

THE TRUST FOR PUBLIC LAND'S

CONSERVATION FINANCE HANDBOOK

HOW COMMUNITIES ARE PAYING
FOR PARKS AND LAND CONSERVATION

COVER PHOTO BY ERIC SWANSON.

GOVERNMENT CANYON STATE NATURAL AREA, TEXAS. SAN ANTONIO
VOTERS APPROVED A ONE-EIGHTH CENT SALES TAX IN MAY 2000
DEDICATED TO IMPROVING WATER QUALITY. THIS MEASURE WILL GENERATE
\$65 MILLION TO HELP SAVE LAND THAT RECHARGES THE EDWARDS
AQUIFER—SOURCE OF THE CITY'S DRINKING WATER.



KIM HOPPER
ERNEST COOK



THE TRUST FOR PUBLIC LAND
SAN FRANCISCO, CALIFORNIA

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First edition.

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Introduction



PHOTO BY JIM DENNIS

Pay more to protect the land? Voters said yes to the tune of \$5.7 billion in 2002, \$1.7 billion in 2001, and \$75 billion in 2000.¹ This money is now being used to protect ranchlands in Montana, wildlife habitat in Illinois, city parks in New York—and many other vital open lands.

As growth and sprawl chip away at our open space, communities are approving conservation funding measures in record numbers. These voters are coming to recognize the inter-relationship of conservation, a safe environment, a strong economy, and a livable community. And they are responding to well-designed finance measures that reflect the unique conservation needs and funding capacities of their communities.

The Trust for Public Land (TPL), a national nonprofit land conservation organization, has helped communities across the country secure billions of dollars in public and private funds for parks and open space. Through its Conservation Finance Program, TPL has championed measures of all sizes, from small grassroots campaigns at the town level to professionally managed billion-dollar campaigns at the state level—and everything in the middle. Between 1996 and 2002, TPL assisted in the passage of local and state measures that set aside more than \$25 billion for parks and open space. To further expand public conservation funding, TPL created The Conservation Campaign (TCC) in May 2000. TCC is a 501(c)(4) nonpartisan lobbying affiliate

that is able to lobby for government funds without limit and directly support local campaign activities.

TPL's conservation finance services are part of the organization's larger mission to help conserve land for people to enjoy as community gardens, parks, open space, and wilderness areas. TPL takes a strategic and proactive approach to conservation called "greenprinting." With greenprinting, a community plans for open space in the same way it plans for other aspects of its infrastructure—transportation and communication networks, schools, hospitals, utilities, and so on. Greenprinting is a voluntary, incentives-based, land conservation technique that is designed to steer future growth toward areas of existing development while permanently protecting networks of important land.

Greenprinting is a three-step process that includes visioning, funding, and land acquisition. This handbook is a "how-to" guide that explains step two, the complex process of securing federal, state, and private conservation funds and—most important—researching, designing, and passing a local, voter-approved conservation finance measure.

To seek voter approval for public funding, communities should first conduct thorough research and public opinion polling. This process helps proponents decide if the time is right and, if so, what size and type of measure voters are most likely to accept. Next comes the design of a measure that is fiscally prudent and publicly acceptable. There are many important components to consider, including the funding amount and type, fiscal safeguards, administering agency, and election timing, to name just a few.

Once the measure is designed, a campaign should be launched that communicates the benefits of the measure to voters. This book covers a range of campaign issues, from fundraising to field

organizing to legal issues. With adequate funding in place, communities are able to implement their conservation vision, permanently protecting significant land and water resources.

We hope that this handbook finds a wide audience of public officials and staff, neighborhood leaders, community activists, land trusts, and conservationists. Knowing that the roles involved in a conservation finance effort vary, we provide tips on the entire process. If you have questions about the information in this handbook, we invite you to contact TPL's Conservation Finance Program.

We recognize that asking voters to raise their taxes or incur debt may seem daunting. Yet voter support for conservation finance measures is high across the country. I encourage you to explore the funding options in your community. With these resources, you can protect the land, water, and quality of life now and for future generations.

