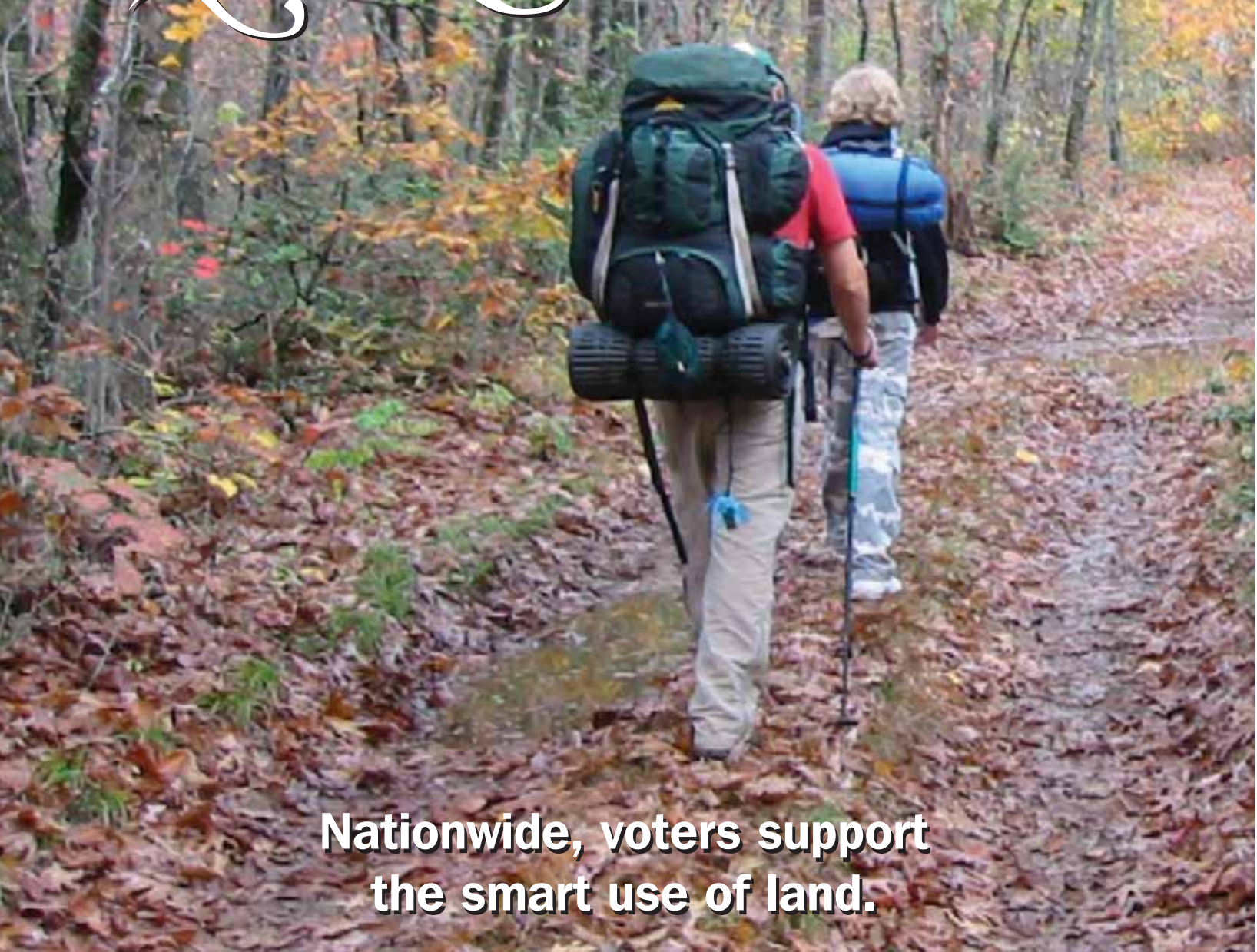


# Land Conservation



**Nationwide, voters support the smart use of land.**

By Christine Sexton

Regardless of gender, age, political persuasion, or even zodiac sign, it doesn't matter when it comes to preserving the land. Voters everywhere overwhelmingly support land conservation programs that promote a balance between maintaining fragile lands and allowing planned, sustainable growth.

During the calendar year 2006 alone voters across America were asked to weigh in on 180 land conservation ballot measures, whether at the local, state or federal level, and slightly more than 74 percent of the initiative passed, said Andrew du Moulin, a senior research associate in the Trust for

Public Land conservation finance program.

When the scope is further narrowed to initiatives that appeared in the 2006 November general election, the number of land conservation programs endorsed by voters jumps even higher, to 80 percent.

