



Making *the Most* of Our Money:

Recommendations for State Conservation Programs

by Sandra Tassel, Look at the Land Inc.
for The Nature Conservancy and The Trust for Public Land





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Executive Summary



California: endangered snowy plover, and other rare species, rely on protected lands.

Voters and legislators
in 10 states
approved \$11.43 billion
in new state-funded
conservation measures
between 2004 and 2012.

Oakland, California's Lake Merritt became the country's first state wildlife refuge, established in 1870. Actually a tidal estuary, it is now surrounded by dense urban development but remains an important respite for migratory birds, home to an abundance of creatures that rely on the tidal flows and an oasis for area residents.¹

On the other side of the country, New York claims the first state park. New Yorkers, led by famed architect Frederick Law Olmstead, successfully lobbied for protection of Niagara Falls and the surrounding area. The Niagara Reserve was created in 1885 by Governor Grover Cleveland, together with funding for acquiring Goat Island and Bath Island, both of which had been developed with factories and tourist facilities.² The Reserve, now Niagara Falls State Park, accomplished Olmstead's vision of making the magnificent natural feature and its "soothing power" available to the public.

It has been nearly a century and a half since California and New York demonstrated the importance of state leadership in protecting and restoring land and water resources for fish and wildlife habitat, economic development and the health and enjoyment of their citizens. During this time, all 50 states and U.S. territories have established both state park departments and wildlife management agencies. According to the North American Bird Conservation Initiative, 189 million acres are managed by state agencies for a variety of public purposes.³ These lands offer more than peace and quiet. Wildlife management areas provide hunting and fishing opportunities, while also serving as "the last line of defense in efforts to conserve species under the federal endangered species act," according to Jeff Vonk, President of the Association of Fish and Wildlife Agencies.⁴ State recreation areas and parks contain a spectrum of services and facilities ranging from primitive trails, to elaborate marinas and ski slopes, millions of campsites and thousands of cabins and lodges. This network of public properties serves people from all walks of life and interests.

This report highlights some state programs that are leading the continued evolution of natural resource conservation and the mission of providing opportunities for Americans (and visitors) to get outdoors. The programs profiled are catalysts of conservation, leading local governments and a network of other partners to protect our lands and waters, and make them accessible. These leading programs are doing

much more than buying properties to create or expand state parks or wildlife management areas. In fact, some are only minimally engaged in adding to the common wealth of state-owned lands. State programs are funding conservation projects initiated by other government entities, and even nonprofits.

It is clear there is a trend toward state programs participating in or even incentivizing a broad range of conservation efforts. Instead of relying solely on land acquisitions some state programs encourage or incentivize local land use planning or commitments to permanently protecting existing parks and open lands that might otherwise be disposed of in the future by financially strapped communities. Others have acted as conveners, bringing together nonprofit and government partners to develop landscape-level plans to ensure that limited public funds are used to protect their state's highest priority resources. As part of the trend, state programs are often addressing public goals that probably would have been unimaginable 100 years ago, including park and recreation facility development, historic preservation or affordable housing.

Sadly, at the same time that leading state conservation programs are producing a wider range of public benefits and inventing new resource protection methods, others have been gutted, discontinued, or hindered by political deadlock or severe funding cuts since the economic downturn beginning in 2007. Nevertheless, public support for state conservation programs remains quite strong, despite the rough economic climate. Voters and legislators in 10 states have approved \$11.43 billion in new state-funded conservation measures between 2004 and 2012, according to LandVote (www.landvote.org), the Trust for Public Land's online database on voter-supported funding for land conservation. These measures direct public monies to state agencies and grant programs they administer to support natural resource conservation, outdoor recreation and preservation of working lands.

Partnerships in Maine and other states protect rivers, lakes and wetlands for their recreational and water quality values.





Hunting is an American tradition – and big business in some states – that requires wildlife habitat that is open to the public. State programs such as the one in Minnesota protect that heritage.

The International Association of Fish and Wildlife Agencies found hunting was an important economic driver:

- \$25 billion in retail sales
- \$17 billion in salaries and wages
- Employs 575,000 Americans

ECONOMIC IMPORTANCE OF HUNTING IN AMERICA (2002)

In Alabama, one of the states hardest hit by the recession, 75 percent of voters opted to renew funding for the state's Forever Wild program to purchase natural lands for public access and recreation in 2012. Voters in Minnesota, Maine, New Jersey and Rhode Island also voted in favor of conservation funding, mid-recession.

No two state conservation programs are exactly alike. They reflect their states' political climate, landscape, culture, funding realities and public priorities. Program founders adapt and combine elements of other programs, then add their own modifications in hopes of improving on older models or gaining political support. Some states' conservation programs have proven to be durable, effective and publicly valued institutions that now have decades of experience. Others exist relatively briefly.

There are inherent challenges for programs and their leaders working to accomplish long-term conservation goals while operating in a continually fluctuating political context. The experts interviewed for this report most commonly pointed to political and funding challenges as the greatest barriers to effective state conservation programs, although the dilemmas vary by state. Beyond the initial act of acquiring land or conservation easements, these experts most commonly cited concerns about the long-term stewardship and maintenance of conservation lands, parks and easements.

Solutions to the challenges facing state programs also revolve around themes of funding and politics. They focus on partnerships, a governance structure that buffers programs from the political winds of change, and communication and engagement with diverse stakeholders. Strong partnerships with stakeholders, local governments and nonprofits are helping states prioritize projects and leverage municipal, county and philanthropic dollars to amplify the conservation impact of state monies. At the same time, local and grassroots supporters have proven to be strong political advocates when state program funding is on the chopping block. Partners are also providing capacity and expertise to steward conservation lands in their region, helping to ensure that acquisition dollars are truly well spent.

The Need for a Guide to State Programs

The creation and re-invention of state conservation programs is an ongoing experiment in natural resource protection and public process. Each program's evolution potentially offers learning opportunities for others. Over the past 10 to 15 years, advocates have carefully studied what motivates voters to support conservation funding at the ballot box, so that there is a veritable cookbook of recipes for conservation finance success. Many of the lessons learned can be gleaned from *The Conservation Almanac* (www.conservationalmanac.org) and the *Conservation Finance Handbook* available at www.tpl.org. However, until now, there had not been a comprehensive investigation into what makes some of these publicly funded state programs more successful than others.

For many years, the leaders of the Conservation Finance Program of The Trust for Public Land (TPL) and Conservation Campaigns division of The Nature Conservancy (TNC) have examined the elements of various state programs in an attempt to understand how to maximize conservation outcomes and maintain public support. Until now, they did not, however, have the comprehensive information available that comes from a wide-scale analysis of successful state conservation programs.

Agency and nonprofit partners from the states in which TNC and TPL work wanted guidance on how to formulate new programs, or how to update and improve existing ones, to make the most of their states' limited funding. The challenging economic and political climate in nearly all states has added urgency to the quest for insights into the specific program elements most closely associated with success.

This report, and the research behind it, aims to fill the information void so that anyone with an interest in creating the best possible program, ensuring that money is spent on projects that best meet the public's expectations, and building an enduring legacy can take advantage of what has been learned in other states.

The Research Process

The Doris Duke Charitable Foundation funded this investigation as part of a series of grants made to TNC and TPL to support its national Conservation Finance Initiative. A small group of key conservation



Western states, including Colorado, help ranchers to maintain their properties for open space and wildlife habitat while preserving a tradition.

finance staff from both organizations was part of the design of the research, the structure and review of the report and its subsequent distribution. TPL and TNC advisors identified 22 programs to research. Each program was selected for its policies or procedures that either contributed to success and might serve as a model for other programs, or were problematic elements that should be avoided.

More than 50 individuals contributed to the research either by telephone interviews or by answering specific questions by email. Through the thoughtful, knowledgeable input from people with direct experience either working for or with one of the 22 state programs, a list of issues facing state programs and best practices for overcoming these obstacles and increasing program effectiveness emerged.

Timing Disclaimer

The contents of this report are based on the best available information at the time of research and drafting. Every effort was made to ensure that information was up-to-date as of May 2013, however data was gathered and interviews conducted between the fall of 2010 and the spring of 2013. The author believes the material to be instructive even if specific numbers, dates or professional titles have changed.

Primary Challenges for State Conservation Programs

One or more of the interviewees attributed a reduction in the effectiveness of state programs as a result of these challenges:

Program Funding

- Reliance on legislative appropriations, no dedicated source of revenue
- Dedicated source of revenue, at risk of legislative reprogramming
- Voter approved bonds require time and the expense of repeated campaigns
- Insufficient levels of funding to accomplish program objectives
- Funding is available only for capital expenditures, not operations or management

Politics

- Stakeholders compete for funding at the legislative level, rather than being a united front
- Coalition that worked to create the program or secure funding subsequently disbands
- Funding beneficiaries are not engaged in promoting or defending the program
- Economic importance of conservation is not demonstrated or understood
- Legislators feel entitled to make any changes they want to the program, or its funding, even when the funds are “dedicated” and approved by voters

Governance

- Lack of oversight of fund distribution
- Monies channeled directly to a state agency
- Direct oversight by legislature, unwieldy and politically challenging
- Highly partisan leadership appointed by the governor, and/or high-ranking legislators

Program Structure and Operations

- Operational policies and procedures are insufficiently adaptable
- Funding is available for acquisitions and capital projects but not for operations or stewardship
- Limitations on potential partners; funds available only for state agency initiatives
- Aversion to collaborative work with nonprofits and/or local governments
- Legal and other services provided by state employees outside of the agency or department where program is housed

Project Selection and Criteria

- Legislators can add or subtract projects from slate of those approved for funding
- Over-long or burdensome process from application to completion, superfluous approval steps
- Unclear prioritization or ranking methodology
- Inflexible criteria
- Subjective or unclear criteria, reducing transparency and objectivity
- Unpredictable funding availability for partner-led projects
- Absence of overarching strategy to which projects must contribute

Stewardship and Land Management

- Reliance on future general fund support for stewardship
- Assumption that state agencies have capacity to monitor easements
- Allowing local governments and nonprofits to complete projects without proof of stewardship funding
- Acquired land is not improved or open to the public for a long period



All New England states have programs that protect farmland for economic, scenic, and watershed conservation purposes.

Recommended Practices to Address Primary Challenges

The report discusses these issues and offers recommendations for how they can be avoided. In aggregate these recommendations create a checklist of the ideal characteristics of a state conservation program. No one program currently exhibits all of these elements, although several feature a high percentage. These are notably successful by all measures, including resilience in the face of the outside challenges experienced by other programs.

THE IDEAL PROGRAM'S CHARACTERISTICS

Funding

- Funding source established through a constitutional amendment
- Incentives for land use planning encourage non-compensatory forms of leverage
- Leverage/matching funds are incentivized and encouraged, but not always required

Politics

- Reports are provided annually to the legislature and the general public
- Communications and outreach efforts ensure that program expenditures are publicized
- Stakeholders maintain an active coalition to support the program and its funding

Governance

- Monies are directed to a protected fund, managed by trustees with fiduciary responsibility
- Expenditures are either decided by the board of trustees so they are not subject to legislative approval, or a process is in place that prevents legislative modifications to a slate of priority projects
- Trustees are appointed in a manner that ensures bipartisan representation and engagement of key stakeholders
- Trustees' terms are staggered so that changes in control of the legislature or governor's office do not disrupt the program's work
- Law provides specificity about the funding purpose and use but allows the trustees and staff to determine how the program will accomplish its purpose

Program Structure and Operations

- All people who implement the program are within the same department or division
- State agencies, local governments and nonprofits are eligible funding recipients
- Most of the funding is distributed through a competitive grant process
- If the program will accept applications from partner entities, the procedures and/or prioritization are formulated so that smaller, less-well-to-do communities and nonprofits can take advantage of funding opportunities
- Funding applications, if used, are accepted on a regular schedule so that grantees can plan ahead and work efficiently to bring forward a competitive slate of priority projects
- Technical assistance is available to encourage participation and develop projects

Project Selection and Criteria

- There is a statewide plan or stated objectives which provide a framework for project ranking and funding priority so that investments produce a coherent outcome
- Project selection criteria are objective and tied to the program purposes and statewide plan

Stewardship and Land Management

- Funding for stewardship is available to grantees and the state maintains a back-up endowment

Implementing These Recommendations

This report presents an exhaustive list, covering almost every aspect of program function. In reality, the structure of state conservation programs — and their funding sources — is the product of negotiations that take place among advocates, opponents, legislators, and a spectrum of stakeholders. The positions of all these parties set the context within which the actual elements of a new or changing program will be developed. If, however, the parties can agree on the goal of maximizing the outcomes for each dollar spent then perhaps more programs in the future will be given more of the tools to succeed.

This report is intended to inform efforts to initiate or refine state conservation programs, and to facilitate consensus among those working to shape effective programs to protect natural, recreational and historic resources for present and future generations.



People are integral to program success.

Best Practices for State Conservation Programs



Evaluators tend to look at the number of acres conserved as the primary metric.

Introduction and Background

The Doris Duke Charitable Foundation (DDCF) has been a major supporter of state conservation initiatives and, in particular, has focused on implementing and improving statewide natural resource protection efforts. DDCF has invested in innovative economic and feasibility research, policy forums, on-the-ground conservation, investments in agency capacity, and public opinion surveys. As part of its strategy, DDCF has been providing key funding for a collaboration between The Trust for Public Land (TPL) and The Nature Conservancy (TNC) to investigate conservation funding options and provide the findings to policy-makers and stakeholders to inform state and local resource efforts to fund habitat protection, parks and recreation, clean air and water, and a multitude of other public objectives. This report is one element of the DDCF-funded collaboration and is intended to address questions frequently asked by TPL and TNC's state-level partners.

Both TNC and TPL have extensive experience and skills in assisting local and state governments engaged in land conservation and conservation finance — the term generally applied to the spectrum of activities connected to asking voters or legislators to approve public funding for preserving natural resources. Over the course of eight years, the two organizations have helped design and pass 13 of the 15 successful state conservation finance measures, including extensions of existing funding. The experts at TNC and TPL believe these results affirm that, in this era of partisan brinksmanship and hard-line divisions between right- and left-wing factions, conservation finance continues to receive broad public and bipartisan support despite the recent severe economic downturn.

While conservationists can agree that more funding is better than less, there has not been consensus on how to judge the success of conservation finance measures after they are approved. By default, evaluators tend to look at the number of acres conserved as the primary metric. While this is an obvious, simple and important metric, it does not address a myriad of other considerations that predict whether the public and the planet receive a good return on investment. Leaders in the conservation finance field now perceive that true success depends as much on factors such as the quality of the protected resources, the caliber of long-term land management techniques, the percentage of the

money used for administration, the public's perception of the protected properties, and how well the programs financed have fulfilled the goals originally articulated. Arguably, success can also be measured — at least to some degree — by voters' and legislators' willingness to extend or expand a program's funding.

In 2010, TPL and TNC collaborative asked DDCF to fund an investigation into the elements of successful state conservation programs. Their goals were twofold: advising public and private partners considering new state conservation programs on how to design a successful program, and creating a tool for agencies, funders, partners, politicians and voters to evaluate a specific program's achievements in a more complete and meaningful way. This document is the result of that research.

DDCF provided funding for the research because of its interest in effective expenditures of public funds — not just the quantity of money approved by voters. Especially in these fiscally difficult times, it is imperative that every dollar be spent wisely on true public priorities. Conservation outcomes depend on maximizing the results of state programs' expenditures. Furthermore, voters are more likely to approve funding to sustain or increase current levels of conservation

and stewardship when they feel existing funding is well spent.

Conservation successes or shortcomings in one state can have repercussions in another. In this era of electronic communications, positive and negative outcomes are rapidly conveyed to both advocates and opponents of conservation funding across the nation. Accordingly, improving program practices and results in one state helps protect all states' programs, now and in the future. This investigation into success is an investment in the future of conservation finance measures. Through analysis of existing programs, this report provides case studies and specific advice on best practices for state conservation programs. With this information on how to structure new programs and revise existing ones, elected officials and voters in states considering a new or expanded revenue source can have confidence that their state can produce the best possible results with every conservation dollar.



Public access to rivers, lakes and shores is a high priority for most voters, and therefore state programs.



Successful state programs are producing a new generation of nature lovers.

The Research

This project sought to learn from and synthesize the experiences of successful existing programs. Although it would have been ideal to identify the perfect program to use as a model that all the others could copy, that was not possible. There are too many political, financial, mission and geographic differences among the 50 states for that to be realistic. Instead, we examined structures, procedures, policies and approaches that worked well and could inform new or evolving programs in other states. The most effective of those are detailed in the recommendations that follow.

Our Definition of a Successful Program

As a first step in the research, the project leaders from TPL and TNC (referred to in this document as the “team”) had to define success in order to determine which existing programs to study. The following characteristics, which are listed in a random order, were selected as defining success:

- **ACCOMPLISHMENTS** — Outcomes of the program’s investments are aligned with stated goals of the program, protecting the targeted resources or properties as promised.
- **LEVERAGE** — The public’s funds have been matched by monies from local, federal, private and other state sources to help the program accomplish as much as possible with each dollar spent.
- **LONGEVITY** — The public or the legislature has approved a funding extension for the program, offering assurance that the program is meeting its objectives and effectively communicating with constituents.
- **REPUTATION** — Programs recognized throughout the country for their conservation successes were looked at closely because they have earned high levels of credibility and respect from peers.
- **INNOVATION** — New approaches pioneered in one state can help others face today’s challenges and prepare for new ones.
- **SUSTAINABILITY AND STEWARDSHIP OF RESOURCES** — The initial protection of natural, scenic, cultural, recreational or historic resources is the comparatively easy part of conservation. Successful programs steward the conserved resources so that they continue to serve their original purposes. This is always difficult and is becoming more so during tight budgetary times.

Programs that display these characteristics were identified and selected for study on the basis of input from the team, and from TNC and TPL regional staff. At the outset of the research, all regional and state directors of these two organizations were asked to submit their suggestions for successful programs and for potential people to be interviewed. In addition, several other knowledgeable leaders in the conservation field provided input. The TNC/TPL team reviewed the full list of possible research targets and determined which ones best met the above criteria. A list of the programs studied and the people interviewed can be found in Exhibit A.

The programs selected and studied generally fall into one of two categories:

- **STATE ACQUISITION PROGRAMS** that protect land, water and other resources through a state agency such as a parks or fish and wildlife department; or
- **STATE GRANT-MAKING PROGRAMS** that provide funding to other government entities (including state parks and fish and wildlife agencies), and sometimes to nonprofits, corporations or individuals.

A few states have hybrids or both types of programs; others use a different model. Where applicable, the report highlights recommendations that are unique to one or the other.

Interviews and Questions

At least three interviews were conducted for each program studied in order to get a range of perspectives on the successes (or challenges) of the program. Ideally, interviewees included a member of the program staff, a representative or two of a nonprofit partner such as TNC, TPL and/or a land trust and a local government staff person if the state program being analyzed makes grants. The mission and structure of each program determined which partners were interviewed. The interviews were conducted and this report was written by Sandra Tassel, President of Look at the Land Inc., and author of *The Conservation Program Handbook*.⁵

The interviews aimed to uncover what is working — and what isn't — in the most successful state conservation programs in the country. The interviews explored the political and social environment surrounding a program and its operations, including details concerning policies

and procedures related to acquisition and stewardship. Interviewees were asked their opinions regarding the program's achievements and issues. They were offered the opportunity to describe the lessons that could be learned from the program and to offer recommendations based on their state's experiences.

In addition, the analysis of each program included a review of its enabling laws, program documents and communications materials. The author looked for recurring themes and repeated responses to the questions about “what works” or “what could be improved” in each of the programs studied. Participants were very interested in sharing their experiences, with the hope of increasing conservation and stewardship effectiveness and impact across the country. However, some requested anonymity, particularly if they were expressing opinions that could be perceived as critical of the program or agency in which they work.

Analysis

In order to develop meaningful, useful recommendations that transcend state boundaries and circumstances unique to one location or region, our analysis sought to identify commonalities among the successful programs studied. Practices central to the success of more than one program became core recommendations of this report. The recommendations are fairly broad prescriptions that can guide development of policies at new or evolving programs. Whenever possible, the report describes specific procedures — in addition to the broad policy recommendation — that interviewees felt contributed to the effectiveness of their programs.

The research also aimed to reveal new or innovative techniques that could address emerging issues. Where new challenges and opportunities were encountered by only one program, the most

promising of those approaches are included in the report because the author judged them to warrant attention from leaders in other states.

Peer Review

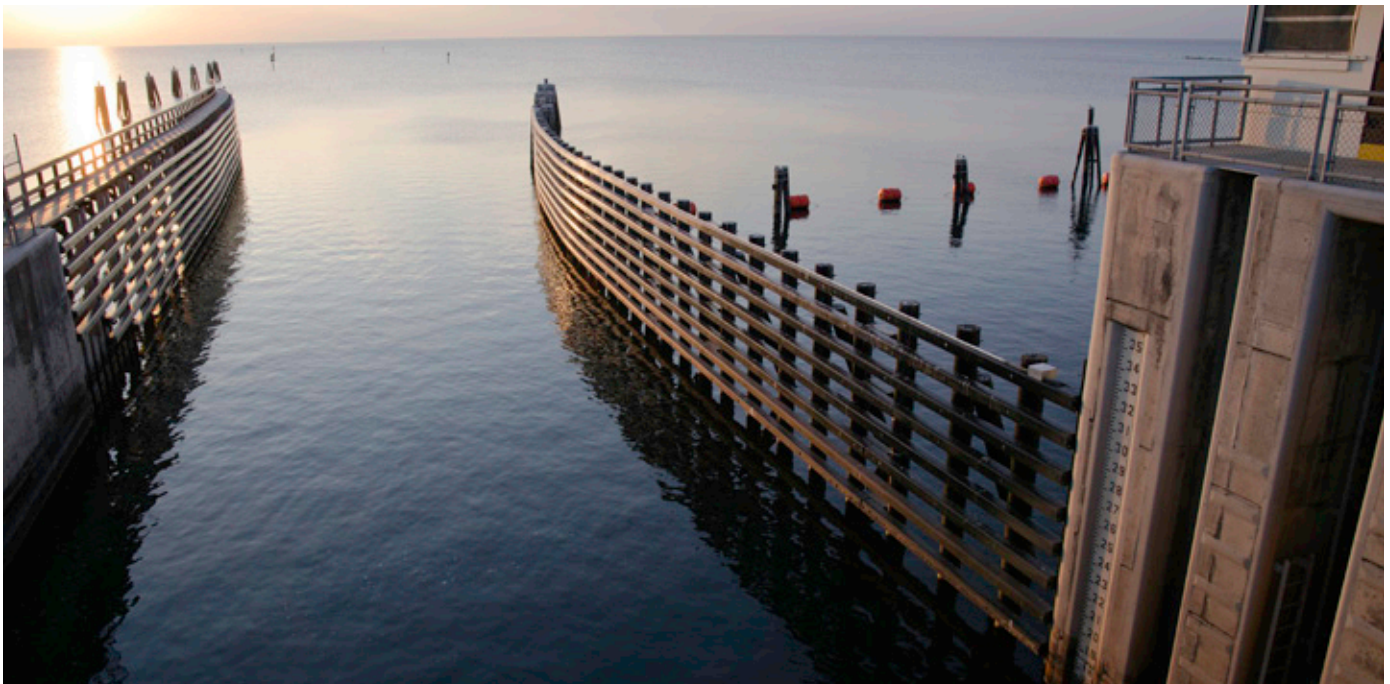
An impressive assemblage of conservation leaders from state programs around the country agreed to serve as members of an Advisory Committee for this research. (A list of the members and their affiliations can be found in Exhibit B.) The Committee was established to provide insight and feedback from peers of the people for whom this report was written. The TPL/TNC team recognized that while they may have a good deal of experience securing funding for state conservation programs, and have worked as partners to such programs, it was important to engage the hardworking and dedicated staff from state agencies in this project to ensure that the report and tools are relevant and useful.

The Advisory Committee assisted with the selection of the programs studied, and reviewed an outline of the initial findings from the interviews. Their advice was essential and insightful. The TPL/TNC team, DDCF and the report's author are deeply grateful to the members of the Committee for their time and willingness to share their knowledge.

In addition to the review and evaluation done by the Advisory Committee, this report was vetted by the TPL/TNC team, composed of seven senior experts in Conservation Finance and Government Affairs at those two organizations. Their names, titles and contact information can be found in the Exhibit C.

Case Studies

Programs profiled as case studies demonstrate a specific point or practice. Not every successful program was written up as a case study. Programs that receive more coverage are not necessarily better, but rather allowed the author to emphasize a topic or share insightful interview comments. We hope that these specific examples will make the recommendations come alive for the reader and make it easier for new and existing programs to integrate the lessons into their own work.



Funding for various types of infrastructure has improved citizens' enjoyment of their states' natural resources.

Primary Program Challenges and Recommended Practices

Identifying and understanding challenges is an essential step in developing solutions. Accordingly, the author asked interviewees, members of the Team and the Advisory Committee for their insights into the problems facing state conservation programs. Having this information made it possible to recognize practices that minimize or eliminate these common barriers to program success. The difficulties experienced by the researched programs were combined into six categories, each composed of related issues.

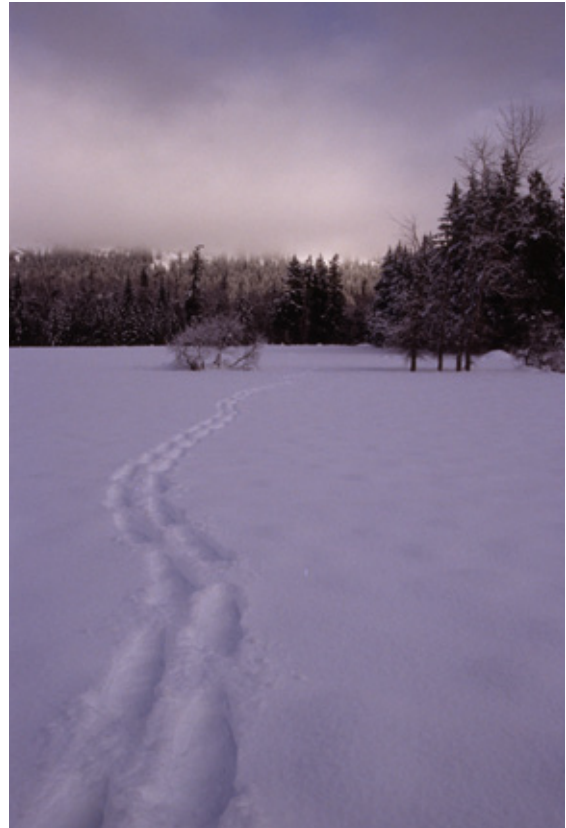
The primary identified challenges and barriers to success and their categories, and the related best practices to address these challenges are summarized in the Executive Summary.

This report is organized into sections that addresses these challenges by category and describes proven ways to address or mitigate them. To improve the usefulness and readability, each section begins with a summary list of the primary challenges and corresponding recommended practices.

