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SMART LINKS

Turning Conservation Dollars into Smart Growth Opportunities

SMART GROWTH NETWORK

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Environmental Law Institute®

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Smart Links: Turning Conservation Dollars into Smart Growth Opportunities

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EXECUTIVE SUMMARY

We need to improve the effectiveness of conservation investments by federal, state, and local governments. *The Smart Links* concept links conservation funding with techniques to promote smarter growth and compatible development on nearby lands. A Smart Links funding program has two goals:

(1) to ensure that the public's acquisition funds are not spent in a way that allows conservation lands to be surrounded and degraded by continuing patterns of sprawl, and

(2) to ensure that conservation expenditures play a leveraging role by putting into place smart growth policies—such as urban revitalization, development patterns that conserve waterways and habitat, and well-targeted improvements to transportation and infrastructure.

Public funding is used as an incentive to ensure that development is compatible with smart growth rather than sprawl. Such programs also ensure the long term vitality of the conservation investment.

No state has wholly integrated its conservation funding programs with programs to address land use and development. Five states have committed substantial amounts of open space funding in ways that encourage local governments to strengthen their control of development. These *Smart Links* states – Delaware, Florida, Maryland, Massachusetts, and New Jersey – have begun to show that a statewide vision of important ecological lands, when coupled with attention to local land development planning, can enhance both conservation and the management of development. Another eleven states have conservation funding programs that show some promise for the adoption of Smart Links approaches.

All fifty states are in a position to take advantage of the Smart Links concept. In general, conservation funding is rising. Indeed, proposals for substantial federal conservation funding to states (under the proposed Conservation and Reinvestment Act - CARA), if adopted, would offer substantial opportunities even to those states that have not yet enacted major land conservation programs.

Experience indicates that model Smart Links programs should have the following features:

(1) Substantial dedicated public funding for conservation land acquisitions.

(2) A single—or coordinated—statewide plan that identifies conservation priorities and development priorities for use in providing both state conservation funding and state economic development/public infrastructure funding.

(3) A grant program to local government that conditions grants for conservation funding on local governments' (a) adoption and implementation of local conservation plans and (b) adoption and implementation of smart growth development techniques on lands in the jurisdiction that are not slated for conservation.

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WHAT ARE SMART LINKS?

Would you buy a home without considering what land uses are allowed by law in the surrounding area? An uninformed purchase would leave entirely to chance whether your ownership experience would be good or bad, because nearby land uses can profoundly affect the usefulness and value of a home. Now, consider, should the public invest its conservation funds to protect open space, recreation, forest, watershed, and wildlife lands without regard to the land use activities in the surrounding community? A policy of doing so would likewise leave to chance the viability of the conservation investment and its ultimate usefulness to the community. Such a policy also would needlessly forego a golden opportunity to leverage the conservation investment for broader and more lasting results.

THE SMART LINKS CONCEPT

There is a way to improve the effectiveness of conservation expenditures by federal, state, and local governments. The Smart Links concept links conservation funding with techniques to promote smarter growth and compatible development on nearby lands. Public funding is used as an incentive to ensure that local development is compatible with smart growth rather than sprawl, as well as to ensure the long term vitality of the conservation investment. A Smart Links funding program has two goals:

(1) to ensure that the public's limited land acquisition funds are not spent in a way that allows conservation lands to be surrounded and degraded by continuing patterns of sprawl, and

(2) to ensure that conservation expenditures play a leveraging role by putting into place smart growth policies that complement the investment—including urban and suburban revitalization, development that conserves waterways and habitat, and well-targeted improvements to public infrastructure.

THE OPPORTUNITY

There is a new opportunity to give smart growth policies more traction in states across the nation. Congress, for the first time in more than a decade, is putting substantial amounts of money into land acquisition and conservation—including funding provided to the states. At the same time, many states and localities have launched or expanded their own land acquisition funds for conservation. This new conservation funding presents a significant opportunity to *leverage* the adoption and implementation of smart growth tools by linking them to the receipt of the conservation funds.

The Environmental Law Institute (ELI) and others have been developing and disseminating smart growth tools, such as land use planning incentives, uses of overlays, tax programs, transportation and infrastructure funding strategies, brownfields restoration, and urban revitalization. But adoption of these tools by local governments and by state agencies has been uneven. The Smart Links Project makes use of a natural opportunity to provide an incentive for smart growth—the provision of funds. Just as the provision of federal highway funds is used to incentivize the adoption of state and local policies on transportation safety, clean air compliance, and other goods, so too can the provision of federal and state land acquisition funds make it possible to ensure that local communities adopt and implement land use planning and smart growth strategies.

This report examines ways in which states can develop policy and legal tools to link public conservation investments with smart growth policies including land use planning, urban and suburban revitalization, historic preservation, and transportation decisions. It shows how states and local governments can work with their citizens to incorporate smart growth tools and approaches into their funding criteria and goals.

CONSERVATION INVESTMENTS: A RISING TIDE

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THE OPPORTUNITY

Federal Action

In 2000, the Congress came close to passing a bipartisan bill, the Conservation and Reinvest ment Act (CARA), that would have devoted as much as $3 billion per year to land acquisition and conservation efforts, including permanently appropriated funding for the Land and Water Conservation Fund. Although derailed before the end of the session, CARA generated sufficient interest to result in an FY 2001 Interior appropriations bill and a Commerce, Justice, and State appropriations bill that contained significant increases in funding for state and federal conservation lands programs.[1] Dubbed CARA-lite, the bills provided a basis for funding several programs to increase funding for land acquisition, and to support state expenditures on wildlife habitat, open space, coastal protection, and forest easements. The FY 2002 Interior appropriations bill signed in November 2001 continued many of these funding increases.[2]

CARA was reintroduced in the 107th Congress, and was passed by the House Resources Committee; but did not reach the floor in 2001. If enacted, CARA or a successor bill will increase federal public investment in open space and conservation lands. Much of this federal money will be expended by states and cities through their own open space, conservation, and wildlife programs.

