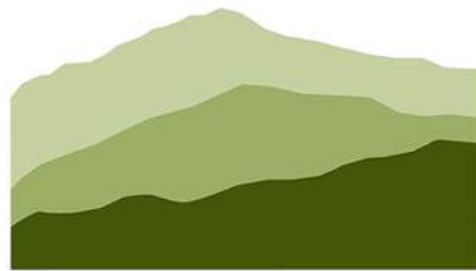

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Making Open Space Dollars Work for Wildlife: Chesapeake Bay Watershed Case Study

Ernest Cook
Senior Vice President
The Trust for Public Land

Environmental Law Institute
Roundtable
December 11, 2007

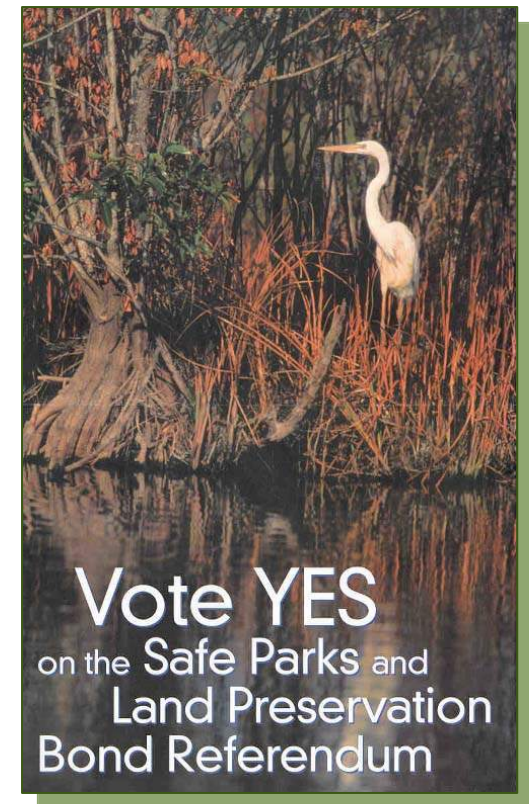


Figure 1. Chesapeake Bay watershed and surrounding area.



TPL's Conservation Finance Program

- Research on state and local government funding for land conservation
- Technical assistance based on skills developed from work across the country coupled with extensive local research
- Since 1996, we've helped pass over 400 ballot measures raising \$25 billion for parks and open space

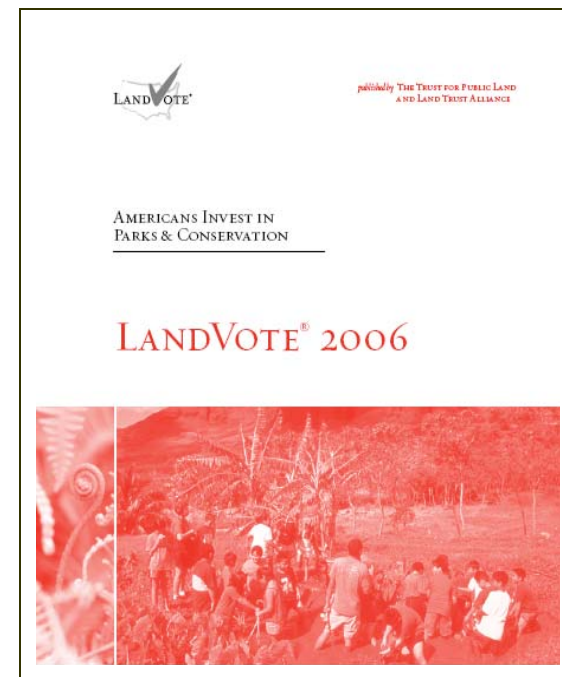




LandVote

- Annual report on ballot measures
- On-line database of over 2,000 ballot measures for land conservation funding since 1988.
 - Custom queries
 - Instant graphs
 - Dynamic mapping

www.landvote.org






TPL's Conservation Almanac


CONSERVATION ALMANAC

Home
Western Region
Analyze
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THE TRUST
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CONSERVING LAND FOR PEOPLE

