

Conservation Tools

Pinal Partnership Open Space Initiative Workshop

Friday, September 24, 2010

Central Arizona College, Coolidge, Arizona



*Hikers enjoying the lower San Pedro River.
Photo: The Nature Conservancy*

A wide variety of tools exist that can be used for acquiring open space. From land exchanges to conservation easements, these tools can be applied to help protect critical wildlife habitat, cultural resources, historic ranches and farms, or simply your favorite hiking trails. Many of these tools, along with potential funding sources, are described below, followed by potential funding sources that may available. Additional techniques and funding resources for open space are listed in the Pinal County Open Space and Trails Master Plan, which can be found by visiting the Pinal County website

at <http://pinalcountyaz.gov/Pages/Home.aspx> and listed at the bottom of the homepage under “Hot Topics”.

Land Acquisition

Fee simple acquisition for open space or conservation purposes typically involves a land trust, public agency or similar conservation organization (conservation buyer) purchasing, or receiving the donation of, title to a property that merits protection. Landowners often utilize this method of land protection because they are assured their family lands will be protected in perpetuity and they receive income from the sale of the land. After title transfers to the conservation buyer, the land is permanently maintained as open space. The conservation buyer maintains perpetual stewardship and management responsibility for the land. Working landscapes such as ranches and farms may also be purchased while continuing to maintain their operations into the future. For more information, visit www.lta.org (Land Trust Alliance).

Land Exchanges

A public land exchange is a real estate transaction where a non-federal party exchanges its land for land owned by the state or federal government. The lands to be exchanged must be of equal monetary value, determined to serve the public interest and preferably located within the same area. Land exchanges are a valuable tool for land management agencies to acquire threatened wetlands, wildlife habitat and park lands for public benefit while disposing of lands that are difficult, if not impossible, to manage. In addition, land exchanges offer local communities the opportunity to direct future growth and preserve private lands containing significant local natural, historic and recreational resource values. Land exchanges can be cost effective and offer win-win opportunities for the public.

Conservation Easements

One of the most effective and popular land protection tools are conservation easements, especially for family lands. A conservation easement is a voluntary, legal agreement between a landowner and a qualified conservation organization such as a land trust or state or federal agency. Landowners often enter into conservation easements in order to protect important natural or cultural resource values such as:

- Natural habitat for wildlife, fish and plants such as native grasslands or wetlands;
- Watershed areas like rivers, streams, springs and other natural areas
- Scenic landscapes, particularly those with local community, cultural or historic significance
- Working landscapes like farmland and ranchland have special significance for protecting our western heritage and their provision of locally grown foods



*Land protected by a conservation easement adjacent Oracle State Park.
Photo: Arizona Land and Water Trust*

No two conservation easement agreements are the same, as each is drafted specifically for the landowners' needs. Conservation easements are extremely flexible and once implemented, may also provide significant tax benefits for the landowner and their family.

For more information visit: www.lta.org (Land Trust Alliance).

Impact Fees

Impact fees are funds typically used to build a portion of new infrastructure (e.g., lights, sewer lines) or provide services (e.g., fire protection, libraries) to new developments. However impact fees can also be assessed to support the acquisition of open space, parks, and trails.

Conservation Referendum

A conservation referendum enables citizens of a local municipality to vote to establish a dedicated tax for open space protection. It also enables citizens to approve borrowing beyond normal debt limits by counties or local municipalities for conservation projects. A conservation referendum is a highly successful mechanism for raising money that is dedicated to a specific conservation purpose. Open space of agricultural, recreational, natural, scenic, historic and/or cultural importance to a community can be protected using funds approved by voters in a primary or general election. If a local government hasn't exceeded its taxation or debt limits, voter approval of funding for conservation projects isn't necessary. Nevertheless, a referendum can be highly desirable because the referendum will serve to permanently dedicate the proposed tax or bond revenue to the conservation purpose described in the referendum.

Arizona Heritage Fund

Arizona voters created the Heritage Fund in 1990, designating millions of dollars from lottery ticket profits for the conservation of wildlife and natural areas. Heritage Funds are split annually between two state departments, Arizona Game & Fish and Arizona State Parks, at \$10 million each (though State Parks is currently unfunded at this time). Heritage Funding has been used to protect special status species and habitat, environmental education, historic preservation, non-motorized trails, and parks/recreation acquisition and improvements. For more information visit: <http://azheritage.wordpress.com>.

North American Wetland Conservation Act (NAWCA)

NAWCA conserves North America's waterfowl, fish and wildlife resources while producing a variety of environmental and economic benefits. Every federal dollar provided by NAWCA must be matched by at least one dollar from non-federal sources. Because the program is so effective, these funds are usually tripled or quadrupled on the local level. For more information visit: <http://www.fws.gov/birdhabitat/Grants/NAWCA/index.shtm..>



*A flock of Sandhill Cranes return to a protected wetland in southeastern Arizona.
Photo: Sandhill Farm*

USDA Conservation Easement Programs

Through the 2008 Farm Bill, the USDA - Natural Resources Conservation Service (NRCS) offers several programs that fund the purchase or partial purchase of conservation easements:

- ***Farm and Ranch Lands Protection Program (FRPP)*** - Voluntary program that allows productive ranch and farm lands to remain in agricultural production under private ownership
- ***Grassland Reserve Program (GRP)*** - Voluntary program offering landowners the opportunity to protect, restore, and enhance grasslands
- ***Wetland Reserve Program (WRP)*** - Voluntary program to help restore, enhance and protect wetlands

For more information visit: <http://www.nrcs.usda.gov/programs/>

Land and Water Conservation Fund (LWCF)

The Land and Water Conservation Fund is a Federal program that was established by Act of Congress in 1964 to provide monies and matching grants to federal, state and local governments for the acquisition of land and water, and easements on land and water, for the benefit of all Americans. The main emphases of the fund are recreation and the protection of national natural treasures in the forms of parks and protected forest and wildlife areas. The primary source of income to the fund is fees paid by companies drilling offshore for oil and gas. For more information visit: <http://www.nps.gov/lwcf>.



*Casa Grande Ruins National Monument
Photo: National Park Service*

Recreation and Public Purposes Act

Recognizing the strong public need for a nationwide system of parks and other recreational and public purposes areas, the Recreation and Public Purposes Act authorized the sale or lease of public lands for these purposes to State and local governments and to qualified nonprofit organizations. Examples of typical uses under the act include historic monument sites, parks, and campgrounds. For more information visit http://www.blm.gov/wo/st/en/prog/more/lands/recreation_and_public.html.

Growing Smarter Legislation

Through a partnership among the Arizona Legislature, interested citizens, and the Arizona Governor's Office, a comprehensive effort was undertaken to address growth-related issues that resulted in the passage of the Growing Smarter Act of 1998 and the Growing Smarter Plus Act of 2000. Taken together, the Growing Smarter legislation provides comprehensive land use planning and zoning reforms, including the acquisition of open space, and gives residents of Arizona cities, towns and counties a number of tools to shape growth in their own communities, such as the right to vote on general plans and restrictions on how general and comprehensive plans can be amended. To learn more visit: <http://www.azcommerce.com/CommAsst/GrowSmart/>.

Forest Legacy Program (FLP)

The Forest Legacy Program is a Federal program in partnership with states, supporting state efforts to protect environmentally sensitive forest lands. Designed to encourage the protection of privately owned forest lands, FLP is an entirely voluntary program which focuses on the acquisition of partial interests in privately owned forest lands. The program encourages and supports the acquisition of conservation easements. To learn more visit: <http://www.fs.fed.us/spf/coop/programs/loa/aboutflp.shtml>.