

Private Land Trusts: Partners for Community Conservation

Charles E. Roe



COURTESY OF CONSERVATION TRUST FOR NORTH CAROLINA

Preservation of environmentally important land is fundamental to smart growth strategies that guide development and restrain sprawl. At the forefront of local community efforts to save vital green spaces and natural areas are private land trusts. This article describes the purpose of such trusts and the tools that they use to accomplish their mission.

Private land trusts are nonprofit, tax-exempt corporations supported by public membership and designed to meet the unique interests of the local communities in which they are established. Dedicated to preserving environmentally significant land areas, private land trusts work to acquire properties from willing

landowners. They also use favorable federal and state tax laws (many of which they worked to enact) to encourage landowners to donate property to them or to establish permanent conservation easements (discussed under the heading "Tools Used by Land Trusts") on land that the landowners retain. Land trusts raise their operating revenues and funds for acquisition of land and easements from public and private contributions and increasingly with grants from state and local governments. The properties acquired and managed by the trusts are spared from intensive development and thus reserved for future generations.

In community after community, in North Carolina and around the country, private land trusts are ensuring that natural areas, stream corridors, wetlands, farms, woodlands, and urban open spaces

The Conservation Trust for North Carolina has protected nearly 19,000 acres of land adjacent to the Blue Ridge Parkway. In one instance the Conservation Trust purchased a 47-acre tract near Boone to block subdivision and commercial development, then resold the property subject to a permanent conservation easement restricting its use to only a single home with pastures and woodlands.

are not all cleared, paved over, and buried by urban and suburban development. Across America, local and regional land trusts have protected more than 4.7 million acres. To date, the two dozen private land trusts working in North Carolina, most of which have been established in the last decade, have protected nearly 60,000 acres in 260 differ-

The author is the executive director of the Conservation Trust for North Carolina. Contact him at roe_ctnc@mindspring.com.

ent locations throughout the state (see map below).

Local and regional land trusts concentrate their efforts on places most valued by local residents and most beneficial to local communities. The trusts, and the land they protect, are distinct from national conservation organizations, such as The Nature Conservancy (TNC), the Conservation Fund, and the Trust for Public Land. The national conservation organizations focus on preserving ecologically unique areas that often are large in size and remote in location from populated urban centers. For example, TNC in North Carolina, in partnership with state and federal agencies, has protected nearly 500,000 acres over the past twenty-five years, most of them in the coastal and mountain regions. The majority of the lands acquired by TNC and other national conservation groups working in this state have been conveyed to the government—most often as additions to the state park system, to wildlife refuges and management areas, to state and national forests, to nature preserves, and to coastal ecological reserves. Occasionally TNC retains ownership of a site of globally significant ecological resources, creating a new nature preserve.

Land Trusts and Local Governments

Because local and regional land trusts tend to focus on protecting environmental resources identified as priority areas to the people of local communities, they are increasingly forming partnerships with local governments to save critical pieces of land.

Dramatic successes accomplished by North Carolina's land trusts, often in unique private-public partnerships, include acquisitions of nature reserves, public gardens, and parks in Asheville, Charlotte, Durham, Greensboro, Raleigh, Salisbury, Southern Pines, Wilmington, Winston-Salem, and other communities across the state. Land trusts have saved farms and forests on the fringes of metropolitan areas with permanent conservation easements. They are protecting watersheds for and shorelines of public water supply reservoirs in Charlotte and

Asheville, among other places. Protection plans designed by land trusts for dozens of streams and rivers in all regions of the state are beginning to be implemented through land purchases and conservation management agreements with private owners of properties along those streams. In the past three years, land trusts have received nearly \$20 million in grants from the state's Clean Water Management Trust Fund to purchase land critical to the preservation and the restoration of water quality in sensitive streams and rivers. Such successes will continue as greater public funding is extended to private land trusts acting in the public interest.

A number of North Carolina cities and counties are preparing their own public funding initiatives to acquire more parks and nature reserves and to establish networks of greenway trails, frequently following watercourses and connecting parks and neighborhoods. Nationally over the last few years, the success rates for local and state ballot initiatives authorizing public spending for parks and protection of open space have been extraordinary, with the initiatives passing in more than 85 percent of 250 public referenda. Such public bond issues and funding initiatives are under consideration in many of North Carolina's urban areas.

Conservation Trust for North Carolina

The Conservation Trust for North Carolina serves as both the statewide land trust and an umbrella service center for the network of local land trusts. The Conservation Trust is sponsoring research on ways to increase public funding for conservation of land and establishment of parks and greenways. It also is seeking new funding sources to help local land trusts cover their transaction costs for conserving land and their long-term costs for monitoring and managing land.