Western Region



Land Protected as of 12/03

State	Total Acres Protected	Protected Acres per Capita	% of State Protected
Alaska	160,329,282	247.11	44%
Arizona	10,211,697	1.83	14%
Colorado	8,243,339	1.81	12%
Hawaii	826,819	0.66	20%
Idaho	12,473,633	9.13	24%
Montana	10,614,540	11.57	11%
Nevada	25,981,678	11.59	37%
New Mexico	5,640,651	3.01	7%
Oregon	9,923,154	2.79	16%
Utah	11,197,777	4.76	21%
Washington	7,455,406	1.22	17%
Wyoming	7,687,514	15.34	12%
Western Region	270,585,490	8.7	17%

Owing to the legacy of federal land ownership in the West, as of 2003, state and federal agencies in the twelve western states (excepting California) conserved a median of 17 percent of the total land base, or over 270 million acres which averages to 8.7 acres of land conserved for each resident. However, in the face of a growing and changing West that is facing unprecedented population growth, the number of acres per capita is bound to decrease significantly in the coming years.

Western Region

- » [Alaska](#)
- » [Arizona](#)
- » [California](#)
- » [Colorado](#)
- » [Hawaii](#)
- » [Idaho](#)
- » [Montana](#)
- » [Nevada](#)
- » [New Mexico](#)
- » [Oregon](#)
- » [Utah](#)
- » [Washington](#)
- » [Wyoming](#)

By clicking on one of the thirteen states listed above, you will be taken to an introduction about that particular state's land conservation status that includes overview charts and introductory text. From this introduction, you may access links to a detailed state profile of the relevant state's conservation achievements and land conservation programs, to synopsis of the state's policy framework, and to detailed listings of LandVote conservation finance ballot measures.

www.conservationalmnac.org

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Components of the Almanac

- Profile of State Programs and Funding Mechanisms
- Conservation Statistics:
 - Baseline acres in conservation status 1997 (state and federal only)
 - Conservation progress, 1998-2005
 - Dollars spent per year, by agency
 - Fee vs. conservation easement



Chesapeake Bay Conservation Problem Statement

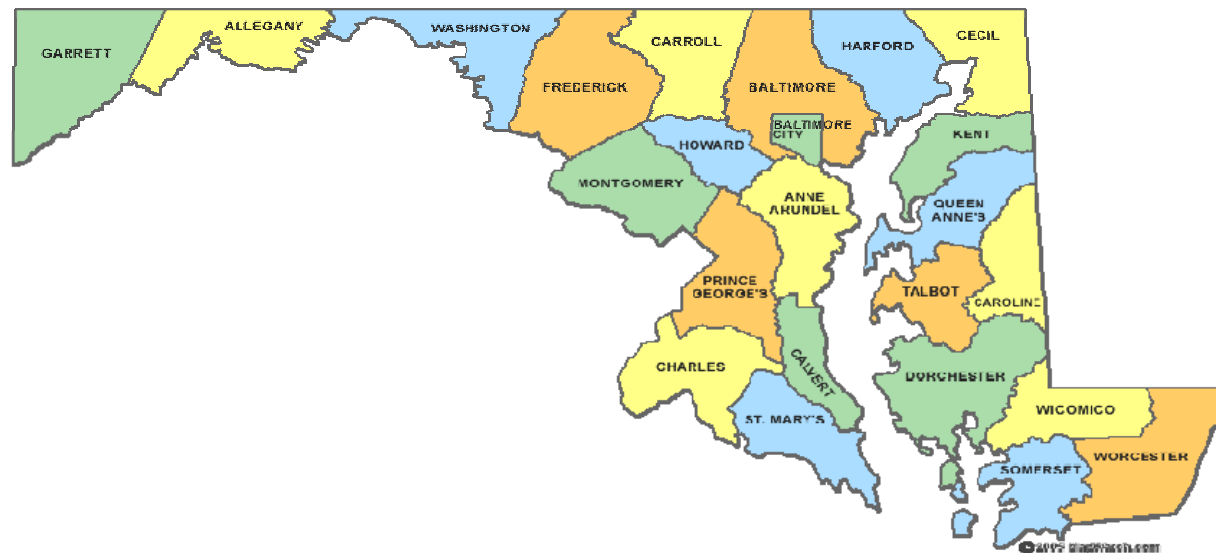
We need to protect and restore lands that are critical to the Chesapeake Bay ecosystem.

