

Protecting Special Places and Building Healthy Communities

A CONSERVATION STRATEGY FOR PENNSYLVANIA

*As of January 9, 2004
this working paper has been endorsed by:*

10,000 Friends of Pennsylvania	Kiski-Conemaugh River Basin Alliance
Allegheny Land Trust	Lake Erie Region Conservancy
Allegheny Valley Conservancy	Lancaster County Conservancy
Allegheny Valley Land Trust	Lancaster Farmland Trust
Armstrong County Conservancy Charitable Trust	The League of Women Voters of Pennsylvania
Audubon Pennsylvania	Lebanon Valley Conservancy
Bedminster Land Conservancy	Lower Merion Conservancy
Berks County Conservancy	Manada Conservancy
Brandywine Conservancy	Merrill W. Linn Land & Waterways Conservancy
Buck Hill Conservation Foundation	Mid-Atlantic Karst Conservancy
Central Pennsylvania Conservancy	Montgomery County Lands Trust
Centre County Farmland Trust	Natural Lands Trust
Chesapeake Bay Foundation	The Nature Conservancy of Pennsylvania
Chester County 2020 Trust	Neighborhood Gardens Association / A Philadelphia Land Trust
Citizens for Pennsylvania's Future (PennFuture)	North Fork Conservancy
ClearWater Conservancy	Pennsylvania Environmental Council
Conemaugh Valley Conservancy	Pennsylvania Farmland Preservation Association
Conneaut Lake & French Creek Valley Conservancy	Pennsylvania Horticultural Society
The Conservation Fund	Pennsylvania Land Trust Association
Countryside Conservancy	Pennsylvania Recreation and Park Society
Delaware Highlands Conservancy	Pine Creek Valley Watershed Association
Eden Hill Conservancy	Rails-to-Trails Conservancy
Edward L. Rose Conservancy	Rocky Mountain Elk Foundation
Elk Creeks Watershed Association	Schuylkill County Conservancy
Farm & Natural Lands Trust of York County	The Scott Conservancy
The Forest Coalition	Somerset County Conservancy
French & Pickering Creeks Conservation Trust	Tinicum Conservancy
Friends of Philadelphia Parks	The Trust for Public Land
The Glades Conservation Alliance	Western Pennsylvania Conservancy
The Greater Hanover Alliance	Western Pa. Watershed Protection Program
GreenSpace Alliance of Southeastern Pa.	Wildlands Conservancy
Heritage Conservancy	Willistown Conservation Trust
Hollow Oak Land Trust	Wissahickon Valley Watershed Association
Keystone Trails Association	

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Executive Summary

Day by day, acre-by-acre, we are losing the special places that give our communities their distinctive appeal, the open spaces that define our villages, towns and cities. We also are losing the vital economic benefits and ecological values derived from these open spaces.

Our landscape—the foundation of our communities, economy and ecosystem—is changing fast. Development consumes hundreds of acres of Pennsylvania open space every day. The rate of land development outpaces the rate of land conservation by an average ratio of nearly **three acres to one**. This **green gap** places our future economy, quality of life and environment in jeopardy.

Pennsylvanians need a conservation goal—a goal that will establish a better balance between development and conservation—a better balance between the demands of today and respect for tomorrow. We propose a statewide **one-for-one goal**—that for the next ten years, for every acre of land that gets developed, another gets conserved in the public interest.

This is an overarching statewide goal to help set us on a healthier course, not a one-size-fits-all prescription for everywhere. The conservation needs of different regions of the state vary greatly. Further, the needs of individual municipalities and counties within regions vary. **Accordingly, some areas will need far more**

ambitious conservation goals while others will need far less. In the same vein, the appropriate mix of tools to achieve our objectives will need to be tailored to the particularities of every locale.

Our conservation efforts must address the different kinds of green space needs found across the state. We must:

- **Protect community green space** – Conserve and restore local green infrastructure including parks, squares, neighborhood gardens, greenways, scenic areas, and other community open space.
- **Protect productive farmland and working forests** – Utilize conservation easements to protect prime agricultural soils and to support Pennsylvania's farmers and farming economy. Use easements to protect forestland for sustainable timber production and to ensure a future for the wood products industry.
- **Protect natural lands** – Conserve lands to provide a variety of public values: protect rivers, lakes and streams; protect groundwater; safeguard drinking water supplies; protect critical natural areas and important wildlife habitat including state forest, state park, and game lands; and provide recreational and educational opportunities. Provide support for management activities benefiting wildlife and natural diversity.