State and Local Action

Meanwhile, many states have in the last decade launched or expanded their own acquisition programs. New Jersey has approved over $1 billion in bond funding for acquisition of open space through its "Green Acres" program. Florida is spending over $50 million each year on its open space and conservation lands acquisition projects, including the "Florida Forever" program. Pennsylvania's Growing Greener" (with $650 million over five years) is directing substantial investment into the Commonwealth's conservation areas. Maryland is acquiring substantial lands and conservation easements through its five-year $128 million Rural Legacy program, and the additional "Greenprint"investment of $35 million for conservation lands approved in 2001. Ohio citizens in November 2000 passed a $200 million land conservation bond. Missouri continues to fund ongoing acquisition through a dedicated percentage of the state sales tax, and Colorado does so through the state lottery funding for Great Outdoors Colorado (GOCO). As Phyllis Myers' research for the Brookings Institution has pointed out, land acquisition measures have been increasingly enacted in states across the nation.[3]

Local governments have adopted major bond initiatives for open space and conservation land acquisition. These prospective investments represent a unique opportunity to promote not only conservation but also environmentally sustainable transportation, revitalization, placement of schools, location of sewers, and other aspects of smart growth. The Trust for Public Land identified $905 million in new land conservation funds in 14 states approved by voters in the November 2001 elections alone, of which nearly $800 million was local and county-approved funding.[4] Like state governments, local governments have invested billions of dollars in open space programs in the past decade.

While there may be some retrenchment in state funding in the near term, voters are continuing to support investments in open space, habitat, watershed, and farmland protection. And the funding currently in the pipeline is substantial.

THE MISSING LINK

In most states—and under the proposed federal conservation funding programs—there is *no link* whatsoever between the investment of funds in conservation lands and the protection of those investments from negative impacts resulting from private and governmental

actions on nearby lands.

Without attention to these lands, many of the important conservation investments will be threatened over the long term by surrounding land uses. For example, state land acquisition programs have protected easements along river banks without having any effect on the zoning and land use development provisions affecting the land immediately adjacent to the protected buffers. State land acquisition funds have been used to acquire bogs with rare plants, while development on upland areas has continued under local rules that do not protect the conserved area from damage due to runoff.

Continuing along this divergent path does not make sense given what we now know about development and conservation.

Smart growth, as defined by the Smart Growth Network, means:

- Mix land uses.
- Take advantage of compact building design.
- Create housing opportunities and choices.
- Create walkable communities.
- Foster distinctive, attractive communities with a strong sense of place.
- Preserve open space, farmland, natural beauty, and critical environmental areas.
- Strengthen and direct development toward existing communities.
- Provide a variety of transportation choices.
- Make development decisions predictable, fair, and cost-effective.
- Encourage community and stakeholder collaboration in development decisions.[5]

What is particularly important about this list is that the open space element is so seldom linked to any of the others in practice. In part this is a result of the differing priorities of both environmental advocates and state and local officials. Citizen groups and officials that deal with open space are rarely the same as those that deal with what used to be called "urban" sprawl. But the opportunity for linkage is now here—particularly as the level of investment in conservation lands by both the states and the federal government revives.

Where funding exists for conservation acquisitions, there is also an opportunity to influence state and local land use decisions—decisions that could otherwise lead to sprawling land use practices that degrade and impair the value of the conservation investment. The availability of funds can be used as a carrot—to induce local governments and state funding agencies to adopt growth management and smart growth techniques. Without attention to these concerns, the likely outcome of many of these acquisition programs will be the purchase of isolated fragments of green space, coastal marsh, mature hardwood forest, or prairie, which will then be surrounded by sprawling residential housing on one-acre lots, strip malls and office parks, and roads running to —and even through—key habitat corridors. In the cities, without these links, urban park investments will not produce their full neighborhood revitalization benefits, nor provide wildlife and water quality benefits.

Unless the public contributions to the acquisition of conservation lands are matched with the adoption and implementation of smart growth land use incentives and regulation, brownfields commitments, urban development incentives, and long-range infrastructure financing plans, the new conservation investments will be swamped by bad, low-density developments. States also need to link their transportation department decisions to planning that supports conservation. Delaware, for one, has begun to link transportation and state infrastructure money to open space acquisition. Such approaches need to be promoted and integrated fully into state and federal acquisition strategies.

State and federal funding programs can be designed to require that conservation funding be provided only where land use plans are in place and future local land uses are compatible with the conservation investment. Or conservation funding programs can use sustainable land use as a scoring technique in competitive grant programs. Funding programs can reward areas with compatible planning and smart growth approaches by making them more likely to receive funding (or by reducing local matching requirements).

These techniques can ensure the performance of the conservation investment and can take advantage of the full potential of funding to encourage improved local performance.

Voters need to have the means to hold their elected and appointed officials accountable for spending conservation funds in a way that promotes both smart growth and the long term success of the conservation investment. If citizens are not fully informed of these possibilities, this unique opportunity will be permanently lost.

CONSERVATION FUNDING AND SMART LINKS OPPORTUNITIES

About one-third of the states have ongoing, meaningfully funded programs for the acquisition of conservation lands. Most of these programs do not incorporate procedures to encourage compatible land uses and smart growth planning on nearby lands. But several of them offer opportunities to do so. Others demonstrate how such a program might work. This chapter examines representative programs in a number of these states in order to shed light on how Smart Links can be used to improve conservation lands programs across the nation.

OVERVIEW

No state has wholly integrated its conservation funding programs with programs to address land use and development. Five states, however, have committed substantial amounts of open space funding in programs that encourage local governments to use such funding to strengthen their control of development. These Smart Links states have begun to show that a statewide vision of important ecological lands, when coupled with attention to local land development planning, can enhance the effectiveness of both efforts—conservation and the management of development.