It should be emphasized that these challenges and the recommended responses to them, defy neat and complete sorting. Politics and money are thematic threads that wind through all of the sections. One recommended practice may help resolve two or more problems, or one of the identified challenges may be best addressed by a couple of new practices. Recommendations and best practices may address challenges identified in more than one section.

The author gathered input and lessons-learned from selected successful programs representing all parts of the country, attempting to identify practices to address the barriers to success. Although only positive examples are provided in this report and case studies, many of the important lessons were learned as a result of problems or challenges reported by program staff and/or partners.

Challenges listed in the prior section together with the corresponding recommendations are arranged in the six categories used above. Neither the categories nor the individual practices are prioritized or ranked. Current political realities in your state, specific available sources of funding, the conservation purposes and tools of your



The practices recommended in this report provide new programs with a series of steps that will take them in the right direction.

program and the anticipated challenges will determine the relative priority of the recommended practices for your state. These recommended practices are being used in various combinations, and are producing successful conservation programs operating in very different cultural, financial, political and environmental landscapes around the country.

Program Funding

Challenges

- Reliance on legislative appropriations, without a dedicated source of revenue
- Dedicated source of revenue, but the source is at risk of legislative reprogramming
- Funding is generated by periodic voter-approved bonds which require an investment of time and expense for repeated campaigns, diverting resources from program purposes
- Insufficient levels of funding to accomplish all of the program’s objectives
- Funding is designated as being available only for capital expenditures, not operations or management

Recommendations

- Funding source is dedicated, preferably through a constitutional amendment
- Revenues are directed to a protected trust fund, managed by trustees with fiduciary responsibility
- Leverage/matching funds from partners are incentivized and encouraged (although not always required)
- Incentives for land use planning encourage non-compensatory forms of leverage to extend the impact of public funding
- A portion of funds are committed for program administration and future operation costs

Recommendations Related to Program Funding

1. Identify and Approve a Dedicated Source of Funding

The presence of a dedicated source of revenue to fund natural resource protection efforts is one of the best predictors of program success. Although several programs (see, for example, case studies on Maine, New Jersey and Washington on pages 18, 33 and 44) feature innovative approaches and exemplary results without dedicated funds, their overall effectiveness would likely be improved with a predictable source of revenue. Agencies that rely on annual appropriations or frequent statewide bond elections report having trouble making long-term plans or commitments to partners or landowners. Priority properties have been lost to development due to the uncertainty of funding and large-scale strategic initiatives are almost impossible if funding is unreliable. Without a dedicated source of funding, some interviewees reported that it was difficult for their programs to retain well-qualified employees. Programs that periodically run out of money may have to lay off knowledgeable employees, then hire and train new staff when funding is again available.

The best revenue sources are reasonably reliable, unlikely to experience large fluctuations due to shifting economic circumstances, and likely to be approved by voters and/or legislators. The programs cited in this report have tapped a variety of sources, as shown on the following chart.

PRIMARY STATE FUNDING OPTIONS FOR LAND CONSERVATION	
Sales Tax	NJ, MO, AR, MN
Deed Recording Fee	WA, NC, WI
General Appropriations	MA, CT, NH, WV
Real Estate Transfer Tax	NY, MD, FL, IL, DE, PA
State Lottery	OR, CO
Oil and Gas Severance Tax	MI, AL
General Obligation Bonds	ME, CA, NV, NY, OH, MA, CT, RI
Revenue Bonds	NJ, FL

Dedicated, long-term funding sources make the most efficient use of limited public and private dollars. Elections and ballot initiatives are costly for government (and, thus, taxpayers) as well as for the conservation advocates raising campaign dollars and organizing campaigns. Frequent appeals to the voters or legislators deplete the time and resources of parties on all sides of the measures. Accordingly, the first recommendation of this report is, not surprisingly, that states redouble their efforts to create reliable, dedicated revenues for their state conservation programs. Although funding proponents are always searching for new, politically palatable sources of funds, the tried and true sources, as shown in the chart above, remain the most common.

Voters remain willing to support conservation despite their concerns about the broader economy:

■ In 2008, Minnesota voters approved the Clean Water, Land and Legacy Amendment, the largest state funding measure ever. Minnesota's Legacy website (<http://www.legacy.leg.mn>) shows that the three-eighths of one percent statewide general sales and use tax produced close to \$217 million in appropriations in Fiscal Year 2012.

■ New Jersey voters, inspired by the 2009 Keep It Green campaign, used their votes to tell their legislators to issue a new round of bonds to continue that state's conservation activities and grants. As a result of this show of public support, Governor Chris Christie signed appropriations bills providing over \$200 million for open space and farmland preservation, using funds from the 2009 bond act despite his campaign platform that emphasized lowered spending, smaller budgets and reduced state government.

■ In 2010 and again in 2012, Maine voters approved additional bond funding for Land for Maine's Future, although at a level considerably less than in prior years. (See Case Study 1, page 18.) However, a highly conservative governor elected in 2010 was blocking the sale of the approved bonds at the time this report was written.

■ Rhode Island voters approved \$20 million in new state debt in 2012 to protect water quality in iconic Narragansett Bay.



Maine voters approved a new working waterfronts program together with additional funding.

■ In 2010 Alabamans renewed their Forever Wild constitutional amendment by a 3 to 1 margin. The amendment allots 10 percent of the interest and capital gains on a trust fund fed by oil and gas leases to the Forever Wild Program up to a \$15 million annual cap.

This trend of voter support is one of the most encouraging aspects of statewide conservation. Preserving natural resources and expanding public access appear to be nonpartisan topics, allowing for surprising successes at the ballot box. "Conservation may be the only topic of agreement in this time of extreme political polarization in all other aspects of government," says Matt Zieper, director of research at The Trust for Public Land.

Maine's Challenge of Continual Campaigning

Conservation advocates including hunters, fishermen, hikers, birdwatchers, shellfish processors and tourism promoters celebrated the 25th anniversary of Land for Maine's Future (LMF) in 2012. LMF is Maine's primary funding vehicle for conserving land for its natural and recreational value. Since its inception, LMF has invested \$130 million in land conservation, protecting farms, forests and shoreline across the state. In 2012, supporters successfully campaigned for a new \$5 million bond to replenish LMF's coffers. Voter approval of the measure was viewed as evidence of Mainer's appreciation of LMF's successes. (For more information on LMF, see page 78.)

Mike Tetrault, Executive Director of The Nature Conservancy in Maine, said that although bond supporters were pleased with the voters' positive reaction to continuing LMF funding, they were sobered by both the relatively small amount of money generated and by the large investment they had to make to pass the measure for the sixth time. Just two years earlier, in 2010, the Land for Maine's Future Coalition, composed of 275 organizations, successfully promoted a \$9.75 million bond measure. In 2007, the Coalition rallied Maine citizens to approve the sale of \$14 million in bonds to support conservation. The downward trend in the amount of funding approved each time reflects competing priorities at the statehouse and in households surveyed by pollsters. Polling in advance of the 2012 vote indicated that voters would be unlikely to approve more than \$5 million at that time.

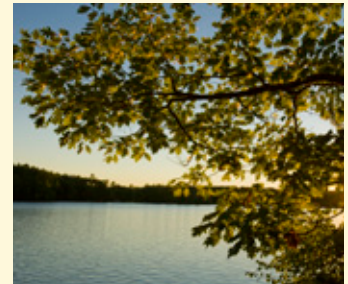
According to Wolfe Tone, director of the Maine office of The Trust for Public Land, LMF has been crucial to conservation in the state. "The state, land trusts, cities and towns have been able to protect Maine's iconic places because of the program," he says. However he also said that it "wastes time and money" to have to keep going back to the voters and "drives the Coalition crazy."

"Maine really needs a dedicated revenue source," concurs Tetrault. The fact that the money generated by previous bond sales has been used so quickly underscores the need for ongoing funding.

Statewide campaigns are inherently expensive, because they require supporters to organize and activate a current coalition, hire consultants, conduct polls, raise money for advertising, public outreach materials and lobbying, and administer and manage everything. Campaigns are especially costly in Maine where bond measures are approved by the state legislature before being considered by the voters, and then legislators also have to authorize the subsequent sale of bonds so there are really three campaigns to organize and manage. The repeated, time-consuming campaigns in Maine have the additional downside of distracting Coalition advocates from their essential conservation work while they are consumed by securing voter approval. As Tetrault says, "We could get a lot more done with the bond money if we could focus on our mission."

Another downside of the reliance on continual voter approval is that state agencies, transaction partners including Maine's 50 land trusts, and willing sellers of land and easements cannot rely on funds being available when their transactions are ready for completion. Interviewees, both in Maine and in other states that depend on repeated bond measures, said that a regular schedule of funding releases would better accommodate the vagaries of real estate transactions. Instead LMF periodically announces that it is accepting applications, after both voter approval and legislative authority to sell bonds are in hand.

At the time this report was written, Maine Governor Paul Le Page was refusing to authorize the sale of the bonds approved in November of 2012 even though the legislature's referred the bond measure to the voters by a two-thirds majority, the governor approved the bond measure, and voters approved it in a general election. The impasse has stalled the program, despite Mainer's vote at the ballot box to protect more of the resources on which their economy relies. This is not the best way to launch the next 25 years for LMF.



Constitutional Amendments — The Gold Standard

Despite the positive trend of voter approval of state-level conservation funding, too many states reported that their legislators repeatedly find loopholes or ignore their own statutes and divert funds from conservation activities. Programs with ongoing funding mandated by the state constitution, such as Missouri, Minnesota, Michigan, Alabama, Arkansas, Oregon, Nebraska and Colorado are in far better situations than their brethren. Constitutionally mandated funding does not, on its own, create a model state program however. Not even these programs are immune to financial struggles, particularly if lawmakers retain appropriations authority or are positioned to withdraw general fund support for program operations.

The states whose constitutions direct their dedicated revenues to a fund outside of their states' general fund have the best possible protection for their conservation programs. Program expenditures from this separate account, sometimes referred to as a trust fund, do not go through the appropriations process. Instead, distributions are controlled by governing bodies outside of the legislative process. (See the section on Governance, page 50, for specifics.) The ideal arrangement is a constitutionally mandated revenue source without a "sunset" provision that would extinguish either the funding or the program unless extended by the legislature or a statewide vote, such as the one successfully faced by Alabama's Forever Wild Program in 2012. (See case study page 20.) The creators of the programs in Missouri, Colorado, Nebraska, Michigan and Oregon had the foresight and political wherewithal to secure the trifecta of a dedicated source of funding, constitutional amendment and no sunset clause for their states.⁶

Trust Funds

In Colorado, the Great Outdoors Colorado Trust Fund receives a share of Colorado Lottery proceeds based on a formula established by a constitutional amendment approved in 1992. The trust fund provides the money to operate Great Outdoors Colorado (GOCO) and funds all GOCO's grant programs. Alabama and Nebraska also employ similarly secure financial arrangements with their funding set aside for program purposes. Nebraska's Environmental Trust is also lottery funded, while Arkansas' Forever Wild program is supported by oil and gas revenues. All three of these programs are governed by independent boards of trustees, rather than the legislature. It is essential that legislators and voters are confident that their conservation program has an account-

able and reliable structure, even though lawmakers do not control program revenues. The boards provide this assurance, as described in the section on Governance.

Missouri's Design for Conservation, which is funded by a permanent sales tax, has the benefit both of dedicated funding established by constitutional amendment and funding that is controlled by the four-member Conservation Commission. However, Design for Conservation is housed in the Department of Conservation, and the Commission has many other responsibilities so this structure may be less efficient than those in other trust fund states.

Legislators are unlikely to voluntarily place a pot of state funds outside of their control, so protected accounts are normally the product of constitutional amendments secured by citizen initiative. Dave Murphy, the Executive Director of the Conservation Federation of Missouri, observes that the beauty of their initiative process was that it resulted in a program "setup just the way we wanted," including a protected fund. The importance of this characteristic to programmatic success and sustainability cannot be overstated. However, the efficacy of a protected fund is still controlled by the integrity of the governing body.

When the Ideal Isn't Possible

Not every state will be able to secure a constitutional amendment to safeguard its source of revenue. And, statutorily dedicated funding is far preferable to annual appropriations from the general fund, especially when state budgets are under such extreme pressure. But even that may not be feasible in your state at the moment. Programs that rely on annual appropriations can work, as proven by the experiences of the Washington Wildlife and Recreation Program (WWRP). In the competitive

Alabama's Forever Wild Holds Strong in Weak Economy

CONSERVATION PROPONENTS from across the country closely watched the results of Alabama's elections in the fall of 2012. The successful Forever Wild program had to garner yes votes from a majority of Alabamans to renew a 1992 constitutional amendment that directs the Alabama State Trust to give Forever Wild 10 percent of the interest and capital gains from the trust fund, up to a cap of \$15 million annually. Royalties from oil and gas leases are the source of the fund's revenues. Alabama has never been a wealthy state and it has been particularly hard-hit by the recent economic downturn. Alabama voters' 75 percent approval of the extension was cause for elation. In fact, the extension garnered more votes than any other issue or candidate on the ballot, far more than the popular Romney and Ryan presidential ticket. The positive response was seen as a reflection of citizens' desire to increase their access to public land and to protect Alabama's natural wealth.

There had been strident opposition to additional state land acquisition and to extending the Forever Wild program for another 20 years. This was the

case, even though only 4 percent of Alabama's land area is publicly owned, which severely limits residents' access to the outdoors. A coordinated coalition promoted the extension, including some big businesses such as Alabama Power. The coalition obviously was a potent advocate for extending the funding and maintaining the constitutional mandate.

Using a constitutional amendment in 1992 to create Forever

Wild and its revenue stream has been central to the program's success, according to Chris Olberholster, Alabama State Director for The Nature Conservancy. "The constitutional amendment protects Forever Wild from tampering and ulterior motives," he says. In addition, "it translates in a very real and practical sense in the critical ability to have a pipeline of projects."

His observations underscore how important it is for programs to have a steady, predictable source of revenue.

During Olberholster's tenure, he has witnessed the financial return made possible by Alabama's truly dedicated funding. "In the boom years, owners of some biologically sensitive lands were not returning our calls, or refused to sell for appraised value. Now they are calling us, open to offers," he reports. Without the constitutional protection, the Forever Wild program would almost certainly have seen its funding redirected to other purposes during recessionary times. Instead, it is taking advantage of lower land prices and securing bargains using its available cash on hand.

Alabamans also get more conservation per dollar because its

reliable revenue stream attracts other money, according to Olberholster. He reports that, Alabama has been especially successful at securing federal funds because Forever Wild has the capacity to match those funds. Six different federal programs have provided funding in Alabama, leveraging Forever Wild expenditures dollar for dollar, and giving Alabamans more parks, natural areas, wildlife habitat and water access so they can enjoy what makes their state special.



and divisive 2011 legislative session, Washington State's local governments, nonprofits and state agencies received \$42 million for conservation and outdoor recreation through WWRP at a time when the state had a \$5.1 billion deficit. Governor Christine Gregoire, ordinarily a major proponent of WWRP, included only \$20 million for the program in her budget. (See the case study on page 44 about the Washington Wildlife and Recreation Coalition, the nonprofit entity whose mission is to support WWRP, for a better understanding of this anomaly.)

Even states with dedicated funding have seen their programs reduced. Exemplary programs such as Maryland's Program Open Space and the Land and Community Heritage Investment Program in New Hampshire are funded with sources that have shrunk substantially during the recession, even before the legislatures in those states diverted the monies to other needs.

It is worth noting that among the programs studied there are many others that have been successful without having the benefit of dedicated funds, including Green Acres in New Jersey, Land for Maine's Future, and the Vermont Housing and Conservation Board. However, virtually all of them have experienced difficulties with their state legis-

lators. Several programs without dedicated funding were included in the original study because of their excellent track records and practices worth noting. However, during the years that it took to complete the research, Florida's Communities Trust and the Knowles Nelson Stewardship Fund in Wisconsin suffered severe cutbacks because they relied on legislatively approved bond sales. Shifts in political philosophy and priorities, combined with statewide financial constriction, led legislatures to refuse to issue new bonds for continued program funding.

Funding proponents should aim high because the stakes are substantial. But don't be discouraged if your state program has to accept less than a constitutional amendment, or the funding source is not dedicated. Solid partnerships and permanent coalitions have successfully defended state programs over the course of the past decade, and certainly will in the future. (See page 42 for more on coalitions.)



Venerable programs such as Florida Forever and the Florida Communities Trust have suffered major budget cuts.

In North Carolina, Predictable Funding Cultivates Quality Conservation

OVER THE PAST 27 YEARS, North Carolina has been a leader in protecting the natural resources that are so central to its diverse economy and desirability as both a tourism destination and a place to establish a business or set up a household. *The Wall Street Journal*⁷ proclaimed in 2011 that the state's "...population growth far outstripped the national rate over the past decade." The article continues, "The state grew 18.5 percent during the decade compared with 9.7 percent for the U.S. overall..."

Four so-called "trust funds" helped to retain the quality of life for North Carolinians during that decade and the one before it. Two of the four funds have dedicated funding, while the other two are dependent on legislative appropriations. Research by The Trust for Public Land, completed in 2011, reported that the state had spent an "...average of \$73 million each of the past 10 years to acquire or protect 289,000 acres of wetlands, forests and farmland."⁸

A tax on real estate deed transfers and revenue generated by sales of a special license plate have historically provided reliable funding for the Natural Heritage Trust Fund and the Parks and Recreation Trust Fund. Reid Wilson, Executive Director of the Conservation Trust of North Carolina (CTNC), says that these sources have generated \$800 million since the inception of the programs creating new state parks and wildlife areas, and expanding others. "The trust funds have had a massive impact on protected land in North Carolina," Wilson reports. In addition to the impact on state agencies, he points out that 25 percent of the Parks and Recreation Trust Fund goes to local governments through a competitive grants program, supporting facilities in communities all across the state.

From his position at CTNC, an organization that is both a land trust and an advocate on behalf of 23 other North Carolina land trusts, Wilson has a clear view of the importance of a reliable state funding. "It has been critical to saving special places in North Carolina," he says.

Wilson notes that using the tax on deed transfers to finance the trust funds has been ideal because "when the market was high, more funding came in to save land that would otherwise have been gobbled up. With the market down, less money is available but we can take advantage of lower prices, buying at a bargain and having opportunities to acquire land we thought was lost." By contrast, the Clean Water Management Trust Fund, one of the programs dependent on legislative funding, has seen its appropriations drop from \$100 million starting in Fiscal Year 2002-2003 through Fiscal Year 2011-2012 to \$10.75 million in Fiscal Year 2012-2013,⁹ effectively eliminating the fund's ability to support water treatment improvements and conservation activities that prevent water pollution.

Lisa Riegel, the Director of the Natural Heritage Trust Fund (NHTF), has also witnessed the effectiveness of assured, dedicated funding. In recent years, when the state legislature diverted money from the NHTF, she saw a reduction in project applications. Logically, there should have been an increase in applications because land prices were so much lower. Instead fewer were applying.

"There has been a huge decrease in applications when funding is uncertain. Who wants to put in the time if things are unsure? The need is still there, but landowners won't commit," she says. Even under normal circumstances, it takes at least a year to complete a conservation transaction using NHTF funding. Riegel opines that the uncertainty makes it more difficult to obtain a fair price from sellers because the risk is higher now that funding is so unpredictable.

North Carolina's experience underscores the public value of a reliable funding source. Certainty allows the state program and its partners to establish a competitive, predictable process that yields more conservation at a lower cost.

2. Use State Funding to Incentivize Local Participation

State program success is improved when other government bodies, particularly local jurisdictions, have dedicated revenue sources that can be tapped as “matching funds” via conservation partnerships. Simply put, local funds to match state monies lead to more conservation results. Leaders from successful state programs report that cities, counties, districts and other municipal and regional governments or quasi-governmental entities can be enticed to create their own revenue streams by the availability of state funding. This, in turn, expands the statewide pool of money available.

New Jersey’s Green Acres Program and Great Outdoors Colorado (GOCO), among others, require local government partners to contribute financially to any project for which they wish to secure state funding assistance. These policies have inspired voter approval of hundreds of city, town and county finance measures across the country so that communities could access state support for local conservation priorities.

GOCO’s stringent match policy that requires partners to invest up to 50 percent of a project’s value in a mixture of cash and in-kind contributions was part of the initial plan crafted by Will Shafroth, the program’s first director. Shafroth views the number of Colorado cities and counties that approved funding for resource protection as one of GOCO’s most significant achievements. “Cities could not access GOCO dollars without having their own money in the game,” he says. LandVote chronicles 158 local finance measures that have generated funding for one of GOCO’s purposes since the program’s inception in 1992, of which close to 75 percent have been approved.

Local governments in New Jersey are eligible for twice as much match funding if their community has passed its own funding. Those that have not instituted an open space tax can only receive a 25 percent matching grant, but communities with the tax in place qualify for 50 percent, up to a specific cap.¹⁰

The Green Acres and GOCO models do not require local governments to create new sources of funding, so well-to-do communities could theoretically tap existing sources for their share of project costs. Massachusetts went beyond incentivizing contributions from municipalities to rewarding new funding for conservation. The Community



New Jersey communities decide what is important to them, and provide local funding matches to access state monies.

Preservation Act (CPA) requires that local voters approve new revenues. The state simply sends a check to the towns that have adopted their own property tax “surcharge” for open space, affordable housing and historic preservation.

Of course, only state programs that make grants to local governments have the ability to incentivize cities, counties and municipalities to create their own funding sources. Because local monies expand the statewide pool of financial resources to advance state program purposes, grant-making is a powerful tool for expanding resource protection. It cultivates and leverages a network of local conservation funding that would otherwise not be available. Grants are discussed in more detail in the section on Program Structure and Operations, page 56.

Every state that is serious about conservation and leverage should have enabling legislation that gives municipal governments the ability to seek voter approval of a dedicated financing mechanism. Effective resource conservation and wise use of state dollars require local governments to have the authority to institute voter-authorized funding. By providing such authority, elected leaders at the capitol allow voters to determine if they want to contribute financially to conservation in their area.

Local funding makes counties, cities and towns true partners with their state program, and can inform state programs on local and regional conservation and recreation priorities. For more information on identifying and securing local funding for resource protection and park creation, see *The Conservation Finance Handbook*,¹¹ written and published by TPL.

New Hampshire’s Partner-Driven Program

THE GRANITE STATE is famous for its skiing, forests, coast and “Live Free or Die” license plate motto. Indeed New Hampshireites are free of both income taxes and state sales taxes.

This may explain why the state’s Land and Community Heritage Investment Program (LCHIP) relies on local government and nonprofit organizations to execute its mission. The LCHIP website (www.lchip.org) describes the program as “...an independent state authority that makes matching grants to NH communities and non-profits to conserve and preserve New Hampshire’s most important natural, cultural and historic resources. Through this investment program every \$1 in resources brings back more than five times local, private, federal funds, and helps to secure NH’s greatest business advantage: The quality of life and traditional values of our state.”

LCHIP is funded by a \$25 recording fee collected by county offices when deeds, mortgages, mortgage discharges and plans are entered into the public record. These fees generate approximately \$4 million per year to fund grants for partner entities to acquire

fee simple or conservation easements to protect natural resources, restore historic properties or secure permanent agreements to preserve cultural sites and historic structures. However, according to a press release issued by The Nature Conservancy in New Hampshire, in the years since the state legislature established the LCHIP dedicated fund, the majority of that money has been diverted into the general fund rather than for the program’s purposes. The good news is that the two-year budget approved in June 2013 includes a provision for LCHIP full funding.



Despite the past legislative raids on LCHIP’s funding, the program has awarded more than \$27 million since its inception in 2000, conserving 263,000 acres and 126 historic structures and sites, by making grants to 80 nonprofit and 76 government partners. Through these grants, New Hampshire retains historic buildings that serve citizens as town halls, theaters, churches, community centers, day-care centers, and museums. LCHIP has also permanently protected forestry, farming and recreational resources, and critical habitat and watershed areas.

3. Leverage State Funds to Achieve More Results with Less Money

Making your state's money go further is referred to as "leverage." The word has inherited some negative connotations in the wake of the banking debacle but, mortgage-backed derivatives aside, it is hard to find fault with the goal of making every public dollar work harder. While the interviews revealed that — even in land conservation — extreme efforts to secure higher and higher levels of leverage can have negative consequences, almost every successful program makes leveraging a priority.

Matching monies are the most common type of leverage. This means that state funds pay for only a certain percentage of a project's cost. All other money needed to pay the balances of the costs is referred to as matching funds. There are pros and cons to establishing a maximum percentage or specific dollar ceiling on grant amounts. This is discussed further on page 68. There are, however, many creative, less simplistic mechanisms for getting more out of each dollar so that more land and water is protected, more communities are served, a broad spectrum of constituencies are engaged in the program, and the program is able to develop an efficient infrastructure.

Here are some ideas from the interviewees about how they are making their funds go further and accomplish more:

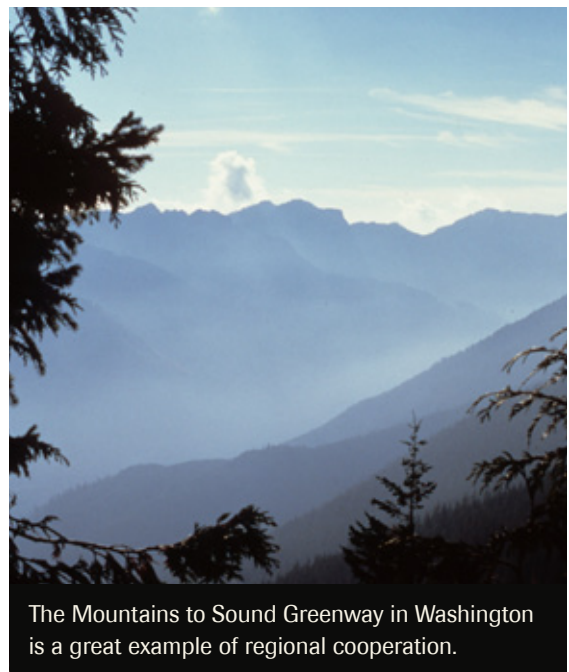
■ **ENCOURAGE CONTRIBUTIONS FROM ALL POSSIBLE SOURCES** — Develop policies and procedures to make it clear that the program aims to maximize the outcomes achieved with each state dollar, including those granted to other entities.

■ **INCREASE REGIONWIDE COOPERATION** — Incentivizing collaboration in large landscapes is another form of leverage. Multiple complementary conservation objectives and multiple participants can lead to additional — sometimes unconventional — funding sources, or at least the opportunity to tap several categories within your state's program. (See the case study on Great Outdoors Colorado's planning grants, page 55.)

■ **PRIORITIZE PROJECTS THAT SERVE MULTIPLE GOALS** — Search for and take advantage of synergies between resource types targeted for protection, and also among the agencies and entities that receive funding. As Jim Branham, director of the Sierra Nevada Conservancy says,

"Look for projects that contribute broadly, think regionally and seek multiple benefits from each investment."