To achieve the conservation goal, a three-part strategy is proposed:

1. Invest in Conservation

First, we need to restore and maintain funding levels for existing land conservation programs: the Keystone Recreation, Park and Conservation Fund; the Environmental Stewardship Fund (Growing Greener); and the Agriculture Conservation Easement program.

Second, we need new investments in land conservation. The state should:

- ✓ Invest \$50 million in land conservation each year for the next decade above and beyond existing programs.
- ✓ Dedicate a substantial part of the \$50 million for matching local conservation efforts dollar-for-dollar.
- ✓ Establish a land conservation tax credit for landowners who donate their land or development rights.
- ✓ Provide inheritance tax relief for farmers and other landowners who conserve their lands in the public interest.

2. Prioritize Conservation

We need more strategic, proactive conservation to make the most of our investment dollars. The state should:

- ✓ Fund additional land conservation priority planning and natural resource inventory, research, and analysis.
- ✓ Give priority in the competition for available state funding to strategic projects with strong community support.

- ✓ Explore creating a “Rural Legacy Area Program” to focus resources in critical areas.

3. Plan and Support Smart Growth

To achieve smart growth, the state should:

- ✓ Provide new financial assistance to incorporate smart growth strategies and techniques into ordinances.
- ✓ Provide incentives for traditional neighborhood design, conservation subdivisions and other creative development.
- ✓ Focus state incentives on brownfield site redevelopment and infill development rather than greenfield sprawl.
- ✓ Focus state transportation funding towards promoting compact development rather than sprawling development.
- ✓ Reform Tax Increment Financing (TIF) and urban redevelopment law.

I. Losing an Asset

Day by day, acre by acre, subdivision by subdivision, strip mall by strip mall...we are losing what it is that makes Pennsylvania special. We are losing the features that give our communities their distinctive appeal—the green spaces and natural places that define our boroughs, townships and cities. At the same time, we also are losing the vital ecological values and economic benefits derived from these green and open spaces.

Pennsylvania loses hundreds of acres of open space to development every day. At the current pace, 20% or more of Pennsylvania's unprotected forests, fields, and open spaces will disappear in the next 20 years.

Sprawling development is draining the lifeblood of our older communities, destroying our rural economies, and fundamentally changing the landscapes that have historically defined Pennsylvania as a special place to live.

The Green Gap

We are not just losing our green and open spaces. We are failing to protect our remaining land assets.

The land consumed by development in Pennsylvania dwarfs the acreage we conserve. 110,000 acres of land are consumed by development each year, based on the most recent U.S. Natural Resource and Conservation Service figures. In contrast, an average of roughly 40,000 acres are protected annually.

Nearly three acres are developed for each acre we conserve. This **Green Gap**—this growing difference between the amount of land consumed by development and the amount that we conserve each year—presents a wake up call.

Our land conservation efforts are grossly inadequate. The few programs that currently support land conservation and smart growth in Pennsylvania are seriously under-funded.

While development and conservation figures may vary from year to year, it is clear that simply maintaining the status quo will guarantee that we will lose many of our special places and landscapes.

Land Consumption Without Growth

The high pace of land consumption is particularly startling, when you consider that Pennsylvania's population is hardly growing.

During the last two decades of rapid land development, the *state's rate of population growth was slowing*. Between 1992 and 1997, almost 550,000 acres were developed in Pennsylvania, or **300 acres per day!** Ironically, census statistics for 1990-2000 show that Pennsylvania's population increased only 3.4% during the decade—ranking us 48th among all states in percentage change in population. Even though the Commonwealth is one of the slowest growing states in population, we consume land at a rate comparable to states like Florida, Georgia and Texas, where populations are growing dramatically.

This new development is happening at the expense of our older established boroughs, cities and townships. While new roads, sewer lines, culverts and other infrastructure are built haphazardly across our open spaces, the existing infrastructure in many of our older communities is falling into disrepair. It will take tax dollars to restore the older infrastructure and tax dollars to maintain the new infrastructure. With few new taxpayers to share the maintenance burden, we as a society are setting ourselves up for either large tax increases or the wholesale abandonment of communities.