What policies and programs can accelerate government funding for land protection?



Proposed Solution for the Bay States

Harness the potential of local governments to dedicate funds for land conservation





Proposed Solution for the Bay States

Harness the potential of local governments to dedicate funds for land conservation

1. Authorize counties to dedicate a modest increase in the property tax or sales tax to an open space trust fund.
2. Require voter approval for the tax increase.
3. Provide state matching funds to counties that create local trust funds.



Questions

1. Why focus on local governments?
2. Why require voters to approve the funds?
3. Will voters in the Chesapeake Bay states support new local taxes for conservation?
4. If this works, what is the potential for additional public funds?



1. Why focus on local governments?

Summary of Public Land Conservation Funding 1998 -- 2005

	Total	Annual Avg.	Share
Local	\$16 billion	\$2 billion	67%
State	\$6.75 billion	\$844m	28%
Federal	\$1.02 billion	\$128m	4%
Total	\$23.77 billion	\$2.97 billion	

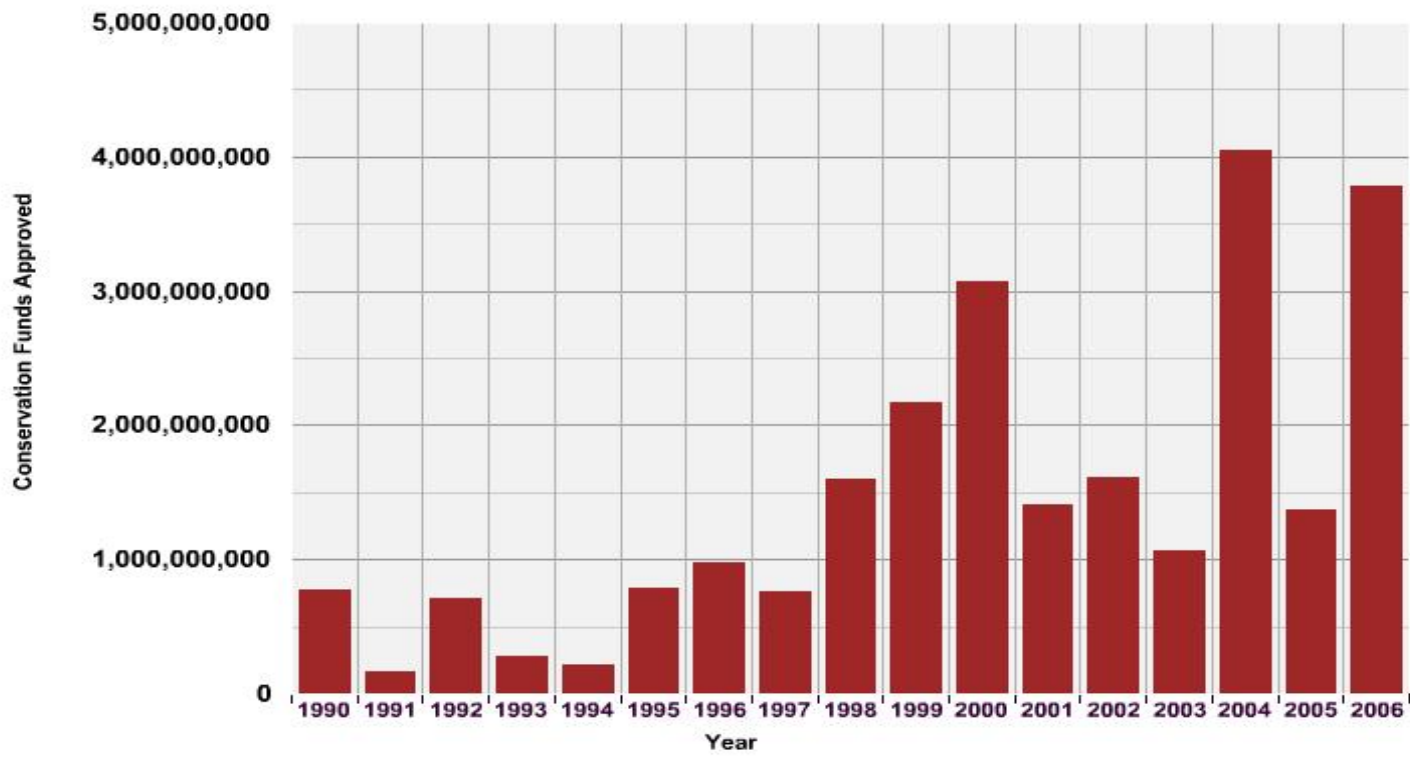
State and federal = actual spending

Local = spending authorizations

Source: TPL Conservation Almanac, TPL LandVote Database



Trend in Local Ballot Measures





Importance of Local Government Funding

- Largest source of funding in most states
- Only source of funding in several states
- Fastest growing source of government funding nationally
- Land use is controlled by local government in America
- Greater public confidence in local governments
- Less political resistance to local government land protection



2. Why require voters to approve the funds?

1. Eliminates political risk of voting for new taxes or spending for legislators
2. Republicans, Democrats and Independents can agree to leave it to the voters
3. More money will be approved



3. Will voters in the Chesapeake Bay States support new local taxes for land conservation?

- **National statistics**
- **Experience of other states**
- **Polling results in Maryland, Pennsylvania and Virginia**



Passage Rates Consistently High

Conservation Ballot Measures Pass More than 75% of the Time, With Voter Support a Consistent 60% Across All Jurisdictions