"Every single year, it doesn't matter where the measure takes place or what the political make up is, people care about preserving their land," said du Moulin, who noted that in 2006 voters agreed to \$6.4 billion in tax increases to generate the additional funds for land conservation initiatives. The majority of that, du Moulin said, is attributable to California's proposition 84 which gives the state the authority to

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issue \$5.388 billion in bonds for a wide variety of projects related to water safety, rivers, beaches, levees, watersheds, parks and forests.

"It's a universal issue and one that is bipartisan to its core," du Moulin said of the popularity of land conservation initiatives at the poll.

Nature Conservancy Florida Associate Director Sue Mullins agrees. She said land conservation programs appeal to liberals for traditional environmental reasons, but also appeal to conservative voters who usually oppose tax increases.

"Conservatives see the literal value of conserving, whether it's conserving land or water or tax dollars,

so they tend to support tax initiatives to fund land conservation because they see that investment as a preventative approach to conserving resources," said Mullins, who has campaigned for 17 local land conservation referenda, and, in 2006, worked on successful initiatives in Charlotte and Collier Counties to create \$200 million in new local conservation funds.

Mullins also stresses that Florida's land buying programs are attractive to conservative voters because the programs compensate property owners for the land, instead of taking a regulatory approach that appropriates the land.

Indeed, land conservation initiatives are so popular in Florida that the state Legislature has authority in statute to authorize the issuance of bonds for land conservation programs.

The preservation bonds are secured by revenue generated from the state's documentary stamp tax. The documentary tax applies to all land purchases and generally is a 70-cent assessment per every \$1,000 in property value.

With financing in place, the Legislature in 1990 passed Preservation 2000, which had a record-setting \$3 billion budget for land conservation and management programs and bought 1,781,489 acres of land.

"It's an absolute watershed program," Mullins said of the initiative, commonly called P 2000. "It was just tremendous. It was the first ever of its type of program and it was larger than the country's land buying programs."

When P 2000 expired the Legislature followed it up with Florida Forever, again a 10-year, \$3 billion land conservation program that through December 2006, has been responsible for protecting more than 535,643 acres of land for parks, recreation and wild life reserve with \$1.8 billion in funds.

P 2000 and Florida Forever have been successful, most agree, because of their non-regulatory approach. The Division of State Lands is given a \$105 million annual appropriation to negotiate land deals on behalf of the people of Florida. In most instances, the property is appraised by two different private sector appraisers who estimate the value of the land. All deals are finalized by the governor and cabinet.

With just three years left before Florida Forever is set to expire, a group of more than 20 land conservation organizations—ranging from the Florida chapters of the American Planning Association and the American Society of Landscape Architects to Audubon—is working together to forge consensus on what the next iteration of the state's land buying initiative should look like.

The ultimate goal for this group, calling itself the Florida Forever Coalition, is to ensure that 33 percent of the peninsula of Florida be managed for conservation, which would require the acquisition of an additional 2 million acres of land.

The Trust for Public Land Government Affairs Director and Florida Forever Coalition member, Andrew McLeod, said the state

needs to increase funding of its land conservation program so it can keep pace with the soaring real estate costs. Information compiled by the Florida Association of REALTORS® shows that today's median home and land value is more than three times what it was in 1994.

Consequently, McLeod says, the coalition wants the state to triple its conservation budget to \$10 billion over a ten-year period.

McLeod points to one of the state's most touted land conservation programs, the purchase of Babcock Ranch, as an example to underscore the need for more money.

Pittsburgh lumber magnate Edward Vose Babcock bought 91,000 acres known as the Babcock Ranch in Southwest Florida in 1914. By the late 1930s his son, Fred Babcock, had taken over operations at the ranch and started managing the land, replanting forests and removing invasive plants not native to the area. The largest continuous privately held undeveloped

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Photo provided by The Trust for Public Land; photographer Michael Wray



Photo provided by The Trust for Public Land; photographer Russell Grace

## Coalition members remain optimistic that Florida will remain a leader in land conservation.

parcel of land in the state, the Babcock Ranch had long been identified by Florida Forever as a priority acquisition and after Fred Babcock died the state entered into negotiations with the family.

Unable to reach agreement, negotiations broke off. Developer Syd Kitson in 2005 entered into an agreement with the family that preserved a majority of the land but allowed Kitson & Partners to develop a sustainable community on about 18,000 acres.

Finalized last summer the deal maintains an untouched 74,000 acres and ensures that a corridor of undeveloped land from Lake Okeechobee to the Gulf of Mexico continues for the Florida panther, Florida black bear and the crested caracara that live there. The purchase protects a vitally needed water-recharge area. The land also has large tracts of pine and scrubby flatwoods and a highly functional freshwater swamp system, called Telegraph Swamp.

The agreement allows Florida development company Kitson & Partners to develop up to 19,500 homes ranging in value in a sustainable community that will be developed using green techniques, greenways and trails.