The programs of the Smart Links states—Delaware, Florida, Maryland, Massachusetts, and New Jersey—described in this chapter share at least three basic characteristics: (1) they commit substantial amounts of money to local land conservation investments, (2) they have inventoried on a statewide basis areas that are important for conservation, habitat, and recreation, even as they plan for development and population growth, and (3) they provide ways to ensure that local governments take into account these conservation opportunities as they conduct land use planning and regulation for development on nearby lands. None of these programs fully embodies the Smart Links concept; yet, each of them makes the connection between conservation and smart growth that is an essential step toward a sustainable land use program.

Additional state programs with at least some Smart Links characteristics are described in the latter portion of this chapter. Arizona, Colorado, Connecticut, Georgia, Illinois, Minnesota, New Hampshire, Ohio, Oregon, Pennsylvania, and Washington have conservation funding that is directed toward local governments. These programs make some links between funding and statewide or local smart growth measures. These programs offer some obvious opportunities for Smart Links additions in the future. Georgia's Community Greenspace Program, in particular, links open space funding with planning for open space and development.

Each of the programs featured in this chapter has evolved over time as the relationship of conservation investments with local land development decisions has become more apparent. It is likely that further evolution of these programs will begin to incorporate further Smart Links characteristics as the value of the conservation investment increases.

LEADING STATE PROGRAMS WITH SMART LINKS

Delaware

Delaware, which has a longstanding commitment to open space conservation and a more recent commitment to managing and controlling sprawl, shows how a Smart Links program can be constructed. Delaware's approach began with recognition of the need to target conservation investments. State goals then expanded to integrate planning and infrastructure investments with conservation goals. Delaware has coupled a state-level commitment to provide open space funding with attention to state and local planning for both open space conservation and development

Delaware established a state objective to conserve a substantial portion (19 percent) of the state's area as open space. The primary conservation fund is Delaware's Land and Water Conservation Trust Fund, established in 1986, which is supported by revenue from the state's realty transfer tax. The Fund adds annually to principal in order to build a long-term endowment for open space, while expending funds annually from both transfer tax receipts and fund interest. The Trust Fund balance is approximately $46 million. In 2001, Delaware revamped and extended the Fund for another 18 years,

and changed the allocation to provide that $9 million per year of annual realty transfer tax proceeds would go directly to support projects and $1 million per year would be added to the fund balance as endowment. The Fund supports the state Open Space Program, which provides millions of dollars directly to state agencies to acquire lands and conservation easements. In addition, counties, local governments, park districts, and state agencies are eligible for funding for matching grant funding for greenways and trail projects, and local parks and acquisition.

Delaware's well-funded land protection program has been increasingly integrated with measures for land use and development throughout the state. The state began this process more than ten years ago by developing the concept of "state resource areas (SRAs)." These identified areas serve as the basis for both land acquisition and land use planning decisions. The SRA approach was developed by the Greenspace for Delaware's Future Committee. Comprised of a broad range of environmental and resource professionals, this high-level Committee was charged with defining a long-range conservation strategy for the state. In 1989, the Greenspace Committee published its report, "Greenspace for Delaware's Future." The Committee identified 19 geographic areas comprising approximately 210,000 acres to be targeted for protection. The SRAs are sites that the Committee determined to be "highly important to the state's natural and cultural heritage and biological diversity. " They include both integrated landscape areas and several stand-alone sites that were a high priority for protection because they include "state-recognized unique natural areas, habitat for rare and endangered species, cultural resources, mill ponds, freshwater wetlands, and stream valley corridors."[6] The Committee also recommended:

- establishment of an aggressive land acquisition program at the state level;
- expansion of a statewide conservation easement program as a joint effort between state government and private non-profit organizations;
- establishment of a Purchase of Development Rights (PDR) program to protect natural and

NATTER PROPERTY
BETHANY BEACH, DELAWARE

The Delaware Atlantic coastal area has experienced unprecedented residential and commercial growth since the late 1980's. Residents of the coastal resort Town of Bethany Beach, Delaware, seeing once abundant areas of open land and forest surrounding the town rapidly disappearing, banded together to save the last remaining large parcel of open land available in Town. The Natter property, located in the heart of Bethany Beach, is within Delaware's Inland Bays Region. Delaware's Open Space Program has designed this region the Inland Bays Resource Area, one of twenty such resource areas throughout the State that have been identified as a high priority for conservation and protection. The Delaware Office of Planning Coordination, through Governor Minner's Livable Delaware Initiative, has also designed the Inland Bay Region as an Environmentally Sensitive Area, which promotes land conservation and encourages development of land only in the most environmentally sensitive manner.

The Town sought to protect this unique 26-acre parcel for habitat conservation, environmental education and passive recreation. The land consists of 3 acres of forested uplands, 9.6 acres of federal jurisdictional wetlands and 13.8 acres of Delaware-designed wetlands. It has shoreline frontage on the Bethany Loop Canal, providing direct bay access for recreation. The property was held in an estate, controlled by several family members all of whom lived out of state. Residents of the Town contacted the Trust for Public Land to help structure a deal to purchase the land from the members of the family. The TPL after several months reached an agreement with the family to sell the property to the Town of Bethany Beach for $750,000. The property was appraised at $900,000 and the remainder of the property value would constitute a charitable contribution for the family. The Town Council appropriated $100,000 towards the purchase and sought grant funds from state and federal sources to provide the additional funding needed. The Town applied for funding through the Delaware Land and Water Conservation Trust Fund Park Acquisition and Development Grant Program and the federal Fish and Wildlife National Coastal Wetlands Conservation Grant Program. The Town was successful with both applications, receiving $150,000 from the Delaware grant program and $500,000 from the coastal Wetlands Grant Program. After several years of planning and negotiation, the property was permanently protected for Bethany Beach, benefitting both the residents and the thousands of annual visitors to the resort community.

DELAWARE STRATEGIES FOR INVESTMENT AND NATURAL RESOURCES CONSERVATION

Delaware has differentiated its development goals for areas in the state and defined its investment policy objectives for these areas.

