand that in the country, land is important. People are connected to their land, said Bradley. "They care about what happens to it after they're gone. ... These are major decisions that involve finances and emotions. They aren't decisions that people make quickly."

Bradley is willing to wait. Just last week the owner of a beautiful piece of property called to say that he wanted to put the land into a conservation easement.

"Of course," mused Bradley, "I first started talking with him about it 16 years ago." ❧

ONE FARM AT A TIME

John and Cheryl Zimmerman's 76-acre dairy farm in Lancaster County, Pennsylvania, has been in Cheryl's family since 1870. It's a nice farm, so nice that it has been designated a "Dairy of Distinction" by the Northeast Dairy Farm Beautification Program.

The Zimmermans have Holsteins. "We raise our own stock," says John Zimmerman. "Right now, we have 65 cows and about 60 young ones. That's about average for a farm around here." He pauses before he explains, "A lot of farmland in other areas has been sold for development. We talked about it as a family and decided that this farm was worth saving for farming."

The Lancaster County Agricultural Preserve Board, which runs a PACE program, wanted to purchase the Zimmerman's development rights, but lacked the funds, so John and Cheryl remained on the preserve's waiting list for five years. Last year, still lacking the money it needed, the preserve contacted the American Farmland Trust. "We're real admirers of everything they've done in Lancaster County and wished to help," explained Dennis Bidwell, AFT's director of land protection. Using a grant from the William Penn Foundation and other funds, the American Farmland Trust bought the easement for an undisclosed price from the Zimmermans and then sold it at a reduced price to the preserve.

The money from selling the easement instead of donating it enabled the Zimmermans to keep their farm intact. They've bought new equipment, paid off some debt and, in addition, says

John, "I've put in an updated milking system." Perhaps this "average" farm will grow into something much larger.