This unenviable choice is not inevitable. But we must take action now. We must begin investing to grow smarter and conserve the open space resources that underpin our economy, communities and environment.

II. An Asset Worth Saving

Green spaces provide public values benefiting all Pennsylvanians. A quick survey of the economic, fiscal, community and ecological benefits follows.

Economic Benefits

Undeveloped lands represent valuable assets in Pennsylvania's economic portfolio. Tourism, agriculture, timber production, hunting and fishing, wildlife-watching and other outdoor recreation contribute billions of dollars to Pennsylvania's economy every year.

Numerous economic studies recognize that our economy ultimately depends on our natural resource base. For example, research demonstrates that environmental quality and the availability and diversity of natural areas and outdoor recreational opportunities are influential factors in attracting technology workers and supporting high tech industries. (See *Competing in the Age of Talent*, Dr. Richard Florida, 2000.)

Quoting the Rendell-Knoll Plan for Hospitality and Tourism in Pennsylvania:

Without a doubt, building a prosperous and vibrant economy in this Commonwealth must include equal attention to the preservation and maintenance of Pennsylvania's natural resources. The Commonwealth's wild and scenic rivers, mountains, forests and parks are our greatest resources.

Unfortunately, while we recognize the connection between natural resources and economic prosperity, we continually fail to make the investments necessary to protect the resource. We could get away with this in the past when our land base seemed infinite. Now however, in many areas of the state, our open land is disappearing so swiftly we can no longer afford to ignore the issue.

Fiscal Benefits

Numerous studies confirm that it pays to conserve—both for municipalities and school districts. Sprawl-style development *costs* communities money, while protecting our working farms and forests *saves* communities money. This is so even when preferential property assessments such as Clean and Green are taken into account. See, for example, *Cost of Community Services: Shrewsbury Township, York County, Pennsylvania* (South Central Assembly for Effective Governance, 2002), *Saving Land Saves Money, 2nd Ed.* (Montgomery County Lands Trust, 2002) and *Opportunity Knocks—Open Space as a Community Investment* (Heritage Conservancy, 2000).

Community and Ecological Benefits

Green and open lands perform a wide range of community and ecological services. These lands:

- protect drinking water supplies
- recharge groundwater and aquifers
- protect our lakes, rivers, streams and fish populations
- provide habitat for wildlife—game and non-game species alike
- absorb air pollution
- cool communities in the summer months
- absorb storm water and reduce flooding
- provide the foundation for a healthy ecosystem on which we all depend
- provide recreational, educational, aesthetic and other quality of life benefits to communities.

Now more than ever, we must recognize the importance of these lands to Pennsylvania's common wealth and take action.

III. The Public's View

A recent statewide poll revealed that Pennsylvanians consider "green space" a key factor in deciding where to live. Green space edged out quality of schools, property taxes and distance to work as features considered in choosing a community. (See *The First Pennsylvania Environmental Readiness for the 21st Century Survey Report*, conducted by Roper Starch Worldwide, Inc. for the Pa. Center for Environmental Education.)

Local polls *across Pennsylvania* demonstrate over and over again that there is strong public support for open space conservation. For example, in 2003 The Tarrance Group surveyed registered likely voters in Montgomery County. When people were asked to consider various issues, 95% found "preserving open space and natural land areas to be important. Significantly, 80% found this issue to be *extremely or very important*. In comparison, 47% found "attracting new businesses to the area" to have this level of importance.

The Montgomery County results are not unusual. Public support for conservation in Pennsylvania is remarkably strong and consistent regardless of party registration and geographic region. It is also strong and consistent with urban, suburban and rural dwellers alike. (See *Voter Support for a Dedicated Environmental Fund*

in Pennsylvania conducted by Susquehanna Polling & Research, Inc. for the Trust for Public Land, 2002.)

Voting patterns are consistent too. In November 2002, voters across the U.S. approved ballot measures that contained \$3 billion for conserving open space. The 94 successful measures were among 111 considered on state and local ballots—a passage rate of 85 percent.

