

ESSAY ONE

BY Chris Miller

Setting the Pace: WHY LAND TRUSTS NEED TO PLAY A ROLE IN PUBLIC POLICY

For 40 years the Piedmont Environmental Council (PEC) has been promoting land conservation in a nine-county region at the edge of the Blue Ridge Mountains in Virginia. For the first several decades, gains were modest. In the 1970s, landowners protected an average of about 1,700 acres each year. In the 1980s, the average rose to approximately 3,800 acres per year. In the 1990s, the average climbed to 6,600 acres per year.

Then, conservation numbers shot up. Between 2000 and 2010, landowners in our region protected an average of 21,000 acres every year. Now, the total acreage protected by conservation easements in PEC's region is more than twice what it was 10 years ago—approximately 350,000 acres or 15% of the total land area.

What happened to change the pace of conservation?

The most important factors were changes in public policy. In fact, the correlation between public policies and conservation achievements is so strong that, clearly, land trusts must play an active role in shaping these policies—at the local, state and national level. Some land trusts see policy decisions as beyond the scope of their work. But our experience indicates that improving public policy is one of the best investments of time and resources that a land trust can make.

Linking Pace and Policy

In our region, the first landowners to protect their land, in the 1970s, were responding to federal legislation that made it possible, for the first time, to permanently limit development on private land. In the mid-1980s, the federal government substantially increased the income tax incentives for donating an easement and clarified the eligibility requirements. We experienced a corresponding surge in conservation—a spike between 1988 and 1999 when yearly totals in our region exceeded 10,000 acres for the first time.



The creation of the Virginia Land Preservation Tax Credit in 2000 dramatically accelerated land conservation. In 2002, the state improved this generous incentive by making it transferable, allowing easement donors to sell credits to other Virginia taxpayers, thereby greatly expanding its impact and making it valuable to landowners across the economic spectrum.

The results were dramatic. Statewide, the pace of land conservation immediately doubled (compared to the year before the tax credit was established) and it went on to increase more than six-fold in the peak year of 2006.

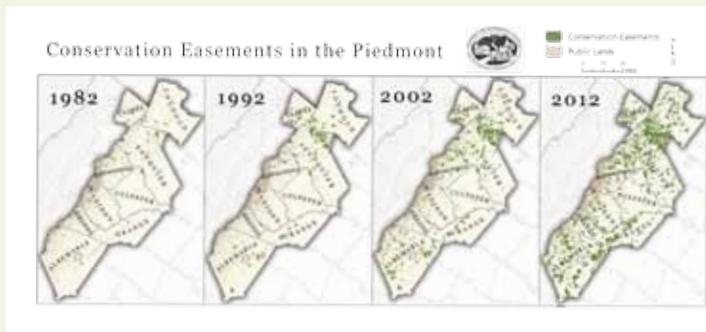
Multiple factors, of course, influence the pace of conservation, including the dedicated efforts of land trusts at public outreach and one-on-one work with landowners, professional training of the real estate community to familiarize them with conservation easements, and a broadening of the land conservation community due to the hard work of the Land Trust Alliance. Property values also play a role. In PEC's region and in Virginia statewide, the pace of land conservation reached its peak when property values were at their peak. High property values increased development pressure, which heightened the sense of urgency to protect land. At the same time, rapidly appreciating property values corresponded to higher tax incentives, making conservation a more financially attractive option for landowners.

Because property values have dropped, the pace of land conservation has slowed. But with a consistent public policy in Virginia that supports the strong incentives in place, we continue to make significant gains every year.

During the same period, the pace of conservation surged nationwide. According to the Alliance's National Land Trust Census, nearly half of the 47 million acres protected in the United States by 2010 were protected between 2000 and 2010. This success is due, in part, to an increased number of land trusts at work in more areas of the country, with more staff and more volunteers. This success also relies on stable federal conservation incentives, along with a variety of state and local policies that support conservation.

But land trusts cannot take for granted the public policies key to our success.

Just a few years ago, the conservation movement nationwide faced a fundamental threat, with drastic cuts



proposed to the federal incentives for protecting land. Land trusts came together to establish new standards for quality and accountability, resolving concerns about abuse, and the crisis was averted. Here in Virginia, we face proposals to cut the state conservation incentives on a regular basis; so far, with vigorous effort, we have been able to keep this program strong. On the local level,



In his family since 1828, Terry Ingram operates Threlkeld Farm in Virginia, participating in both state and federal cost-share programs to enhance the farm and its organic dairy program.