■ **MAKE LOANS TO PARTNERS** — If the amount of funding provided by the program to local governments is relatively small in comparison to the cost of purchasing or developing a significant property, consider a system like Maryland's whereby the state program lends the local government a lump sum that is repaid using future disbursements from the state. Maryland automatically grants its communities a percentage of the program's revenues, based on population. If the local government recipient banks its distributions in hopes of saving up enough to purchase parkland, it is likely a targeted parcel will be sold before there is enough money to buy it, since in a rising market, the price would increase faster than the savings account grew. In the current down market, the state wants to gain the leverage of buying land at a low price and contracting for construction while competition is driving down development costs.



The Mountains to Sound Greenway in Washington is a great example of regional cooperation.



■ **RETAIN FLEXIBILITY TO RESPOND TO GOOD OPPORTUNITIES** — Securing an important property at a great price creates automatic leverage. However, state policies can make it difficult for conservation programs to take advantage of good deals. A classic barrier to securing this kind of leverage is segregation of program funding into accounts that can only be spent for specific types of resources, projects or geographies. Rigid structures like this prevent the program from responding to opportunities. Properties do not come on the market in even proportions. Matching funds are sometimes made available or are discovered with little advance notice and could be forfeited without quick action. To take advantage of all opportunities for leverage,

Incentivizing Local Investment in Pennsylvania

When Pennsylvania voters approved the Growing Greener 2 bond in 2005, they gave a huge boost to farmland protection. In the following year, Pennsylvania counties tapping the bond funds proved that state incentives do cause local governments to spend more on conservation. The bond proceeds provided \$80 million to the Agricultural Conservation Easement Program (ACEP) administered by the Bureau of Farmland Preservation. Doug Wolfgang, the director of the bureau, calculates that more than 33,000 acres were conserved through county easement purchases because of the extra funding from the 2005 bond, available to counties as matching grants.

He said that offering the money inspired counties to compete for a piece of the additional funding. Municipalities contributed to joint projects and counties made special appropriations to take advantage of the opportunity. “As a result, 2006 was a huge year for conservation,” recalls Wolfgang.

The graphs here show that this effect lasted for a number of years as local governments completed acquisitions using state bond monies.

GRAPHS: PENNSYLVANIA DEPARTMENT OF AGRICULTURE

FIGURE 1
COUNTY APPROPRIATIONS FOR FARMLAND PRESERVATION

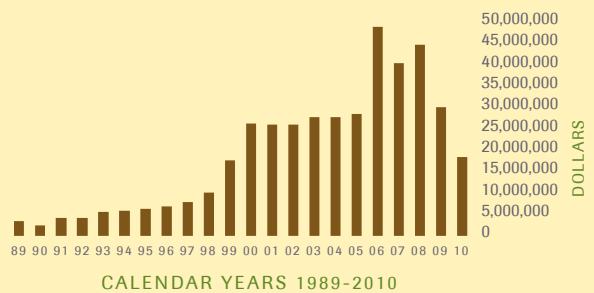
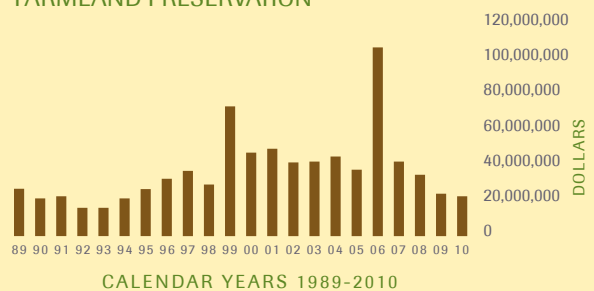


FIGURE 2
STATE APPROPRIATIONS FOR FARMLAND PRESERVATION



programs should avoid mandatory division of program funds, especially within a specific time period. (See sidebar on rolling accounting, page 29.)

■ **BE STRATEGIC AND PROACTIVE** — Sophisticated GIS modeling can identify areas and specific properties that best meet a program’s conservation objectives and the public’s expectations. Spending limited funds on properties and projects that best fulfill those objectives is another form of leverage because the program receives the highest possible conservation return on the public’s investment. Grant programs can use mapping to actively solicit participation or even be a proactive partner, assisting entities in the priority area instead of waiting for proposals from local governments or nonprofits. (See page 56 for more on planning and mapping.)

■ **ALLOW OTHER AGENCIES OR ENTITIES TO HOLD TITLE TO CONSERVED LANDS** — Some successful state programs provide acquisition funding only if the state receives title or, at a minimum, an “interest” in the property. This requirement can limit the number and type of funding partners available. Flexibility in this regard can expand the pool of matching funds, for example from federal programs that require a federal interest in a title or easement. Likewise, private funding may be unavailable if the state holds title.

■ **PARTNER FOR ACCESS TO PRIVATE PHILANTHROPY** — Foundations usually confine their giving to nonprofit organizations and therefore do not support government initiatives. While this is not universal, it is prevalent enough to recommend that state programs work closely with organizations that are eligible for philanthropic gifts. (See the section on Program Structure and Operations, page 45, for more on partnerships and their role in successful programs.)

■ **UTILIZE BONDING** — Programs with a dedicated revenue stream should have the authority to sell bonds that will be paid off with future revenues. Especially now, when land prices have declined precipitously from their pre-recession highs, it makes fiscal sense to conserve high priority lands at as fast a pace as possible. And, buying land at low prices is another form of leverage. Bonding provides capital today, at historically low interest rates, which can allow state programs to rapidly escalate their achievements.

Communicating Across Departments in Maryland

Maryland’s Program Open Space re-structured its staff and developed new internal systems to make it easier for employees to collaborate across agencies and departments. The new levels of collaboration allowed staff to see that a property targeted by one department for its high quality natural area often had a less ecologically-sensitive corner that could become a small park and ball field, an objective of another department. Combining the two types of projects allowed staff to tap two different sources of money.



Using “Less Than Fee” Conservation Tools

A number of the state programs studied utilize or even favor “less than fee” property acquisitions to maximize their conservation results, thereby expanding the number of acres protected by each dollar spent. In the past, most state land purchases were “fee title,” meaning all of the property rights were acquired. Less-than-fee transactions, as the name implies, convey only some of the rights to the buyer. The most common less-than-fee instrument is the conservation easement, a voluntary legal agreement that restricts development and may also establish how the land will be managed in the future. Some states refer to acquisitions of conservation easements as “purchase of development rights,” particularly for protection of agricultural lands.

The shift to less-than-fee reflects financial, cultural and political considerations. Purchasing fewer property rights



generally decreases the purchase price. However, in parts of the country where the landowner could sell the property for development, the savings may not be as significant since the development rights may represent the majority of the market value. On the other hand, buying development rights keeps the land in private ownership, which mollifies opponents of increased public lands. The private owner is responsible for management of the land so, in theory, operations costs should be reduced.

There is increasing public interest in protecting “working lands” such as farms, ranches, woodlots and waterfronts. Private ownership is almost a necessity in order to retain the economic uses of these properties. North Carolina’s Agriculture Development and Farmland Preservation Trust is an example of such a program. It acquires easements over prime agricultural lands. The easement seller normally continues farming on the protected land, using practices agreed upon in the easement document.

The Sierra Nevada Conservancy, a quasi-governmental agency in California, does not own land nor does it have any regulatory authority. Its dual mission of conservation and regional economic vitality is served by funding conservation easements, according to the director, Jim Branham.

Branham says, “Conservation organizations used to think the only way to protect something was to make it into public land. We’ve learned that agencies may not have the funds to protect and restore their properties. At the same time, the conservation community has gained more confidence in landowners as stewards. And private landowners and our local government partners are more comfortable with conservation easements as a source of money.”

While there are specific difficulties associated with enforcing these agreements between the government and private owner, it is wise for programs to have the ability to use easements and other less-than-fee tools. Potential savings on purchase price or land management costs mean that less-than-fee approaches can help leverage state funds.

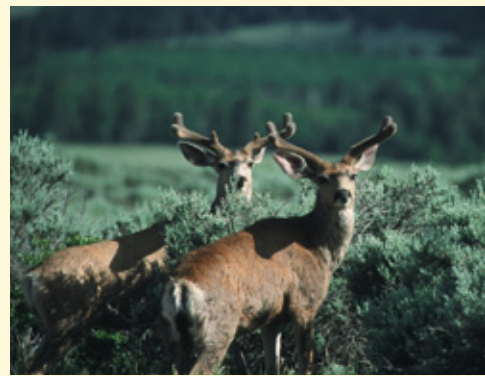
■ **USE ALL AVAILABLE TOOLS** — A couple of interviewees talked about the importance of having a “complete tool box” available to help them achieve their programs’ public benefit objectives. Leverage is obtained by using all possible avenues to achieve those objectives because some will be more cost effective than others. For example, a program created to protect water quality and quantity would be using all available tools if it could fund protection of land whose development would impair the waterway or aquifer, restoration of land to improve habitat, purchase of water rights for in-stream flow, and activities that remove contaminants or contain pollution. In this example, hydrology, geology and topography should determine the potential types of projects that could be credibly supported and those that should not be considered. In all cases, programs must obtain expert advice and defensible science to define project parameters so every legitimate tactic for achieving the program goal is eligible for funding, while still maintaining accountability.

■ **EXPAND YOUR DEFINITION OF LEVERAGE** — Include any activity that maximizes results and minimizes the need for money, so long as such an expansion is within the legal limits of the program. Shrinking budgets and public angst about government size make this an essential element of success. Examples of other types of leverage include volunteer labor and other in-kind activities, bargain sales and pro-bono assistance from professionals such as attorneys and landscape architects. Be sure to track in-kind and other forms of leverage as closely as cash match that the program secures.

■ **TAP THE POWER OF PARTNERSHIPS** — Even the programs that fund only state natural resource agencies have found ways to partner in order to expand the impact of their dollars. Those that are tapping the political and financial power of a broad range of partners have a variety of policies to help maximize their impact.

Rolling Accounting Provides Flexibility

If your program’s statutes mandate a specific division of funds, calculate the distribution over a period of at least three years, so as not to miss leverage opportunities. This is sometimes referred to as “rolling accounting” because after the initial three-year (or longer) period, the evaluation rolls into each subsequent year, looking at the prior three-year period. GOCO’s legislation created four specific “pots” for funding: wildlife through the Colorado Division of Wildlife, outdoor recreation through the Colorado Division of Parks and Outdoor Recreation, open space and natural areas of statewide significance, and acquisition and development of local parks. The founding board and staff decided that the state was best served by program policies that would achieve the four-way distribution over time, rather than in any one particular year or period.





Land use planning paired with land acquisition has allowed California to protect its most sensitive coastal zones while respecting property rights.

4. Require Grant Recipients to Have Local Plans to be Eligible for Funding

Conserving iconic landscapes, preserving quality of life and creating a functional system of parks and trails all require financial investments, but tackling these goals using only compensatory tools is very expensive. There is never enough money to accomplish everything. Leverage can help make existing funding go farther but rarely, if ever, makes it possible for state programs to completely achieve their objectives. Land use planning is a non-compensatory tool that has the potential to significantly augment state conservation program funding and ensure that funding is used as efficiently as possible.

A quick look to the West Coast offers a glimpse of how productive this pairing can be. According to its website, the California Coastal Commission is an independent, quasi-governmental entity that “...plans and regulates the use of land and water in the coastal zone.” Almost any type of development on the California coast including subdivision, land use changes, building construction or activities that involve access to the ocean must receive a permit from the commission. The zone “... covers an area larger than the State of Rhode Island. On land the coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean,” according to the commission.¹²

Under California law, the commission works with local governments to regulate the use of land and water along the coast, with an eye toward providing and maintaining public access and recreation opportunities, protecting the marine environment and environmentally sensitive areas and regulating the location and expansion of development. As a result, some of the state’s most spectacular and valuable real estate is afforded a measure of protection without being forced to compensate the landowner for retaining these public benefits.

The California State Coastal Conservancy is designed to complement the work of the commission by providing an additional mechanism to conserve coastal resources and a way to secure public access to the coast. The conservancy has spent \$1 billion in voter-approved bond funding to preserve 189,000 acres and create 240 miles of trails. Without the benefit of the regulatory powers granted to the commission, the public would have had to pay an unimaginably large amount to conserve the resources of the coastal zone.

Florida: A Former Leader in Community Planning

This report would not be complete without a case study on the widely respected Florida Forever program, the Florida Communities Trust (FCT). Until recently, Florida Forever received \$300 million per year to acquire land and conservation easements to protect the state's most sensitive lands and waters. Democratic and Republican governors viewed preservation as a good investment for Floridians and the state economy.

Originally created in 2001, Florida Forever was a successor to the visionary Preservation 2000 program, which pioneered the use of recording fees on real estate transactions to fund resource protection. FCT received 21 percent of the funding, while approximately a third was allocated to the Department of Environmental Protection (DEP) and a third went to the state's water management districts.

According to Ken Reecy, the former director of FCT, the grant program was designed to "strengthen local comprehensive plans" by helping cities and counties to acquire lands they deem to be priorities.

Florida's Local Government Comprehensive Planning Act, passed by the legislature in 1985, required all local governments to adopt a comprehensive plan. The plans had to identify future land uses, adopt capital improvement programs to serve future development and to institute land use regulations to implement their plans. Furthermore, the act stipulated that all approved development had to be consistent with the local plan.

Reecy explained that comprehensive plans identify areas for future parks and open space, both to supply outdoor recreation for new neighborhoods and to decrease sprawl by conserving natural lands. Grants from FCT "...encourage communities to do growth planning and to set priorities," Reecy says. In keeping with that mission, FCT was housed within the Department of Community Affairs, the state land planning agency, instead of at DEP with the other state programs funded by Florida Forever.

In 2011 the Florida legislature approved a budget bill containing new laws that, in the words of Mary Ellen Klas of the Tampa Bay Times, "...wipe out 30 years of growth management." Among the provisions in the bill was one that eliminated the Department of Community Affairs and another that ended the requirement that developers examine community and environmental impacts of their projects.

According to the Florida Forever Coalition, the legislature also reduced funding by close to 100 percent, allocating only \$10 million during the 2013 session. Another \$50 million will theoretically be available but only if the state sells existing conservation lands.

As Andy McLeod of The Nature Conservancy said, "The funding arrangement was not sufficiently locked in." In response to this problem, a coalition named Florida's Water and Land Legacy is rallying supporters to secure enough signatures to place a constitutional amendment on the ballot in 2014 that would direct a third of the documentary stamp revenue toward water and land conservation, restoration, and management. But success on that initiative won't bring back the growth management framework that made FCT such a good model for other states.



While nowhere near as ambitious as California's system for matching its financial investments in conservation with acreage protected through land planning, Florida, New Jersey and Pennsylvania all increase the impact of their program funds by using grants as an incentive for local governments to create plans that further the states' conservation objectives. The local plans achieve strategic results that would not be possible via acquisition efforts funded by these three programs.

Either comprehensive land use plans or local parks and open space plans can be productively incentivized by state programs. Requiring a comprehensive plan that meets specified minimum standards will augment the state's monetary investment by identifying sensitive resource types that are not to be damaged by development. Park and open space plans have a lower impact but still ensure there is a systematic method for prioritizing expenditures. In addition, when linked to broader land use policies, implementation of park and open space plans can secure priority sites for future parks, trails and other public lands through the development process, via dedications.

Here are some examples of how states are linking planning with paid protection efforts:

■ **PENNSYLVANIA** counties must have designated Agricultural Security Areas (ASAs) in order to be eligible for Farmland Preservation Easement Purchase funding from the Bureau of Farmland Preservation. County ASAs identify the most productive farmland and afforded it a level of protection from conversion to other uses. Grant support is available only for projects involving farms within the ASA to ensure that state monies are protecting properties that best serve the program's mission. According to Doug Wolfgang, director of the bureau, incentivizing ASA planning through the grant program



Local governments in Florida were required to create comprehensive plans that identified land for future parks.

leverages state money by securing local protection for all important farmlands. (See more about Pennsylvania farmland protection on page 26.)

■ **FLORIDA'S COMMUNITIES TRUST** uses the financial support it provides to cities and counties to reinforce the state's growth management objectives, as described in the case study on page 31. Grants are available only to communities with plans that conform to state requirements. The plans must identify lands for future parks. Grants are available to acquire land only for parks, trails and open spaces that rate highly in the local plan. Local priorities are respected, recognizing that different communities have different needs.

■ **GREENACRES IN NEW JERSEY** structured its matching grant program to give municipalities a strong financial incentive to have an approved Open Space and Parks Plan. Those with a plan, and a community open space tax, are eligible for a 50 percent match to their local dollars through Planning Incentive funding. Municipalities without a plan or funding can only receive a matching grant of 25 percent. In addition, GreenAcres makes the application process simpler for local governments with plans so they can easily pursue acquisition of properties that are established priorities.

New Jersey Incentivizes Open Land Inventories and Planning

New Jersey has the fifth smallest land area of the 50 states, but the 2008 US Census shows it has the 11th largest population. Nevertheless, substantial acreage in the state, especially in the Pine Barrens region, is protected, which means the majority of New Jerseyans live in urban or suburban environments. According to Martha Sapp, Chief of Local and Nonprofit Assistance at the Green Acres Program, the population to land area ratio results in “...tremendous pressure on all lands.”

“In order to ensure that Green Acres funding produces a net increase in open space, any town or county that accepts money has to promise to permanently hold all open space, not just the land being acquired,” continues Sapp, describing New Jersey’s innovative Recreational and Open Space Inventory (ROSI).

If a local government wishes to apply for a grant from Green Acres it must inventory all Green Acres-funded properties (“funded parkland”) as well as all other lands held for conservation and/or recreation purposes. This so-called “unfunded parkland” includes fee title lands, plus land that is leased for recreation, and property that has been protected using a conservation easement held by the local government.

This list of inventoried properties is recorded, which Sapp says “...encumbers title to all of the parcels in the inventory.” Sapp acknowledges that some towns and counties won’t participate in the Green Acres program because of ROSI. “They don’t want their hands tied,” said Sapp, referring to how the recorded inventory would prevent a local government from using open space or recreational properties differently in the future.

“We have preserved more land this way than through direct financial investments,” states Sapp. “In exchange for a \$100,000 park deal, Green Acres, can tie up 300 acres of existing open space that might otherwise have been lost at some time in the future.”

However, if communities have what Sapp refers to as “a proven need,” for example a site for a new firehouse, there is a process by which a tract can be released from the ROSI, but only if it is replaced. Getting permission to convert an encumbered ROSI property is “...a long drawn out process, on purpose,” observes Sapp, specifically to discourage any loss of New Jersey’s rare and valuable open lands.





Pennsylvania's agricultural economy needs large parcels of fertile land and infrastructure to support the business of farming.

The experiences in Florida, Pennsylvania and New Jersey demonstrate three principles for effectively linking compensatory and non-compensatory mechanisms for achieving a state's resource protection and other public benefit goals:

BE EXPLICIT ABOUT THE PRIMARY REQUIRED PLAN ELEMENTS —

Required elements make the local plans reasonably uniform, make it possible for state staff to objectively judge whether the plan includes sufficient information and makes the local priorities clear.

PROVIDE GUIDELINES TO HELP LOCAL PLANNERS — The value of the incentive is realized when local plans implement the state conservation program's purpose. In Pennsylvania, the overarching objective is to retain the state's most productive agricultural lands and support the farming economy. Accordingly, Pennsylvania's plan guidelines make clear that soils, current zoning, average property sizes and presence of active agricultural operations must all be considered by townships creating their plans and identifying their ASAs.

GIVE LOCAL GOVERNMENTS LATITUDE — Good local plans not only meet state minimum requirements, they reflect what is important to area residents. Different regions within a state are likely to have different perspectives and priorities. Even different towns within a fairly small geographic area will have distinct needs and constraints that need to be incorporated into a well-made plan, prepared with broad public input. A plan tailored to fit the community will be more useful.

Even if your state does not have a strong land use planning ethos — or certain divisions of government do not have regulatory authority over land use, such as in Texas, where the legislature has not allowed counties the authority to control development — the state program's conservation goals will be advanced if park and open space plans are a requirement for funding eligibility. The process of defining local priorities and vision is a good exercise for communities and organizations. Prioritization can unite supporters around what they want to protect in general, can give an individual conservation or park development project momentum and buttress local elected officials' resolve to protect certain resources. New York's manual for local government open space plans makes a good case: "An open space plan is the flip side of a development plan. After identifying important open spaces, it will be much more apparent where development should occur. It can also recommend land use regulations that will help protect the community from uneconomic and inefficient sprawl."¹³

Pennsylvania Leads in Farmland Preservation

Agriculture is the most important economic driver in Pennsylvania, valued at \$6.1 billion annually as of 2010, and accounting for one out of seven jobs.¹⁴ The Bureau of Farmland Preservation, within the Department of Agriculture, works to ensure that the state continues to have contiguous, productive, fertile acreage to support that industry. Among the Bureau's conservation tools is the well-respected Agricultural Conservation Easement Purchase Program (ACEPP), which has protected over 4,000 farms containing in excess of 450,000 acres. Those figures mean that Pennsylvania's program has protected more farmland than any other state since it was established in 1988.

The majority of the funding for ACEPP comes from a \$1.60-per-pack state excise tax on cigarettes and small cigars. Over the decades, there have been changes to the distribution formula, and it was nearly eliminated during Fiscal Year 2012-13, but at present \$20.49 million per year goes into a fund for protecting farmland. Additional support for ACEPP came from the voter-approved Growing Greener 2 bond in 2005.

Doug Wolfgang, the director of the Bureau of Farmland Preservation, says that ACEPP functions as a grant program that achieves its objectives by funding county easement acquisition programs. All but 10 of the state's 67 counties participate by appointing "agricultural land preservation boards," which designate Agricultural Security Areas (ASAs) to provide regulatory protection for their county's best farmlands. Only farms within ASAs are eligible for state funding for easement purchases.

Lancaster County has one of the best known county programs, supported by local appropriations that far exceed those of any other county (\$4.1 million in 2010), and successful proposals that helped its agricultural conservation program to garner nearly 10 percent of the total ACEPP funding in 2010. Lancaster is one of eight southeast counties that ring Philadelphia and which, as a group, received approximately 58 percent of the ACEPP money available,

according to the bureau's report to the legislature issued in April 2011. This is the result of a funding formula that automatically allocates a portion of the ACEPP money based on the amount of real estate transfer tax collected in each county.



Andy Loza, the Executive Director of the Pennsylvania Land Trust Association, suggests that states implementing agricultural protection efforts study the distribution of funds resulting from the ACEPP formula. "Is the aim to protect agricultural land that is under the greatest threat, even though those will demand the highest price?" Loza asks. "Or is the goal to secure the best farmland, with the best soils, which often are readily available at a lower price?" The ACEPP formula favors the former category of properties in an area under development pressure.

Farmland Preservation Administrators, like Ellen Dayhoff of Adams County, who manage programs in the counties outside of the Philadelphia suburbs, agree that program criteria and project merit should determine where the state invests ACEPP funding so that lands with high agricultural values are protected. Dayhoff also encourages other programs to "...buy based on soils, creating blocks of farmland that can sustain agriculture." However she is realistic about how much acquisitions can accomplish. "You have to have zoning to steer development away from the best land" in order to have sustainable farming, she says.

The extensive experience of Pennsylvania's farmland protection community gives more recent participants many important ideas to use when creating their own programs to conserve the land that produces our country's homegrown food.

Without Local Planning, Ohio Struggles to Stem the Tide of Farmland Loss

Ohio's official seal prominently features that state's farming heritage and honors agriculture's continued economic importance. The Ohio Department of Agriculture's 2012 fact sheet titled "Ohio Farmland Preservation: Assuring a Strong Agricultural Future," reports that "food and agriculture together constitute the state's largest industry, contributing more than \$107 billion annually to the state's economy and providing jobs to one in seven Ohioans."

Although this major element of the economy requires land to survive, between "1950 and 2000, Ohio lost more than 6.9 million acres of farmland, representing nearly one-fourth of Ohio's land. It ranks second in the nation for prime agricultural land converted to developed land, but only 31st in the nation for numeric population growth," according to the same fact sheet.

Small wonder that the Clean Ohio funding program includes a farmland preservation component, named the Agricultural Easement Purchase Program (AEPP). In 2013, the current version of AEPP has \$2.7 million available – a pittance in the face of the pace and level of land conversion. To date, this program and other voluntary programs have perma-

nently protected 50,000 acres of productive agricultural land, located in 55 Ohio counties. While laudable, this figure is painfully small relative to the acreage being converted.

Despite the importance of this land and economic resource, Ohio does not have a statewide farmland protection plan. Nor does the state require zoning at the township level, where most of the local power is available. An article published in 2006 on www.joe.org (the Journal of Extension) reported that only 59 percent of Ohio's 1,309 townships had chosen to implement land use zoning, despite the strong suburbanizing trend in the state that saw a nearly 25 percent increase in the number of people living in unincorporated areas.

These numbers demonstrate that the future of Ohio's prime soils cannot reasonably be assured simply through compensatory programs like Clean Ohio, but that complementary land use protections are needed as well. The legislature recently allocated the funds remaining under the 2008 Clean Ohio bond, including \$6.5 million for the AEPP. That means Clean Ohio will need renewed funding to continue its farmland preservation efforts.



4. Provide for Program Operations

Capital expenditures are fun. Saving land, building ballfields, restoring rivers and developing trails get media attention. Ribbon-cutting ceremonies and facility dedications make politicians happy. So it is no wonder that so many programs are starved for funding for operations, administration and land management. Although funding advocates know it is essential for their program to have money to sustain a reasonable level of functionality, they apparently are uncomfortable pushing for it from the start. Interviewees from both inside and outside of state programs expressed frustration with staffing levels and capacity issues.

Leaders must make a compelling case for administration from the beginning. A new program without funding for program operations is like a new car that does not get timely oil changes. It will wear out sooner and the capital investment will be squandered. The costs of program operations have to be part of the original calculations in order to achieve enduring success. The legislation that created the Washington Wildlife and Recreation Program included language directing three percent of the program's funding to administration. Kayleen Cottingham, the director of the state's Recreation and Conservation Office, said that the three percent is not adequate to run the program. She advises other states to be "realistic" and consider all of the activities that may require staff support, including managing a grant process, contracting, public relations, and grant follow-up. "Who is going to check to make sure there isn't a fire station built in that park you funded?" she asks.

Several interviewees revealed that after a new funding measure has been approved in their state, the legislature stopped providing money from the general fund to operate state natural resource programs. The new revenues were intended to add to the programs' conservation capacity, but the total amount of money available had not increased because of the legislators' financial maneuver. To avoid this fate, the funding measure language must stipulate that the revenues cannot be used to replace general fund appropriations. Constitutional amendments studied generally contained specific wording to this effect.

It is especially challenging to obtain money for program management when a program is funded through the sale of tax-exempt bonds. Federal regulations¹⁵ require that bond proceeds be used primarily for capital purposes, which traditionally meant construction of some type



Volunteers are valuable assets but agencies also need sufficient funding for professional land management.

of government facility. Non-capital expenditures, such as maintenance and operations, are limited to 5 percent of the proceeds, and can only be spent on activities directly related to the capital purpose. Although this is a small percentage, it is a substantial amount of money on a multi-million dollar bond sale that could underwrite operations. However, it is essential that good legal and tax counsel are involved in designing bond referenda to interpret what expenses can legally be covered. State laws may further limit non-capital use of bond proceeds.