Because of the \$350 million price tag, though, the Legislature purchased the land with a special appropriation. That's because the costs of the ranch exceeded the annual \$300 million Florida Forever appropriation which, in addition to land acquisition programs, is also used for the Florida Fish and Wildlife Conservation Commission and the state's five water management districts.

To purchase the land, the Legislature agreed to a one-time \$310 million appropriation in addition to the \$300 million Florida Forever funds. Lee County also contributed \$40 million to the purchase, money which was available because of the county's own local conservation referenda initially passed by voters in 1996. Lee County is one of 30 counties and cities in Florida that has adopted local land conservation programs.

Through Preservation 2000 and Florida Forever the state has been able to manage about 27 percent of the nearly 35 million acres in Florida for conservation. The goal is to manage 33 percent of the



Photo provided by The Trust for Public Land; photographer Michael Wray

state's lands which will require another 2 million acres and a lot more money.

While groups push for a long-term successor program to Florida Forever, they are also calling on state officials to increase the funding available for land purchases this year which could allow them to buy significantly more land now that the state's red hot real estate market is cooling.

Newly elected Florida Gov. Charlie Crist advocated an increase in Florida Forever funds by \$100 million in his proposed budget but the Legislature appears unwilling to go along with the move, to date.

Nonetheless, McLeod and his coalition members remain optimistic that Florida will remain a leader in land conservation.

"We don't underestimate the challenge," McLeod said of triple funding for the program. "But the merits of land conservation are recognized across Florida."

While the Florida Association of REALTORS® hasn't officially joined the Florida Forever coalition, the association has worked closely with environmentalists on land-use programs in Florida, said Florida Association of REALTORS® Vice President of Public Policy John Sebree.

"REALTORS® support Florida Forever because we know that preserving land and green space adds to the quality of life here in Florida. People want to live here because of our pristine beaches and the ability to enjoy outdoor activities. Florida Forever has been a part of that," Sebree said.

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## New Conservation for Old Rails

Kevin Mills has a passion for active transportation. You might think that the Washington D.C.-based Rails-to-Trails Conservancy, where Mills serves as vice president for policy, would have it easy on Capitol Hill selling as it does a concept that has been linked to increased property values and helps promote health and wellness, historic preservation and community identity, and a multi-modal transportation system.

But nothing is a sure bet in politics.

Mills said it took a key ally—House Transportation and Infrastructure Committee Chairman James Oberstar (D-Minnesota)—to keep the funding source for the widely popular Rails-to-Trails program, which promotes the conversion of old rail lines to trails amenable to biking, walking, in-line skating and virtually every type of active transportation.

Oberstar, Mills said, “made a huge investment of political capital” to make certain that the program remained a priority in the last transportation reorganization bill.

Rails-to-Trails faced an uphill battle when the opposition to the funding started mounting, including “people who see pouring concrete for more highways” as the hallmark for transportation policy, Mills said. That would include lobbyists for the powerful trucking industry.

Now, two years into the six-year bill, the present raid on money for Rails-to-Trails comes after more than a decade of success stories surrounding the popular program.

The Rails-to-Trails Conservancy cites studies which show that as trails and greenways increase the natural beauty of communities, they also have been shown to bolster property values and make adjacent properties easier to sell.

A 1998 study of property values along the Mountain Bay Trail in Brown County, Wis., shows that lots adjacent to the trail sold faster than those not situated next to the trail and for an average of 9 percent more.

And in a 2002 survey of recent homebuyers sponsored by the NATIONAL ASSOCIATION OF REALTORS® and the National Association of Home Builders, trails promoting active transportation ranked as the second-most important community amenity out of a list of 18 choices.

Developers in Apex, N.C., who realized the selling power of greenways, built the community Shepherd’s Vineyard. The developer added \$5,000 to the price of 40 homes adjacent to the regional greenway, and despite the increased price, the homes were still the first to sell in the planned community.

While homebuyers are eager to purchase lots near greenways and trails, many have little understanding as to why the phenomenally popular program that establishes the trails and green spaces exists.

Indeed, if it not for the fact that rail service—which once spanned more than 270,000 miles—was displaced by the automobile, the trails so many Americans enjoy today wouldn’t be available.

In the early 1900s, the nation’s commerce and national defense were, to a large degree, dependent upon the strength of the rail system. But, as long-haul trucking gained momentum after World War II, many of the nation’s rail lines fell on hard times. By the 1970s, bankruptcy had claimed several major railroads.

The rapid fragmentation of the rail system over the next decade prompted growing concern in Washington, D.C. So in 1983, Congress passed the National Trails Systems Act (NTSA), which preserves established railroad corridors for trail use as well as future rail use, if necessary.

