



THE POLITICAL POWER OF LAND TRUSTS

BY Sandra Tassel



EVEN THOUGH ROBERT HUTCHINSON, the executive director of Alachua Conservation Trust (ACT) is a former commissioner of Alachua County, Florida, and one of his board members is the former mayor of Gainesville, and at least three city commissioners have served on the board in the past, ACT is not a political organization. It is, however, an organization that knows how to work within the local political system: ACT was campaign headquarters and fiscal agent for the successful 2008 measure titled Wild Spaces, Public Places that will generate approximately \$40 million for natural areas, urban greenspace, park improvements and recreational development throughout Alachua County.

Although many land trust professionals would worry about being a proponent for a new tax and would never advocate any form of regulation for fear of running afoul of lobbying restrictions (see box) or upsetting supporters, Hutchinson perceives these activities as part of ACT's role. In response to citizen concern about their local governments' ability to dispose of properties that had been purchased with public funds, Hutchinson worked with the county attorney to craft a proposal for a "land registry." It was on the ballot alongside Wild Spaces, Public Places, allowing voters to approve both money for conservation and a method to make conservation permanent.

"After the Gainesville city commission came within one vote of trading a locally beloved park to a corporation that would have

used it as a site for a big box store in return for another park site, the voters became aware that public ownership of land did not automatically equate to perpetual protection. That awareness threatened to undermine support for additional conservation funding. Instead, each measure fed the other," said Hutchinson, and both were approved. Properties placed on Alachua County's new registry cannot be sold without voter authorization.

Despite these high-profile efforts that required ACT, and Hutchinson in particular, to be deeply involved in a political process, Hutchinson is very comfortable with his trust's position. "We steer clear of electoral politics and we don't take sides in land use fights. We are not political, except when it comes to conservation. And people respect us for that," he says.

Can land trusts lobby? The answer is a resounding "Yes!," but there are rules.
Go here to read them: www.lta.org/policy/lobbying101.

A Call to Action

It might be tempting to view Hutchinson as an anomaly among land trust leaders, but land trusts around the country are adopting similarly confident approaches to local, state and federal legislation that can advance conservation. In fact, the staff and boards of organizations of all sizes and with diverse missions make it a priority to actively communicate with elected officials at all levels, building strategic and reliable relationships to achieve their land protection objectives.

Land trusts are engaging in politics primarily because in these challenging economic times, with legislators being bombarded with the myriad issues of competing constituents, conservation has to be well-represented to become a priority. State funding programs, such as those in Washington, Colorado and New Jersey, are in danger of being reduced or eliminated because of budget shortfalls, requiring land trusts to rally supporters from the grassroots to the state legislators. Local governments around the country are considering diverting revenues from parks and open space to other priorities or are afraid to ask voters to pay for resource protection. Land trusts are uniquely positioned to make the case for conservation.

The Hunterdon Land Trust Alliance (HLTA) in New Jersey had to work hard just to convince the Hunterdon County Board of Freeholders to ask the voters to consider an extension of the local Open Space Trust Fund that is the cornerstone of HLTA's financing.

Margaret Waldo, the executive director, says that the solid relationships she and her board had with the elected leaders made all the difference. "We knew the decision-makers and could approach them. The work we had done ahead of time to build the relationships was essential to having that ability and the knowledge of what to say to get the question on the ballot," Waldo reports.

HLTA made a substantial and successful investment in garnering support for the extension, securing 75% voter approval of the ballot measure. Waldo recalls, "That was in November 2008; the recession was just hitting, banks were failing, and there was a growing sense of panic regarding our financial system's stability. The win was a tribute to our citizens' commitment to the land."

Voters all across New Jersey demonstrated their commitment to conservation with approval of Keep It Green, a state-wide referendum on continued financing for conservation. It passed in November 2009 following intensive outreach by land trusts. Waldo and HLTA once again put their relationships to work, ensuring that Hunterdon County and area municipalities supported continued state funding and that local voters went to the polls.