In cases where a dedicated source of funding will be used to pay off bondholders, it may be imperative that some of that annual funding is set aside for program operations. The experiences from the programs studied indicate that, difficult as it may be, funding advocates must face this issue upfront.

Politics

Challenges

- Stakeholders compete for funding at the legislative level, rather than being a united and powerful political alliance for initial and ongoing funding
- Lack of a permanent coalition to secure and defend the program and its funding
- Funding beneficiaries are not engaged in promoting or defending the program
- Economic importance of conservation is not demonstrated or widely known
- Legislators make changes to the program, in particular its funding, even when the funds are “dedicated” and approved by voters

Recommendations

- Shield the program’s funding from political interference
- Stakeholders work together for the good of the program, and ultimately for the good of their constituents or cause
- Stakeholders commit to permanent engagement to protect, expand and advance the program and its purposes
- Grant recipients are part of the coalition, and are made aware of threats to the program and/or its funding, and informed about how they can help
- Reports are provided annually to the legislature and the general public that explain how the funding has been used, and how the results impact the state and local economies
- Communications and outreach efforts ensure that program expenditures are publicized, and assistance from partners, friends groups and other program supporters need to call attention to legislative proposals that could threaten the program

Recommendations Related to Politics

1. Shield Funding from Political Intervention

Political support is a prerequisite for initial and sustained funding for a state conservation program. Few things are more politically sensitive than spending public money to acquire or otherwise protect private land. Yet there apparently are numerous state legislators for whom parks, open space, wildlife habitat, recreation opportunities and working lands are low priorities despite the bipartisan support shown by voters willing to tax themselves. As a result, interviewees almost universally view political interference as detriment to state conservation programs’ long-term success. They fear both diversion of dedicated funds and legislative meddling in the selection and prioritization of projects. Several program leaders described how appropriations in their state had become the subject of negotiation among lawmakers who viewed it as their prerogative to use public monies in whatever way they deemed appropriate.

Whenever possible, program designers should create a mechanism that automatically directs dedicated revenues toward the program’s purpose. As described in the Funding and Governance sections, four state programs receive their financial support from a separate, protected fund that is not subject to appropriations. Instead, expenditures are approved by an independent governing body. This approach addresses the issues of both diversion of funds and interference with the project selection process.

A firewall of another sort between politics and the program can be put in place, even if your state’s funding does not go into a separate protected account. It won’t avoid revenue raids by legislators but it can shield the program’s reputation and effectiveness by minimizing opportunities for legislators to redirect monies to pet projects. Irrespective of the source of funding, programs can reduce political interference in project selection by establishing a process in which a non-negotiable, expert-recommended slate of projects is presented to the legislature for approval, as in Washington and New Jersey.

Both the Washington Wildlife and Recreation Program and New Jersey’s Green Acres Program have thorough internal project selection mechanisms that generate a slate of projects for consideration by state legislators. In Washington, the slate is recommended both by

a panel of independent and knowledgeable reviewers and the Recreation and Conservation Funding Board, which consists of five citizens appointed by the governor and the heads of the three state natural resource agencies. The professional, respected program staff in New Jersey develops the project list for Green Acres, and it is reviewed and approved by the Garden State Preservation Trust, composed of five members appointed by legislative leaders and the governor, plus four ex-officio members.

Legislators can vote to either approve or reject the slate of projects, but cannot add to the list nor change the priority order. This is particularly important in Washington because the appropriated funding is distributed in order of project prioritization. Depending on the total amount of the approved appropriation, lower ranked projects may not be funded. If the law allowed tinkering with the list, legislators would be scrambling to move the projects from their districts higher on the list. Without that option, they are scrambling to get their colleagues' support for a larger appropriation so that the final amount will fund all the projects ranked higher than, or equal to, theirs. Washington's law does give legislators the power to remove a project from the list, but only if it is in his or her district. Conservation, especially land acquisition by state agencies, has some powerful detractors so legislators do occasionally use this prerogative.

Another model for avoiding legislative interference in project selection is used by the highly regarded Clean Ohio Green Space Conservation Program and Iowa's Resource Enhancement and Protection (REAP) program. The legislature does not even see a list of projects that will be funded by these programs, although their funding is subject to the appropriations process. REAP is housed in the Iowa Department of Natural Resources (DNR) and supports several state agencies, but the majority of the appropriations go to local projects as provided for in a fixed formula. The Ohio Public Works Commission (OPWC) administers the Greenspace element of Clean Ohio. In both programs, project selection and prioritization is done via local or regional entities. (See the case studies on pages 36 and 40.)

Although there is some level of oversight exercised by DNR in Iowa and OPWC in Ohio, for all practical purposes the funding decisions are delegated. These programs focus on helping local governments and nonprofits achieve their resource protection objectives, so it is logical to

entrust community leaders with the work of identifying and ranking potential projects. It should be noted that local and regional decision-making does not avoid political problems. The problems just don't occur at the state house. Furthermore, from a strategic natural resource protection perspective, these highly decentralized approaches have the downside of producing a patchwork of results instead of a cohesive network of conserved land. Interviewees from programs whose project portfolios are reviewed by legislators believe that appropriations are increased and/or support among their lawmakers is expanded when they can see where the funding will go.

Contrast these models with the practice of allowing state senators and representatives to approve or reject line item funding for each project, even after review by an appointed board or committee. This is counter to effective conservation because legislators do not have time to delve deeply into the pros and cons of each funding proposal, which makes it difficult for them to make informed decisions. Also reports from programs across the country demonstrate that when legislators have the power to direct the distribution of money, political trade-offs and partisanship are the result. The research indicates that legislative engagement in project selection hinders long-term program success by politicizing what should be a bipartisan effort, based on thoughtful, fact-based prioritization.

Iowa — The Ultimate in Public Involvement

No other state program has anywhere near the amount of public involvement as Iowa's Resource Enhancement and Protection program (REAP). Massachusetts' Community Preservation Act features a process by which communities decide how to spend their portion of annual funding from the state. And Ohio's regional Natural Resource Advisory Committees are key to project selection in the Green Ohio program. But the REAP process engages Iowa citizens at an even greater level. It relies almost entirely on local input, starting at the county level through their councils of government and filters up until those community preferences reach the governor and legislature.

Kevin Szcodronski, bureau chief at Iowa State Parks, has been the REAP coordinator for that agency for more than 15 years. He explains that REAP uses the state's 18 Council of Government areas as the geographic basis for the program's public participation process. Every two years "assemblies" are held during which the public learns about REAP expenditures and has the opportunity to give input on REAP priorities and how the program is operated. Participants are responsible for "electing five individuals to serve as delegates to a statewide congress," reports Szcodronski. The result, he says, is "a lot of local ownership."

The 90 delegates bring their local insights to the congress. According to the REAP portion of Iowa Department of Natural Resources

(DNR) website (www.iowadnr.gov/Environment/REAP.aspx), "At the Congress, delegates work on REAP policies and the inner workings of REAP. Examples are: funding, fund distribution, assembly procedures and agendas, and operations of County REAP Committees." Ultimately, their recommendations are synthesized into a report to the governor and legislature.

People who have served on the REAP Alliance, such as Mark Ackelson, Executive Director of the Iowa Natural Heritage Foundation, which successfully secured legislative approval of the program in 1989, say that the level of citizen engagement makes REAP uniquely Iowan. The program's website acknowledges that history: "The creators of REAP felt that it was vital to provide plenty of opportunities for interested citizens and organizations throughout Iowa to be actively involved in the program."

To an outsider the process appears cumbersome, but those who know it view the public involvement protocol as key to the longevity of the program, and its ability to continue to get appropriations and very positive public response. A

voter-approved 2010 constitutional amendment set the stage for future, dedicated, sales tax revenue.

"The legislature respects the program," says Szcodronski. "The local ownership protects it. A shift would ignore the people."



In Ohio, Conservation Spending is Local

The Buckeye state is known in part for its status as a swing state in presidential elections. In the realm of conservation programs it is famous for Clean Ohio, the program launched by Governor Bob Taft in 2000. Taft proposed, and the legislature – and subsequently the state’s voters overwhelmingly approved – a \$400 million bond to fund protection of green space, conservation of agricultural lands, trail development and rehabilitation of contaminated lands, referred to as brownfields.

Each of the four objectives of the Clean Ohio Fund is administered by a different state agency. The Clean Ohio Green Space Conservation Program was placed within the department of public works, largely to take advantage of the existing network of 19 Public Works Integrating Committees responsible for awarding funding for road, bridge, sewer and other facilities projects. Each of those committees was charged with appointing an 11-member Natural Resources Assistance Council (NRAC) to assist in the selection of Clean Ohio Green Space projects in their district.

Lou Mascari, Program Representative of the Ohio Public Works Commission, said this program design reflects Ohio’s culture. “In Columbus they don’t know the turf and local areas,” Mascari said, referring to the prevailing sense that decision-making should occur in the place where the money is spent instead of at the capitol. The appointments to the NRACs are governed by very specific guidelines that designate the affiliation of seven out of the 11 positions, including a representative from the Integrating Committee, the area Conservation District, local government, environment (which can be a government employee), city parks, agriculture and business.

Districts receive an allocation of funds from the state, based on their population. The NRACs have a surprising amount of autonomy given that they are essentially deciding how to spend state funds. The implementing legislation for Clean Ohio stipulates that each district’s NRAC creates its own “prioritization and selection methodology,” based on a model provided by the state and specific guidelines,



such as a minimum match of 25 percent. The director of the Public Works Commission has to approve of the methodology. According to Mascari, the methodologies differ from one NRAC to another but they all “square with the criteria in the statute.”

NRACs accept funding applications, rank the projects and approve them. The Public Works Commission reviews the approved projects and authorizes the associated expenditures. In Mascari’s experience, the applications that reach the Commission are “very good quality, so it is uncommon for one to be disqualified.”

Ohio voters resoundingly approved a \$400 million bond to continue Clean Ohio in 2008. By then all 88 of the state’s counties had benefited from at least one of the four funding programs. The Green Space program had distributed \$150 million to purchase open space, protect wildlife habitat, conserve stream corridors and provide public access to nature. They did this using the super-local grantmaking structure with only nominal support from the administering state agency.



Uniting all the varied beneficiaries of Washington state funding into one coalition has been an effective way to secure support for urban, suburban and rural recreation priorities.

2. Create and Maintain a Coalition That Works to Secure and Retain Funding

Conservation and quality-of-life supporters are jubilant when voters or the legislature approves a new or renewed statewide conservation revenue stream. Everyone who has worked to create the program or gain its extension feels like their work is done. In many cases the alliances that successfully secured the positive vote disband following their victory. However the research (and any review of the conservation news) shows that long-term viability and program success require diverse, diligent coalitions to protect the funding source and the program itself.

The leaders of successful programs say that it is important to develop broad support and unified (rather than competing) approaches to the legislature, and that advocates for biodiversity and natural areas must ally themselves with proponents of traditional outdoor recreation. Recreation — including hunting, fishing, passive activities and motorized sports — is a powerful lobby, often associated with rural and more conservative constituencies. In the past, many states had separate coalitions supporting appropriations for their favorite state agency. Before the creation of the broad Washington Wildlife and Recreation Coalition (WWRC), Washington State's natural resource lobbies competed against each other in this manner, pitting hunters and fisherman against local governments and conservation advocates, and vice versa. That paradigm made it easy for the legislature to divide the funding pie and avoid criticism. According to one of WWRC's founders, in the years prior to the creation of WWRC, funding for conservation was in the range of \$2 million per biennium — much less than the \$42 million appropriated for WWRC in 2011, even in the face of a gaping state deficit. (See case study on page 44 for details.)

Building a broad coalition of support has greatly expanded the proverbial funding pie in Washington. This model holds promise as a bulwark against increased and severe raids on even dedicated funds, and provides a glimpse at what is possible when all advocates for state natural resource agencies and grant programs work together. This success comes at a fairly high price, however. High levels of coordination and cooperation among stakeholders are the hallmarks of successful coalitions. Stakeholders contribute substantial time and financial resources to create and maintain coalitions such as WWRC and Massachusetts' Community Preservation Coalition. WWRC is unusual, with eight to ten staff members, including occasional interns and lobbyists during

the legislative sessions. This level of capacity is made possible by annual gifts from almost 40 nonprofits, philanthropies and businesses and dozens of individuals who recognize that the coalition is essential to Washington's conservation future.

Massachusetts is another state where the coalition responsible for the creation of a state program, in this case the Community Preservation Act, stayed active. (See case study on page 57.) The Community Preservation Coalition has actually been the primary implementer of the program, helping communities take all necessary steps to be eligible for state matching monies for parks, recreation, open space, affordable housing and historic preservation. As a result of this ongoing engagement in their state program, the members of the coalition have been able to maintain the public profile of CPA and convince state legislators to make changes to the act to improve it. In 2012, the coalition scored another home run when Governor Deval Patrick signed a bill to dedicate an additional \$25 million to the Community Preservation Trust Fund, and modified one part of the act to allow communities to use CPA money to upgrade recreational facilities, even if those facilities were not initially funded by CPA. This change was requested by the state's most urban communities that have little open space but many aging structures. It is a tribute to the Community Preservation Coalition that it has constant communications with stakeholders and was therefore able to identify and address this important need.

Many state programs have been launched, amended and/or rescued by organized action on the part of stakeholders. But it is very challenging to sustain a coalition after funding has been obtained. In Minnesota, a well-organized, multi-faceted coalition convinced voters to pass the Clean Water, Land and Legacy Amendment to the Minnesota Constitution in 2008. The amendment created four funds to "protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater."¹⁶ Four years later, several members of the coalition bemoaned how some of the funds were using the monies and acknowledged that the coalition needed to remain active to oversee the amendment's implementation.

In Florida, supporters of Florida Forever, an exemplary program that had been funded by \$300 million in bonds to be repaid by the



The Community Preservation Coalition succeeded in obtaining funding to upgrade recreational facilities to meet the needs of urban communities.

document recording tax, have come together as the Florida Water and Land Legacy initiative in response to the legislature's diversion of funding to the general fund. It is a coalition comprised of nearly 300 groups led by Audubon Florida, the Florida Wildlife Federation, the Sierra Club, The Nature Conservancy, 1000 Friends of Florida and The Trust for Public Land. The Legacy coalition is seeking voter approval of a constitutional amendment that would provide \$500 million per year for 20 years.¹⁷ To get the amendment on the ballot in 2014, the coalition is conducting a petition drive — a slow and expensive process.

Strong Coalitions Help Maintain and Restore Funding

Two prime examples of both expansive public purpose and organized support can be found in Washington State and Maryland. The Washington Wildlife Recreation Program (WWRP) is supported by a permanent, staffed nonprofit coalition called the Washington Wildlife and Recreation Coalition (WWRC) that advocates for and works throughout the year to raise awareness of WWRP and the benefits it generates for Washingtonians. WWRP has 11 funding categories: local parks, state parks, trails, water access, state lands development and renovation, critical habitat, natural areas, urban wildlife habitat and state lands restoration and enhancement, and riparian and farmland preservation.¹⁸ These categories cover all parts of the state and almost every ecosystem, spreading the benefit so that nearly all legislators see positive results in their home district.

WWRC deserves credit for both the creation of WWRP and its staying power. Funding for WWRP comes from the capital budget and is subject to appropriations every biennium, so it is essential to keep the coalition together. Over the past 22 years, WWRC has informed Washington residents of the benefits they derive from the state program and involved leaders from business, tourism, education and health sectors in securing appropriations, in addition to the usual



cadre of outdoor enthusiasts and environmental organizations that lobby for conservation. Having such a broad-based, unified and bipartisan voice in the legislature on behalf of WWRP meant that conservation, restoration and recreation projects in Washington State received \$42 million during the 2011 legislative session when the budget deficit was \$5.1 billion and the governor proposed \$20 million.

Even in states with dedicated funding, like Maryland, advocacy coalitions play a critical role. Program Open Space (POS) in Maryland is one of the few programs supported by a statewide real estate transfer tax. Nevertheless, with transfer tax revenues falling as a result of reduced real estate sales during the recession and state revenues generally in trouble, the legislature diverted much of POS's support into the general fund for several years. But in 2013, Partners for Open Space, a statewide coalition composed of 165 organizations, mostly with conservation, recreation or environmental missions, mobilized to defend the Maryland program. TPL and TNC both have representatives on the executive committee. The coalition rallied POS supporters for Fiscal Year 2013. Their organizations' active and extended lobbying succeeded in convincing Governor Martin O'Malley, already a supporter, and the legislature, to reinstate most of the transfer tax revenues from FY 2011 and 2012, but failed to get the 2013 revenues directed to POS.



The Connection Between Grantmaking and Political Support

Build a network of supporters for your state program through the local programs and partners that receive state grants. State-funded community-based projects produce results close to voters' homes, making them aware of how their tax dollars are spent. Based on the experiences of the programs that make grants, distribution of state dollars to local priorities appears to translate to residents who are eager to ensure the survival of state funding. Interest from grassroots constituents and politically-active local elected officials who can be counted upon to defend the program and its funding seems to improve if local grants are part of the strategy. Although one can make a reasonable argument that state parks and other state-owned lands, such as wildlife areas, belong to everyone and therefore offer a benefit to all residents, interviewees asserted that local projects are often more highly valued by voters. This finding does not negate the successes of state programs that do not make grants, including Design for Conservation in Missouri, the North Carolina Natural Heritage Trust Fund or the California Wildlife Conservation Board. These programs have done good work both on the ground, and in communicating their benefits to a varied audience.

People connected to the programs in New Jersey, Washington, Maryland and Vermont (see case studies on pages 33, 44, 27 and 66) reported that local politicians are more invested in their state programs' success and survival when they see local priorities addressed. A number of the interviewees described the positive impact of county commissioners and town council members coming to their state's capital to lobby on behalf of continued financial support for their state conservation program, particularly in these tight economic times.

Even if your program is not making grants, it can still harness local energy by working with nonprofit partners and local governments to build the relevance of the state program in communities around the state. State natural resource agencies play crucial roles in providing recreation and protecting wildlife habitat and significant landscapes that are valued by many citizens and communities. Local government and nonprofit partners can help make the state program relevant to people of all incomes in all parts of the state — presuming that the program's mission is expansive.

The Conservation Federation of Missouri has done a notable job

Children and Nature Initiative

The National Environmental Education Foundation (NEEF) and the US Fish and Wildlife Service combined their efforts to get kids outside and created the Children and Nature Initiative. Building on doctors' concerns about Americans' sedentary lifestyle, the initiative creates teams of pediatricians and USFWS staff to collaborate on local projects that introduce families to public lands and opportunities for safe outdoor recreation. Vermont State Parks is building on the NEEF model with a pilot initiative in Montpelier, where physicians are prescribing nature and directing their young patients to a contact at the parks agency. State conservation programs with an eye on retaining and building their network of supporters and relevance to all members of the public would be well served by similar activities and partnerships with health care providers.

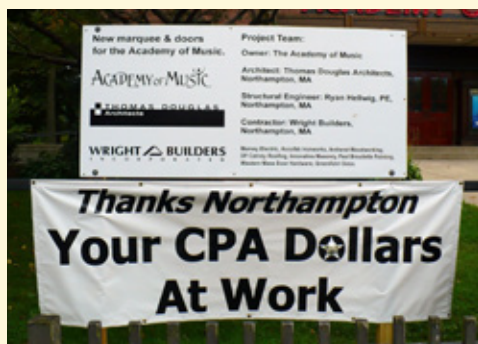
NEEF's pilot projects demonstrate that free transportation and scheduled programming are key ingredients to reaching new constituents and helping them access their parks and refuges as part of getting healthy. Visit http://www.neefusa.org/health/children_nature.htm for additional information and resources.

rallying outdoor enthusiasts to support Design for Conservation over the decades, although the funds produced by the sales tax are spent entirely by the Missouri Department of Natural Resources. Executive Director Dave Murphy credits Missourians' strong interest in hunting and fishing for Missourians' support for the permanent state program. Alabama's Forever Wild program also has successfully promoted its local benefits despite the program's rules that require all land purchases to be by the state.

Signs Matter

In a 2011 Colorado focus group conducted by a prominent polling firm, participants were asked a couple of questions aimed at measuring the public's awareness of GOCO's investments in their communities. Participants were all able to name at least one place that had received GOGO funding. That was the good news. The bad news was that all of the examples named were ballfields and local parks, not the extensive open space, community buffers and state park expansions that represent very substantial investments in their community.

GOCO's signage policies only require local government grant recipients to put up signs acknowledging the source of funding. When GOCO was formulating its policies, the state agencies and land trusts that own the large parcels protected with GOGO funds successfully opposed signage requirements. At a time when GOCO expects to have its funding questioned and possibly challenged at the polls, it is extremely important that residents know the degree to which state expenditures have protected the landscapes and quality of life they value. The long-term perspective suggests that it would be much wiser for GOCO's partners (and those of all other grant programs) to live with signage requirements rather than risk the sustainability of the program itself.



3. Prioritize Communications and Outreach

It would be wonderful if conservation programs had the luxury of just doing their jobs of resource protection. However, a job well done is likely to go unnoticed until someone gets the word out. Leaders of successful programs say investments in outreach and communications are a necessary element of their work. They reiterate that the quality, type and content of their programs' communications affect their programs' ability to partner, provide public services, manage land and water resources and sometimes simply survive a legislative session.

If conservation advocates want to activate citizens to defend a program, the public has to understand and appreciate its accomplishments. The interviewees underscored this reality both in states where funding has withstood recent attacks, and in those where budgets and capacity have been slashed. Some specific suggestions from the field:

GET THE WORD OUT — The number of potential avenues for communication can be somewhat overwhelming. These days it is essential that all programs have user-friendly websites and current social media tools that give ready access to background, documents, staff directories, meeting schedules and minutes. Completeness and currency contribute to constituents' sense that the program is operating transparently.

DESCRIBE PROGRAM ACCOMPLISHMENTS — Develop a digital catalogue of completed projects, including a map, so that interested parties can see what has been achieved in their area. The New Jersey Open Space map¹⁹ is an excellent, albeit high tech example. The online map of Clean Ohio's completed projects²⁰ allows visitors to search by their zip code or by program, including trails, farmland protection and the better-known green space. Several interviewees said it was important to for citizens to have easy access to data showing what the state owns and why.

FOCUS ON ECONOMIC VALUE — In lean years, legislators look for funds to divert and programs to eliminate to balance the budget. In general, programs that are perceived to be contributing to economic prosperity will be safer. Therefore, interviewees advise that program leaders understand the economic value of parks, trails, open space and clean water and emphasize those contributions in every possible forum. The Trust for Public Land offers useful data and publications that reveal the degree to which protected resources make economic sense.

Recently it completed a compelling report in Maine, which showed that each dollar of funding from Land for Maine's Future produced \$11 in return.²¹ (See case study, page 49.) Some states have been able to quantify the formerly unanalyzed linkages between protected land, water and wildlife resources and economic health. Through those calculations, programs have been able to make their case even in fiscally challenging circumstances.

WORK WITH GRANT RECIPIENTS TO PROMOTE THE STATE PROGRAM — Collaboratively develop press releases, blog entries, newsletter articles, letters to the editor and talking points for local officials and partners to ensure local coverage of the state program.

REQUIRE REGULAR AND TIMELY REPORTS — It is essential for programs to show where and how funds have been spent. Most of the programs profiled in this report do some type of annual report to the legislature and make their reports easily accessible in paper form and online.

REACH OUT TO COMMUNITIES, OFFER TECHNICAL ASSISTANCE — It takes work to make a state conservation program relevant to a broad cross section of citizens. Several successful programs focus on providing value to all parts of their states and to all residents, thereby preventing the accusation that funding only benefits certain segments of the population. Rural and small communities are less likely, in general, to seek grants from state programs due to their lack of staff to prepare proposals, or absence of a local plan that qualifies them for funding. In order to have a presence in those areas, programs such as Florida's Communities Trust conduct targeted outreach and help local governments to take advantage of funding.

COMMUNICATE THAT PUBLIC LAND IS AN ESSENTIAL PUBLIC SERVICE — In addition to the public benefits such as water filtration, food production, and support for tourism, public land is important for public health. There is a growing awareness of the fiscal implications of the obesity epidemic and its related illnesses such as diabetes and hypertension. These problems are caused, in part, by sedentary lifestyles. Savvy communications strategies make the case that access to the outdoors and places to recreate are part of the solution. Similarly, studies have shown compellingly that nature, active play and unstructured time outside help children learn and thrive. The National Park Service and

the National Association of State Parks Directors launched their Children in Nature initiative that can provide programs with best practices and talking points on this topic.²²

LINK WITH EFFORTS TO GET PEOPLE OUTDOORS AND INTO NATURE — Demographics appear to be working against the long-term success of state conservation programs. Urban and suburban populations, particularly those in lower income brackets, are less likely to have time or transportation to visit state parks or wildlife areas, yet those are the populations that are growing fastest. Furthermore, visitation statistics and various study results²³ reveal that people of color use these types of facilities at a lower rate than Caucasians. Accordingly, the nation's shifting racial makeup could undermine support for state conservation. California, Nevada and Vermont are among the states that are actively recruiting a new generation of park supporters from racially and economically diverse communities.

Keeping Citizens Informed

A 2011 national survey by the Pew Research Center for People & the Press²⁴ showed that public trust in government is “overwhelmingly negative.” This pervasive sense of distrust is part of the context in which state conservation programs have to work.

Although the Pew survey asked respondents about their impressions of the federal government, individuals involved in the research on state conservation programs report that they also encounter a distrustful public. Pew found that, “About seven in ten (69 percent) say they trust the government only some of the time or never...”

The leaders of successful state programs repeatedly said that “transparency” is a key aspect of gaining the trust and support of citizens. Specifically, programs strive to inform their constituents about what has been accomplished with the public funds available for conservation, and other program purposes.

Annual reports are often cited as a key element of a program’s information distribution. Programs in Vermont, North Carolina, New Jersey and many others do an excellent job explaining their work, its impact on the state and results achieved. Although this document is generally addressed to the legislature, the reports are available to the public online.

Iowa’s Resource Enhancement and Protection (REAP) program goes several steps further in its pursuit of transparency and trust building. Anyone who wants to know where REAP funds have been spent can find out with just a few clicks of a mouse at www.iowadnr.gov/Environment/REAP. A pie chart shows how the funds are divided among the eight program purposes. Each of the purposes is clearly explained, including complete contact information for someone who can answer questions. Most notable is the list of project expenditures by county that offers a chronicle of every investment by year, program purpose and amount.

The commitment to information dissemination is not limited to after-the-fact reporting. As part of the process of developing funding and policy recommendations for the governor and legislature every two years, representatives from around the state conduct a REAP Congress (see case study, page 40) which is open to the public and produces a report which is also readily available at the website.

Although REAP rarely gleans more than \$15 million from the Iowa legislature, it manages to provide some of the best, up-to-date and complete information to its constituents. It isn’t a fancy or graphically rich presentation but by all accounts it has made REAP a trusted and beloved program.