Efforts of the Conservation Trust to protect more of the natural and scenic land adjacent to the Blue Ridge Parkway demonstrate the challenges and the opportunities for land trusts in protecting sensitive land under assault by de-

velopment pressures. The parkway is the state's top tourism attraction and the most visited unit of the entire national park system, but it is only a narrow ribbon of publicly owned land, averaging 800 feet wide as it meanders through a mountain landscape of forests and pastures. The beloved parkway is a victim of sprawl from uncontrolled residential and commercial development. The Conservation Trust has arranged for donations of land and conservation easements



COURTESY OF GRANT MACNEICHES

on numerous private properties next to the parkway and in some cases has purchased critical tracts. Its land purchases in Watauga and Buncombe counties have blocked intensive development of several tracts considered highest priority to protect the parkway's natural beauty.

One of the Conservation Trust's recent land purchases along the parkway was an 80-acre mountainside parcel north of Asheville that was owned by Buncombe County but declared surplus property and offered for sale for development or conservation. The county has decided to dedicate part of the sale proceeds as seed funding for its farmland preservation and greenways programs.

Although the Conservation Trust has protected more than a dozen parcels next to the parkway, it cannot compete with development forces that are going unchecked by local government land-use

Conservation Trust for North Carolina – Statewide
919-828-4199

LAND TRUSTS OF NORTH CAROLINA
Conservation Trust for North Carolina supports a strong network of private land conservancies across North Carolina. Support services include technical consulting, organizational development, educational materials, and training workshops.

controls. Real estate prices for land adjacent to the parkway, in areas where land uses and development are virtually unregulated by local governments, have in the past few years quadrupled in market value (soaring to more than \$40,000 per acre in the Boone-Blowing Rock vicinity).

Tools Used by Land Trusts

Conservation Easements

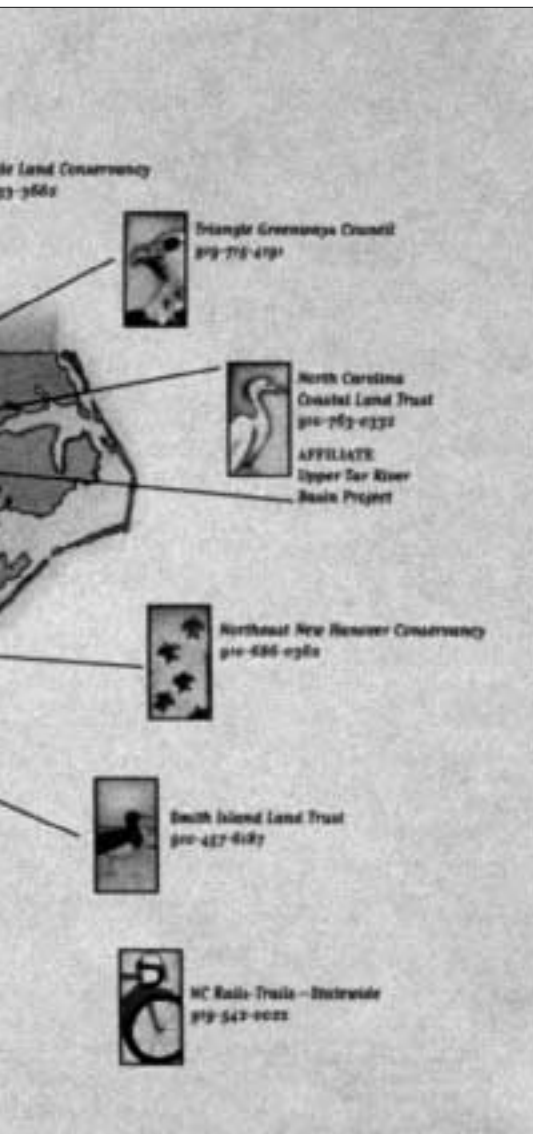
In addition to acquiring property from willing landowners, local land trusts increasingly employ a tool that is an alternative to land ownership—the “conservation easement.” This is an interest in land, granted by the owner, that significantly restricts further development and damage to natural resources, and

entitles the easement holder to monitor and enforce the restrictions. More than half of the land thus far protected by North Carolina’s land trusts has been saved from intensive development and natural resource destruction by deed restrictions providing for permanent conservation easements. These easements may be donated or sold by landowners to land trusts. Private landowners are encouraged to donate conservation easements by substantial inducements in the form of federal and state income tax deductions and credits, lowered estate or inheritance taxes, and sometimes reductions in local property taxes. The land restricted by the easement, which is subject to a management agreement, remains in private ownership and on the local property tax rolls, but its future uses are controlled and its property tax

assessment is based on current, restricted-use rates. The use of conservation easements by private land trusts and local governments is likely to grow as landowners and their advisers become more familiar with the advantages of such easements.