Communities—In these areas where population is fairly concentrated, commercial activity is occurring, and a range of housing types already exist, "state policies should encourage redevelopment and reinvestment. They should also increase transportation options, improve water and wastewater systems, and ensure community identity and vitality."

Urban centers—In more urban areas, "the state will pursue the same goals listed under 'communities' as well as specific strategies that address the special conditions of these places" with major concentrations of population and institutions.

Employment centers—In designated areas, the state will promote "new economic development," and a balance of employment and residential development.

Developing areas—In these zones between development centers and rural areas, "state investments and policies will be targeted to accommodate existing development and orderly growth. State investments should link development plans to available infrastructure, encourage interconnections between developments, promote a variety of housing types and protect natural resources."

Environmentally sensitive developing areas—In these areas surrounding the Inland Bays, where development is putting pressure on both the natural environment and infrastructure such as roads, "the state will seek a balance between resource protection and sustainable growth."

Secondary developing areas—In these areas designated for growth by county plans, but not included in the state's developing areas, the state "will promote efficient, orderly development and the coordinated phasing of infrastructure investment, consistent with the extent and timing of future growth, and within the limitations of state financial resources."

Rural areas—In these historically open areas, "state policies should encourage the preservation of a rural lifestyle and discourage new development. Spending on transportation, water and wastewater systems should be limited to what is needed to alleviate health and environmental risks and to accommodate regional trips, with little additional capacity that would encourage further development. State policies should protect farmlands and natural areas, while also promoting the revitalization and enhancement of small rural communities."

Delaware is using these strategic designations "to make decisions such as the allocation of new state funding for farmland preservation, road construction, open-space preservation, transportation investments, state-supported housing development, and water and wastewater financing." The strategies also provide a framework for review and revision of existing state policies, and for state comments on local comprehensive planning and land use decisions. "The strategies will be a critical component of the information considered for county comprehensive plans, and they will be part of the state guidance for municipal planning and for intergovernmental coordination between counties and municipalities."

Source: Shaping Delaware's Future: Managing Growth in the 21st Century. 1999.

cultural resources;

- development of overlay zones to protect ground water recharge and discharge areas, unique natural areas, steep slopes, and floodplains; and
- examination of the state tax code to formulate tax options to encourage landowners to donate their lands or sell development rights.

Based on these recommendations, the legislature enacted the Delaware Land Protection Act in 1990.[7] The Act authorized state agencies to acquire open space to protect and conserve natural and cultural resources; to protect and conserve the biological diversity of plants and animals and their habitats; to protect existing or planned parks, forests, wildlife areas, nature preserves or other recreation, conservation or cultural sites by controlling the use of contiguous or nearby lands; and to provide for water quality conservation. The Department of Natural Resources and Environmental Control (DNREC) was required to create maps depicting

the SRAs.[8] These maps are updated in consultation with county governments every five years. The Act also created a Delaware Open Space Council, whose role is to review, advise and make recommendations on key aspects of the acquisition effort.[9] Delaware's Open Space Program has identified more than 250,000 acres of SRAs;[10] and through 2001, 135,985 acres of SRA land have been protected by easement or acquisition.

The Land Protection Act *requires* each county to protect the ecological, historical, and archaeological functions within the SRAs through overlay zoning ordinances that establish frontage, building height, setback and site design requirements that "minimize the loss of open space and associated values of state resource area lands," and through adoption of technically based environmental performance standards and design criteria. Counties are required to adopt such measures within 18 months of receiving the resource maps from the Department. Counties that fail to do so are ineligible for state assistance grants in this area.[11]

The state's approach to open space acquisition dovetails with its approach to local land use planning. Delaware's Quality of Life Act requires counties to prepare comprehensive development plans, and to coordinate them with state policies, the plans of their own municipalities, and the plans of adjacent counties. The Cabinet Committee on State Planning Issues (CCSPI) submits comments and recommendations to the counties on their proposed county comprehensive development plans; these comments are based on the state land use development goals and policies adopted under the Delaware Planning Act. Counties are required to address the CCSPI's comments in the adoption of their plans.[12]

In 1995, the CCSPI adopted ten goals to guide land use decisions, state infrastructure investments, and resource management planning. State planning goals relevant to land conservation include protecting critical natural resources areas from ill-advised development; protecting the state's water supplies, open spaces, farmlands and communities by encouraging revitalization of existing water and wastewater systems and construction of new systems; and protecting important farmlands from ill-advised development. Several additional goals relate to directing state investment and development to existing communities and designated growth areas, fostering more compact patterns of development, and developing a multi-modal transportation system.

To make the coordination process effective, the Office of State Planning Coordination has worked with other state agencies (including DNREC, with its SRA map) to develop the *Investment and Resource Management Strategy Map*, a strategic investment map that delineates different types of investment areas by land use: Communities, Urban Centers, and Employment Centers, where investment is to be strongly encouraged; Developing Areas and Environmentally Sensitive Developing Areas, where investment is to be balanced with other goals; and Rural Areas in which state investment is to be directed at farmland and open space and protection of rural character.[13] This strategic investment map makes clear the state's desire to encourage growth mainly in and around existing communities and designated growth areas and to discourage incompatible land development in conservation areas. This gives the local governments an important tool to make their plans more internally consistent, more consistent with state plans, and consistent with statewide conservation goals. It also provides a way to link state conservation expenditures to other types of expenditures of public money.