Voting results in Pennsylvania were even stronger. Conservation referenda were held in two counties and eleven local municipalities during 2002. ***All thirteen conservation measures passed—100%—with an average of 70 percent of voters voting in favor.***

IV. The 10-Year Goal: “One-for-One”

Pennsylvanians need a conservation goal—a goal that will establish a better balance between development and conservation—a better balance between the demands of today and respect for tomorrow.

We propose a statewide ten-year goal that for every acre of land that gets developed, another gets conserved for the public benefit. In other words, the pace of land conservation should equal—or exceed—the pace of land development. We should establish a better balance between conservation and development. We should close the Green Gap.

This is an overarching statewide goal. The conservation needs of different regions of the state vary greatly (as do development rates and the amount of land already protected). Further, the needs of counties and municipalities within regions will vary. *Accordingly, some areas may need far more ambitious conservation goals while others may need far less. Likewise the most appropriate tools for achieving the goals will vary from locale to locale.*

The goal is pro-conservation and pro-development. It acknowledges not only that development will occur, but also that intelligent development needs to occur.

This is an interim goal. During the next ten years, we should consider what we want to happen in the longer term: What is important to us? What is our vision for Pennsylvania? Where are governmental policies taking us and where should they be taking us?

In the meantime, we must aggressively pursue the ***one-for-one goal*** if we ever hope to protect the productive farmlands and working forests, community open space, wildlife habitat, watersheds, and state-owned conservation and recreation lands that underpin our communities, economy, and ecosystem.

V. The Conservation Strategy

Pennsylvania also needs a conservation strategy—a strategy that responds to contemporary challenges and provides communities and landowners with the tools they need to protect community green space, stop the loss of productive farmlands and working forests, protect significant natural areas, and attract sustainable economic development. Pennsylvania needs a strategy to achieve a better balance between conservation and development—to achieve the ***one-for-one goal***.

The strategy needs to respect the needs, rights and interests of private landowners, and their important role in land conservation.

The strategy needs to recognize that conserving and restoring green spaces in our older communities is essential to the health of these communities. Meaningful investment in open space conservation in and outside of our developed areas can help assure the success of “Main Street,” “Elm Street” and other downtown redevelopment and revitalization programs.

Achieving a better balance between land conserved and land consumed will help sustain rural communities, enhance urban and suburban areas, protect our natural resources and environmental quality, and stimulate Pennsylvania’s economy.

Achieving a better balance between land conserved and land developed presents a significant challenge. The green gap is substantial—roughly 70,000 acres a year. Fortunately, that does not mean we need to buy 70,000 acres. Nor does it mean that all or even most of these 70,000 acres should be publicly owned.

Eliminating the gap will require that we protect more undeveloped land through a variety of conservation tools ***and*** consume less land for development. It will require a long-term approach and a long-term commitment to land conservation. We won’t make up this deficit in one or two years, but we need to get started right away. The cost of land conservation will only increase in future years.

We propose a three-part conservation strategy for Pennsylvania:

1. **Invest in Conservation**
2. **Prioritize Conservation**
3. **Plan and Support Smart Growth**

1. Invest in Conservation

Reaching our conservation goal will require new investments in three broad categories of conservation:

- **Protect community green space** – Conserve and restore local green infrastructure including parks, greenways, town squares, neighborhood gardens, scenic areas, and other community open space.
- **Protect productive farmland and working forests** – Utilize conservation easements to protect prime agricultural soils and to support Pennsylvania’s farmers and farming economy. Use easements also to protect forestland for sustainable timber production and to ensure a future for Pennsylvania’s wood products industries.
- **Protect natural lands** – Conserve lands to provide a variety of public values: protect rivers, lakes and streams; protect groundwater; safeguard drinking water supplies; protect critical natural areas and important wildlife habitat including state forest, state park, and game lands; and provide recreational and educational opportunities. Provide support for management activities benefiting wildlife and natural diversity.

Shrinking the green gap and moving us closer to the goal of conserving one acre for each acre developed will require a mix of existing and new monies.

First, we need to restore and maintain funding levels for existing land conservation programs:

- ✓ Keystone Recreation, Park and Conservation Fund
- ✓ Environmental Stewardship Fund (Growing Greener)
- ✓ Agriculture Conservation Easement program

Second, we need new investments in land conservation:

The level of new investment needed to bring a better balance between conservation and development, to close the green gap and achieve the one-for-one goal, will depend upon: (1) our commitment and success in growing smarter and reducing sprawl; (2) the amount of acres protected in each type of land category (farmland, forest, community open space, etc.); and (3) the cost of land in the areas where conservation work is being done.