WILL ROGERS, PRESIDENT
THE TRUST FOR PUBLIC LAND

Understanding Greenprinting

A major shift is occurring in the land conservation arena. In the traditional model, local governments and land trusts worked together to protect individually threatened pieces of property, sometimes under intense development pressure. Growth was directed but in an unplanned and fragmented way—what The Trust for Public Land President Will Rogers refers to as “emergency room conservation.” These battles often did not serve the best interests of communities trying to protect open space, nor deal fairly with developers trying to respond to the demands of growth.

This reactive approach is being replaced by strategic and comprehensive open space protection in which land conservation is used as a tool for managing growth and protecting a community’s most significant land and water resources. Communities are getting ahead of the development curve and putting planning front and center in the land conservation process. Growth is accommodated where it makes sense—near existing infrastructure—and conservation is used where it matters most—for the farmland, waterways, wildlife habitat, and open spaces that sustain and define a community.

The Trust for Public Land (TPL) calls this proactive approach to conservation “greenprinting.” Others may call it “green infrastructure” or “green design,” but all these terms are about protecting a community’s most significant places while making way for development that follows sensible patterns.²

The concept is not new: progressive urban designers and preservationists throughout the 19th and 20th centuries advocated land conservation to shape metropolitan growth and connect open spaces. A few communities, such as the city of Boulder, Colorado, have integrated land conservation and growth management for decades. What we're seeing now, however, is widespread interest in an integrated, comprehensive approach to conservation and growth management at all levels of government.³

What accounts for the shift? Historically, federal and state governments have worked to preserve vast landscapes and habitats, while private conservation organizations have focused on biology-based missions. In contrast, local governments must respond to local conservation challenges, priorities, and funding constraints. As growth and development transform the landscape at ever-increasing rates, local governments are seeking new techniques to



PHOTO BY ED RUSSELL

THESE MEMBERS OF FRIENDS OF HIGH ELK ARE PART OF A BROAD-BASED COALITION TO PROTECT LAND IN AND AROUND GUNNISON, COLORADO. THIS GROUP USED MAPS TO TARGET PROTECTION AREAS AND DESIGN A CONSERVATION VISION.

An investment in open space can yield significant returns. Consider these potential benefits:

FISCAL BENEFITS. Investing in open space can save communities money by reducing infrastructure and public service costs associated with sprawling development.⁴

ECONOMIC BENEFITS. Home buyers and businesses alike are attracted to open space amenities. In fact, recreation, parks, and open space are ranked as top priorities for relocating businesses.⁵

INFRASTRUCTURE BENEFITS. Considerable benefits can be gained by concentrating growth near areas of existing infrastructure while preserving key land and water resources. Acquisition of open space that protects drinking water, in particular, can save significant water treatment costs. Greenways that include bicycle paths and walkways also provide benefits by expanding a community's transportation network.

FLOOD PREVENTION BENEFITS. It is cheaper and easier to rehabilitate flood-damaged ballfields, playgrounds, and greenways than housing and commercial districts.

HEALTH AND ENVIRONMENTAL BENEFITS. Conserving open space is often the cheapest way to safeguard drinking water, clean the air, and achieve other public health and environmental goals.

COMMUNITY BENEFITS. The value of open space is often beyond measure, strengthening neighborhoods, building community, and preserving a sense of place. Parks and open space can also stabilize and revitalize distressed communities, stimulate commercial growth, and provide young people with constructive alternatives to crime and delinquency.⁶

protect their land and water resources, their community character, and their quality of life. The federal and state governments are also stepping up support for local efforts, providing new funding, tools, and incentives. Against this backdrop, open space protection has emerged as a sensible and cost-effective landuse planning tool—a voluntary approach that is an equal partner with regulation, zoning, and planning techniques.

CASE STUDY: JACKSONVILLE MAYOR
LAUNCHES AMBITIOUS GREENPRINTING PLAN

The Preservation Project of Jacksonville, Florida, is one of the nation's most ambitious land conservation programs targeted at guiding growth and preserving access to nature. Unveiled in January 1999 by Mayor John Delaney, chief executive of the consolidated jurisdictions of Jacksonville and Duval County, the project is an ambitious, five-year, \$312 million effort to acquire for public use approximately 10 percent of the city's remaining developable land—between 10 and 20 square miles—while improving access to the St. John's River and other natural areas. Several dozen city parks will also be upgraded.⁷

The Preservation Project uses land conservation as a growth management tool, targeting lands that are important in the effort to limit sprawl and contain growth, preserve environmentally sensitive areas, protect water quality and water resources, and expand public access. The project is part of the mayor's multibillion-dollar approach to growth management, transportation, the environment, and economic development called the Better Jacksonville Plan.