By Executive Order in 2001, Governor Minner directed state agencies to develop implementation plans to carry out the strategies for state policies and spending identified in the 1999 *Shaping Delaware's Future* report (see box). Governor Minner's *Livable Delaware* agenda resulted in enactment of legislation in 2001 establishing graduated impact fees based on state investment strategies, addressing county comprehensive plan implementation and annexation standards, extending and improving the Land and Water Conservation Trust Fund (discussed above), and authorizing matching grants to encourage redevelopment of brownfields. The governor also created the Advisory Council on Planning Coordination, composed of state, regional, and local representatives with interests in growth and land use issues. The new Council's work includes ensuring that graduated impact fees reinforce the land use decisions and investment decisions made in state and local planning, approving and monitoring "Livability Indicators" to measure intergovernmental progress toward curbing sprawl, and facilitating dispute resolution among levels of government.[14]

Florida

Florida's landmark 1985 growth management legislation set force a state comprehensive plan, which defines statewide planning goals and implementation policies.[15] Regional planning councils must adopt regional policy goals consistent with the state plan in preparing

their own strategic policy plans.[16] The law requires each of Florida's local governments to prepare comprehensive plans for their future growth. These local plans must contain a future land use element designating proposed future conservation land, a conservation element, and a recreation and open space element.[17]

Florida then took steps to ensure that state support was available to support local open space and recreational planning. In 1989, the Florida Communities Trust was created in the Department of Community Affairs to help local governments address open space issues. The Trust has been funded by Preservation 2000, a series of bond issues dedicated to the purchase of sensitive lands throughout the state. The Trust assists local governments with their environmental and open space needs by providing a matching grant fund. From 1993 through the first half of 2001, the Trust and its local government partners protected 40,591 acres of land, using $207 million in trust money matched by $147 million in local and other funds.

In November 2001, the Florida Community Trust awarded $132 million in funding for 80 projects. The comparative evaluation criteria award substantial points for projects that further local comprehensive plan objectives and for projects that are within "priority investment areas."

In conjunction with the other state agencies that received funding through the Preservation 2000 Program (including Florida's Conservation and Recreation Lands Program), more than one million acres have been acquired in Florida for conservation and recreation.

Following a public referendum, the 1999 Florida Legislature approved *Florida Forever* as the successor program to Preservation 2000. The Florida Forever program allocates $3 billion through bond issues over ten years to purchase significant lands for conservation and for water resources projects. Bond proceeds are deposited into the Florida Forever Trust Fund, and debt service is paid from documentary stamp tax revenue. State agencies will receive about 50 percent of funds and the remainder is awarded to local governments and nonprofit land conservation organizations. Florida Forever increases funding for the Florida Communities Trust from $30 million to $66 million each year.

The funding program also supports completion of Florida's nationally recognized "greenways" plan. Florida has developed detailed ecological and recreational greenways opportunity maps for the entire state. The Office of Greenways and Trails, through the Florida Greenways Commission, identified areas to link ecologically important habitats with other open space and recreational lands to provide a template for conservation across the state. Acquisitions by local government that support this network are highly valued.

Florida has found a way to commit substantial public resources to support local government plans that protect open space and control development. This is further reinforced by the state's identification of areas of critical state concern and the prioritization of ecological and recreational lands made possible by the state's Greenways and Trails Program. The Florida system, which has evolved incrementally, combines attention to development issues with funding for conservation.

FLORIDA – PRESERVATION PROJECT JACKSONVILLE

In 1999 Mayor John Delaney launched a $312 million land acquisition program—Preservation Project Jacksonville—to manage growth, protect open space lands and water quality, and provide access to natural areas in Florida's largest incorporated city. The City and its voters initially committed $71 million to the project, with the balance to be raised from state, federal, and private sources, including substantial Florida Forever funding. Project goals were used to evaluate nearly 300,000 parcels of land within the City limits, and resulted in the conceptual identification of four land acquisition corridors serving the objectives. Evaluation of individual parcels for acquisition from willing sellers within these corridors includes assessment of 17 criteria relevant to smart growth, environmental sensitivity, water quality, and public access needs. The Mayor's Preservation Project Oversight Commission then sets priorities and determines potential funding sources. The Jacksonville City Council and other relevant funding bodies give final review and approval for acquisitions. The City notes that "By taking environmentally significant and threatened land out of development, the program not only helps to steer growth away from areas that cannot support it, but it preserves natural urban areas for the public."

See http://www.coj.net/preserve

Maryland

Maryland integrates open space acquisition with smart growth techniques. Maryland began with open space funding, and later moved on to growth manage-

MARYLAND GREENPRINT PROGRAM – BOYDS, MONTGOMERY COUNTY

Montgomery County in the growing Washington, D.C., metropolitan area has used its planning laws and acquisition strategies to maintain a viable rural conservation area even while undergoing massive suburban development and redevelopment. Montgomery County has targeted areas for conservation and protection in accordance with its county "Legacy Open Space Functional Master Plan" adopted in July 2001. The plan guides both the county's own open space funding program and its interaction with a number of state programs including Rural Legacy and Program Open Space. The state's new GreenPrint program is helping the county control development and implement its plans for conservation that support smart growth strategies. Local or county government sponsorship for an acquisition project is required to allow the use of the DNR's GreenPrint funds.

In December 2001, a 1700 acre tract of farmland and forest near the town of Boyds was purchased for conservation purposes by a private individual, with partial financing by the nonprofit Trust for Public Land. In accordance with the arrangement worked out with the county in December, in March 2002 the state GreenPrint program provided $7.2 million to purchase 800 acres of the property, which provide the missing open space conservation link between Seneca and Black Hills parks in Montgomery County. The 800 acres were conveyed to the state Department of Natural Resources (DNR), and then reconveyed to the Maryland-National Capital Park & Planning Commission for management. The tract will help to complete a continuous green corridor comprising more than 5,000 acres of land in Montgomery County connecting the Potomac and Patuxent Rivers. The individual has agreed with the Trust for Public Land to sell the development rights to the remaining 900 acres when funding becomes available.

Commenting on the transaction, Maryland Governor Parris Glendening noted that the Boyds tract contains large blocks of mature forests, and serves as a gateway to the Montgomery County agricultural reserve, the area zoned for conservation uses. "As a result of this unique public-private partnership, we will protect the largest remaining undeveloped property within Montgomery County and will help preserve the quality of life in the area by preventing sprawl development in the rural core of the county." The tract, known as the Hoyle's Mill Conservation Park, is important for its linkage to other conservation lands as well as the numerous rare plants and forest habitats on the site.