Farmland and Rural Land Protection

The Conservation Trust for North Carolina and a coalition of land trusts in the more urban parts of the state are working to promote conservation of agricultural land and to protect farmlands in urban fringes and environmentally sensitive areas. The protection of the “working” rural landscape provided by productive farms and forest-based business is a major component of preserving North Carolina’s rural character. In 1998 and 1999, the North Carolina General As-



COURTESY OF CONSERVATION TRUST FOR NORTH CAROLINA

sembly appropriated \$250,000 and \$500,000, respectively, to begin a demonstration program for farmland preservation. In 2000 the legislature appropriated \$1.5 million to extend the program for a third year. The North Carolina Department of Agriculture contracted with the Conservation Trust to administer the program. Funds were used to purchase conservation easements or to pay the transaction costs for easement donations over large parts of twelve farms, mostly in urban growth areas of the Piedmont. Nonfarm development rights valued in excess of \$5 million were permanently extinguished by the easements, which provide for continued uses of the land for agricultural and “silvicultural” production (tree production and harvesting of forest products). The challenge is to persuade state and local governments to

establish and fund effective protection programs similar to those in several other mid-Atlantic states.¹ A minimum of \$15 to \$20 million in annual state funding probably is necessary to build a successful farmland protection program.

Partnerships with Private Buyers

To influence new development designs that preserve important environmental resources and green spaces, land trusts are occasionally involved in limited development partnerships. In some instances, land trusts acquire properties and subdivide them for combinations of users, with portions preserved in natural condition and portions resold for low-impact development. The Conservation Trust for North Carolina has begun a “conservation buyers” program, which matches significant properties on the real estate market with conservation-minded private buyers. Ideally, restrictive covenants and conservation easements are applied to the properties. The program is similar to ones used by preservationists of historic properties.

Public Involvement

As important as direct protection of land is another dimension that land trusts bring to efforts against sprawl—namely, thousands of supporters who are giving their time and money to improve their communities and protect important environmental resources. When people voluntarily invest themselves in protecting the places they love, they begin to understand the threats and the costs of poorly planned and uncontrolled development. They start to look less favorably on public policies that subsidize inappropriate development. They begin to support alternatives to sprawl, including spending more tax dollars to buy open space or development rights. And they start to support establishment of urban growth boundaries (see the article on page 29), redevelopment and revitalization of downtowns and inner cities, and formulation of better transportation policies. Land trusts, which have attracted broad-based public support, help show communities how to work together and create healthy and attractive places in which to live and work.

Conclusion

Private land trusts are keys for North Carolina to “grow greener.” Most of North Carolina’s land trusts are still relatively young—the two dozen land trusts are on average less than ten years old—but their accomplishments already are impressive and their record of land protection is steadily rising. As the national conservation organizations successfully protect large-scale natural areas and critically endangered species, usually in public parks and wildlife refuges, the local and regional land trusts protect smaller areas of great community interest and conserve land that will remain in private hands.

These land trusts are vital components of smart growth strategies. They are busily at work saving land while public programs and processes are being devised to prevent uncontrolled development and promote conservation of natural resources. The trusts are critical partners for communities and public agencies that choose the route to smarter and greener growth patterns, for they protect the land that North Carolinians most love, and save the state’s places of natural beauty and environmental well-being.²

For more information about land trusts, the Conservation Trust for North Carolina, or land conservation methods and programs, visit <http://www.ctnc.org> or <http://www.lta.org>, or write to the Conservation Trust, P.O. Box 33333, Raleigh, NC 27636-3333. The Web sites provide a link to the local and regional land trusts operating in North Carolina.

Notes

1. See the American Farmland Trust’s Web site, <http://www.farmland.org>, for a listing of state and local programs that protect productive farm and forest lands. The best-funded state programs in the nation are those of Connecticut, Delaware, Maryland, New Jersey, and Pennsylvania.

2. For more information about land trusts and other conservation efforts, see Charles E. Roe, *Private Initiatives in Land Conservation: A Grassroots Movement*, POPULAR GOVERNMENT, Winter 1993, at 2; Charles E. Roe, *Strategies for Protecting North Carolina’s Natural Areas*, POPULAR GOVERNMENT, Winter 1986, at 15; and Chris Powell, *Common Ground*, WILDLIFE IN NORTH CAROLINA (published by the N.C. Wildlife Resources Comm’n), July 1998, at 8.