A variety of local, federal, and private conservation funding sources are being secured. Voters also approved an increase in the county sales tax to fund the Better Jacksonville Plan. Fifty million dollars of sales tax revenue is being directed to the Preservation Project. During the program's first three years, the city protected nearly 22,000 acres.

Florida provides strong support for local greenprinting programs like the one in Jacksonville. Florida Forever is among the most well-funded state land conservation programs in the country, and one with significant resources dedicated to urban land protection efforts like those in Jacksonville. Jacksonville was also able to draw on the experiences of other Florida counties that have had conservation programs in place for many years.

Greenprinting is a three-step process that begins with a vision: people identify the natural, cultural, and historical places that define their community and sustain their heritage. This vision may address multiple conservation and growth-related challenges at the local or regional levels, from watershed protection, to brownfield redevelopment, to farmland preservation. Whatever the priorities, the key is to steer growth toward

existing infrastructure and create natural corridors for conservation that connect protected lands.

Securing funds to implement the vision is the next step and the topic of this handbook. Most communities have a variety of funding sources available to them at the federal, state, private, and local levels. *Explore them all.* By securing funds from different sources, your community can create a “funding quilt” that is steady and sufficient to implement the greenprinting vision. Without funding diversity, you risk reliance on a single, potentially unpredictable funding source.

Each funding source is important. But keep in mind that federal, state, and private funds will probably act as supplements or incentives to the local share. Local funding is critical to your success. As such, the passage of a voter-approved conservation finance measure is the primary focus of this handbook.



PHOTO BY KEN SHERMAN

MOUNTAIN ISLAND LAKE AND ITS TRIBUTARIES PROVIDE DRINKING WATER FOR MORE THAN A MILLION PEOPLE IN METROPOLITAN CHARLOTTE, NORTH CAROLINA, AND SURROUNDING COUNTIES. VOTERS APPROVED A LAND ACQUISITION BOND IN NOVEMBER 1999 TO PROTECT THE WATERSHED.

With vision and funding in place, communities turn to the implementation phase of greenprinting, which involves acquiring and managing the land.

EXPLORING FEDERAL, STATE, AND PRIVATE CONSERVATION FUNDING SOURCES

Federal, state, and private funds are limited and in high demand. That means that the primary source of funding for a local greenprinting plan is usually a local government through a series of budget appropriations or through voter- or legislator-approved taxes and bonds. Outside funds can, however, serve as important supplements or incentives to local funding. The key is to examine all the options and design a strategy to secure available funds. By doing so, you can create a “funding quilt” that can sustain your greenprinting plan.

Federal funds are made available to state and local governments and nonprofit organizations through grants and incentives. Many of these programs require matching funds, underscoring the need to secure state, local, and private funds. (A summary of key federal conservation funding sources is located on page 10.) The availability of most federal conservation funds fluctuates annually depending on the political and economic climate. In 2002, Congress appropriated a record \$1.6 billion for a variety of conservation programs and established a six-year federal commitment to these programs under the Conservation Spending Account. By setting up this account, Congress recognized the importance of ensuring a steady stream of funding for certain critical conservation programs.

States can play an enormous role in local greenprinting by putting forth an ambitious conservation vision and

communicating this to local leaders. More and more states are also using conservation as a tool to manage and steer growth in their metropolitan areas.⁸ Maryland has a long history of open space and farmland protection funded in part by a dedicated real-estate transfer tax. The state moved to link growth management and conservation in 1997 with passage of then-Governor Parris Glendening’s smart-growth legislative package. The program designates priority funding areas where growth and conservation should occur. The initiative was followed in 2001 by Maryland’s GreenPrint program which funds the protection of large tracts of priority land—identified as green infrastructure.