The purchase helps to implement the rural plan of the Boyds town region, which is a sub-plan of the Montgomery County comprehensive planning process. The acquisition also helps to reinforce the county's focus of development activities into designated priority development areas, and it protects rural areas in the vicinity of one of the fastest growing areas of the county—the Germantown area where residential development has occurred at a rate of 2000 dwelling units per year for more than a decade. Montgomery County Executive Douglas Duncan noted that the acquisition "completes the green belt of open space west of Germantown that was envisioned in the Germantown Master Plan of 1989 and takes us one step closer to our goal of preserving 90,000 acres in Montgomery County."

Sources: Montgomery County Department of Park and Planning; Maryland's GreenPrint Program; Trust for Public Land - Mid-Atlantic Region.

ment supported by open space funding. In the last five years, Maryland has explicitly linked open space funding to smart growth measures.

Maryland's first significant conservation acquisition program was Program Open Space, created in 1969. It provides funding for the acquisition of parkland, forests, wildlife habitat, greenways, and natural, scenic, and cultural resources. Funding is derived from the real estate transfer tax (one-half of one percent of the purchase price of a home or land), and has resulted in the acquisition of more than 150,000 acres of open space for state parks and natural resource areas, in addition to more than 25,000 acres of local park land. The FY 2001 appropriation is approximately $92 million. All 23 Counties and Baltimore City receive a Program Open Space annual allocation. Each allocation is based on county population as well as the amount of real estate transfer tax generated in the county.

Each county must create a comprehensive plan to define its acquisition and development goals before such funding is provided. The 1992 Maryland Economic Growth, Resource Protection, and Planning Act, re-

quired cities and counties to develop comprehensive development and land-use plans that address environmental protection, access to and improvement of public transportation, streamlining regulations, controlling sprawl, planning for economic development, and reducing energy use. Program Open Space provides 100 percent funding for local land acquisition projects; and the program contributes 75 percent of the development costs for county and city parks. If a county has finished meeting the land acquisition goals outlined in its management plan, Program Open Space will provide for 90 percent of development costs.

The Maryland Environmental Trust is a statewide land trust created to conserve and protect open space. MET receives funding from general revenues. It is administered under the Department of Natural Resources. MET currently protects over 71,000 acres throughout the state, including over 100 miles of Chesapeake Bay shoreline, and holds 580 conservation easements. Through the Conservation Easement Program, a landowner that donates a property to MET does not have to pay property taxes for 15 years from the date of donation. Through the Local Land Trust Assistance Program, MET has provided technical and administrative training to local land trusts with approximately $2 million in funding. Through the Rural Historic Village Program, MET assists citizens in protecting the rural character of Maryland's villages and the farmland, forests, and historic open space surrounding them.

Maryland has continued to link its open space programs with smart growth techniques. As the key element of the state's nationally recognized 1997 Smart Growth legislation, the state required its local governments to designate Priority Funding Areas (PFA).[18] These are locations where the state, counties, and local governments want to target their efforts to encourage and support economic development and growth. Under the legislation, after October 1, 1998, the state is prohibited from funding growth-related infrastructure (roads, sewers, economic development) not located within these PFAs.

In the same legislative session, the legislature also adopted a counterpart provision to complement the targeting of development within PFAs. The Rural Legacy Program[19] aims to limit the adverse impacts of sprawl on agricultural lands and natural resources, by providing state funds to purchase conservation lands and interests in land in Legacy areas. The program supports purchase of conservation easements for large contiguous tracts of agricultural, forest, and natural areas subject to development pressure, and fee interests for open space in those areas where public access is needed. Funding is derived from a portion of the state's real estate transfer tax (as with Program Open Space), from general obligation bonds, and zero-coupon bonds.

Since FY1998, $82 million in state grants have been approved to protect 38,481 acres through Rural Legacy. For fiscal years 1998 through 2002, the funding of the Rural Legacy Program was to be provided through $23 million in general obligation bonds, $18.3 million from a scheduled 10 percent increase in existing real estate transfer tax revenue, and $30 million from the stateside land acquisition budget of Program Open Space, for a total of $71.3 million. Of that total, $2 million may leverage an additional $18.2 to $70 million in zero coupon U.S. Treasury notes to purchase easements, depending on the demand for these funds. As funding is continued at this level, the State conceivably could protect up to 240,000 acres of resource lands by the year 2011.

Counties and private land trusts are eligible to apply for competitive grants. Applicants must submit a Rural Legacy Plan explaining how the site would be acquired and protected, and the proposal's consistency with the County comprehensive plan. In addition, both the social and economic benefits envisioned by the proposed project are considered. Partnerships among federal, state, and local governments are valued highly. Some preference is also given to those lands which would connect to those areas already under some degree of conservation protection.

Within the last year, Maryland added yet another program integrating land conservation with protection and development. The GreenPrint Program is aimed at protecting a network of the most valuable remaining ecological lands. The Department of Natural Resources identified and mapped this network with assistance from local governments, scientists, and conservation organizations. Maryland's green infrastructure contains roughly two million acres of undeveloped land and is characterized as a system of Green Hubs (large habitat areas typically hundreds of acres in size) that are linked together by linear corridors of land referred to as Green Links.

Funding will be directed to acquisition of lands within the statewide green infrastructure network. Two agencies involved with GreenPrint implementation are the DNR and the Maryland Agricultural Land Preservation Foundation (MALPF). Projects to be considered for DNR GreenPrint funding will be identified by the department's Program Open Space staff. There is

MASSACHUSETTS PROGRAMS
FALL RIVER AND CITY OF WORCESTER

Two of Massachusett's older cities have used funding from the Commonwealth's conservation acquisition programs to help meet their goals for quality of life and longterm protection of open space.