Maine Defines the Link Between Economics and Conservation

Land for Maine's Future (LMF) helps the state's municipal and state governments and their nonprofit partners to conserve the working farms, productive forestlands, commercial waterfronts, recreational areas and valuable wildlife habitat which are the heartbeat of Maine's natural resource-based economy. Over the past 25 years, LMF has provided \$130 million for land conservation, which was leveraged 3:1 with money and other forms of match from project supporters. These grants and matching funds protected more than a half-million acres of land with a multitude of public benefits such as maintaining water quality, conserving ecologically important habitat, and expanding and enhancing recreational access for Mainers and visitors to the state.

Maine is undoubtedly one of the states whose economy is most linked to natural resources. According to the Forest Society of Maine's website, "... 17 million acres of woodlands support the State's second largest industry, forest products, and significantly contribute to the largest, tourism."

"Tourism dollars in Maine have a \$7.7 billion economic impact and generate \$414 million in tax revenues. It employs, directly and indirectly, about 108,000 workers," says Carolann Ouellette, Director of the Maine Office of Tourism in a 2012 tourism roundtable. A report from National Oceanic and Atmospheric Administration²⁵ confirms that commercial fishing is a thriving Maine tradition, contributing \$381 million to the economy in 2011. Maine has the third largest commercial fishing revenues in the country.

Despite the above statistics, Tim Glidden, former director of Land for Maine's Future (LMF), reports that when financial times are tight, conservation is viewed as a luxury. Glidden, who is now the executive director of the Maine Coast Heritage Trust, says that LMF supporters had to "link funding to the social and economic well-being of citizens" in direct terms in order to retain political and public support for the program. "We explicitly tie the program to jobs," he says, referring both to how LMF invests in conserving working lands and how program staff talk about their work. The Trust for Public Land quantified the linkage between conserva-

tion and the state's financial health in its report "Return on the Investment in Land for Maine's Future."²⁶ Research for that report revealed that every dollar invested by LMF returned an impressive \$11 in natural goods and services to the Maine economy.



Tom Abello, The Nature Conservancy's Senior Policy Advisor for State Government Affairs, recalls the evolution of LMF's objectives and messages. When LMF started in 1987, "recreational access was the issue" because large tracts owned by timber companies that had traditionally been open to the public were being subdivided and developed. In 1999, the Land for Maine's Future Coalition secured a change to LMF legislation that designated 10 percent of that year's bond for agriculture because, as Abello put it, "farming was endangered." That was the first expressed link between LMF and economics.

"Forestry is a traditional economic engine," Abello observes. "Sales of conservation easements over timberlands have helped continue our wood products industry. And they require public access so these sales also preserve citizens' and visitors' ability to hunt and fish." The recently created Working Waterfronts initiative expanded LMF grant eligibility to include projects that protect buildings and facilities needed to retain Maine's fishing industry.

To ensure that the connection between economy, employment and environment are made explicit, under Glidden's leadership the LMF application was modified to require that proposals explain "how the proposed project will enhance the economy." Glidden says: "We want applicants to talk to the businesses in their area. Programs like ours have to continually examine why they exist and strive to maximize benefit to their state."

Governance

Challenges

- Lack of oversight of fund distribution makes program funding and project selection vulnerable to legislative interference
- Funding channeled directly to a state agency, leaving them under the control of politically appointed agency oversight commissions
- Direct oversight of expenditures by legislature, which is impractical and politically challenging
- Program's governing body consists of partisan — and sometimes unqualified — political appointees, and/or highly-ranked legislators, and lacks representation from stakeholders

Recommendations

- An independent governance structure, such as a trust fund, guides expenditures
- Expenditures are either decided by the board of trustees so they are not subject to legislative approval or a process is in place that prevents undue legislative interference
- Trustees are appointed in a manner that ensures bipartisan representation and engagement of key stakeholders
- Trustees' terms are staggered so that changes in control of the legislature or governor's office do not rapidly disrupt the program's work

Recommendations Related to Program Governance

1. Create a Governing Board or Council to Oversee Program and Funding

As noted above, historically revenues for state conservation went directly to the agencies responsible for managing land and water resources for hunting, fishing, clean water and parks. These agencies are overseen by politically appointed wildlife or park commissions. Funding came primarily from licenses and federal programs such as Pittman Robertson Act monies from firearms excise taxes. In the early years of conservation finance, as practiced by The Trust for Public Land and The Nature Conservancy, there was a logical progression by which new sources of funding — often for new purposes and activities — were still channeled to the same state agencies, under the control of the same commissions.

Our research found that new money, for new purposes, is best handled by a new structure. Underfunded state agencies, with the encouragement of over-stressed legislators, are too likely to use new revenues to solve old budget deficiencies. It also appears that the best way to protect dedicated funds from legislative raids or tinkering is to deposit the revenues into a trust fund or other protected account, as described in the section on trust funds, page 19. (Also refer to case studies on Great Outdoors Colorado, and Alabama's Forever Wild, pages 51 and 20)

Of course, the caliber of the governing body charged with overseeing the account will ultimately determine whether the funds are strategically and appropriately used to implement the program's conservation or other mandated purposes. This section describes how a few of the successful programs have created the recommended fiscal structure, together with procedures that provide responsible and responsive oversight so that the program is accountable to both the legislature and voters. Keep in mind that the recommendations are also based on analysis of programs with poorly functioning governing bodies that distribute public funds in ways that are at best irresponsible (for example without a plan or strategy, not seeking leverage for state monies, and barring stakeholder or public input) and at worst may be unscrupulous. The recommended practices for creat-

ing a governing board or council aim to steer programs away from these pitfalls that result from lack of checks and balances, and extreme levels of politicization.

The sections on Funding and Politics (on pages 16 and 38) emphasize the importance of a dedicated source of revenue that does not pass through the state’s general fund or the appropriations process. Although a separate protected fund account for the program is the best way to accomplish that goal, that solution may not be politically or even legally possible in all states. It is still possible to achieve a good balance between accountability, legislative involvement and commitment to the program’s purposes by establishing a governing body with broad authority to oversee the program. These bodies have different names in each state, ranging from commission to council to board and other variations. For clarity’s sake, this report will refer to them generically as “boards” or “bodies.”

A board-based governance structure is recommended based on the success and continuing support for the programs that have them. The body provides responsible oversight, supporting the program’s mission and serving as a buffer between the program and the legislature.

Program leaders respect the important role of elected leaders in determining generally how state funds are spent. At the same time, they recommend a healthy level of autonomy for a program so it can efficiently carry out its obligations to protect natural and cultural resources. The governing body needs the trust of legislators, and broad legal authority to direct the program.

Roles for successful governing bodies

SET PROGRAM POLICY — The body needs sufficient authority to be able to govern the program and make changes to policy and procedures so the program can adapt to changing times or lessons learned.

DEVELOPING PLANS AND OVERARCHING STRATEGIES — The governing body (working with and advised by program staff) should gather public input, secure scientific data, confer with other state agencies and potential partners and develop a plan to maximize the impact of the program’s dollars, in accordance with the program’s purpose. (See “The Law Behind Maine’s Board,” page 52.)

Guidance from the Founding Amendment

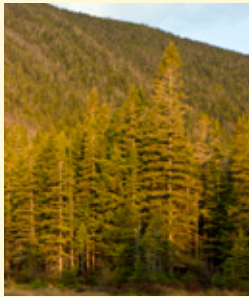
A 1992 constitutional amendment approved by Colorado voters directs 50 percent of proceeds from the Colorado State Lottery to the Great Outdoors Colorado (GOCO) Trust Fund and a Board of Trustees that has fiduciary responsibility for the Fund. The amendment also created the GOCO program itself and set forth the mission and other fundamentals. Under the terms of the amendment, GOCO is strictly a grant-making entity and cannot legally hold title to land. The Colorado Governor appoints trustees according to guidelines and a process in the constitutional amendment. The appointees have to be approved by the legislature.

GOCO’s day-to-day operations are guided by a plan that is updated regularly and approved by the board. The plan is aligned with the purposes and framework established in the voter-approved amendment. It describes how GOCO will achieve its mandate through programs investments. Like Washington, GOCO taps qualified volunteer reviewers to assist staff in assessing funding proposals in preparation for board consideration. Projects approved by the board are funded.

Despite the political nature of board appointments, the process has worked well according to John Swartout, a former GOCO director and current executive director of the Colorado Coalition of Land Trusts. Even if radical appointees were approved by the legislature, the highly specific language of the amendment protects the program. The state legislature has tried on several occasions to divert funds from GOCO to other pressing purposes, including education, but detractors have never been able to secure sufficient legislative votes to put a question on a statewide ballot.

The Law Behind Maine's Board

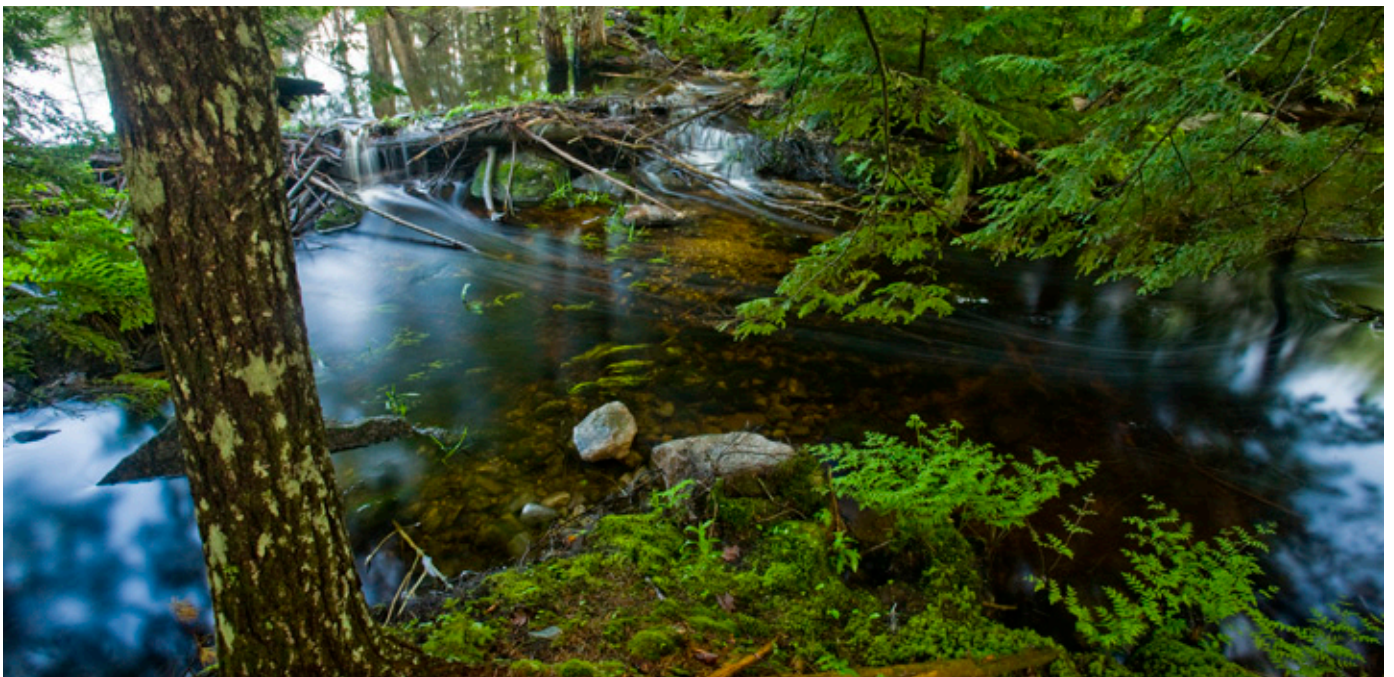
The responsibilities of the Land for Maine's Future Board are outlined in Maine Revised Statute Title 5, Chapter 353. The first responsibility of the board was to "Complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on that assessment, for use in allocating the proceeds of the Land for Maine's Future Fund and the Public Access to Maine Waters Fund. Both the assessment and the development of a strategy and guidelines must be conducted with opportunities for participation by interested state agencies and the public."



PROJECT SELECTION — The body should make decisions on selection and prioritization of conservation transactions and other activities funded by the program. When an autonomous governing body composed of individuals with expertise in program areas oversees project selection and approval, the process is perceived as more accessible to landowners, partners and the public. The guidelines and criteria by which the body evaluates projects may be approved by the legislature, at least in generalities. Legislative sign-off on the fundamentals of the process can build confidence in the methodology by which the governing body is making its funding decisions. However, the expenditure authority should be delegated to the governing body.

HIRING/FIRING KEY PROGRAM STAFF — Whenever possible, the program director reports to the governing body rather than being a political appointee.

PROVIDING AN AVENUE FOR PUBLIC INPUT — Boards are public bodies and hold public meetings where citizens can participate and observe how decisions are made. Several successful programs report that their boards meet in different locations around their state to encourage public involvement.



Land for Maine's future has protected a spectrum of that state's landscapes.

Alabama's Appointment System Involves Stakeholders, Regional Diversity

There is a lot to like about Alabama's Forever Wild program, and Alabamans know it. In 2012 by a margin of 3 to 1 they approved a 20-year extension of the constitutional amendment that created the program in 1992. (See case study, page 20.)

From the perspective of recommended practices for state conservation programs, Forever Wild has many admirable features. It has the most secure revenue stream possible by virtue of being enshrined in the state constitution. Funding comes from royalties generated by resource extraction so the public does not experience increased taxes. A Board of Trustees is responsible for making all spending and policy decisions that are not set in the law. Project selection is not subject to the legislative interference that plagues some other states' programs.

In addition, the program has an exemplary, though possibly over-complex, process for appointing trustees to the governing board. There are 15 voting members on the board of which three are automatic appointees: the commissioner of the Alabama Department of Conservation and Natural Resources, the state forester and the executive director of the Marine Environmental Science Consortium.

The other 12 trustees are divided among three geographic regions of the state and are appointed by the following entities and individuals:

- Three trustees are appointed by the Alabama Commission on Higher Education from a slate of nominations provided by the state's accredited universities. All of the appointees must be science educators from one of those universities
- The governor, lieutenant governor and Speaker of the House of Representatives each appoint three trustees. The appointments are selected from a pool of candidates nominated by organizations within three specific stakeholder groups: environment/preservation, business/trade and hunting/fishing/recreation. The law describes both the types of organization that can make nominations and

the names of groups that met the criteria at the time the constitutional amendment was passed.

Chris Olberholster, of The Nature Conservancy's Alabama chapter, explains that the nominators are generally members of the Forever Wild Coalition – a coalition of nonprofits and businesses that campaigns in support of the Forever Wild program. He says that organizations that are qualified to nominate from within the environmental community – including TNC, and the Alabama chapters of Audubon and Sierra Club – confer with each other in an effort to put forward the best possible slate of candidates.



"The vast majority of the trustees have been good," Olberholster reports. Those that were nominated by other stakeholder interests were previously unknown to him but they have been "mostly diligent participants," in his opinion. This could be a consequence of the appointment process and that the law itself stipulates that each trustee "...shall have a demonstrated knowledge of and commitment to land acquisition for the purposes of conservation and recreation." While politics do intrude to a degree because the final appointments are made by elected officials, the nominations from stakeholders have produced a geographically diverse group of participants with varied perspectives on how to serve their fellow Alabamans.



A total of 4 of the directors of the Vermont Housing and Conservation Board represent conservation (2) and housing (2). Conservation purposes include protection of farms, forests, historic structures, natural areas and recreational opportunities.

Appointing Trustees

Positions on the governing body should be based on candidate's qualifications rather than as a reward for political service or connections. A process with integrity and credibility gets the program off to its strongest possible start and positions it well for the long term.

Board members are appointed rather than elected. In some states, the governor unilaterally appoints members without guidelines, input from stakeholders or legislative approval. Programs governed by boards created in this manner are hindered, at least to some degree, by the vacillating priorities of successive governors. In the worst case, a governor who is unsupportive of a program can appoint members who are actual opponents of conservation. To protect against this possibility, successful programs generally feature alternatives to gubernatorial appointments. There are many variations that help make the process less partisan. Alabama's procedures are guided by stakeholders. (See case study on page 53.) The Vermont Housing and Conservation Board includes gubernatorial and legislative appointees, and at least two appointees from the housing and conservation sectors. The governor's appointees are required to be from both parties, representing all parts of the state and some specific interest groups.

New programs can protect the governing body and the program from upheaval, distraction or dismantling by spelling out an appointment method, other than direct appointments by the governor, in the legislation and/or statute that establishes the program. Detailed examples of alternate methods used in state programs include:

- Authorize people other than the governor to make some or all of the appointments, for example House and Senate Majority and Minority Leaders or the director of the state's department of natural resources.
- Require that representatives of specific stakeholder groups, such as local elected officials or a parks and recreation professional association, be represented on the board and/or that the groups recommend potential representatives for consideration by the governor.
- Designate specific members of program staff and key stakeholders' delegates to be engaged in screening, interviewing and recommending the slate of best-qualified candidates for each available seat.

- Specify qualifications for board service to create a diverse group with the knowledge necessary to govern the program. Include evidence of overall support for the program's goals as one of the qualifications.
- Institute an application system so that interested, qualified individuals have an opportunity to request consideration for a seat on the board.
- Establish a nominating process that produces a slate of candidates for the governor's evaluation and selection.
- Require geographic and political diversity on the governing board so that the whole state is represented.
- Create staggered terms that are different than the gubernatorial and legislative election cycle as an additional protection against major changes in the makeup of the body. If the governing board is properly designed, a new governor, or major shift in the legislature, will not greatly impact the body because only a few appointments would occur each term.

In summary, the best appointment processes involve informed, objective, conservation-minded people in the process instead of allowing the governor to select the members. Through that broad involvement, the body is more likely to be composed of capable and committed individuals who are supportive of the conservation purposes and responsibilities of the program.

Placement of a New Program

Based on the programs studied, it appears that newly funded programs are more likely to thrive if they are independent of existing agencies or structures. Those that launched most effectively and smoothly had boards, as recommended above, and dedicated staff hired by that board. If it is not possible for the program to be independently governed and housed, then it could become a division of an existing agency that has a closely aligned mission. Several of the programs studied, including North Carolina's Natural Heritage Trust Fund, Iowa's REAP, Missouri's Design for Conservation and Wisconsin's Knowles Nelson Stewardship Fund are part of their states' department of natural resources.

Representatives of Local Government on the Governing Body

State programs that make grants to local governments may want to have municipal representatives on the governing body. The objectives of the funding source and political realities of your state will determine whether this is appropriate for your program. Programs in states with strong and active local government leadership may benefit from the participation of respected community delegates who can give a voice to communities affected by the state conservation program. Local government representation can be politically valuable, securing buy-in for state projects and providing timely information about local initiatives that advance the state program's mission. (See case study on Pennsylvania's Bureau of Farmland Preservation on page 35.)

On the other hand, states whose programs are completely or mostly focused on projects involving state agencies may deem it unnecessary or inadvisable to engage local government advocates at the program governance level. These programs must maintain a wide focus and avoid the sometimes parochial perspectives brought to the table by community activists.

Local government representatives can be engaged in the governing body by assigning one position to the current holder of a specific position such as the mayor of a certain major city, or someone with broad understanding of local issues such as the executive director of the state chapter of the Municipal League or the state's representative to the National Association of Counties. Alternatively, the statute creating the program could mandate that an entity representing local government in your state name the trustee. The method is not as important as deciding if it makes sense to have a seat or multiple seats designated for a local government representative.

Program Structure and Operations

Challenges

- There is not a single ideal model structure that can be used as the basis for new programs
- Operational policies and procedures are insufficiently adaptable
- Funding is available for acquisitions and capital projects but not for operations or stewardship
- Limitations on potential partners, funds available only for state agency initiatives
- Aversion to collaborative work with nonprofits
- Legal and other services provided by state employees outside of the agency or department where program is housed

Recommendations

- Design the structure and management of each program to reflect state culture
- Program's enabling legislation describes the funding purpose and use but allows the trustees and staff to determine how the program will accomplish its purpose so it can adapt its practices when necessary
- Legislation must provide for funding for operations, and stewardship, while preventing new revenues from being used in place of funding sources that formerly paid for operations
- State agencies, local governments and nonprofits are eligible fund recipients
- Program staff are expected to support partnerships and provide technical assistance to all funding recipients
- All people who implement the program are within the same department or division

Recommendations Related to Structure and Operations

1. Match State Culture and Custom in the Structure and Operation of the Program

Successful state programs' policies and procedures are tailored to reflect the unique values of a state's populace. For example, Clean Ohio's Green Space Conservation Program was designed to accommodate citizens' strong inclination toward local decision-making and control. Using Ohio's 19 existing locally based Natural Resource Advisory Councils to generate regional priorities for funding gave the program initial acceptance and, according to interviewees, has led to its long-term success.

Iowa's REAP and Massachusetts's Community Preservation Act (CPA) are two other examples of programs with unique structures based on their states' personalities and existing infrastructure. Both of these programs offer ideas for other states looking for grassroots-oriented frameworks. This is not an endorsement of using local priorities as the basis for state investment. Without the benefit of an overarching plan, this approach produces a less unified and strategic result. Nevertheless, these states were able to create and sustain their programs because of their structure.

The widely recognized Vermont Housing and Conservation Board is a success in part because its expenditures go to a variety of purposes that reflect Vermonters' priorities: protecting farmland and historic buildings, underwriting the creation of affordable housing and conserving natural resources. (See case study on page 66.) California's system of state-run conservancies provides flexibility for each regional entity's policies to be based on that area's values and concerns.

Leaders involved in shaping a new program or evaluating an existing one will need to use the recommendations in this report and then use their own knowledge of their fellow residents' concerns to guide the design of the program.

Massachusetts' Community-Centered Program Reflects its Culture and History

The British still controlled the colonies when Massachusetts' original cities and towns were established. All of the land in the entire state is within a city or town, unlike many other states that have unincorporated lands outside of their municipalities. The state constitution, created before the end of the Revolutionary War, was amended in 1966 to give limited home rule to cities and towns. The amendment prevents Massachusetts' communities from collecting taxes or borrowing money without legislative approval. As a result, cities and towns had to request authorization when they sought new sources of revenue to protect the natural and built features that made their community special.

In the 1980s, suburbanization and sprawl were swallowing up Massachusetts' iconic woodlands and family farms while rising real estate prices spurred dramatic changes in town centers and neighborhoods that had homes and public buildings dating back to the 1700s. The unraveling of the fabric of communities also forced families to move to more rural areas to find housing at a reasonable price. Advocates for affordable housing allied with citizens working to protect open space and working lands to seek statewide authorization for a community funding mechanism that communities could institute locally to pay for conservation and housing purposes.

For many years, the supporters of conservation and affordable housing, known as the Community Preservation Coalition (www.communitypreservation.org), worked to secure legislative approval of a real estate transfer tax that communities could adopt, or not. Well-funded, organized opposition from real estate professionals repeatedly undermined their efforts at both the state and local level. In 2000, the coalition abandoned its focus on securing authorization of a transfer tax and instead began lobbying for a property tax "surcharge" of up to 3 percent and expanded the alliance to include supporters of historic preservation. Those changes combined with enthusiastic, well-placed political figures resulted in the approval of the Community Preservation Act (CPA) that year. As part of CPA, the legislature

established the Massachusetts Community Preservation Fund to provide state matching monies to communities that adopted a local surcharge. The Community Preservation Fund gets its revenue from a newly created recording fee also created in the act. CPA is singularly community-based among all state programs. First, municipalities must secure voter approval of the surcharge. At the time of this case study, the coalition reported that 155 communities (44 percent) had decided to tax themselves to pay for open space protection, historic preservation, affordable housing and outdoor recreation. Each of those cities and towns has created a Community Preservation Committee, as required in the act. Aside from requiring that at least 10 percent of each year's collection go to each of the three CPA purposes, the communities are given almost complete discretion about how they spend their local funds, and the matching money provided by the state.

As of October 2012, the state trust fund had distributed over \$418 million to Massachusetts communities, which had raised approximately \$782 million for historic preservation, parks and recreation, open space and affordable housing.



Adapting to Changing Circumstances

Pennsylvania conservation advocates are struggling to protect their state's iconic landscapes from energy production. A 2011 report from Pennsylvania State University on the economic benefits of the natural gas industry explains that a "... dramatic increase in Marcellus drilling activity has occurred during a period of general economic recession and relatively low natural gas prices."²⁷ The Agricultural Conservation Easement Purchase Program (ACEPP) is trying to determine how to cope with this boom.

The Marcellus shale formation, targeted for natural gas exploration, underlies most of Pennsylvania at depths ranging from zero to 9,000 feet below the surface.²⁸ In addition, good sites for solar panels and wind turbines around the state are in high demand. Other supporters of alternative energy are eager to build small refineries to process agricultural residue, wood and grass into a form of ethanol to mix with gasoline.²⁹ According to interviewees in Pennsylvania, the siting of these types of facilities is a major conservation issue.

The laws that authorize ACEPP did not give the Department of Agriculture, where the program is housed, or the State Agricultural Preservation Board, which governs ACEPP, the ability to respond to this, or any other pressing issue. "The lack of flexibility is problematic," reports Doug Wolfgang, the director of the Bureau of Farmland Preservation. "The Board cannot react in a timely manner. We have to go to the legislature for almost any change." Based on the Pennsylvania experience, Wolfgang and other area conservation professionals recommend that state programs be given sufficient authority to be responsive and adaptable.

2. Create a Structure that Supports Program Adaptability

In general, higher achieving programs have greater flexibility to modify the rules that govern day-to-day operations. Greater flexibility allows trusted staff to learn from experience and adjust program methods to improve the program's functionality without the need for new legislation and statutory changes. This makes a program more responsive to changing market conditions and more able to take advantage of opportunities.

Interviewees connected to programs that have been in existence for many years report sometimes being burdened by outdated rules because of the hassle involved in securing legislative approval for logical and needed modifications. The field of conservation and resource management has evolved substantially in the past decade, making some programs' practices out of step with current knowledge.

The findings of this study, including specific challenges such as those experienced in Pennsylvania, suggest that state statutes should serve as a framework rather than prescribing specific policies. The rules for day-to-day operations should be developed by the governing body together with senior program staff, possibly with approval and oversight by the attorney general. States that establish specific operating procedures by legislation eliminate the potential for modifications to increase effectiveness.

Florida Communities Trust (FCT) is a good example of a program whose day-to-day functions, including its project selection criteria and process, were governed by rules formulated within the program and approved by the FCT board, rather than by statute. "Conditions shift over time," observes former program director Ken Reecy, "We wouldn't want to have to change the statute as things change." Even though the structure did not protect the program from complete de-funding in recent years, Reecy said he had previously seen it shelter FCT from pressure to modify its grantmaking to the advantage of certain interest groups.