Cultivating Relationships

Although most land trust boards and staff recognize the importance of having friends in high places, few can be as dedicated to earning those friendships as Pat Powell,

the executive director of Whidbey Camano Land Trust (WCLT) in Washington. Prior to hiring Powell as its first director, WCLT had "done some things that raised a county commissioner's ire," she says. The resulting tension and distrust has been resolved through "daily connections," according to Powell. "I stop by their offices, pick up the phone or invite a commissioner out for coffee to describe what WCLT is doing. I tell the commissioners about our priorities and explain what we want to conserve and why. Now they understand that WCLT is very selective—we don't do things willy-nilly. So there is a level of trust."

Powell advises other land trusts to "go in to talk with your elected leaders when you *don't* need something. Have individual meetings and explain what you do and don't do. Bring maps. Tell them how you work, but keep it simple. These are busy people. And really listen to their concerns. Above all, remember that land protection isn't a Democratic or a Republican issue. Land unites everyone."

In Island County, where WCLT works, commissioners were won over by the organization's commitment to helping farmers stay on the land. "We share the desire to have food grown here, to have clean water. Those things are important to us all," observes Powell.

When Things Go Wrong

While it's fun to chat with a political leader and exciting to tap connections to move



MARK SHEEHAN

Whidbey Camano Land Trust's Admiralty Inlet Natural Area Preserve depends on state funding to protect endangered prairie plants, an old-growth forest and spectacular coastal bluffs.

STRATEGIC COALITIONS

Approximately 40 land trust coalitions operate throughout the U.S. and Canada, united by their shared purpose of making land trusts more effective, and thereby achieving increased conservation results. Working in the political realm, especially at the state level, is often an essential element of effectiveness.

Several of the most senior coalitions have experienced and politically savvy staff. They have been instrumental in creating invaluable legislation and incentives for conservation. Newer organizations, including the two-year-old Washington Association of Land Trusts (WALT) are functioning with all-volunteer leadership and tiny budgets, but they can have a huge impact.

Pat Powell, the executive director of Whidbey Camano Land Trust and the president of WALT sees the association as a mechanism for "leveraging the connections of the member trusts." Those connections

conservation forward, relationships are just as critical when land trusts face a setback.

Colorado has been a leader in developing incentives that make it possible for owners of working lands to protect their properties for future generations. In the late 1990s and early 2000s land trusts and representatives of the agricultural community scored major victories for farms and ranches when the state legislature created and, on several occasions, improved a conservation easement tax credit. The credit against state income taxes could be sold to a third party, thereby generating a substantial new incentive for land conservation.

Unfortunately, a handful of questionable transactions and an investigation by the IRS (see sidebar) gave the impression that land trusts and easements were a scam and that the tax credits, which have provided over \$400 million for land protection, were just monetizing the rip-off. Some state legislators moved to kill the tax credits and use the money for other pressing purposes. According to Dan Pike, executive director of Colorado Open Lands (COL), it was crucial to keep relationships and communication alive during that trying period. "Colorado land trusts have been in a defensive position the past few years. But we also had a lot of credibility. We were able to get Alice Madden, the Speaker of the House, to create a committee to look at reform of the credit as a way to prevent detractors from tossing the good out with the bad. Several land trust



LEFT: The "Hunterdon's Future" piece was produced by Citizens to Protect Hunterdon's Clean Water and Rural Landscapes, a political action committee that Hunterdon Land Trust Alliance and the Conservation Campaign helped to organize with other nonprofits.

BELOW: The Hunterdon County Open Space Trust Fund is essential to the Hunterdon Land Trust Alliance's ability to protect farms and natural areas.



MARGARET WALDOCK

were instrumental in helping secure and then safeguard \$70 million for the Washington Wildlife and Recreation Program (WWRP), the state's source of money for natural resource agencies, local governments and land trusts, which is negotiated and appropriated every two years.

Facing a \$6.1 billion budget deficit early in 2010, state legislators proposed cutting \$29 million from WWRP's hard-won 2009 appropriation. When Powell heard this news she immediately sent out an urgent notice to WALT members asking them to rally the grassroots in their communities to defend the conservation funding.

"Farmers and ranchers, recreationists, hunters and fishers, business people, local leaders called from around the state. Legislators heard from real people in their district," Powell says. "Their stories are what convinced decision-makers to leave the WWRP account alone. Getting those stories is what land trusts do well, and how WALT helps land trusts collaborate."