States can also provide local governments with two important funding tools: direct funding (grants and incentives) and the authority to raise local funds. Many states have significantly expanded these initiatives in recent years. (See page 12 for an evaluation of state conservation finance resources and tools.) New Jersey has been a national leader in land conservation since the launch of its Green Acres Program in 1961. In its first 40 years, a series of voter-approved bonds funded the protection of roughly 500,000 acres of open space and created hundreds of parks and recreation facilities. Counties and municipalities were given the authority to levy voter-approved property taxes to fund conservation with new enabling legislation in 1989. Then in 1998, state voters overwhelmingly approved the Garden State Preservation Trust Act, a constitutional amendment that dedicated one-tenth cent from state sales taxes for open space, generating \$98 million annually for conservation.

Private funds from foundations, nonprofit land trusts, corporations, and individuals can also be an important boost to local or regional greenprinting initiatives. Foundations, in particular, have become increasingly active in the conservation and growth

management arena, typically helping to fund national, regional, and local land trusts. Foundations can provide early funding and visioning support, helping communities leverage state and federal resources. In Kansas City, Missouri, the Hall Family Foundation worked with a team of planners and consultants on the first steps of MetroGreen, a regional greenway master plan that is designed to link seven metro counties. The foundation helped fund and direct the visioning process. The David and Lucille Packard Foundation is supporting greenprinting that protects the Lower Skagit River delta in Skagit County, Washington, from sprawl-related threats. The development of a comprehensive greenprinting vision promotes smart-growth policies that protect natural resources and ecologically valuable land.

What is the most effective way to secure federal, state, and private funds? There is no one formula for success; funding can depend on the source, the program, the competition, and so on. There are, however, several steps worth considering:

DESIGN A GREENPRINTING PLAN. Many funders look for a well-designed and locally supported vision for conservation and growth before committing money. (Foundations can also become important visioning partners, assisting with the creation of your greenprinting plan.)

COMMIT LOCAL FUNDS. Local funding demonstrates local commitment and allows you to leverage private and other public funds.

RESEARCH FEDERAL, STATE, AND PRIVATE FUNDING PROGRAMS. Research existing funding sources at the federal, state, and private levels to determine where there is geographical or programmatic convergence. Look at programs that fund your community's specific greenprinting

goals in other parts of the country, as well as grants that have been awarded to neighboring communities.

CREATE PARTNERSHIPS. Forge alliances with public and private sector leaders, such as state and federal elected officials and business, civic, and nonprofit leaders. These partners can help facilitate federal, state, and private funding and champion local efforts. Nonprofit land trusts, in particular, can be instrumental in helping to raise private funds from corporations and individuals. They can also solicit donations from foundations that may have policies against awarding grants directly to governmental agencies.

ESTABLISH A FOUNDATION. Contributors are often more comfortable donating to a foundation that supports a government project than to the government with the same mission.⁹



PHOTO BY KEN DUFALT

IN 1999, GOVERNOR JEB BUSH SIGNED THE FLORIDA FOREVER ACT. AUTHORIZED BY VOTERS AND PASSED BY THE LEGISLATURE, FLORIDA FOREVER DEDICATES \$3 BILLION OVER TEN YEARS FOR THE ACQUISITION, RESTORATION, AND IMPROVEMENT OF RECREATION AND CONSERVATION LANDS.

Conservation foundations can facilitate new funding, raising money from individual and corporate donors, other foundations, and state and federal grant programs.

KEY FEDERAL CONSERVATION FUNDING SOURCES

Federal funds reach the local level directly or through administering state agencies. A summary of key federal conservation funding programs follows.

LAND AND WATER CONSERVATION FUND (LWCF). LWCF is the largest source of federal money for parks, wilderness, and open space acquisition. The program's funding comes primarily from offshore oil and gas drilling receipts. At the national level, funds are used to acquire and protect new national forests, parks, wildlife areas, and other public lands. In 2002, Congress appropriated \$429 million for specific acquisitions in these federal units. The Land and Water Conservation Fund has a matching grant program that provides funds to states for planning, development, and acquiring land and water conservation areas. Following a five-year drought with no appropriations, Congress reinstated funding for the "stateside" program in 2000 and funded it at \$144 million in 2002. Funds are apportioned annually to states on a formula basis.

THE FOREST LEGACY PROGRAM. This program is administered by the U.S. Forest Service under its State and Private Forestry division and provides matching funds to states to assist in forest protection. States may receive federal Forest Legacy grants of up to 75 percent of the total cost of the acquisition, with the remainder to be matched by nonfederal funds. In 2002, Congress appropriated \$65 million for this program.