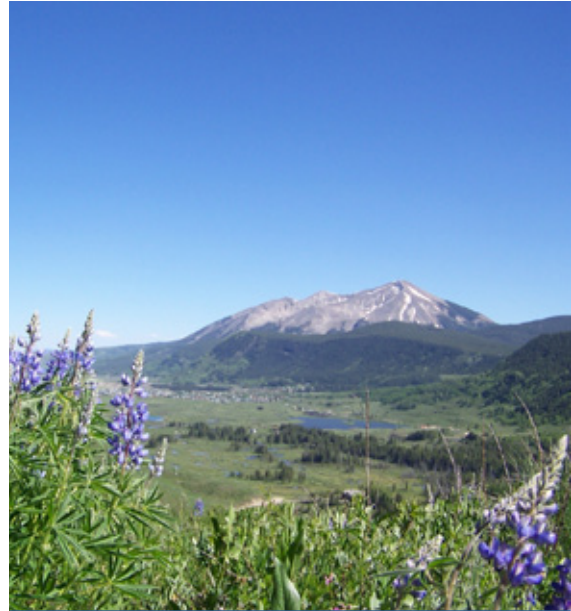
3. Make Grants and Distributions to Entities Outside of the State System

In the old days, state funding only was available for conservation initiatives and operations of state agencies such as parks, wildlife or natural resources. Revenues often came solely from agency activities such as sale of hunting and fishing licenses. Over time, demographic, economic, political and cultural shifts have caused state programs to evolve and new programs using new models. The funding and operations of these new state programs, together with their missions, tends to be markedly different from their progenitors.

The shift is evidenced in the general consensus among leaders of successful programs that it is valuable to make funding available to entities outside of the state agency system. Providing funding for community recreation and conservation priorities expands the state program's ability to reach a wide variety of constituents and improve their lives. Community-level outcomes, meaning local parks and/or open space that are meaningful to area citizens, produce this reliable and highly desirable constituency.

Nearly all of the programs we studied have a formula to divide their revenues between state agencies and local governments (and sometimes nonprofits) through either automatic distributions or grant programs. There are exceptions such as Missouri's Design for Conservation and North Carolina's Natural Heritage Trust Fund, but even those programs have found ways to work productively with partners, despite not being chartered to make grants or provide outside support.

In some instances, state conservation programs, such as Pennsylvania's Bureau of Farmland Preservation and the Florida Communities Trust, exist solely for the purpose of making grants to entities outside of state government. Others, including the venerable Green Acres in New Jersey and Great Outdoors Colorado are grant-making programs that support state agencies, local governments and nonprofits. These programs themselves do not own land or hold interests in the properties they help to protect. Contrast these structures with the more traditional design of California's Wildlife Conservation Board and Design for Conservation in Missouri where the program is essentially part of the state agency that holds title to and manages acquired property interests. Although the traditional structure can produce good results, the research suggests that state programs and the public benefit when there



Great Outdoors Colorado distributes lottery funds to state agencies, local governments and nonprofits. It has made it possible for small towns such as Crested Butte to protect large priority tracts in partnership with the local land trust and the Trust for Public Land.

Maryland's Program Open Space Brings Benefits Close to Home

The local government grant element of Maryland's Program Open Space (POS) distributes available funds to all of the state's 23 counties, plus the City of Baltimore. Chip Price, Director of Program Open Space Grants, explains that a formula determines the annual distribution based upon the amount of real estate transfer tax collected by each county. The counties that generate the highest amounts of tax revenue also receive the highest levels of POS funding, but not an amount equal to the amount collected. Counties with lower priced real estate and/or less sales activity receive more funding than the sum of the tax they collect.

Price is one of the many proponents of providing state funds for local priorities. He reasons that it makes sense to spread those funds around the entire state. "Our local program is important to the survival of the whole POS," he says. "It gets buy-in from local governments by making investments in the outdoors and recreation."

POS grant monies are controlled by the state. This helps allay potential concerns about accountability. According to Price, counties present their annual parks, recreation and open space programs to the state, describing how they intend to use their POS monies for eligible capital projects in the upcoming fiscal year. POS funding can be dedicated to any project in that approved capital plan. In order to access the funds, the county submits a request to the state prior to initiating a project. "Mostly we are checking the proposals against the plans," says Price. "It is, after all, their money." All local projects have to be approved by the Maryland Board of Public Works, just like POS's state projects. The board is "just making sure the projects are aligned with POS purposes, so they are almost always approved," reports Price.

is an avenue for funding compatible, complementary local and regional efforts through grants to governments and nonprofits. According to interviewees, when done correctly, these grants have produced a variety of positive outcomes for their programs.

Automatic Distributions and Competitive Grants

There are two primary methods for putting state funds to work through local governments, including cities, towns and counties. The simplest system automatically passes funding to local governments based on some type of distribution formula, for use in projects that complement the state's efforts. The other method of supporting activities outside of state government agencies is via competitive grants. These two methods can be combined, as in Maryland and Pennsylvania.

An automatic mechanism ensures that every community in the state participates in the program at some level, even if some don't have the aspiration or ability to submit a grant proposal. Understandably, visionary conservation and sustainable community advocates usually do not favor distributing state funds based on a formula because they are concerned about how money will be spent and whether the expenditures will contribute to a statewide strategy. However, the value of securing broad public buy-in for state conservation funding is arguably significant enough to recommend that programs at least consider making some form of automatic distribution.

To address concerns about the appropriate use of state funds, whether distributed automatically or through grants, recipient entities should be required to enter into grant agreements that make clear how the funds are to be spent. The grant agreement used by the federal Land and Water Conservation Fund's (LWCF) State and Local Assistance Program is a useful model. The condition that any land acquired with LWCF support must continue to be used for its original purpose in perpetuity is of particular note. If the property is re-purposed or sold, the grant recipient must replace it with land of comparable value or repay the grant, with interest.

As described in the section on leveraging funding, page 25, some programs that make grants to local governments require some type of planning to ensure that expenditure of state monies results in strategic linked outcomes. For example, Florida communities that wish to access

Florida’s Communities Trust funding have to prepare and adopt local growth management plans. (See case study on Florida’s Communities Trust on page 31.)

Automatic disbursements should constitute only a small part of funding available to local governments. The majority of available local funding should advance projects selected on the basis of their quality and ability to achieve the program’s purposes. A competitive grant process for distributing money to state agencies is also recommended because investments will be directed to priority projects and strategic outcomes.

A well-run competitive grant process assures legislators and the public alike that the program is funding the best of the best. Program leaders, such as Kaleen Cottingham of Washington State’s Recreation and Conservation Office, which administers the Washington Wildlife and Recreation Program, believe their agencies’ continued public and political support is a result of their grant programs’ tough competition and rigorous review. Cottingham says, “Even though legislators want to see projects in their districts funded, they have so much faith in our screening process and in the importance of funding only the cream of the crop that hardly anyone attempts to circumvent the rules.” Cottingham and others say that the integrity of the project prioritization process, together with the competition among projects, is a selling point

with the public too. Every item in the state budget is competing with everything else, she notes.

Saving the state’s most important land and water resources or underwriting the development of the best park makes a compelling case for funding. Only a competitive process can result in these types of claims.

PROS AND CONS OF AUTOMATIC DISTRIBUTIONS VERSUS COMPETITIVE GRANTS

GRANT TYPE	PRO	CON
AUTOMATIC	<ul style="list-style-type: none"> Easy to explain Based on a formula Low level of staff time required Distributes funds all across the state Communities without grant-writing capacity get support 	<ul style="list-style-type: none"> Formula may be viewed as unfair Expenditures may not support a strategic network of conservation Less control over how funds are used Does not focus state funding on best projects More difficult to secure matching funds
COMPETITIVE	<ul style="list-style-type: none"> Focuses state funding on the best projects Secures high levels of leverage Can be directed to projects that create a strategic network of conserved lands Gives control over how funds are spent 	<ul style="list-style-type: none"> Staff-intensive to administer Favors local governments or organizations with grant-writing capacity and access to matching funds Does not distribute funds broadly across the state



State budget cutbacks and increasing collaboration among non-profits have produced a variety of land protection, land management and programming partnerships.

Recommended Grantmaking Practices

INCLUDE NONPROFITS AMONG ELIGIBLE RECIPIENTS — A number of successful programs such as the Vermont Housing and Conservation board support nonprofits' conservation and restoration initiatives when they are aligned with the purposes of the state program. Nonprofits often partner with state and local governments, helping them with acquisitions, restoration and stewardship of conserved lands. Successful programs tap nonprofits' expertise, access to philanthropic funds and the ability to act more quickly to complete acquisitions.

MAKE COMPETITIVE GRANTS IN THE FORM OF MATCHING MONEY — Programs that make grants to local governments and nonprofits generally contribute only a portion of the total cost of the project, in essence providing money to match the local investment. Some grantmakers, such as GOCO, allow the local portion to be in the form of in-kind contributions, gifts of land value or charitable donations, instead of government funds. In the case of GOCO, it both lowers the percentage of match required and accepts most of it to be in the form of in-kind donations for its small grants program, aimed at Colorado's less affluent communities, which often have relatively few residents. These flexible strategies can be especially important for programs trying to reach lower income or rural communities.

USE ONLINE APPLICATIONS — This makes the process more streamlined, efficient and transparent. Working with grantees can help overcome the technological challenges that have made some online systems too complex or incompatible with older computer systems. While it is important for applications to be secure, too much security can make a system dysfunctional.

HAVE HELP AVAILABLE — Program staff should work as a team with potential grant seekers, assisting with applications and evaluating projects in advance.

CONSULT WITH FUTURE GRANTEEES IN ADVANCE — The best results, smoothest launch and most positive relationships seem to result from collaborative development of grantmaking policies and procedures.

CREATE MEANINGFUL GRANT GUIDELINES — There should be an inherent connection between the statewide outcomes promised to the

voters and the grant categories and criteria. (See section on Project Selection and Criteria, page 72, for more on this topic.)

REQUEST PROPOSALS ON A PREDICTABLE SCHEDULE — If potential grantees know when applications will be accepted, they can plan ahead, organize their projects and create better quality proposals.

Staffing the State Program for Acquisition and Grantmaking Success

Parks and Wildlife agencies frequently are sister departments within a division of state government such as Natural Resources or Ecology. Their missions are determined by the natural resources for which they are responsible and the associated public services they must provide. Accordingly, planners, biologists, facilities managers, law enforcement and many other employees make up the bulk of the staff.

The people who are responsible for land and water acquisition and grantmaking might seem out of place within an agency focused on managing habitat or providing recreation. Some interviewees reported that, within their program, these key people are housed in some other division that, at first blush, seems more aligned with their job descriptions. However, program staff and partners indicated that segregating the acquisition staff from the conservation program created difficulties. Interviewees from programs like the California Wildlife Conservation Board, which have real estate experts within the agency, report that program efficiency is greatly improved. When the two functions are carried out by colleagues who work together on a daily basis, a functional team is created. The individuals implementing the conservation activities are part of a broader team that knows the landscape, the local politics, project partners and stewardship issues. Having someone with transaction responsibility inside the agency that will manage and develop the land or monitor and enforce an easement is more efficient because the team approach facilitates consistent and productive communications. Kent Whitehead, a project manager in TPL's Mid-Atlantic office, summarized this recommendation well: "A person has to be invested in a project and have contact with the parties and a real understanding of the details. It doesn't work well to hand off a project to someone else to close or process the transaction."

Furthermore, close proximity to the other members of the team tends to make the real estate staff more responsive. When employees working on conservation programs are housed in a separate division and have other responsibilities, the process is perceived to be less efficient.

One innovation in staffing that a couple of successful programs with numerous employees find effective is to organize staff by geography, rather than by resource. Cross-training and deep knowledge of an area of the state encourages cooperation across specialties and efficient use of resources.

New Jersey's Grand-Scale Grantmaking

Over the course of five decades, New Jersey's Green Acres Program (Green Acres) has been providing funding for state and local acquisition of open space, watershed lands and natural areas. In addition to conservation acquisitions, Green Acres also invests in the development of outdoor recreation facilities and improvements that allow the public to better access the state's protected properties.

The New Jersey Department of Environmental Protection, where Green Acres is housed, reported that, as of 2012, Green Acres was responsible for protection of "...over 650,000 acres of open space" and the creation of "hundreds of outdoor recreational facilities" located in rural, suburban and urban communities all across the state.³⁰ After voters approved the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Preservation Bond Act of 2009," a total of \$3.32 billion had been committed to Green Acres' expansive mission.

As the granddaddy of state conservation programs, Green Acres offers many lessons to the generations that have followed. Other states, including Massachusetts, Virginia and Pennsylvania, have emulated elements of Green Acres' structure. New Jersey's extensive experience produced a number of the practices recommended in this report including:

- Giving incentives to local governments for adopting an open space and recreation plan that meets state standards (see page 26)
- Incentivizing voters to tax themselves at the municipal and county level
- Creating a tiered system of grantmaking to aid cities and large towns that are park-poor (see page 68)
- Prioritizing partnerships with nonprofits and other government agencies
- Offering low- to no-interest loans to partner entities for land acquisition, park improvements or facility development

The incentives to local governments are in the form both of higher levels of matching funds and easier access to grants. Local governments without adopted plans or approved funding receive Green Acres matching grants, but the maximum is 25 percent of the appraised value of the property. Those with voter-approved open space trust funds but without an approved plan are eligible for 50 percent matches, but these grants are "site specific," meaning that a complete project application has to be submitted for Green Acres' rigorous and competitive ranking process. Communities that have chosen to tax themselves and develop their local open space and recreation plan can request the 50 percent match outside of the competitive project ranking process, making the application process significantly easier.

The lure of state grants for 50 percent of a property's appraised value has led to all 21 New Jersey counties as well as half of the state's municipalities approving their own open space taxes, ranging from Bergen's relatively low .25 cents per \$100 of assessed property value to the whopping 6 cent per \$100 tax in Warren. According to the New Jersey Department of Community Affairs, the combined annual revenue generated in 2012 by county open space sources exceeded \$200 million.

With so many communities (and nonprofits) working with the state to conserve New Jersey's open space, protection is happening faster than development. Nevertheless, in 2012 requests for funding outstripped available money 4:1. And the last of the 2009 bond monies are fully allocated, so the country will be watching New Jersey to see how its leaders handle their next challenges and opportunities.



4. Make Partnerships Part of the Culture of the Program

Successful programs universally embrace and utilize partnerships at some level and for some activities. While the partners and partnership mechanisms vary, nearly all the interviewees emphasized that cooperative ventures amplify public benefits. The degree to which partnerships are integral to success is evident in the number of references to the topic throughout this report.

The current fiscal and political climate has made partnerships critically important for several of the programs studied. Funding cutbacks have constrained state agencies' ability to acquire priority land and water resources, manage the resources they own, conduct programming to achieve their programs' missions, or make public lands available to the public. Partners can attempt to fill these voids. However, even in less constrained times, cooperation allows programs to accomplish more with less money and staff. Jim Branham, Director of California's Sierra Nevada Conservancy says, "Organize to maximize," referring to the attention he gives to coordinating with a spectrum of possible partners.

Interviewees mentioned a number of benefits from partnerships with nonprofits and other government entities:

- Well-structured and coordinated partnerships take advantage of the complementary skills and capacities that exist within nonprofits and other state agencies and local governments. State programs can operate more efficiently by tapping that infrastructure instead of adding staff. One example is stewardship, particularly of conservation easements, which has been a challenge for some state programs. Partnerships with land trusts, other nonprofit entities and other government agencies can provide needed assistance in monitoring conservation easements.
- When partners are available and qualified to own and manage targeted resources, state programs may not have to hold title (or easements) to achieve their conservation objectives. Transferring this responsibility to other entities or organizations can be very helpful to a program's bottom line.
- Programs that acquire lands for state purposes report that nonprofit partners fundraise to help complete important conservation transactions, which state programs are generally not able to do. Partners in



State wildlife agencies have increasingly embraced use of conservation easements to protect native species such as the Lark Bunting, which needs grasslands that can be part of cattle ranches.

many states are identifying, applying for and securing funding from multiple sources to leverage state funds.

- Successful state programs that acquire lands usually have accomplished real estate experts on staff, or available through other branches of state government. Nevertheless, partners are often available to help negotiate the purchases of priority parcels. Nonprofits can often operate with greater speed and flexibility, which can be essential in a real estate transaction.

Vermont Housing and Conservation Board — Built For and By Partners

The Vermont Housing and Conservation Board (VHCB) is the outcome of a successful collaboration of advocates for Vermont’s working lands, natural resources and affordable housing. The collaboration has produced over \$1 billion (\$260 million in state funds, \$860 million from partners) over its 25-year history for Vermont’s conservation and housing needs.³¹ It has also solidified a network of capable entities to do the work of identifying, developing and completing priority projects that meet VHCB’s criteria.

It started in 1984 when a few individuals from the Vermont Land Trust (VLT) and Vermont chapter of The Nature Conservancy (TNC) proposed a state fund to buy development rights on agricultural land in an attempt to keep farming viable. The 1984 proposal was rejected by the legislature due to the state’s financial woes. After the idea of a fund for preservation of agricultural land was defeated again in 1985 and 1986, leaders of those two organizations saw an opportunity to expand the objectives of the proposed fund, creating broader benefits for Vermonters and, presumably, increased legislative support.

James M. Libby Jr., VHCB’s General Counsel, and Darby Bradley, former President of VLT, wrote about the multi-year process of creating the Vermont Housing and Conservation Coalition to promote a statewide fund for both conservation and housing.³² They report that in the mid-1980s “...New England’s economy was booming and real estate prices were escalating. Land speculation was rampant,” which was making it very difficult to acquire conservation property, or parcels for affordable housing. VLT and TNC “...recognized that housing, open space and the working landscape were all essential parts of livable communities. The idea to form a coalition was born.”

Libby and Bradley describe a sometimes-difficult process to align the differing goals of the coalition’s members, but the members learned to work together and were able to agree on legislation that passed in the 1987 session. Combining forces instead of competing resulted in the creation of VHCB, an independent state-funded agency that makes

grants to state and local governments and nonprofits for permanent protection of land for housing and natural resource conservation.

In its 2012 report to the state legislature, VHCB reported, “Through a network of organizations, Vermonters have used VHCB funding to secure almost 11,000 affordable homes and 400,000 acres of land for food and forest productivity, wildlife habitat protection and public recreation.”³³

Although not mentioned in these statistics, VHCB Executive Director Gus Seelig sees another metric of success that, in his opinion, is as important as the number of acres and homes. “Part of the original mission of VHCB was to help nonprofits get more sophisticated, get more skills,” he explains. Seelig says that VHCB’s grants “...build and strengthen capacity of its partners,” which makes them more capable of implementing the state’s conservation objectives. He is very pleased that funding “propelled the trend” that created such vital land trust and housing organizations in Vermont.



Policies that Encourage Partnerships and Increase Effectiveness

Interviewees were asked how they encourage collaboration so that their program can take advantage of monetary savings, staffing efficiencies and increased levels of land protection. They cited the following policies as promoting and aiding cooperative efforts both between their programs and nonprofits and other government agencies, and among entities that are eligible to receive state funding grants:

INCLUDE NONPROFITS AS ELIGIBLE GRANT RECIPIENTS — As recommended in the prior section on making grants, nonprofits (meaning organizations recognized by the IRS as charities and given 501(c)(3) designation) should be eligible to apply for and receive funding, if the state program is in the business of making grants. Nonprofits should be incentivized to partner with government agencies and other organizations with similar missions, even if those cooperators are not themselves eligible for funding.

CREATE INCENTIVES FOR PARTNERSHIPS — There are two categories of incentives commonly used. One type elevates the relative priority of a project if it has a meaningful partnership component. For example, a state parks agency could rank a restoration initiative more highly because the local chamber of commerce has “adopted” the project and will be scheduling volunteer workdays for its members. The second type of incentive offers increased potential funding to encourage partnerships. Collaborations are rewarded either with a reduction in the level of match required or with an increase in the maximum grant size.

REIMBURSE TRANSACTION COSTS INCURRED BY PARTNERS — State programs that acquire land, as well as those that make grants to others for purchases of land and easements, report that they sometimes rely on nonprofits to buy and hold priority properties. The owner of a high priority property may be willing to sell if the closing timeframe is comparable to that of a private market sale. However, state processes can be lengthy and time-consuming, jeopardizing the conservation transaction. If a partner steps in at the program’s behest to ensure that the property is not lost to development, the state should reimburse the partner for reasonable, customary or pre-approved costs.



State programs frequently rely on partner organizations to acquire priority land that is put on the market, giving the state time to secure purchase funding.

Bringing Together Stakeholders in Colorado

The Great Outdoors Colorado Trust Fund Board recognized that its grant funding would achieve more if its grantees worked together. During the program's first years of operations, GOCO staff was fielding multiple but unconnected proposals from the same areas. So GOCO launched the Legacy initiative to encourage local governments to partner with land trusts, State Parks and the Colorado Division of Wildlife to create landscape-scale visions. GOCO provided Legacy planning grants to incentivize collaboration with the promise of larger "Legacy Grants" for collaborative projects within a targeted landscape. Plans with the most conservation impact, capable participants and realistic finance strategies received GOCO funding for specific land acquisitions that furthered the Legacy vision.

Through the Board's strategic actions, new and innovative partnerships were born which resulted in higher levels of leverage for state funds and significantly more ambitious, landscape-level conservation activities. The Rio Grande Initiative is a good example of how the Legacy grants worked. The Rio Grande Initiative was a collaboration led by the Rio Grande Headwaters Land Trust to protect environmentally sensitive and highly scenic private lands along Colorado's 175-mile stretch of the Rio Grande River. GOCO gave the initiative a Legacy Grant of \$74 million in December 2007 which was matched by funding from the Colorado Water Conservation Board, the Colorado Division of Wildlife, a North American Wetlands Conservation Act grant, the Colorado Conservation Partnership, and donations of land value provided by the landowners who sold conservation easements to fulfill the initiative's objectives. As a result, four properties totaling more than 2,200 acres, with six miles of river frontage were protected.

DEVELOP A COLLABORATIVE SYSTEM FOR REVIEWING PROJECTS —

Grantmaking programs, like Land for Maine's Future, can help partners improve the projects for which they are seeking funding, produce greater public benefits and create lasting relationships by having program staff work with applicants during the grant application and review process. Cooperative procedures, like advance consultations and opportunities for feedback, or technical assistance workshops, such as those offered by Florida's Communities Trust, are especially important for bringing underserved communities or unconventional partners into the program.

USE A COOPERATIVE PROCESS TO IDENTIFY PROJECTS THAT WOULD BENEFIT FROM A PARTNERSHIP —

Interviewees from the nonprofit and state agency realms indicated that cooperative ventures went more smoothly when the partners had been involved early in the prioritization and project planning.

REWARD PROGRAM STAFF WHO ESTABLISH AND FOSTER PARTNERSHIPS —

Employees of partner-centric programs should understand that relationships are one of their responsibilities. Managers expect staff to invest time and energy engaging partners in accomplishing the program's conservation purposes.

PACE APPLICATIONS — Predictable, periodic grant cycles help staff work sustainably, and allow partners to anticipate the timing of potential grants. Frequent grant cycles ensure that landowners don't have to wait years to close on a sale.

INVOLVE PROGRAM USERS IN PROGRAM DESIGN — Engage the people on the ground who will be implementing program strategies. Get input from those who are close to the resources targeted for protection.

Program leaders who confer with state agency land managers and real estate staff are able to develop more effective policies and procedures from the people who will execute them. Similarly, programs that will be making grants to nonprofits and local governments will operate more smoothly if potential grantees have an opportunity to obtain those insights at the start.

Florida Communities Trust Targeted Local Priorities

The original research for this report was conducted in 2010. Florida Forever was still a well-funded program, scheduled to continue through 2020, although there were already signs that conservation was unlikely to be a legislative priority. The Florida Communities Trust (FCT), was widely viewed as a valuable model for partnerships with local governments and nonprofits. Interviews with Ken Reecy, then the director of FCT, Andy McLeod of TNC and Kevin Mooney of TPL revealed the practices that made FCT successful and worthy of emulation in many ways. Although Florida Forever and FCT are practically defunct as a result of the legislature reducing funding by nearly 100 percent, other programs can still learn from this former leader.

As described in the case study on page 31, FCT was created to use Florida Forever funding to help counties and municipalities implement their local comprehensive plans. The grant criteria built upon the conservation, recreation and open space, and coastal management elements of those plans in a logical and convincing manner, according to McLeod. “It is a competitive process in which projects are evaluated by their merits,” he says.

Reecy was pleased with how FCT grants “...showed that funding goes to local plan priorities, not just some current political hot potato.” In addition, Reecy said that FCT’s criteria favored projects that offered meet more than one local objective. McLeod praised FCT’s project selection protocols for separating the grantmaking from politics, which made it “known and respected in Tallahassee,” the state capitol.

Florida is a large and diverse state, so the capacities and priorities of local governments vary widely. Because TPL specializes in helping communities achieve their conservation objectives, Mooney was very familiar with the challenges of securing FCT grants. While he voiced appreciation for FCT’s outreach and technical assistance for rural, less affluent parts of the state, his experience showed that the problem persisted. “You can see it on the map. There are big blank spots,” Mooney said, referring to areas that had not received any FCT grants.

Reecy talked about this challenge as one of the lessons he wanted to share with his colleagues at grant programs in other states. “We want them to acquire local gems before development pressure increases. It is less expensive for the state than doing it later. We found that if we wanted to assure water access and other public values, we had to level the playing field.” FCT staff had started doing “...courtesy reviews, to provide initial feedback” on applications from certain target areas. Their goal was to help communities to “design a better project” that would be more competitive. In addition, FCT waived park development timing requirements for rural, less-affluent communities after discovering that community leaders were reluctant to accept grants that stipulated that acquired land had to be improved fairly quickly.

“Incentives for matching funds unfairly weight proposals from applicants with more staff and capacity,” reported Mooney. He suggested a different scoring scale for local governments with small populations to smooth out inequities. This approach is being used in other state grant programs to good effect. Reecy reported that FCT was offering “no match grants” as part of the effort to overcome such obstacles but had not yet modified the scoring system.

On both Reecy and Mooney’s wish lists for improvements to the already successful program was an integration of grant funding for land acquisition, improvements to make lands accessible to the public and the creation of park infrastructure via a change in the Florida Forever statute. Mooney’s sense was that more communities would apply if they could get “seed money” for improvements as part of the first grant instead of having to apply later to another source for those funds.

FCT was the source of ideas and practices that helped other states to launch their own successful grant programs. Hopefully in the future it will do so again.

Conservation Saves Money

A University of Illinois Extension analysis of Cost of Community Services studies (COCS)³⁴ found the following: Most COCS studies "...divide land use into three categories: residential, commercial/industrial, and farmland/open space. One of the most common procedures for analyzing fiscal impact is to calculate a COCS ratio for each land use category. The ratio compares how many dollars' worth of local government services are demanded for each dollar collected. A ratio greater than 1.0 suggests that for every dollar of revenue collected from a given category of land, more than one dollar is spent."

Many of the Early studies of COCS ratios were either sponsored or conducted by the American Farmland Trust. But in recent years, researchers from a variety of backgrounds have undertaken such studies. Regardless of who conducted the research, the results have been consistent. Virtually all of the studies show that the COCS ratio is substantially above 1 for residential land, demonstrating that residential land is a net drain on local government budgets. The average estimate ranges from about 1.15 to 1.50, which means that for every dollar collected in taxes and non-tax revenue, between \$1.15 and \$1.50 gets returned in the form of local government and school district services. On the other hand, the COCS ratios for the other two land use categories are both substantially below 1. For commercial/industrial, the ratio usually ranges from 0.35 to 0.65, indicating that for every dollar collected, the local government provides only about 35 to 65 cents worth of services. For agriculture and open space, the ratios are only slightly smaller, usually ranging from 0.30 to 0.50.