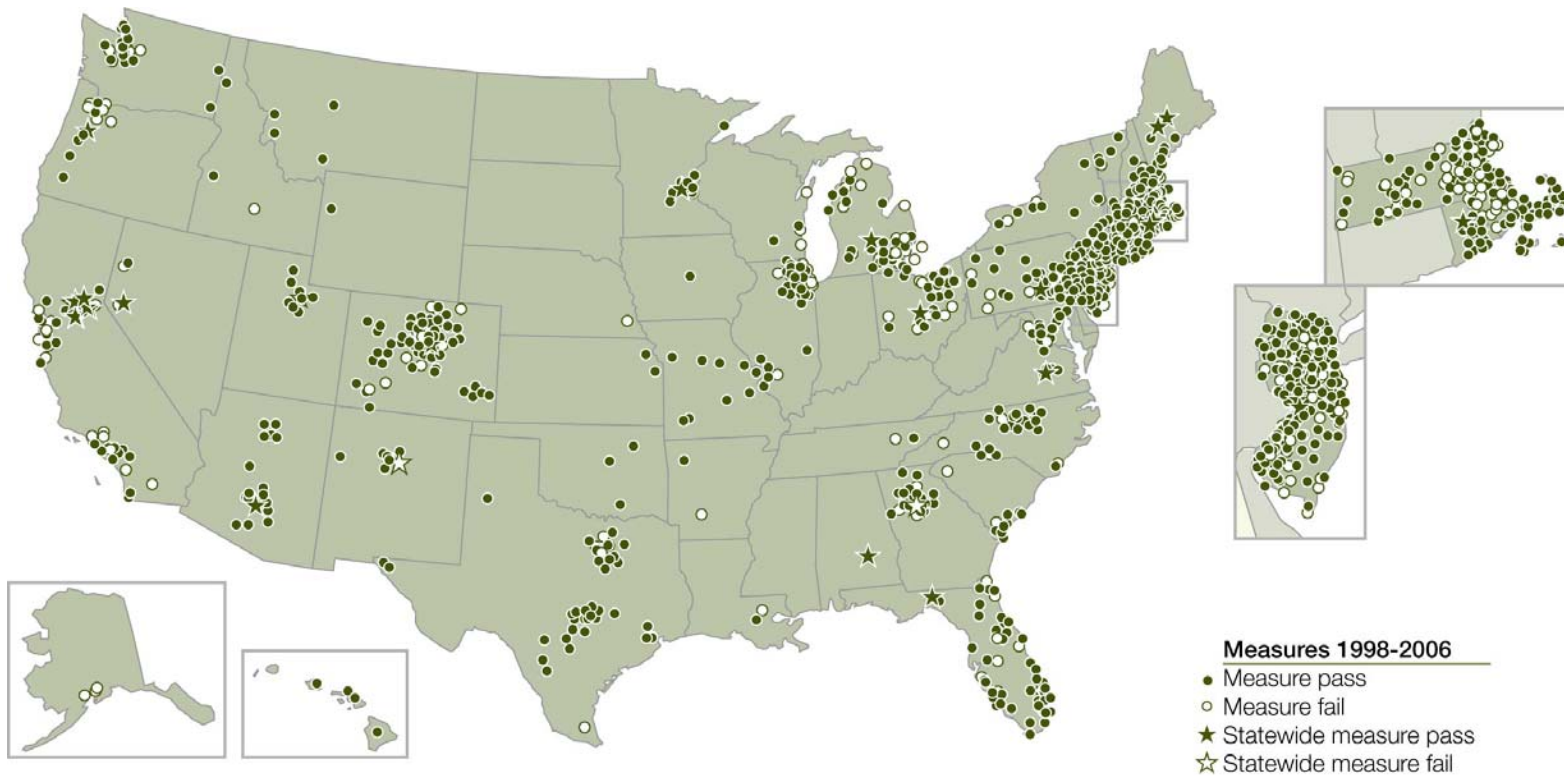
Success Rates by Jurisdiction

<u>Jurisdiction Type</u>	<u># Fail</u>	<u># Pass</u>	<u>Total</u>	<u>\$ Approved (\$ billion)</u>	<u>% Pass by Juris</u>	<u>Avg. "Yes"</u>
State	6	32	38	11.4	84%	61%
County	56	193	249	9.3	78%	59%
Municipal	232	814	1,046	6.3	78%	60%
Special District	<u>22</u>	<u>32</u>	<u>54</u>	<u>0.3</u>	<u>59%</u>	<u>56%</u>
Total	316	1,071	1,387	27.3	77%	60%

Analysis of Land Vote data by Peter Szabo for the Doris Duke Charitable Foundation