Preliminary estimates suggest that commitments of between \$100 and \$150 million a year in new funding are needed to achieve the goal. If we can reduce sprawl by 40%, \$100 million will be sufficient. If current sprawl development patterns continue, \$150 million will be required. These figures could be higher or lower, depending on the factors mentioned above.

Although it is an absolutely critical source, the state need not be the only source of new investments in land conservation. County and local governments should play a significant role in the creation of new funding for conservation projects. Our Congressional delegation in Washington, DC should work to bring federal dollars home for major conservation initiatives. We should look for more private support as well.

The state should take the following actions to support and stimulate new conservation investments:

- ✓ Make new state financial commitments of \$50 million a year for the next decade (above and beyond existing commitments) to protect community green space, productive farmland, working forests and natural lands.
- ✓ Challenge local governments and private organizations by dedicating a substantial part of the \$50 million for matching local conservation efforts dollar-for-dollar.
- ✓ Establish a land conservation tax credit for those who donate their land or development rights in the public interest.
- ✓ Provide inheritance tax relief for farmers and other landowners who conserve their lands.

2. Prioritize Conservation

We need more strategic, proactive conservation to make the most of our investment dollars. The state should take the following initiatives to support strategic land conservation:

- ✓ Provide additional financial support to counties, local municipalities and conservation organizations for strategic land conservation plans, greenways plans, and other studies designed to establish land conservation priorities.
- ✓ Provide additional financial support for natural resource and biodiversity inventory, research, and analysis.
- ✓ Give priority in the competition for available state funding to municipalities and nonprofits that can demonstrate that they selected their conservation targets as a result or part of a strategic process and can further demonstrate strong community support.

- ✓ Explore creating a “Rural Legacy Area Program” akin to Maryland’s program, which provides funds to local governments and nonprofit organizations to purchase land, easements and transferable development rights in designated areas. To participate in the program, local governments could “nominate” areas for review by a state panel to include DCNR, DEP and Agriculture secretaries. These areas would receive priority in receiving new funding available from the state.

3. Plan and Support Smart Growth

We can move closer to the one-for-one goal by growing smarter. We can reduce the amount of land needed to accommodate growth and generate better quality development.

The state needs to establish standards and incentives to achieve smart growth and stop providing incentives for sprawling development. The following list of potential state initiatives to advance a smart growth agenda hits some key points but is not exhaustive.

- ✓ Provide new financial assistance to local governments to amend and adopt subdivision and land development ordinances, zoning ordinances and comprehensive plans *that incorporate smart growth strategies and techniques*. Smart growth concepts need to be allowed by right rather than by

special exception or conditional use, as is presently the case in most municipalities. However, local governments need help in making this change.

- ✓ Facilitate and provide incentives for TDR (transferable development rights) programs.
- ✓ Facilitate and provide incentives for traditional neighborhood design, conservation subdivisions and other innovative development design.
- ✓ Focus state economic development funding and incentives on brownfield site redevelopment and infill development rather than greenfield sprawl.
- ✓ Focus state transportation funding towards promoting compact development rather than sprawling development.
- ✓ Reform Tax Increment Financing (TIF) and urban redevelopment law in general to direct their powerful tax benefits to the reuse and rehabilitation of previously developed areas. Conversely, the state should curtail the practice of providing TIF benefits for sprawl development.

Communities need appropriate tools with which to attract and direct economic growth, while maintaining the character and open spaces people value so highly. Many municipalities are willing and interested in adopting new tools, but lack the resources to do so. State initiative is critical to tapping this interest and making smart growth the status quo.

It has been my opinion, that he who receives an Estate from his ancestors is under some kind of obligation to transmit the same to their posterity.

Benjamin Franklin

VI. Where We Are Today

July 2003 marks the tenth anniversary of the *Keystone Recreation, Park and Conservation Act* (Key '93). The Keystone Fund is the principal state funding source for natural land and community open space protection. Today, bond revenue for Keystone has been exhausted, and Keystone suffered dramatic cuts as part of the final fiscal year 2002-03 state budget package.