The Department of Environmental Management (DEM) and the Department of Fisheries, Wildlife and Environmental Law Enforcement (DFWELE) worked with The Trustees of Reservations (TTOR) and the City of Fall River to purchase the 3,800 acre Hawes property in Fall River, one of the largest contiguous single ownerships remaining in eastern Massachusetts. The City of Fall River is unusual because while its western 12 square miles are densely developed, the eastern 12 square miles are totally undeveloped, including the City's drinking water reservoirs and thousands of acres of forestland. The Hawes property is located in the undeveloped half of the City. As part of the project, the City will grant a Conservation Restriction on the adjacent 4,300-acre City water supply lands to DEM and DFWELE so that this land will also be permanently protected from development. These two holdings, together with the adjacent 5,100 acre Freetown-Fall River State Forest, make up a 14,000-acre permanently protected area that will be jointly managed by DEM, DFWELE, Fall River, and the Trustees of the Reservations as the state's first Bioreserve, a conservation area large enough to protect native plant and animal species representative of southeastern Massachusetts. The total acquisition costs were $9.6 million for land and conservation restrictions.

The City of Worcester's conservation commission worked closely with staff at Massachusetts Audubon Society (MAS)'s Broad Brook Sanctuary in Worcester on a unique acquisition of 103 acres of undeveloped land adjacent to the Broad Brook Sanctuary in 2001. The City of Worcester purchased the property from Catholic Charities for $700,000. The City received a $250,000 Self-Help grant from the Division of Conservation Services and an additional $156,000 from the federal Land and Water Conservation Fund Program to help pay for the purchase. The Catholic Charities property was an outstanding candidate for state and federal funding for many reasons. The land was listed as a high priority in the city's "What's Left" report identifying undeveloped parcels still remaining in Worcester. The Massachusetts Natural Heritage and Endangered Species Program had identified this property as a state significant natural heritage resource. The oak savannah found on this property, characterized by low grasses and blueberries, provides necessary habitat for migratory birds and butterflies, as well as the native New England birds and animals generally found in more rural areas. This project was also a unique opportunity to add to a "greenway hub" in the state's second largest city. This urban conservation acquisition enlarged an existing 270-acre block of legally protected open space, creating the largest urban sanctuary in New England.

Source: Department of Environmental Management

no application process, though interested sellers may provide information regarding the availability of their property to the appropriate regional POS administrator. Acquisition opportunities are periodically evaluated in each region. Those parcels that fall within the identified state green infrastructure map will be further evaluated and prioritized by DNR planning staff. The emphasis is on preserving large blocks of contiguous forests. In addition to the $22.5 million for DNR GreenPrint projects appropriated by the legislature in FY 2002, $8.75 million was allocated in FY 2002 for protection of lands within MALPF-approved agricultural districts that contain green infrastructure lands. These projects involve the purchase of easements that will be funded through MALPF.

Massachusetts

The recently enacted Massachusetts Community Preservation Act empowers local communities to create, by local referendum, a Community Preservation Fund financed by a surcharge of up to 3 percent of property tax bills and a fee of 1percent on the registration of deeds. The Act specifies that 10 percent of these monies deposited into each local Community Preservation fund must be spent in each of the 3 following categories: open space, historic preservation, and affordable housing. The remaining 70 percent of funds can be spent in any of the 3 categories in accordance with a community's particular priorities. The local legislative body may authorize no more than 5 percent of the annual Fund revenues for administrative and operating expenses. Community Preservation funds may be used to purchase land, easements or restrictions to protect existing and future water supply areas, agricultural and

forest land, coastal lands, frontage to inland water bodies, wildlife habitat, nature preserves and scenic vistas. If the community is only spending 10 percent of its funds on open space, the open space cannot be purchased for recreational use.

Community Preservation funds may be used to purchase, restore, and rehabilitate historic structures and landscapes that have been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town, or that is listed or eligible for listing on the state register of historic places.

Further, Community Preservation funds may be used to create and preserve community housing defined as housing for low and moderate income individuals and families, including low or moderate income senior housing. The Act requires the Committee to recommend, wherever possible, the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

For the state's part, the legislation authorizes a fund for matching grants comprised of a $10 increase in land conveyance fees. The state matching fund is expected to be approximately $26 million. Each community must have developed an Open Space and Recreation plan as condition for approval for participation in matching state funds. Such plans must include an analysis of both short and long term growth and development patterns, an environmental inventory and analysis, an inventory of lands of conservation and recreation interest, a description of community conservation goals, and a detailed five-year action plan that addresses both policy and programmatic proposals to attain such goals in the face of growth and development pressures.

An additional state program helps to support land conservation and acquisition. To meet the state's goal of protecting 200,000 acres by 2010, the state's Biodiversity and Ecosystem Protection program, administered by the Executive Office of Environmental Affairs, aims to protect the state's biodiversity through large scale public education efforts and direct acquisition of lands for passive recreation. Since its inception, over 60,000 acres have been purchased by the State through this initiative. The centerpiece of the land acquisition program is the creation of Bioreserves in key areas. These are large, unfragmented parcels of biologically important lands open to the public. A 14,000 acre reserve in Fall River constitutes the largest area assembled under this program to date.

To guide the land protection efforts, the state has expended $1.5 million in state bond money for GIS mapping of state biodiversity resources. Massachusetts's statewide *BioMap* identifies those areas of the state most in need of protection to conserve biodiversity for future generations. These include identified core habitats and supporting natural landscape areas. The BioMap guides communities, as well as the Commonwealth itself, in making conservation acquisition decisions and in planning for future growth and development.[20] Massachusetts is engaged in followup work in mapping the aquatic biodiversity of the Commonwealth in order to provide its local governments with detailed information on inland lakes, streams, ponds, vernal pools, and other freshwater systems.