THE NORTH AMERICAN WETLANDS CONSERVATION ACT. This act promotes voluntary, public-private partnerships to conserve wetland ecosystems for waterfowl and other migratory birds. Acquired or restored habitat can be owned or managed by any federal, state, or nonprofit organization involved in land management. In 2002, Congress appropriated \$43.5 million for this program.

THE COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND. Section 6 of the Endangered Species Act provides matching grants to states for conservation projects that benefit candidate, proposed, and listed endangered species on state, private, and other nonfederal land. Congress appropriated more than \$96 million for this program in 2002.

THE COASTAL ZONE MANAGEMENT PROGRAM (CZMP). CZMP, overseen by the National Oceanic and Atmospheric Administration, is a partnership between the federal government and 34 states and territories to better steward the nation's oceanic and Great Lakes coastline. While this program focuses primarily on management issues, there has been a recent push—backed by federal funding—to better integrate conservation within the overall management strategy for the coastal zone. The federal program requires each state to have its own coastal program, which brings in additional state funding.

THE FARMLAND PROTECTION PROGRAM. This program provides federal matching funds for state and local farmland protection efforts. To be eligible, a state, county, or local jurisdiction must have a complementary program of funding for the purchase of conservation easements. The recently enacted 2002 Farm Bill

provides \$600 million over six years for the Farmland Protection Program.

THE TRANSPORTATION EFFICIENCY ACT FOR THE 21ST CENTURY (TEA-21). TEA-21 provides states with funds to acquire land for historic preservation, trails, scenic beautification, and water-pollution mitigation related to surface transportation through its Transportation Enhancements program. The Recreational Trails Program provides funds for bike and pedestrian trails, and the Congestion Mitigation and Air Quality Improvement Program funds projects that improve air quality. TEA-21 was up for congressional reauthorization in 2003.

Additional funding is available through National Coastal Wetlands Conservation grants, the Wetlands Reserve Program, water-quality grants, and the Migratory Bird Conservation Fund.

STATE CONSERVATION FINANCE "BEST PRACTICES"

With state support, a local government has the tools and funding to realize its greenprinting vision. Without state support, local options are limited. While each state has its own unique history, laws, and approach to conservation funding, there are ways to evaluate a state's conservation finance landscape—the funding and the tools that provide the foundation for effective programs at the local level. The following framework was developed by the Trust for Public Land to encourage effective statewide support for local land conservation.

SUBSTANTIAL, DEDICATED STATE FUNDING SOURCE(S). A stable state revenue source is the foundation upon which effective conservation programs are built.

States with dedicated funding sources (lotteries, sales taxes, general obligation bonds, and so on) are better able to foster program development and provide long-term conservation vision. Along with funding, states should establish time frames, demographic priorities, and targets for the number of acres to be protected. For example, the Florida Forever program provided \$3 billion in state revenue bonds over ten years backed by the documentary stamp (real-estate transfer) tax. When the program was renewed by the legislature in 1999 and rechristened Florida Forever, funding for local governments and urban areas was greatly increased.

SIGNIFICANT LOCAL ENABLING OPTIONS. Federal and state governments cannot meet all local conservation needs. Therefore, states need to provide local governments with the legal authority to tax and dedicate revenues for land conservation (using property taxes, sales taxes, transfer taxes, bonding authority, and so on). In the process, local dollars and local control are expanded. Massachusetts, for instance, passed a law in 2000 that permits local referenda for the adoption of a property tax surcharge dedicated to open space protection, historic preservation, and affordable housing. Voters in 22 out of 45 communities approved Community Preservation Act measures in 2002.

A PROGRAM OF INCENTIVES FOR LOCAL GOVERNMENTS. State incentives, often in the form of matching grants and low-interest loans, encourage local governments and nonprofit partners to generate local dollars while strengthening partnerships. New Jersey allows counties and towns to enact property tax-backed open space trust funds

with voter approval. This funding is required for Green Acres matching funds from the state. As of 2002, 19 of New Jersey's 21 counties and 144 of the state's 566 municipalities have established trust funds.