The Colorado Coalition of Land Trusts (CCLT) is led by executive director John Swartout, a man with a political resume that is second to

none. Swartout's experience working for a Republican congressman and governor has served land trusts well during a long struggle with the IRS. Dan Pike, executive director of Colorado Open Lands, says that in recent years, nearly half of the conservation easement audits nationally were tax returns from Colorado.

The Land Trust Alliance has been working very closely with CCLT and the IRS to reach a resolution. According to Pike, the strategies developed by CCLT and the Alliance are resulting in a reduction in the number and frequency of audits. A satisfactory outcome is considered to be critical for all land trusts.

Pike, a former CCLT board member, echoes what many land trusts say about their coalitions. "The lobbying ability of Colorado's land trusts went up exponentially when we handed that responsibility to CCLT, and especially to John. Being part of a coalition allows us to share information and develop strategies."

In the political world of land conservation, cooperative strategies are a cornerstone of success.



LINDSEY FULLERTON PHOTOGRAPHY

people, including me, were appointed to that committee. We made recommendations to clean up the program.”

In 2008, the recommendations of the committee were incorporated into a bill whose terms increased the oversight and enforcement of the tax credit program. The Colorado Coalition of Land Trusts (CCLT) and its members dedicated themselves to gaining approval of the bill by reaching out to legislators directly and also by encouraging anyone who might be impacted to take action. Pike was among the scores of people who worked tirelessly to secure legislators’ support. Governor Bill Ritter signed the bill in June 2008. CCLT Executive Director John Swartout gives Dan Pike and the COL board a good portion of the credit for this victory. “COL’s relationships with individual representatives meant we could call up our friends and ask them to support the bill,” Pike says.

One of the other lessons from the battle for the tax credit is the importance of “respectful, constructive” relationships with agricultural leaders, according to Pike. “They will speak up when you need them.” In Pike’s and Swartout’s experience, these leaders have considerable pull with politicians who might otherwise view land protection as being very low on their list of priorities.

Ongoing Benefits

In Oklahoma, Land Legacy is building a conservation movement based on rela-



STAFF OF CONGRESSMAN REYES

FAR LEFT: A young Tulsa resident enjoys his city’s liquid assets, which are being protected by Land Legacy through a series of conservation easements in the Spavinaw Creek watershed.

LEFT: The Frontera Land Alliance’s Board President Michael Gaglio (at right) presents Congressman Silvestre Reyes with an award for conservation in West Texas and nationally.

tionships. It has taken a captivating conservation concept and made it both an on-the-ground success and the cornerstone of relationships that will serve the organization for years to come.

Tulsa, Land Legacy’s home and the second largest city in Oklahoma, gets its drinking water from Spavinaw Lake, a reservoir created in 1922 eighty miles northeast of the city. Today the watershed, which spans the border of Oklahoma and Arkansas, is the center of Midwestern chicken production, causing serious problems for Tulsa’s water supply. Land Legacy Executive Director Robert Gregory explains, “All the big poultry companies have chicken houses there. And those houses produce tons and tons of litter, which makes great fertilizer. Farmers spread it on their fields, and when it rains the waste runs off into the streams that feed the reservoir.”

In recent years, algae have proliferated in Spavinaw Lake, nourished by the high quantities of phosphorus in the litter. When the algae die, they release compounds that make the water smell and taste foul. Tulsa was facing increasing costs to address the growing problem.

The land trust staff and board saw an opportunity to use conservation easements to establish buffers along the watershed’s streams and prevent applications of litter too close to waterways. It was a great idea; all it needed was millions of dollars from municipal, state and federal sources to implement it.

Happily, one of Land Legacy’s board members also was on the board of the Tulsa Metropolitan Utility Authority and she was able to help Gregory introduce the concept of protecting natural filtration in

Quick Take

Land trusts around the country are communicating with elected officials to:

- Build strategic and reliable relationships to achieve their goals
- Make land conservation a priority in these challenging times
- Strengthen the conservation community nationwide

the Spavinaw Creek watershed. “We had one-on-one meetings to get to know each other. We talked about the possible role for Land Legacy, the services we offer and how those could benefit the city. After a couple of years they were convinced,” Gregory recalls. At the same time, a board member with strong connections in the poultry industry arranged meetings with Rep. John Sullivan from Tulsa and helped sell the industry on the idea.