The law established a national policy to preserve these existing railroad rights-of-way for future reactivation to service, to protect rail transportation corridors and to encourage energy-efficient transportation use. It allowed railroads to free themselves of the financial responsibility for unprofitable rail lines by transferring them to a qualified public or private organization for interim use as a trail until the line might be needed again for rail service.

This so-called “railbanking” propelled what had been a primarily Midwestern phenomenon beginning in the 1960s of converting abandoned or unused rail corridors into public trails.

With the passage of the watershed Intermodal Surface Transportation Act of 1991, the federal government agreed to provide Transportation Enhancement (TE) dollars for the Rails-to-Trails movement and programs in 11 other designated areas. The law requires that 10 percent of the surface transportation program funding approved by the federal government be distributed to state transportation agencies and be used for these projects.

In 2005, the TE reauthorization bill was passed and the federal government committed to provide another \$803 million in enhancement funding annually to the state transportation agencies, for a total of \$4 billion through 2009. However, recent revenue shortfalls have prompted the return of some of those dollars.

In 2006, federal budget constraints prompted three calls for funding rescission by the state transportation agencies totaling about \$3.8 billion. To help meet that obligation, the states returned about \$600 million in TE funds. On March 19, 2007, however, the state agencies in a single call were ordered to return another \$3.5 billion of transportation funds. It is at their discretion whether the funds come from roads, enhancements or other programs.



Mills maintains that states' true commitment to Rails-to-Trails and other conservation programs is reflected by the portion of the recent rescissions that has been taken from TE. He noted that while TE represents only about 2 percent of the overall transportation budget, 16 percent of the 2006 aggregate cuts came from the program. That, says Marianne Fowler, senior vice president for federal relations with the Rails-to-Trails Conservancy, was "more than our fair share—way more."

## Trails and greenways have been shown to bolster property values.



Photograph by Jennifer Kaleba

Mills pointed out that Texas returned \$225 million in TE money in 2006. That's nearly 74 percent of the total it was required to return. "Texas went out of its way to say that TE has the least direct impact on its transportation goals," he said.

At the other end of the spectrum, Mills said, is Florida, which relied on TE money for just more than 6 percent of its rescission, or \$10.8 million.

Some would say that it is only fitting that a state largely built upon the vision of railroad tycoon Henry Flagler and offers residents and visitors access to year-round beautiful weather would throw its financial commitment behind Rails-to-Trails and other TE programs.

Florida Department of Transportation Environmental Programs Engineer Bob Crim said that TE has been embraced by state policymakers as a means of building partnerships with local governments and organizations like 1000 Friends of Florida and the Trust for Public Land. "There are a lot of dividends in these partnerships," he said.

Florida currently boasts 35 trails totaling 328 miles from the Panhandle to the Florida Keys, and another 41 trails totaling 524 miles have been proposed. The 30 existing and planned trails that will make up three proposed regional trail systems—the South Florida Multi-Modal Regional Trail System, the mid-Florida Cities Regional Trail System and the Emerging Panhandle Regional Trail System—are projected to have more than 11.4 million users per year.

Newly elected Florida Gov. Charlie Crist is on the record in support of the health benefits of an active lifestyle. "Florida has the unique potential to become a national leader in health and physical fitness due to our beautiful climate and abundance of award-winning beaches, state parks, and greenways and trails," said Crist. "By utilizing these natural resources and developing partnerships among government, business, community organizations and private citizens, we can accomplish the goal of improved physical fitness and health for all Floridians."

With 1.2 million users annually, the Pinellas Trail, which runs for 34 miles from St. Petersburg to Tarpon Springs, is tied for third place, with the Iron Horse State Park Trail in Washington State, among the most heavily used rail trails in the U.S. The asphalt trail affords walking, biking, in-line skating and mountain biking, and is wheelchair accessible.

The Conservancy bills the trail in the Southwest sector of the state as "one of Florida's most popular and unique urban pathways." It connects several county parks, coastal areas and communities, and, with its multiple access points, mile markers and parking areas, is particularly popular among cyclists.

In the first 15 miles from St. Petersburg, the trail crosses dozens of pedestrian bridges, providing sweeping views of the urban landscape. Perhaps the most scenic of these is the quarter-mile Cross Bayou Bridge, which spans Boca Ciega Bay. The final 10-mile stretch begins in the quiet township of Palm Harbor and runs through Tarpon Springs.

Area cyclist Alan Snel said the trail is equally popular among folks who are looking for a little recreation as well as people who use the trail to cycle to and from work.

"It's a really great example of a resource that is practical and recreational," said Snel, who is a member of a group calling itself the Southwest Florida Bicycle United Dealers, a consortium that represents six retail bicycle shops in the area. "Pinellas Trail is a prime example of what we would like to see more of."