 Source: LandVote, TPL/LTA, January 4, 2005; Consultant analysis



LandVote Ballot Measures 1998 – 2006





The New Jersey Model

1. Local governments have authority to create open space “trust funds,” using the property tax
2. The trust fund proposals must be presented to the voters for approval and
3. The State offers grants and low-interest loans to localities that have established trust funds



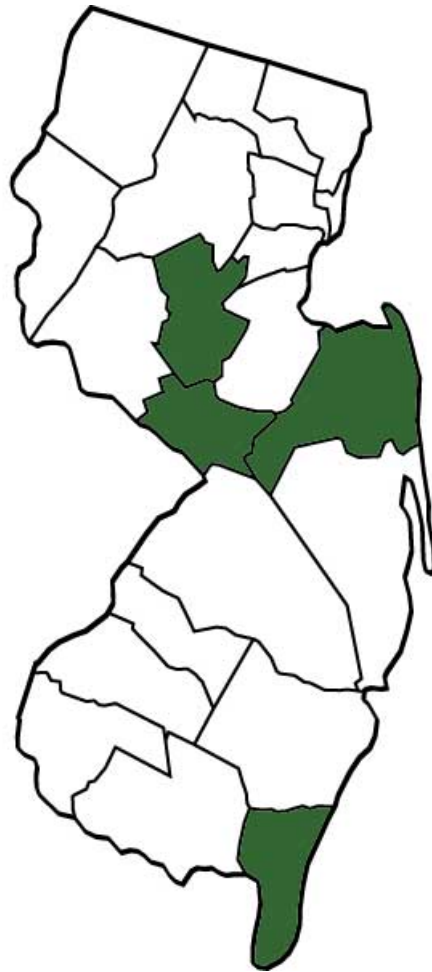
New Jersey Leadership in Ballot Measures