According to the COCS studies, the largest single expenditure category for communities is the public school system, accounting for 61.4 percent of spending. Since open space and commercial development do not place any burden on the schools, it should not be surprising that their ratios are lower than those for the residential category.

Maximize on-the-ground results through partnerships with local governments and nonprofits by including some of the following policies suggested by interviewees:

ESTABLISH A MATCH — Nearly all of the grant programs require a match of some type, at least for their competitive grant programs. Some accept in-kind donations and landowner discounts in lieu of matching funds.

EVEN THE PLAYING FIELD — Help rural, less affluent communities and areas tap state funding. Several programs, including Vermont's and Maryland's, created different classifications of match requirements because smaller municipalities were effectively blocked from eligibility by a single standard.

ENCOURAGE PLANNING — Require communities to create and adopt local plans to establish their conservation priorities as described on page 30. Some states make grants to fund the development of these plans.

INCENTIVIZE RESEARCH, COORDINATION AND PLANNING — Major, multi-party projects that produce unusually high levels of public benefit require substantial investments of expertise, time and money to launch. State funding can act as a catalyst by underwriting these initial expenses. Funding and match formulas for this type of assistance should reflect the state's relative prioritization of land acquisition, infrastructure development and other types of efforts in order to encourage partners to focus on projects that advance the program's mission.

SHOW THE ECONOMIC BENEFITS — Fund "cost of community services" studies to assess the true costs of converting land to other uses. These studies demonstrate that conservation is usually a better financial deal for taxpayers. (See "Conservation Saves Money Too," on this page.) Such information builds support for land protection as a mechanism for keeping taxes low, even after expenditures involved in resource conservation.

SAFEGUARD THE INTEGRITY OF YOUR PROGRAM PURPOSE — Ensure all policies and funding distribution formulas — especially for automatic grants to local governments — correspond to program purposes and promote the desired end result. See the Maryland example on page 60.

Maryland Incentivizes Land Acquisition by Supporting Recreation Infrastructure

Many state programs that distribute grants require recipient agencies or organizations to match state funds. Match requirements give partner entities an incentive to create new sources of funding that support program goals. As described in the case studies on New Jersey's Green Acres Program (page 64) and the Florida Communities Trust (page 69), the level of required match can also be used to incentivize communities to participate in the state program or to advance specific objectives such as the creation of green spaces in highly urbanized areas. In Maryland, Program Open Space (POS) incentivizes land acquisition through the design of its matching funds.

POS was originally created in 1969 to fund purchases of land by both state and local governments solely for conservation purposes, explains Chip Price, Director of Program Open Space Grants. But he says, "The public objected. So now POS helps fund local recreation and access projects too." The lack of park development funds may have prevented some counties from using POS money available to acquire properties for park, open space or recreation

purposes, even though the state would fund all of the acquisition cost.

These days, so called "local-side" POS grants can be used for acquisition or development projects like ball fields and other capital improvements, according to Price. POS may fund up to 100 percent of land acquisition costs, but counties must match POS investments in park and recreation improvements. The level of required match for this type of development is determined by whether the county has met its land acquisition goals as set forth in its current local "Land Preservation, Parks and Recreation Plan," which all counties are required to prepare. Counties that have met their goals only have to contribute 10 percent of project costs, while those that have not yet completed their property purchase objectives must shoulder 25 percent of the development expenses.

Through this incentive, POS is continuing Maryland's commitment to protect land that is important to state residents, wherever they live.



Project Selection and Criteria

Challenges

- Legislators undermine credible project selection by adding, removing or re-prioritizing projects proposed for funding
- Burdensome process from application to completion, with superfluous approval steps, outcome remains in question almost until funds are awarded or a land acquisition is completed
- Selection process evaluates all project types and project sponsors in the same way, diminishing opportunities to invest in diverse communities and a broad spectrum of resources
- Selection or ranking methodology is unclear, raising doubts about program transparency and credibility
- Criteria are not objective, so project selection becomes subjective and open to criticism
- Unpredictable timing of grant cycles, often related to lack of funding
- Absence of overarching strategy to which projects must contribute

Recommendations

- Project selection produces a slate of opportunities that best meet the program purpose, and funding is directed only to those projects
- Application procedures and/or prioritization are streamlined and logical, with limited levels of review, recognizing that acquisitions are negatively impacted by a lengthy process
- Formulate project selection procedures so that less-well-to-do communities and nonprofits can take advantage of funding opportunities
- Create a statewide plan or stated objectives which provide a framework for project ranking and funding
- Develop criteria that link expenditures to statewide objectives, with funding distributed through a competitive grant process
- Grant applications are accepted and processed on a regular schedule that occurs at the same time – or times – each year

Recommendations Related to Project Selection and Criteria

1. Transparent Project Selection and Prioritization Process

Transparency is an often-used, and sometimes over-used, word that has become synonymous with openness and credibility in government. Successful programs tend to place a high priority on being transparent. Public meetings to inform interested individuals and organizations about the program's activities provide real opportunities for their input. Most interviewees agreed it is important that potential projects be discussed in a forum that allows for citizen and stakeholder testimony. However this does not imply that landowners' sensitive financial information is revealed or that negotiation details are a matter of public knowledge.

Tips for Transparent Project Selection

MAKE RULES CLEAR AND CONSISTENT — When staff members of successful programs honestly assess what could work better, they often say they would like to modify their program's confusing or inconsistent rules or procedures. Consistent rules and rigorous applications are especially important if a program makes grants to other agencies or jurisdictions. For example, if a program requires that grantees have local plans the program has to provide clear guidelines to local planners and consistently apply those parameters when reviewing the completed plans.

DEFINE AND REFINE TERMINOLOGY — Avoid misunderstandings by defining all terms so that stakeholders can interpret them in the same way. There are numerous words or phrases commonly used by conservation programs that can mean different things to different readers. Watch out for jargon. A couple of the interviewees said that their program had experienced problems (sometimes serious ones) caused by unclear terminology that led to litigation or a reduction in the level of protection of natural resources.

CREATE FORUMS FOR PUBLIC INPUT — Transparency and openness require a relationship with constituents. Information should flow in both directions. The most common method for interaction is through public meetings to engage supporters and give detractors a place to air

Minnesota's Outdoor Heritage Trust Fund

One of the highlights of the 2008 election season for conservationists was Minnesotans' approval of the Clean Water, Land and Legacy Amendment, which funds conservation, recreation, water quality, arts, history and culture with a sales tax increase of three-eighths of one percent for 25 years. Proceeds are directed to four separate funds:

- The Outdoor Heritage Fund receives 33 percent to “restore, protect, and enhance wetlands, prairies, forests and habitats for game, fish and wildlife.”
- The Clean Water Fund receives 33 percent to “protect, enhance and restore water quality in lakes, rivers, streams and groundwater.” At least 5 percent of the fund is specifically designated to protect drinking water sources.
- The Parks and Trails Fund receives 14.25 percent to support parks and trails of regional or statewide significance.
- The Arts and Cultural Heritage Fund receives 19.75 percent for arts, arts education, and arts access, and to preserve Minnesota's history and cultural heritage.

According to Minnesota's Legacy website,³⁵ which tracks these funds, their sales tax revenues have increased each year, almost reaching the \$300 million mark for Fiscal Year 2013.

Although the legislature decides how the funds will be spent, Susan Schmidt of TPL explains that the Outdoor Heritage Fund has the advantage of a council that assesses funding requests and makes recommendations to the legislature. Schmidt gives credit to hunting and fishing advocates for insisting on statutory language requiring an oversight entity. In her opinion, the Lessard Sams Outdoor Heritage Council (LSOHC) has “...made the process more transparent” by offering what she calls a “point of entry” for agencies, nonprofits, local governments and citizens to learn about the Outdoor Heritage Fund.

Bill Becker, the LSOHC's executive director, reports that, since its inception, the Outdoor Heritage Fund has invested \$450 million in “acquisition, restoration and enhancement”



projects, with a strict focus on capital investments that can produce “measurable outcomes.” To ensure that the monies are spent strategically and in accordance with the law, the LSOHC divided the state into ecologically coherent “sections” and developed a vision for each one. (The sections are: northern forest, forest/prairie transition, metro urbanizing, southeast forest and prairie.)

Partners ranging from federal agencies, such as the US Fish and Wildlife Service, to Minnesota's state natural resource agencies, to national and statewide conservation organizations, to counties and municipalities, have applied for funding. Becker says that LSOHC receives between 40 to 50 competing requests per year. The predictability of the funding and specificity of the section visions have allowed partner entities to create programs to systematically invest Outdoor Heritage Fund support over large landscapes, such as Ducks Unlimited's multi-year initiative to acquire and rehabilitate the shallow lakes of Minnesota's prairies that are essential to migratory birds.

Washington Experts from the Field Help Prioritize Conservation Projects

WWRP has the most extensive outside review of any of the programs studied. Staff at the Washington State Recreation and Conservation Office (RCO) screen applications in 11 categories to ensure all required information is included. RCO utilizes expert, volunteer advisors to help evaluate and rank projects. WWRP recruits these volunteers from a pool of knowledgeable professionals who work for organizations and agencies that use the funding source, and are familiar with the ranking methodology and the types of projects being considered. Reviewers cannot have a request for support in the current application cycle for the project category they are evaluating. Reviewer rankings are central to the final priority level assigned to each project.

After review by the Recreation and Conservation Funding Board, an eight-person body consisting of five citizens appointed by the governor and the heads of the three state natural resources agencies, a final list for each category goes to the legislature. The level of funding appropriated determines how many projects will receive WWRP support. Legislators can request that projects from their district be removed from the list but nothing can be added, nor can the order of priority be modified.

their dissent. Most programs have some form of regularly scheduled meetings where the public can comment on projects, policies or other topics. Others use online tools. Programs that are diligent about involving and informing local residents about projects in their areas, and do so early and often, seem to fare better with their state legislators and in subsequent funding initiatives or referenda put to the voters.

2. Develop a Statewide Plan to Guide the Program's Investments

Successful programs are often distinguished in part by their persuasive and strategic statewide conservation plans. Some interviewees view thorough and defensible planning as a tool to diminish potential concerns that monies are being spent frivolously. However, this justification is not the primary purpose of a high-quality plan.

There are ecological, social and financial benefits that accrue from assessing how best to achieve the program's objectives. See the sidebar on page 71 for a description of how Maryland approached its statewide plan.

Massachusetts has a state-of-the-art plan that utilizes sophisticated GIS technology, called BioMap2, to ensure that funds generated by the Commonwealth's Open Space Bond authorizations, also known as Environmental Bond Legislation, protect the areas of highest ecological importance. The BioMap2 website³⁶ explains that the plan "...is designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap2 is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan."

Not every state plan has the technological equivalent of these two examples, nor do they need to be. The objectives and authority of the program will determine the appropriate level of data, analysis and public engagement for a plan. The strategic plan developed by the board of the Great Outdoors Colorado Trust Fund, for example, is quite general, establishing principals and goals rather than targeted geographic areas. However, Colorado has the benefit of a statewide initiative piloted by The Trust for Public Land, The Nature Conservancy, Colorado Open Lands, the Conservation Fund and the Colorado Conservation Trust

called “Keep it Colorado” that identified the state’s most sensitive and valuable natural landscapes.

Every state has a State Wildlife Action Plan and State Comprehensive Outdoor Recreation Plan, as required by the federal government. These existing plans, although they vary substantially in their quality and utility, often anticipate partnerships with other agencies and nonprofit partners and are obvious starting points for a plan to advise program investments. State Natural Heritage Programs³⁷ are usually the best source of data related to ecologically sensitive species and landscapes.

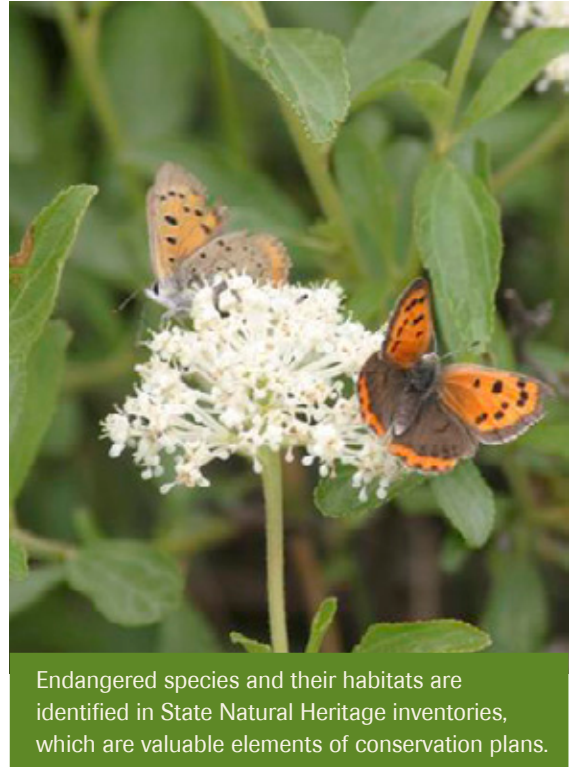
State programs that fund projects based entirely on local priorities, such as the Clean Ohio Fund, do not have as much use for a comprehensive and carefully mapped strategy. Nevertheless, there should be an effort to connect all of the state’s investments through an overarching plan so that all program actions and investments, even at the local government level, can be viewed in composite. Even if the program focus is on accomplishing local priorities, a statewide plan can link those priorities in a meaningful way.

Using a statewide plan as the basis for project selection gives a logical framework for the program’s primary expenditures. Its investments are defensible because each project implements the overall strategy.

Using both local and statewide plans as the bases for implementation has the added advantage of providing demonstrable benchmarks of program success, if the plans delineate priorities. Local plans required for funding should establish measurable objectives in order to show progress as a result of state investments.

3. Develop Defensible Project Selection Procedures and Criteria

Successful programs establish objective procedures for identifying, screening, prioritizing and funding projects that generate the highest level of public benefit, as determined by the articulated program goals. Programs with rigorous and well-supported processes can show how funded projects achieve public objectives. When projects selected for funding are demonstrably of the highest quality, legislators will be less tempted to divert funds away from conservation purposes or to lower priority projects.



Programs created to accomplish state-level objectives — as opposed to those designed to channel funding to local projects — need credible and defensible project selection and prioritization regimes to evaluate and rank potential projects. As described in the Politics section (page 38), if the legislature is involved in approving project expenditures, the selection and prioritization should produce a slate of projects proposed for funding that is presented to the legislature for approval as a group.

Green Acres Funding for Densely Populated Areas

New Jersey's commitment to providing outdoor recreation and natural areas to all of its residents is embodied in the policies of the Green Acres Program. The guidelines and project ranking system for Green Acres matching grants to local governments and nonprofits encourage land acquisition and development in some of the state's most densely populated communities and attempt to counter-balance the high cost of creating new parks for urban residents.

According to the New Jersey Department of Environmental Protection's (DEP) Project Description report,³⁸ Green Acres provided \$41.5 million for local government acquisition initiatives and \$15.8 million for improvements to make properties more accessible to the public in 2012 alone. Projects proposed by counties with high population density (defined as 5,000 people per square mile) were eligible to receive three times as much money per project as rural counties. The project cap for acquisitions in such counties was \$975,000, and for parks and recreation infrastructure development, the maximum match was \$900,000. Municipalities with more than 35,000 residents or high density were also given an advantage. In addition, densely-populated, disadvantaged cities qualified as recipients of Urban Aid, which meant they were eligible for twice as much funding as areas without blighted areas, with caps of \$650,000 and \$600,000.

To further incentivize applications from urban communities and help them overcome financial obstacles to creating or improving parks, Green Acres also offers a higher percentage match and lower rates on loans for facilities development projects. According to the DEP report, "Projects located in a designated Urban Aid municipality receive 50 percent of the project cost in grant funding, and the balance is a zero interest loan, up to the cap." Densely populated counties also were eligible for 50 percent matches, but loans carried a 2 percent interest rate. Other

municipalities and counties could receive up to a 25 percent match from Green Acres.

The system by which Green Acres prioritizes proposals from nonprofits also supports the state's goal of providing outdoor recreation opportunities for all New Jerseyans. Green Acres' project ranking criteria, assign more points for acquisitions in municipalities and counties that have a shortage of open space.

All of these approaches are good examples of how state conservation programs can structure their procedures and use tiered grant levels to support state policy objectives.



Achieving Broad Impact via Project Selection

In order to achieve a wide variety of objectives, successful programs that make grants frequently have complex application forms that require large quantities of information and advanced skills to complete. As a result, national land conservation organizations and well-established local government programs sometimes monopolize the available funding, excluding less accomplished applicants that do not have the experience or internal capacity to present their projects in the best possible way. As a result, good conservation initiatives may be passed over, thereby missing opportunities to advance program purposes and risking alienation of important constituencies. Some interviewees said they are trying to address this unfortunate outcome by using project selection procedures designed to obtain broad geographic outcomes and/or increase participation by smaller communities or constituencies that were previously unrepresented among grantees. Several mechanisms have proven to be effective in creating a more inclusive process that expands the depth and breadth of applications.

PROVIDE ADEQUATE TIME TO PREPARE PROPOSALS — Potential first-time applicants and those with small or no staffs need more time to prepare and submit applications. Simply putting out a request for proposals earlier or extending the submission deadline can help disadvantaged applicants.

OFFER TECHNICAL ASSISTANCE — Agency employees should go to the communities and organizations to train staff or volunteers to produce good proposals.

IDENTIFY A POINT OF CONTACT FOR PARTNER ORGANIZATIONS — Make it someone's responsibility to answer questions, supply forms and give referrals as necessary. Put that information on the program's website and in the application. (See case study on Land for Maine's Future, page 78.)

CREATE FUNDING TIERS — Proposals compete only with others submitted by applicants of their type or size such as rural communities or towns with populations under a specific number. Some of the recommended standards for leverage or partnerships may have to be waived to achieve the inclusiveness goal. The Florida Communities Trust modified matching requirements so that rural, less-affluent communities could qualify for funding.

CREATE AN INTERNAL SYSTEM FOR INTRODUCING PROJECTS — State agency staff that work in the field can help partners to identify and develop potentially appropriate and competitive projects. For example, managers of state wildlife areas should be familiar with the application process so he or she can help local partners apply for state funding. However, keep in mind that great biologists or educators are not likely to also be skilled at designing or negotiating real estate transactions or partnership contracts. Therefore look to field staff for project ideas and to advance partnerships, but not to make deals.

STRIVE FOR OBJECTIVITY — A talented, competent presenter or a well-written application featuring attractive images and colorful maps can be very persuasive. Our experts acknowledged that it can be challenging to look beyond the packaging. Train reviewers to screen for truly relevant information. Clear, specific project selection criteria are the best tool for analyzing applications and choosing the ones that best serve the program.

Supporting Grant Applicants Before They Apply — The Maine Approach to Improving Applications

All 16 counties in Maine and many cities and towns have benefitted from Land for Maine's Future (LMF) funding for projects ranging from public access to the state's lakes and shoreline, watershed protection, commercial waterfronts and iconic landscapes. This broad investment of bond funds does not mean it is easy to secure LMF monies. In fact, there is an extensive evaluation process that involves both program staff and the LMF Board.

Given that all project proposals come in simultaneously when the program requests applications, there is substantial competition for each dollar. According to Tom Abello, The Nature Conservancy's senior policy advisor for state government affairs, Maine has several sophisticated state-wide land trusts and conservation organizations such as Maine Coast Heritage Trust, Maine Farmland Trust and the Forest Society of Maine in addition to TNC and TPL, which have active state programs. These organizations and more than 50 local land trusts have leveraged LMF funding with three dollars for every one dollar of state money.



Candidate projects submitted to LMF for consideration can be complex, and making the case for funding requires detail and rigor. The potential applicants have varying levels of staff capacity and experience. As a result, the content, quality and completeness of project proposals can vary substantially. Direction and assistance from LMF is critical to help level the playing field and maximize the chances that all projects proposed for funding are well aligned with LMF's objectives. To give all potential applicants with good projects a reasonable opportunity to secure funding, LMF staff are true partners for applicants.

Interviewees including TPL's Maine State Director Wolfe Tone, characterized the relationship between LMF and applicants as "collaborative and personal." Under the leadership of the former director, Tim Glidden, the application process started well before the written proposal was submitted. Glidden was available to discuss potential projects with partners so he could provide them with advance guidance. That investment of time allowed Glidden and LMF staff to pre-screen projects so that none of the parties wasted their time writing or reviewing applications for unsuitable projects. LMF's cooperative approach also incorporates thorough, clear and up-to-date application instructions in the form of the proposal workbook,³⁹ available online or in print.

Working in this collaborative manner, TPL has been able to tap LMF funding for a "compelling portfolio of diverse projects around Maine, involving state agencies, land trusts, and towns," according to Tone. He noted that land acquisition by state agencies such as the Department of Agriculture, Conservation and Forestry receive LMF funding through partnership proposals developed in cooperation with eligible nonprofits like TPL. Tone describes LMF as "well-run and accountable," and praises the program for its partner-oriented, transparent and efficient procedures that have produced excellent conservation outcomes and value for Mainers.

Project Selection Criteria

Project selection criteria influence a program's level of leverage and transparency. Ballot language establishing a funding source is generally quite broad in its direction to the program. The associated campaign to secure voter approval usually invokes concepts such as future generations, quality of life, access to recreation, safe drinking water and habitat for native wildlife. These phrases are good for gaining voter support, but they are challenging to quantify. When the time comes to invest public dollars, programs need specific and understandable criteria that give real, measurable meaning to the purposes approved by legislators and/or the public.

Legislators and voters alike appreciate succinct and complete criteria that demonstrate how the program is implementing its mandate. Grantees and partners also appreciate specific and clear selection criteria because they can readily judge for themselves whether their potential project will qualify for funding. This has the added benefit of improving the caliber of proposals, thereby reducing the workload for program staff. Wisconsin's Knowles Nelson Stewardship Fund's Nonprofit Grants Programs, which makes \$12 million in grants to land trusts and other partners, takes advantage of applicants' ability to do their own project screening by requiring them to use the program criteria to score their own project. The entire application, including the self-scoring worksheet can be found on the program's website.⁴⁰

The adopted state conservation plan, conservation purpose of the measure, and voter or elected officials' expectations regarding acquisition priorities, provide the framework for criteria and ranking. This framework will generally determine the types of resources and places that will be chosen through the selection process. Interviewees offered the following advice on creating project selection criteria:

REFLECT THE CONSERVATION PURPOSE OF THE FUNDING — Anyone reading a program's criteria should be able to tell the original purpose of the funding.

USE MEASURABLE AND SPECIFIC TERMS — The criteria are quantitative metrics to evaluate projects. They need to spell out all the characteristics of the best, most desirable projects. Ideally, the data or information on which each criterion is based should be readily available, scientifically sound and objective. For example, state programs created



Protection of species designated as endangered by either the federal or state government is a frequent objective of conservation programs and therefore their presence is a common project selection criterion.



Undisturbed prairie or other intact ecosystems are rare and would likely be targeted in a state conservation plan.

to protect farmland often base a criterion on the USDA analysis of soil types. “Prime soils” are the most productive and therefore most valuable for agriculture. Therefore, a property that features prime soils will be a higher priority for funding. The USDA rating is not a matter of opinion, but rather something that can be researched and confirmed.

LINK TO PLAN PRIORITIES — The state’s plan and/or the local government conservation plans can identify target zones, priority resources, project types or other specific goals which provide a sound basis for the criteria.

MAINTAIN FLEXIBILITY IN MATCHING FUND REQUIREMENTS — The majority of programs require some minimum level of match as a threshold for funding eligibility in order to maximize leverage. Securing the best return on each dollar is a laudable goal but there are some drawbacks to establishing a minimum percentage of cash match. In concept, requiring a certain level of match increases competition and program efficiency by bringing other sources of funding to a project. There are occasions, however — such as when a project has a very tight deadline or when a property is located in a relatively poor area — when it is not possible to generate other money. If a project is a priority in all other ways, it should not be rejected for lack of an arbitrary match requirement. Instead of making the level of leverage a criterion in project selection, programs are best served by a goal for leverage that will be met over time. The approach retains the flexibility to provide higher levels of funding for priority projects, if necessary. However, the criteria can incorporate incentives that rank a project more highly if it offers above a specified percentage of matching funds. Alternatively, a program can emulate Green Acres and create categories of funding that have lower or no match requirements for projects in under-served areas or from a wide spectrum of partners.

ANALYZE UNINTENDED CONSEQUENCES — Each criterion should be analyzed for possible repercussions. Focus on the program’s conservation objectives. In other words, criteria must be grounded in the “why” rather than the “how.” For example, factors such as number of partners, or price per acre, should not trump the presence and quality of the natural, cultural or recreational values of the project.

Role of GIS in Project Selection Criteria

GIS technology has proven to be an important tool for shaping selection criteria that credibly describe what constitutes scenery, habitat or watershed that is worthy of protection or restoration. Using models and increasingly detailed and accurate datasets, GIS experts can analyze and rank broad landscapes or specific properties. GIS has revolutionized the state of Massachusetts' Department of Fish and Game's ability to evaluate projects. However, Craig MacDonnell, Legal Counsel at the Department cautions that it is important to "ground truth" the priorities generated through GIS. The level of detail provided by the computer mapping is rarely sufficient to be 100 percent reliable and property conditions may have been altered.

Geographic Information System Guides Investments in Maryland's Green Places

For more than 40 years, Maryland's Program Open Space (POS) has been protecting land through Department of Natural Resources (DNR) acquisitions for State Parks and Wildlife Management Areas, and also through acquisitions by counties to meet their residents' park, green space and recreation needs. POS is funded by one of the few statewide real estate transfer taxes, which collects one half of one percent (\$500 for every \$100,000 of value) on nearly all property sales.

Although the program suffered during a prior administration, the Governor Martin O'Malley helped restore the majority of funding, allowing DNR to fill vacant positions and invest in an impressive GIS analysis of all of Maryland's environmentally sensitive lands. Referred to as GreenPrint (but not connected to The Trust for Public Land's service with the same name), the analysis culminated in what the DNR claims is the first online, interactive map of an entire state. This impressive product can be viewed at www.greenprint.maryland.gov/map.asp.

The DNR website describes GreenPrint's purpose this way:

- GreenPrint shows where Targeted Ecological Areas occur and how the many programs within our State government work together to protect our most ecologically valuable areas.
- This is an effort to keep portions of Maryland as ecologically sound as possible, to ensure healthy populations of plants and animals, to keep our State beautiful, and to conserve our lands for our children before they are consumed by sprawling development.

Using tools like GreenPrint, we can more effectively manage how our State takes care of its lands and its people.

The targeted ecological areas identified in the GreenPrint process are the conservation priorities for DNR, which in turn helps the state agencies select properties for acquisition using POS funding. Targeting specific watersheds and landscapes for defined purposes also is intended to give the public confidence that the state is using the transfer tax monies wisely.