Getting support from Rep. Dan Boren, in whose district the watershed is located, involved a simple technique: asking. Gregory makes an annual trip to Washington, D.C. to talk with the Oklahoma delegation. In the beginning years of Land Legacy’s work in Spavinaw Creek, Gregory sent a request to Boren’s office asking for help.

Congressman Boren eventually donated a conservation easement on his own property, helped garner federal appropriations and perhaps most importantly, hosted a luncheon for landowners in the watershed.

The U.S. Army's Castner Range has a unique combination of habitats, scenery, geology and cultural features inside the city limits of El Paso, Texas. The Frontera Land Alliance and the Franklin Mountains Wilderness Coalition are working with Congressman Reyes to conserve the Range.



RICK LOBELLO

Having your congressman say “I donated a conservation easement and you should too,” was the best possible entrée that Land Legacy could get to Spavinaw Creek landowners. Following Boren’s example, Congressman Sullivan hosted a similar landowner gathering in Tulsa. And Boren subsequently co-hosted a briefing in D.C. to urge fellow members of the Congressional Sportsmen’s Caucus to support the federal enhanced easement incentive.

With nearly \$2.5 million in funding secured for acquiring easements in the Spavinaw Creek watershed, Land Legacy’s initiative is gaining momentum. The organization has also gained incredible allies in the process. And all Tulsans are closer to having clean, clear water come out of their taps.

In El Paso Texas, an all-volunteer land trust named the Frontera Land Alliance has contributed in a valuable way to the future of all land trusts. Frontera had been diligently laboring, together with the Franklin Mountains Wilderness Coalition, to convince the Army to conserve the spectacular resources of an 11-square-mile former artillery range within the El Paso city limits. The long-term goal is to add it to the city’s 37-square-mile Franklin Mountains State Park.

Knowing that the decisions about the future of the Castner Range would mostly be made in D.C., the president of

Frontera’s board, Michael Gaglio, and his colleagues spent years building a relationship with Rep. Silvestre Reyes, from El Paso. Frontera and leaders of the coalition provided Reyes with timely information, background on local support for conserving the Range and a specific request for funding in a Department of Defense appropriations bill.

The campaign for Castner has proved well worth the effort. Gaglio says that a grant will be forthcoming to allow Frontera and the coalition to evaluate the complex issues related to conveying the Army’s parcel to the Texas State Parks and Wildlife Department.

While this is yet another encouraging example of how a good project and consistent relationship-building can pay off for any land trust, Frontera’s connections to Reyes provided an opportunity to add another Western sponsor to legislation making the enhanced easement incentive permanent. Gaglio says that Frontera got invaluable advice and education from the Land Trust Alliance’s Lynne Sherrod and other Texas land trusts that helped him make a convincing case to Congressman Reyes. In the process, Frontera helped support conservation efforts around the country.

Engagement in their communities’ political processes has earned all of the

land trusts profiled here sources of money to underwrite their work, reliable partners and even increased access to landowners. Through the relationships they have fostered with political leaders, their land trusts’ work is advanced and the conservation community is strengthened nationwide.

Recognizing that it might seem that only organizations with well-connected boards can make political headway, Dan Pike recommends that land trusts focus first on how they work. He says, “Colorado Open Land’s track record makes it safe for elected officials to support us. It all comes back to how you do business. Do it credibly and the word gets out. The people you want to work with will check you out and find out that you are OK. Voluntary land conservation is a win-win for political leaders.”

Robert Hutchinson, the former county commissioner turned executive director urges his land trust colleagues to make outreach to elected leaders a part of every week, and promises it won’t be difficult. “Everyone wants to have a green feather in their cap and land trusts make the best green allies.” 🍀

SANDRA TASSEL, PRESIDENT OF LOOK AT THE LAND INC. CONSERVATION CONSULTING, RECENTLY AUTHORED *THE CONSERVATION PROGRAM HANDBOOK*, PUBLISHED BY ISLAND PRESS.

SEE THE PUBLIC POLICY PRACTICE 2E IN *LAND TRUST STANDARDS AND PRACTICES* AND SAMPLE LAND TRUST ADVOCACY POLICIES: [HTTP://LEARNINGCENTER.LTA.ORG/OBJECTS/VIEW.ACS?OBJECT_ID=15096](http://learningcenter.lta.org/objects/view.acs?object_id=15096)