- All 21 of 21 Counties have created a special dedicated fund for land conservation
- Over 250 Municipalities have adopted a property tax increase for open space
- Fewer than 10 local governments have chosen to reduce their open space tax
- Total local government tax collections exceed \$300 million per year



New Jersey County Measures

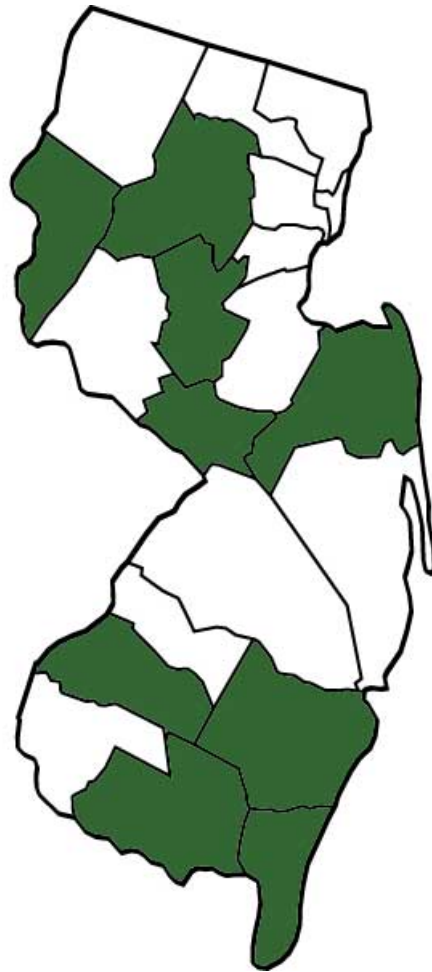
1987-1989





New Jersey County Measures

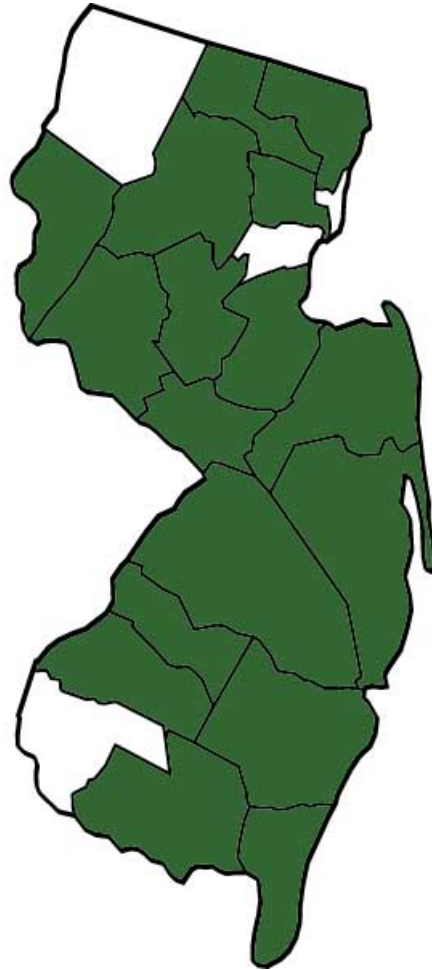
1990-1994





New Jersey County Measures

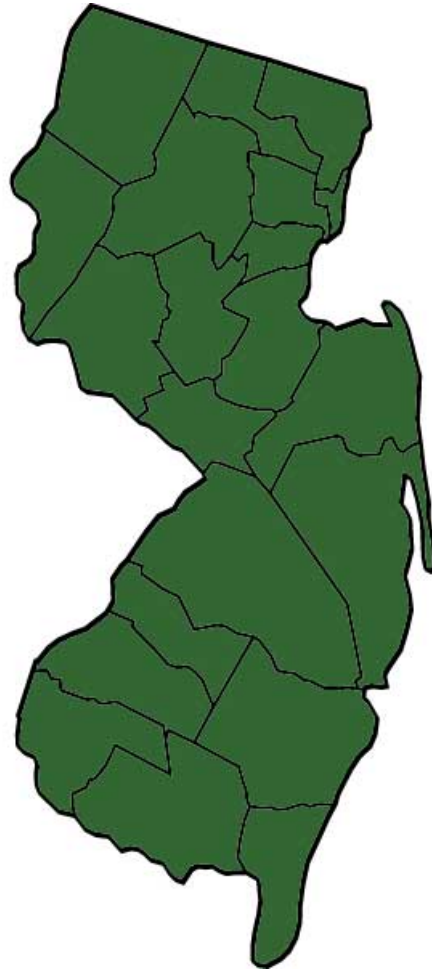
1995-1999





New Jersey County Measures

2000-2003





The Massachusetts Model

1. Local governments have the authority to establish a dedicated “Community Preservation” fund for open space, historic preservation and affordable housing, using the property tax
2. All CPA adoptions must be approved by voters and
3. The State awards an automatic 1:1 match to local governments that have adopted the Community Preservation Act



Bay States Local Conservation Ballot Measures Since 1996

State	# of Measures	Wins	Conservation Funds Approved
Virginia	20	18	\$278 million
Pennsylvania	121	98	\$858 million
Maryland	9	9	\$29 million
New York	85	76	\$2,559 million
Delaware	1	1	\$4 million
West Virginia	0	0	\$0 million



Public Opinion Survey Results

<u>State</u>	<u>Date</u>	<u>Sample</u>
• Maryland	Jun 27 – Jul 3	500
• Pennsylvania	October 3-7	500
• Virginia	November 15-20	500

Registered, active voters



Proposed State Enabling Legislation and Matching Funds

Should your state legislator vote for a law giving communities the option have public votes on tax increases to pay for land conservation and setting aside state matching funds?