The state’s *Environmental Stewardship Fund* (*Growing Greener*) has proven a success. Yet, it must be remembered that this program invests most of its resources in programs other than land conservation. In fact, under the original Growing Greener package, only 4% of total Growing Greener dollars were available for DCNR (Pa. Department of Conservation and Natural Resources) land conservation programs.

The life of the Environmental Stewardship Fund was

recently extended through an increase in landfill tipping fees—an important commitment to water resource protection and other important environmental projects. However, DCNR will receive approximately \$4 million less each year under the extended program than it was allocated in the original Growing Greener. As a result, there likely will be fewer dollars available for community green space and natural land protection unless DCNR substantially changes how it allocates its Growing Greener funds. (Further, as much as 25% of the new tipping fee revenue can be diverted from Growing Greener every year, depending on state revenues.)

The state’s *farmland preservation program* benefited more than any other category of land conservation from the Environmental Stewardship Fund, but after fiscal year 2004-05, this funding will no longer be available for this purpose, leaving it solely dependent on the cigarette tax. State bond revenue for farmland preservation also has been exhausted.

*Public investment in the environment
today will reap benefits for generations.*

Governor Ed Rendell

VII. Funding the Effort—Options for the State

These are times of great economic uncertainty. In order to tackle a new agenda for land conservation, a mix or combination of funding options will be required. In the short-term, certain options might prove more feasible than others. For example, consideration might be given to increasing allocations for land conservation within existing funding programs. The list below is not exhaustive and is not intended as an endorsement. It is intended to encourage consideration of multiple options and opportunities to support increased investment in land conservation. (Governor Rendell supported many of these funding ideas during the 2002 gubernatorial campaign.)

- **State bond funding** for open space protection has been approved by many states in our region, most recently in 2002 in Virginia. Pennsylvania last approved a bond issue for land conservation programs in 1993.
- The environmental/conservation community actively promoted a \$5 increase in the **state's municipal waste landfill tipping fee** to support Growing Greener and other programs. Act 90 of 2002 provided a \$4 increase in this fee, without increasing Growing Greener's allocation to land conservation programs. An additional dollar increase in the tipping fee could generate an estimated \$23.5 million annually for land conservation.
- When full contributions to the Keystone Fund are restored, the state will continue to provide 15% of its portion of the **Realty Transfer Tax** to the Keystone program. Dedicating an additional 10% of the tax could generate \$42 million annually in new funds for land conservation.
- Arkansas and Missouri currently dedicate a portion of their **sales tax revenue** for land conservation programs. Virginia allocates 2% of its tax revenue from the sale of certain hunting and fishing gear and binoculars to its game fund. Setting aside 1/4 of 1% of the revenue from Pennsylvania's sales tax could generate as much as \$18 million annually for land conservation.
- Pennsylvania's farmland preservation program currently receives \$20,485,000 annually from the state's **cigarette tax**. Increasing the amount of the state's cigarette tax or dedicating a larger portion of the existing tax could generate additional funding for farmland protection projects.
- A **land conservation tax credit and other tax incentives** would stimulate higher levels of private conservation and reduce the public costs of closing the green gap. House Bill 579 introduced by Rep. Fairchild would begin the process of creating a tax credit. Senate Bill 294 introduced by Sen. Thompson would reduce the inheritance tax burden on farmers who have conserved their land.

Many of our neighbors have recognized the importance of taking action. In 2002, the governor of New York State set a goal of protecting 1 million acres of open space within 10 years. In Massachusetts, the governor recently approved a bond issue that includes \$245 million for land protection over 3 years. In New Jersey, the state made available \$1 billion over 10 years for conservation of open space and natural areas. In Virginia, voters recently approved a bond issue authorizing \$119 million in new funding for open space and parks.

Policy makers in these and other states looked at the needs and the numbers and concluded that waiting was not an option, even under difficult fiscal conditions. They recognized the costs of delay and the importance of investing in land conservation. And at the rate we are losing precious ground, Pennsylvania needs to follow suit.

The organizations listed on the first page look forward to working with Governor Rendell and the General Assembly to conserve our special places and improve the health of Pennsylvania's communities. We stand ready to assist in developing a reasonable and realistic plan for reducing the green gap and achieving a sensible ratio between the amount of land developed and the amount of land conserved in our Keystone State.