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A fall view of the Bull Run Mountains in The Plains, Virginia. The grassy area in the foreground is protected by the Piedmont Environmental Council.

RYAN WICK

fiscal strain has called conservation programs into question. For example, a number of once-active county-run farmland preservation programs in our region are now dormant for lack of funding.

Land trusts have seen resounding success in the last 10-15 years. But we must work vigorously to maintain and improve the policies that support conservation, or we may find that the best years of our movement are behind us. In short, if land trusts decide that we don't do public policy, we may soon find ourselves with little to do.

Three Policy Fronts for Land Trusts

At PEC, we work on three fronts to create strong conservation policies: 1) establish land conservation among stated public goals, 2) strengthen financial incentives and funding sources and 3) defend conservation lands during the course of infrastructure decisions.

Establish conservation as a public goal.

The funding available to support land conservation, whether in the form of tax incentives, state or federal

matching funds or private grant funding, is often tied to our ability to demonstrate that the conservation project supports a clear public goal.

Thus, PEC is involved in planning at all levels of government. We work to make sure that conservation goals—such as preservation of farmland, historic sites, scenic views, water quality and open space—are articulated in local comprehensive plans. We also provide extensive input on state plans. And we work to ensure that conservation values are acknowledged at the national level. One such achievement is the designation of our region as part of the Journey Through Hallowed Ground National Heritage Area.

Increase incentives.

Similarly, PEC works at the local, state and national levels as we advocate for strong conservation incentives and sources of funds.

On the local level, we help to build citizen support for purchase of development rights (PDR) programs in many of our counties. One of the strongest of these

programs, in Fauquier County, has leveraged other funding sources to protect more than 8,500 acres of farmland since its inception in 2002.

At the state level, PEC must fight each year to maintain the Virginia Land Preservation Tax Credit. So far we have succeeded, with campaigns that call attention to the public benefits of land conservation.

At the national level, PEC was a strong advocate for the federal estate tax incentive, which was introduced in the late 1990s, and we continue to work to improve it.

Small land trusts run by volunteers can play an active role especially in the local government process, weighing in on local plans and policies. Land trusts with a few staff can provide GIS analysis of resources to be protected and keep their members informed about important policy debates. Large organizations can launch far-reaching outreach campaigns, hiring professional lobbyists to strengthen their position.

All land trusts are in a unique position to influence public policy because we are well-informed about

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PEC also worked with a national coalition of land trusts and the Alliance to save and enhance the federal income tax incentives after they came under threat in 2005.

Defend the lands we have already protected.

Our commitment to protecting land in perpetuity means staying involved to ensure that other public goals—including plans for transportation or energy infrastructure—do not override conservation goals.

For example, several years ago, when a railroad line expansion involved the taking of land under conservation easement, PEC worked to make sure that this loss was fully mitigated through the protection of land with similar conservation values in the same county.

Similarly, when plans for a major transmission line were drawn through a landscape densely protected by conservation easements, PEC took a stand to defend the integrity of those easements, as well as to stop what we believe was an unnecessary transmission line. Although the line was built, it was rerouted away from most protected land, setting a precedent that conservation easements must be taken into account during transmission line planning.

How Can Land Trusts Influence Public Policy?

Regardless of their size, all land trusts can work to make sure that decision-makers at all levels of government—local, state and federal—understand the importance of land conservation in their area and its importance to the community.

the resources in question and because we have a direct connection with citizens who can influence lawmakers.

Many of the people who work with land trusts play significant roles in the life of their communities as landowners, farmers, businesspeople and active citizens from across the political spectrum. Land trust supporters can make a strong case for their point of view. Land trusts can mobilize these networks of citizens through mass communication, such as newsletters, email action alerts and social media, as well as through personal, one-on-one relationships.

Some land trust leaders view policy work as a distraction from their core mission of working directly with landowners and families to protect land. As it happens, this on-the-ground activity, which builds people's personal investment and trust in land conservation, is a source of our strength in shaping policy. There is no substitute for working with people in our communities, one-on-one, to protect the land that they care about. But establishing public policies to advance this work is a major part of any successful, long-range strategy for land conservation—making it possible for us to keep protecting special places at a sustained, strong pace. 🌱

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