	<u>YES</u>	<u>NO</u>
Maryland	71%	24%
Pennsylvania	70%	23%
Virginia	66%	30%



Proposal for Local Ballot Measure

Would you vote for a 1% increase in the property tax in your city or county to protect water quality and conserve forest land, open spaces and wildlife habitat, with matching funds from the state?

	<u>YES</u>	<u>NO</u>
Maryland	66%	29%
Pennsylvania	56%	35%
Virginia	57%	37%



The Benefits of Forests in the Watershed

How important is this benefit to you personally? Is it extremely important?

	MD	PA	VA
Keep water clean	60%	55%	59%
Keep air clean	57%	50%	51%
Place for wildlife to live	47%	39%	41%
Source of good-paying jobs	40%	44%	38%
Place for recreation/hunt/fish	33%	29%	26%
Source of wood and paper	24%	27%	21%



4. If this works, what is the potential for additional public funds?

Adjust the New Jersey model for:

- Per capita income
- Degree of urbanization

	Conservation Spending \$ Approved (Annual Est.)	Annual Projected Funding with NJ Model
Maryland	\$ 66,000,000	\$ 170,040,355
Pennsylvania	\$ 101,000,000	\$ 261,386,346
Virginia	\$ 24,082,023	\$ 177,808,484



Drawbacks of Local Funding

1. A lot of work – 3,000 counties in America
2. Mismatch between jurisdictions with high-priority habitat and those with capacity/demand for conservation programs
3. Funds created will not go entirely to wildlife priorities
4. Habitats larger than/cross boundaries of local jurisdictions
5. Skills of managing for wildlife missing



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But the opportunity is too BIG to ignore!



THANK YOU!

Ernest Cook

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