PURCHASE-OF-DEVELOPMENT-RIGHTS (PDR) PROGRAMS. PDR programs are a voluntary approach to conservation that allow for protection of the land combined with continued private ownership. To support the purchase of development rights, states can pass PDR enabling legislation, work cooperatively with local governments to purchase easements, appropriate funds to local governments and nonprofits, and create PDR programs that are administered at the state level.¹⁰ California, Colorado, Maryland, Massachusetts, New Jersey, Pennsylvania, and Vermont all have state PDR programs.

PUBLIC-PRIVATE PARTNERSHIPS. Encouraging local governments to partner with private, nonprofit organizations can promote greenprinting goals, leverage conservation resources, and increase support for land conservation. Potential partners include land trusts, neighborhood and community groups, foundations, national conservation organizations, and landowner groups.

CONSERVATION TAX CREDITS. State tax credit laws are becoming an increasingly popular tool to encourage the donation of private land or easements to public or nonprofit entities for conservation. Such tax credits often receive strong support from private landowners and from those wary of outright public expenditures. Tax credit laws should be targeted to achieve state-specific conservation objectives—such as farmland conservation—without

competing with broader funding sources. In 2001–02, new tax credit legislation was enacted in California, Colorado, Maryland, South Carolina, and Virginia.

SECURING LOCAL CONSERVATION FUNDS: TRENDS AND TECHNIQUES

No matter how much money you raise from federal, state, and private sources, considerable local funding is the key to effective, long-term conservation financing. Local funding means local commitment and local control—ingredients that can go a long way toward the implementation of a community's greenprinting vision. Local funds can also leverage federal, state, and private dollars, helping to establish a predictable and sizable conservation funding stream.

Local or regional conservation funding can take the form of a budget appropriation, tax increase, or bond issue by the legislative body. Often, however, the price tag, the politics, and the legal options demand approval by the voters, and such measures are the focus of this handbook. Ballot measures may be referred by the legislative body (termed a referendum) or placed on the ballot by citizen petition (termed an initiative). Some measures are advisory in nature, others create statutory obligations, and yet others may actually amend government charters. In New England, funding decisions can be made by residents at town meetings as well as on election day.

Voter approval for conservation is reaching record levels across the country: in 2002 alone, 74 percent of all state and local conservation measures were approved, generating roughly \$5.7 billion in new public funding for parks and open space despite that year's economic recession and uncertain national security.

The local ballot measures ranged in size from a \$380,000 tax levy in the town of Buckland, Massachusetts (about half of which is dedicated to open space protection) to a \$200 million, 10-year real-estate tax extension in Southampton, New York. State and local conservation measures generated nearly \$1.7 billion in 2001 and \$7.5 billion in 2002.¹¹

Voters are clearly willing to spend money to protect their land and preserve their quality of life. They recognize that conservation is a wise investment that can pay significant dividends in the form of a safe environment, a strong economy, and a livable community.

Successful measures are the result of careful planning, hard work, and an understanding of public priorities. The process involves an assessment of public opinion about conservation and taxation and the design of a measure that is, as political consultant and TPL veteran Steven Glazer explains below, *compelling*, *affordable*, and *accountable*:

- The land preservation benefit must be viewed by voters as a *compelling need*. Whether it addresses water quality protection, farmland preservation, or urban parks and playgrounds, proponents must understand voters' priorities and what they consider a fundamental, compelling need.
- The tax must be *affordable*. Voters have a specific taxing threshold, even to support benefits they find compelling. Find out how much voters are willing to spend (not what the ideal program would cost) and design your measure accordingly.
- Voters must have confidence that those in charge of spending the money will be *accountable* and responsible.

Fiscal safeguards written into a measure can assure anxious voters that their tax dollars are being spent wisely. Safeguards include fiscal audits, administrative cost caps, citizen advisory committee reviews, and sunset clauses.

Once such a measure is designed, a good campaign must be conducted to build broad support from community leaders and organizations and to communicate the key benefits of the measure to undecided voters. "If a campaign has done its work well," notes Glazer, "the measure should have minimal opposition, and the focus of the public debate will be on the measure's benefits and accountability."¹²

So how do you design a measure that is compelling, affordable, and accountable? And how do you communicate its benefits to voters? The answer is careful research and polling, intelligent measure design, and sound campaign strategy. By following these steps, a community can secure the local support needed to fund a greenprinting vision.