Stewardship and Land Management

Challenges

- Reliance on uncertain future general fund support for stewardship
- Assumption that state agencies have capacity to monitor easements
- Allowing local governments and nonprofits to complete projects without proof of stewardship funding
- Acquired land is not improved or open to the public for a long period

Recommendations

- Original ballot measure includes funding for stewardship, land management and reasonable administration
- Funding for stewardship is available to grantees and the state maintains a back-up endowment
- Collaborative arrangements are developed to ensure state-held easements are stewarded
- Land management agencies receive an established percentage or set amount from the funding source to provide sufficient financial resources to care for and improve purchased land, partial interests and/or improvements
- Grant programs allow grantees to request follow-on funding for improvements and public facilities

Recommendations Related to Stewardship and Land Management

1. Allot Sufficient Funding from the Start

Land and water acquired, placed under easement or restored becomes part of the common wealth, protected for future generations. Permanently conserving resources for the benefit of all is the core message of every funding campaign. Yet, all too often, after the initial protection action resources languish. Funding for ongoing operations and management expenses has proven to be much tougher to secure than acquisition and capital improvement funding, even though interviewees said those investments are just as important as the original expenditures for long-term success. Concern over funding to cover the long-term costs of stewarding conserved resources and maintaining improvements was the most commonly raised issue in the interviews.

Funding advocates tend to be more focused on creating revenue for immediate and demonstrable activities such as acquisitions and development, rather than long-term operations. While nobody argued that saving threatened natural resources should stop, the challenges facing state programs today suggest that future state finance measures must designate some portion of the revenue to what is generically referred to as “stewardship.” Advocates in New Jersey and Florida are already working on ballot measures to secure new funding, a portion of which will be dedicated to caring for protected lands.

All state-owned or state-funded land and improvements need some form of regular attention to care for the protected resources. State parks and wildlife areas that are open to the public frequently have facilities that demand mundane maintenance, upkeep and policing if they are to remain viable and valuable. State program advocates report that legislators are not appropriating sufficient money from their states’ general funds to cover these costs, or the money simply is not there to be appropriated. Park closings, like those in California, which shut 25 percent of its state parks and historic sites, are highly visible results of budget cutbacks.

Lack of financing for law enforcement, weed control, trash removal and trail maintenance will undermine the success of the program just as surely as closures. Opponents use these problems to block additional conservation, particularly land acquisitions. It is incumbent on all fund-

ing advocates to take all necessary steps to avoid the rallying cry, “But they can’t care for the land they already own!”

The long-term funding shortfall is equally or more problematic for local governments that are in the conservation or parks business. Accordingly, state programs that make grants need to incorporate stewardship funding requirements, and be willing to provide that type of funding. New Hampshire is a leader in this regard, setting aside a percentage of every grant it makes into a state-managed fund that can be used to reward or reimburse grantees for stewardship, or pay for the work if the grantee is not doing it. (See case study page 84.)

No specific number, or percentage, is available for use as a gauge by which to measure sufficient long-term funding levels. However existing state natural resources agencies will have data that can provide a starting point for a reasonable calculation of what amount should be set aside. A good source of advice on calculating conservation easement stewardship expenses can be found at www.conservationtools.org, a website created by the Pennsylvania Land Trust Association. One of the best tools for evaluating stewardship costs, particularly associated with conservation easements, was developed by Colorado Open Lands (COL), a mature and widely respected statewide land trust. COL made its work available through the Colorado Coalition of Land Trusts’ Center of Excellence.⁴¹ In addition The Land Trust Alliance (www.lta.org) offers members a variety of publications and courses related to stewardship, its costs and how to pay for it.

Stewardship and Grants

Financial hardship can sometimes result in disposal of protected properties. Programs that make grants should develop contractual language and clear policies aimed at preventing both sales of land and conversions to other uses. Properties acquired for a specific purpose, for example as a site for a visitors’ center, may be perceived as surplus if subsequent funding for development is not forthcoming. Government priorities shift and land previously purchased for a conservation purpose, such as a greenway, may look ideal for some other purpose such as a new road to mitigate traffic on a primary route. Funding agreements need to prevent either type of misuse of program funds.

One way to ensure that properties protected using state funding won’t be sold or converted to other uses is for the state program to require an



Involving citizens in stewardship can help build support for the program, conservation generally, and caring for public lands specifically.

Putting Money Aside to Make Perpetuity Possible

State programs are struggling to care for land they own, or to adequately monitor and enforce conservation easements acquired with public money. New Hampshire is a major exception. It set up a permanent endowment dedicated to the monitoring of conservation land across the state. The program is administered by the New Hampshire Conservation Land Stewardship Program (CLP), which today monitors state-owned conservation land and provides technical assistance, training, and field support to municipalities and nonprofit groups. The endowment was created with public and private funds to ensure perpetual monitoring and stewardship of land protected with state funds.

The CLP program was originally designed to monitor lands protected under the state's Land Conservation Investment Program (LCIP), which funded acquisitions by four state agencies. Will Abbott, the former head of LCIP, is credited with launching the state's unique endowment. Abbott, who is now vice president of policy and land management at the Society for Protection of New Hampshire Forests, says when the \$50 million bond that originally financed LCIP's land conservation activities was nearly gone, he used the remaining funds to set up the stewardship endowment.

"It is only a question of when and where there will be a showdown," predicts Abbott, referring to the likelihood that someone will eventually violate the terms of an easement. He, like many other land trust professionals, assumes there will be "more and more issues as we deal with successors to the original easement grantors."

In 2000, the state created the new Land and Community Heritage Investment Program (LCHIP), which, unlike its predecessor, provides matching grants to communities and nonprofit organizations to invest in land conservation and historic preservation. When one of these partner entities uses LCHIP money, the state receives an "executory interest," which gives it the right to enforce conservation terms.

The state has an executory interest in hundreds of parcels that the program had helped to protect through purchases

of either fee title or easement in 80 towns, meaning it has the right to monitor and enforce easement terms and management of fee-owned land. "The state properties were easy to monitor," recalls Pete Helm, the person who built the stewardship program after the LCIP sunset. Properties or easement owned by local governments were much more challenging for the state staff responsible for overseeing stewardship. "It was a constant challenge. I felt like we were pushing with a wet noodle to convince them to do what they had to do," Helm says. According to Helm, the state stewardship professionals provided training and support for local government land and easement holders. However, the state's executory interest and funding from the endowment mean that "if the communities don't do it, the state can take over" the monitoring and enforcement to protect the public's investment.

Helm was on the committee that formulated the legislation that created LCHIP in 2000, so he made sure stewardship through CLP was part of the package in order to guarantee that properties would be monitored. "We decided to use a formula plugged into the acquisition program so that an amount from each project would go into the state stewardship fund," he explains. That formula has proven to be a good approach.

In addition to setting aside money in an endowment, the committee included stewardship incentives in the legislation. "The idea was to give back to the state's partners and reward good stewardship," Helm recalls. He describes the committee's thinking, "Send us copies of the monitoring report and we'll send you money. If the land trusts and local governments do their job, it saves the state money."

Today Helm is vice president of stewardship at the Upper Valley Land Trust, which holds five conservation easements purchased with LCHIP matching funds. Last year his organization received an incentive payment from LCHIP of approximately \$1,200. With the benefit of 12 years of experience, Helm believes that New Hampshire's system is a good model for other states because "it acknowledges that stewardship is as important as the purchase."

ownership interest, like the Vermont Housing and Conservation Board and New Hampshire's Land and Community Heritage Investment Program. However as explained above, in the section on funding, state ownership can interfere with other objectives, such as obtaining leverage for state monies.

Great Outdoors Colorado, which is not legally allowed to hold any property interests, requires that local government grant recipients give an easement over the purchased land to a land trust that accepts responsibility for enforcing restrictions that accommodate only the agreed-upon conservation, working lands or recreational purposes. This approach also has potential problems because, in the case of a violation by the municipality, the land trust will potentially be pitted against a city or county attorney's office. As described on page 33, New Jersey goes a step further and requires local governments to inventory and permanently retain all of their open space and parks in order to access Green Acres funding.

State grant-making programs need written agreements with grantees that guarantee they will permanently protect the resources conserved with state funds, or, in the cases of infrastructure, to maintain it. For example, Green Acres' project agreements contain the following language:

That the nonprofit shall agree not to convey the lands unless:

- (1) The transferee is the State, a local government unit, another nonprofit, or the Federal government, if permitted by the applicable Green Acres law*
- (2) The lands will continue to be held for public recreation and conservation purposes and*
- (3) The Commissioner approves the transfer in writing prior to the nonprofit's offering, for sale or conveyance, of any of its interest in the project site. This requirement for written approval is met if an intended transferee is named in the project agreement.⁴²*

The contracts associated with the stateside portion of the federal Land and Water Conservation Fund⁴³ (LWCF) contained language that can be a useful, if imperfect, model. While not outright prohibiting the acquiring agency from subsequently disposing of or inappropriately developing land purchased using LWCF money, the contracts required the grantee to either replace the property or return the funds plus interest or some other additional amount that reflects the increase in property value over time. These obligations remove most of the temptation to sell or convert conserved lands.



The City of Littleton bought Chambers Farm with funding assistance from Great Outdoors Colorado. South Metro Land Conservancy, a local land trust, agreed to hold a conservation easement over the property.

It is more challenging to create and enforce this type of safety net for properties acquired by a state agency. The originating amendment or legislation can incorporate prohibitions or limitations against disposal or conversion, but a future legislature or public vote can change any law. But ultimately a division of the state government, such as the comptroller or attorney general, has responsibility for ensuring the regulations are enforced. Fortunately, it is difficult for state governments to dispose of land. Extensive public processes are usually involved, giving opportunities for program defenders to take action.

Programs around the country are struggling with questions about siting of alternative energy facilities, such as “wind farms,” on land owned by the state or grantees. Several interviewees view the demands for sites and transmission lines to be the biggest current issue related to stewardship of both lands the program owns and easements it enforces. Several of Maryland’s mountainous state forests narrowly escaped being clearcut so that U.S. Wind Force could erect 100 ridgetop turbines.⁴⁴ Action by Governor Martin O’Malley made all state-owned land off-limits to such developments, but a future governor could reverse his action. State Impact, an NPR project, reported that 61 of Pennsylvania’s state parks are atop the Marcellus natural gas shale formation⁴⁵ and may be targeted for drilling since the state does not own the subsurface mineral rights. Former Governor Ed Rendell stopped leasing of Pennsylvania’s state forests for drilling with a 2010 moratorium, but the Corbett administration overturned that action. Energy exploration on protected conservation land is an urgent emerging issue that should be investigated promptly in order to provide guidance to state conservation programs and their partners.

Conservation Easement Stewardship

A study conducted by Darla Guenzler of the Bay Area Open Space Council⁴⁶ indicated that government agencies are not adequately monitoring and enforcing conservation easements. Anecdotal evidence from state programs tends to support this finding. While there are a number of possible valid explanations for this lack of stewardship activities, this research suggests that lack of funding is the most common culprit.

From the perspective of best practices, it is critically important that state agencies either invest in the staff and tools to properly steward easements or establish productive partnerships with entities like land trusts that already have that expertise. Everyone involved in a state program that accepts conservation easements, whether by purchase or donation, should work to create adequate stewardship capacity. Otherwise public funds expended on purchasing conservation easements may be wasted. Easements are only as good as the monitoring and enforcement that accompany them. (See *The Conservation Easement Handbook*⁴⁷ chapter on public agency use of easements for more information.)

Entities that receive state funding should similarly be required to demonstrate their stewardship capacity, including financial depth. Unfortunately it is most common for state programs to require grantees to have stewardship endowments and/or to set aside specific amounts for each project, based on the appraised value of the land. However, the price of the land has no bearing on the likely costs of monitoring the easement or defending the restrictions. To more accurately evaluate the expenses, programs and their partners should use one of the tools described on page 83.

Painful but useful lessons about monitoring and enforcing conservation easements have been learned through lawsuits and lost legacies as a result of legal challenges. The conservation community is now aware of the importance of specificity in easement language and in management plans. State programs need to adapt their template documents and required language to reflect this awareness.

Partnerships between a state program and local governments and nonprofits can allow for productive shared responsibilities for future land management or conservation easement monitoring and enforcement. For example, in Washington State, the Methow Conservancy stewards a substantial portfolio of easements for the Department of Fish and

The Need for Stewardship Funding

Ellen Dayhoff has an excellent view of the conservation easement stewardship scene from her position as the Farmland Preservation Administrator for Adams County, Pennsylvania. She manages the county's conservation easement acquisitions, which are funded by both local monies and the State's Agricultural Conservation Easement Purchase Program. (See case study on page 35 for more on ACEPP.)

Dayhoff and her fellow administrators in counties across the state are worried by what they see on the stewardship horizon. Although the state is a co-holder on all easements that it funds, counties are responsible for easement monitoring, enforcement and defense. "The state can come in if the county is not responsive or doesn't do the stewardship. But, unless someone complained about a problem, the state probably wouldn't know," Dayhoff explains. In her view, the conservation values are at risk because there isn't any money for defense. She continues, "The state is assuming that the boards of county commissioners will cover the costs to defend the easements in their counties. Our county solicitor would have to handle a lawsuit. But we don't have money for the 'what ifs'..."



The State Association of Farmland Preservation Administrators is discussing the possibility of creating a defense fund to prepare for future violations that Dayhoff believes are sure to come. They plan to ask the state to allow some amount of ACEPP grant money, perhaps on a per-acre or per-farm basis, to be set aside for defense to ensure that financially strapped counties will have resources to enforce easement terms, when necessary.

Wildlife in an area where the state has protected many acres of ranchland for big game wintering habitat.

Land trusts have the advantage of being able to access easement defense insurance through TerraFirma, a program set up by the Land Trust Alliance. According to Leslie Ratley-Beach of the Alliance, "If a private land trust co-holds a conservation easement or co-owns land with a government agency, then the land trust, as an eligible insured, can insure its interest in the conservation right. If the land trust is the lead holder per a written agreement and charged with enforcement, then essentially the entire conservation right is protected, even if the government agency is not insured." At the date of this report, no land trust and government partnership had pursued the option of securing insurance from TerraFirma. However, it appears this option could prove very valuable.

Conclusion



The research
behind this report
tapped the
collective wisdom of the
leaders of the
country's most
successful programs

While there is no cookie-cutter approach to state conservation programs, this report compiles expert advice and lessons learned to help policymakers, conservationists and other stakeholders develop and hone programs to be their best.

Staff from the Doris Duke Charitable Foundation, The Trust for Public Land and The Nature Conservancy will use the research outcomes as a resource when they respond to the requests from agencies, elected officials, conservation advocates and other partners for assistance in setting up new programs or evaluating existing ones. In the past, staff could offer only anecdotal responses to requests for advice. Often the best response seemed to be a referral to an individual at an existing, thriving state program. However, without an in-depth analysis of what really works, it was difficult to know whether such a referral was truly going to be helpful to the party in need of guidance. In addition, frequent calls from other states burden key state staff receiving referred inquiries.

The research behind this report tapped the collective wisdom of the leaders of the country's most successful programs on the challenges facing state conservation programs, and the best ways to address or avoid those challenges and to strengthen programs efficacy and efficiency over the long run. Their advice will be useful to conservation advocates, elected officials, agency staff and philanthropists with an interest in seeing the best possible return on public investments.

Establishing the highest-functioning state programs is in the interest of taxpayers and voters. The author and the team from TNC and TPL hope this report will aid leaders at state natural resource agencies, legislators, advocates for parks, wildlife, farmland protection and other preservation and recreation purposes and philanthropies that want metrics to judge the effectiveness of their investments. Ultimately, the goal is to help more state conservation programs succeed in their essential missions, and for the public to get maximum resource protection value from every dollar spent.

Everyone involved in the research, writing and production of this report is grateful to the Doris Duke Charitable Foundation for its support of the effort, and its consistent investments in increasing the level and quality of conservation across the country.



EXHIBIT A: Programs Studied and Names of Interviewees*

ALABAMA, FOREVER WILD LAND TRUST

Chris Olberholster, The Nature Conservancy,
Alabama chapter
Collier Craft, Forever Wild 2012 campaign advisor
Wendy Jackson, Freshwater Land Trust
Greg Lein, Alabama Department of Conservation and
Natural Resources

CALIFORNIA, WILDLIFE CONSERVATION BOARD AND STATE CONSERVANCIES

Marlyce Meyers, The Nature Conservancy,
California chapter
John Donnelly, Wildlife Conservation Board
Sonia Jacques, The Trust for Public Land
Rachel Dinno, The Trust for Public Land
Jim Branham, Sierra Nevada Conservancy

COLORADO, GREAT OUTDOORS COLORADO

John Swartout, Colorado Coalition of Land Trusts
Will Shafroth, US Department of Interior
Doug Robotham, Colorado Department of Natural
Resources
Tim Wohlgenant, The Trust for Public Land
Dan Pike, Colorado Open Lands
Heidi Sherk, The Nature Conservancy, Colorado chapter

FLORIDA, FLORIDA FOREVER AND FLORIDA COMMUNITIES TRUST

Ken Reecy, Florida Communities Trust
Andy McLeod, The Nature Conservancy, Florida chapter
Kevin Mooney, The Trust for Public Land
Will Abberger, The Trust for Public Land
Hutch Hutchinson, Alachua Conservation Trust

IOWA, RESOURCE ENHANCEMENT AND PROTECTION

Mark Ackelson, Iowa Natural Heritage Foundation
Kevin Szcodronski, Iowa State Parks, REAP Coordinator
Mark Langgin, Groundswell Public Strategies
Jim Gillespie, Iowa Department of Agriculture and
Land Stewardship

MAINE, LAND FOR MAINE'S FUTURE

Wolfe Tone, The Trust for Public Land
Tim Glidden, Land for Maine's Future (now with Maine
Coast Heritage Trust)
Tom Abello, The Nature Conservancy, Maine chapter
Mike Tetrault, The Nature Conservancy, Maine chapter
Carolann Ouellette, Maine Office of Tourism

MARYLAND, PROGRAM OPEN SPACE

Kent Whitehead, The Trust for Public Land, Mid-Atlantic
Chip Price, Program Open Space
Stacy Shaeffer, Program Open Space
Steve Bunker, The Nature Conservancy, Maryland chapter
Debi Osborne, National Audubon Society

MASSACHUSETTS, COMMUNITY PRESERVATION ACT

Craig MacDonnell, Department of Fish and Game
Stuart Saginor, Community Preservation Coalition
Matt Zieper, The Trust for Public Land
Kathy Roth, Community Preservation Coalition
Bob Wilber, Massachusetts Audubon and Massachusetts
Land Trust Coalition and Stow Conservation Trust
Steve Long, The Nature Conservancy, Massachusetts
chapter

MICHIGAN, NATURAL RESOURCES TRUST FUND

Rich Bowman, The Nature Conservancy, Michigan chapter
Matt McDonough, Grand Traverse Regional Land
Conservancy
Linda Hegstrom, Michigan Grants Management,
Department of Natural Resources
Andy Buchsbaum, National Wildlife Federation and Great
Lakes Fisheries Trust

MINNESOTA, OUTDOOR HERITAGE TRUST FUND

Bill Becker, Lessard Sams Outdoor Heritage Council
Jon Schneider, Ducks Unlimited
Susan Schmidt, The Trust for Public Land
Kris Larson, Minnesota Land Trust
Paul Austin, Conservation Minnesota

MONTANA

Glenn Marx, Montana Association of Land Trusts
Eleanor Morris, The Nature Conservancy

NEW HAMPSHIRE, LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM

Will Abbott, Society for the Protection of New Hampshire Forests
Pete Helm, Upper Valley Land Trust
Dijit Taylor, Land and Community Heritage Investment Program
Rodger Krussman, The Trust for Public Land

NEW JERSEY, GREEN ACRES

Martha Sapp, Green Acres
Tom Gilbert, The Trust for Public Land
Tom Wells, The Nature Conservancy, New Jersey chapter
Renee Jones, Green Acres, Central Team
Amy Hanson, New Jersey Conservation Foundation

NORTH CAROLINA, NATURAL HERITAGE TRUST FUND AND PARKS AND CLEAN WATER MANAGEMENT TRUST FUND

Lisa Riegel, Natural Heritage Trust Fund
Reid Wilson, Conservation Trust of North Carolina
Nancy Guthrie, Clean Water Management Trust Fund
Tom Cors, The Nature Conservancy, North Carolina chapter

OHIO, CLEAN OHIO – GREEN SPACE PROGRAM

Lou Mascari, Ohio Public Works Commission
Krista Magaw, Tecumseh Land Trust
Bill Carroll, The Trust for Public Land
Terry Seidel, The Nature Conservancy, Ohio chapter

VERMONT, VERMONT HOUSING AND CONSERVATION BOARD

Dennis Shaffer, Vermont Land Trust
Gus Seelig, Vermont Housing and Conservation Board
Rodger Krussman, The Trust for Public Land
Jim Shallow, National Audubon Society

WASHINGTON, WASHINGTON WILDLIFE AND RECREATION PROGRAM

Cathy Baker, The Nature Conservancy, Washington chapter
Adrienne Fox, The Trust for Public Land
Kayleen Cottingham, Recreation and Conservation Office
Marguerite Austin, Recreation and Conservation Office
Bill Chapman, Recreation and Conservation Funding Board
Joanna Grist, Washington Wildlife and Recreation Coalition

WISCONSIN, KNOWLES NELSON STEWARDSHIP FUND

Todd Holschbach, The Nature Conservancy, Wisconsin chapter
Mike Carlson, Gathering Waters

WYOMING, WYOMING WILDLIFE AND RESOURCE TRUST

Bob Budd, Wyoming Wildlife and Resource Trust
Russ Schnitzer, The Nature Conservancy, Wyoming chapter

MULTI-STATE, GENERAL INSIGHT

Will Shafroth, Department of Interior
Craig Lee, National Audubon Society
Peter Stein, Lyme Timber
Mary McBryde, Lyme Timber
Erik Kulleseid, State Parks, New York
Andy Buchsbaum, National Wildlife Federation

*(Affiliations are from the time of the interview.)

EXHIBIT B:

Names and Bios of Advisory Committee on Best Practices for State Conservation Programs*

Dennis Figg, Wildlife Programs Supervisor, Missouri Department of Conservation: Dennis is working with the conservation community in Missouri to implement the state's Comprehensive Wildlife Strategy. Dennis served on the advisory board of the National Council for Science and the Environment's Wildlife Habitat Policy Research Program, funded by the Doris Duke Charitable Foundation. He is involved with the Association of Fish and Wildlife Agencies' Climate Change Committee and helped develop the guidance document, "Voluntary Guidance for States to Incorporate Climate Change into State Wildlife Action Plans and Other Management Plans." Dennis has a long history with the Department of Conservation. Previously he was Missouri River Unit Chief in the natural history division.

Sue Gander, Director, Environment, Energy & Natural Resources Division, Center for Best Practices, National Governors Association, Washington DC: Sue leads a team of policy experts in providing technical assistance and policy guidance to governors and their staff on issues including: energy, environmental protection, transportation, green economic development, innovative energy and transportation financing, and sustainability strategies. She has 16 years of experience working on state, national and international energy and environment issues and is the author and editor of multiple reports and articles on energy, environmental and transportation best practices. Sue holds a BA in Public Policy from Brown University and an MA in Public Policy from the University of Wisconsin-Madison, with a certificate in Energy Analysis and Policy.

Tim Glidden, Acting Director of the Maine State Planning Office and the Director of the Land for Maine's Future: Tim spent 11 years with the Office of Policy and Legal Analysis with the Maine Legislature finishing his tenure there as the Principal Analyst for natural resource matters. During that period, Tim worked with legislative committees dealing with the all natural resource, environmental and energy issues. After leaving legislative staff, Tim was deputy director at the Natural Resources Council of Maine. Tim holds a masters degree in forestry sciences from the Yale School of Forestry and Environmental Studies.

David Knight, Assistant Secretary for Natural Resources, Department of Natural Resources, North Carolina: In his current role, David supervises the following agencies: Soil and Water Conservation, Forest Resources, Marine Fisheries, Parks and Recreation, the Ecosystem Enhancement Program, the Office of Conservation, and the Natural Heritage Trust Fund. Previously, David worked for the North Carolina Nature Conservancy for four-and-a-half years as its Director of Government Relations. Prior, he worked as a lobbyist and consultant for such organizations as the NC Sierra Club, the Trust for Public Land, NC Wildlife Federation and NC Planning Association. David has a bachelor's degree in political science from UNC-Chapel Hill and a law degree from Wake Forest University Law School.

Peter Murphy, President and CEO of the Illinois Association of Park Districts: As President/CEO Peter manages the association's operations and personnel; works with the IAPD board of trustees to develop strategic plans and goals; establishes corporate and nonprofit partnerships; oversees finances; serves as the association's spokesperson; and directs programs and services including research, board member training, publications, education, public awareness and marketing. He works daily with more than 415 park districts, forest preserves, conservation, recreation and special recreation agencies in Illinois. Peter joined the Illinois Association of Park Districts in 1980 as General Counsel.

Pat Powell, Executive Director, Whidbey Camano Land Trust, Washington: Pat has over 30 years of experience in land protection, grant writing, and natural resource planning and management. She also serves as the President of the Washington Association of Land Trusts, which she helped found. Before joining the Land Trust, Pat owned a successful acquisition and planning consulting business. Prior to that, she was the Director of Land Protection for The Nature Conservancy of Washington. She also spent nine years as the Special Lands Acquisition manager for the WA Department of Natural Resources. Previously she was a planner for San Juan County, WA, and a natural resource planner in Alaska.

John Swartout, Executive Director, Colorado Coalition of Land Trusts (CCLT), Colorado: Prior to joining CCLT, Swartout was the executive director of the Great Outdoors Colorado (GOCO) Trust for seven years. During his tenure at GOCO, Swartout worked with the GOCO Board to award \$297 million to projects throughout the state, including \$140.1 million to protect 339,107 acres of open space across Colorado. Prior to GOCO, Swartout was a senior policy advisor to both Governor Bill Owens and U.S. Senator Wayne Allard. He led efforts to create the Rocky Flats Wildlife Refuge and the Great Sand Dunes National Park, designate the Spanish Peaks and James Peak Wilderness Areas, the opening of three new State Parks, and establishment of new incentives for conservation easements and obtaining bonding authority for GOCO.

Thomas Wells, Director of Government Relations, The Nature Conservancy, New Jersey: Prior to his tenure with the Conservancy, Tom served for 10 years as Administrator of New Jersey's nationally recognized Green Acres Program, which has provided over \$3 billion for open space preservation and park improvement projects in New Jersey. Mr. Wells also served for nine years as the Assistant Director of the New Jersey Conservation Foundation, a statewide land conservation organization. He holds a Bachelor of Science degree from Rutgers University and a Master of Landscape Architecture degree from the University of Michigan.

EXHIBIT C: Names and Affiliations of TPL/TNC team

Will Abberger, The Trust for Public Land
Len Barson, The Nature Conservancy
Eleanor Morris, The Nature Conservancy
Tom Gilbert, The Trust for Public Land
Andy Tuck, The Nature Conservancy
Matt Zieper, The Trust for Public Land

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