In addition to the Community Preservation funds, Massachusetts also has two programs to assist communities in the acquisition of recreational lands. The Urban Self-Help program was established in 1977 to assist cities and towns in acquiring and developing land for park and outdoor recreation purposes. Any town with a population of 35,000 or more, or any city regardless of size that has an authorized park or recreation commission and a conservation commission, is eligible to participate. Communities which do not meet the population criteria may still qualify under the "small town," "regional," or "statewide" project provisions of the program. Since 1998, the program has received $2 million per year. The Massachusetts Self-Help program has assisted municipal conservation commissions in acquiring land for conservation of natural resources and passive outdoor recreation purposes since 1961. Since 1998, the program has received $4 million per year. The intent is to preserve lands and waters in their natural state. Since 1997, approximately 10,000 acres have been acquired through the two programs. Both grant programs provide communities with 52 percent to 70 percent reimbursement of the total project cost, up to a maximum grant of $500,000. The grant selection criteria emphasize the project's contribution to biodiversity protection; its contribution to pollution prevention; and its contribution to the goals of three state executive orders: EO 385 encourages economic development that is compatible with environmental quality, and directs agencies to target funding toward areas where development already exists to reduce environmental impacts and take advantage of existing infrastructure. EO 418 calls on communities to work on community development plans including appropriate affordable housing. EO 193 provides that state grants shall not contribute to the conversion of agricultural lands when other fea-

NEW JERSEY GREEN ACRES ACQUISITION - MONMOUTH COUNTY

New Jersey used a combination of state and local funding tools to protect 417 acres of open space in Holmdel Township in Monmouth County—a densely developed area of the state with increasingly rare remaining patches of open space land. The land, known as the Chase Tract, is located adjacent to corporate campuses and residential developments. The acquisition of the tract linked local protected open space with regional greenway trails and the state's Swimming River Natural Area.

The preserved land includes fields, woodlands, wetlands, and riparian lands along one and one-half miles of Ramanessin Brook, a tributary to the Swimming River Reservoir, which provides drinking water for more than a half million Monmouth County residents. The Holmdel Environmental Commission had prepared a greenways plan for the Ramanessin Brook Corridor, which was adopted by the Township Committee and then the Planning Board. The integration of greenways into local planning helped to make possible the acquisition and the harmonization of conservation objectives with the development plans of the township.

The purchase price of $19 million resulted in the acquisition of 227 acres as open space for the Monmouth County Park System, and the acquisition and reconveyance of 190 acres of farmland with conservation deed restrictions that permanently preserve the land. State funds used in the purchase included $1.8 million in state direct acquisition funds, $2 million in Green Acres Preservation Trust Local Program funds granted to Monmouth County, $700,000 in Green Acres Preservation Trust Local Program Funds granted to Holmdel Township, and $500,000 in nonprofit grant funds to the Monmouth Conservation Foundation. Monmouth County contributed $2 million from its own open space funds; the Monmouth Conservation Foundation contributed $500,000 raised from private donors. Holmdel Township used $2.8 million in low-interest loan funds received from New Jersey's Environmental Infrastructure Funding Program (available because of the water quality benefits of the purchase). And the State Agricultural Development Committee provided $8.7 million in farmland preservation funds to acquire the farmland, which was deed restricted and then resold for farming.

Further Information: NJDEP Green Acres Program

sible alternatives are available.[21]

New Jersey

Culminating nine successful state conservation bond approvals totaling over $1.4 billion, New Jersey's Green Acres Program stresses the involvement of local communities in decision-making related to conservation land acquisition. To date, over 480,000 acres of open space have been protected and hundreds of recreational public parks have been developed with Green Acres funds. Under Green Acres, 50 percent of the available annual funding is designated for acquisitions of open space and park development by state agencies. The remaining funds are allocated 40 percent for grants and low-interest loans (at 2 percent annual interest) to local governments, and 10 percent as grants to non-profits for similar purposes.

Green Acres funding is linked to New Jersey's statewide land use planning process. New Jersey's State Planning Act in 1985 led to the preparation of the state's Development and Redevelopment Plan. Adopted in 1992 and revised in 1999, the state plan is intended to guide public and private investment toward compact and mixed use developments and to protect New Jersey's open space and landscapes. The plan divides the state into metropolitan, suburban, fringe, rural, and environmentally sensitive areas for planning purposes and encourages the state's 21 counties and 566 municipalities to review their own land use plans and implement the environmental goals of the state plan.

In accordance with the state Development and Redevelopment Plan (1999), the New Jersey Open Space and Outdoor Recreation Plan (adopted in 1994), and the terms of the Garden State Preservation Trust Act (discussed below), each local government or nonprofit applicant for Green Acres funds must demonstrate the value of any proposed conservation acquisition in terms of the following, among other factors: providing additions to or linkages between existing public recreation and open spaces; acting as a physical or visual buffer between "critical environmental" sites and existing or proposed developments; supporting wildlife corridors and biodiversity; and the need for land acquisition in

terms of the locality's open space "deficit" as compared to an acres/population standard and a balanced land use method.

Two planning incentive grant programs also support these processes. The Green Acres Planning Incentive Program provides 50 percent grants to those municipalities and counties that have adopted an open space and recreation plan and enacted an open space conservation tax. To date, 179 municipalities and 19 counties have established open space funding sources and plans. The local open space and recreation plan should be consistent with the open space and recreation policies of the State Development and Redevelopment Plan.[22] The Garden State Preservation Trust Act provides the same funding formula for local governments that adopt an alternative means of open space funding. The alternate means of funding must be stable and reasonably equivalent in effect to an open space tax.

Funding for Green Acres and related programs is supported by the Garden State Preservation Trust, created by legislation in 1999 to establish a permanent source of funding for open space acquisition and protection. The legislation dedicates $98 million annually from the state sales tax over 10 years to purchase land for recreation and conservation purposes. Further, the Trust is empowered to issue bonds not exceeding $1 billion to purchase land or rights in land for authorized purposes. The legislation sets aside $98 million annually for 20 years to repay the bonds issued to finance open space. By statute, the Trust is required to transfer $6 million annually to the Garden State Historic Preservation Trust Fund (overseen by the NJ Historic Trust). Then 60 percent of the funds remaining after servicing the bond debt from 2000-2009 go to the Garden State Green Acres Preservation Trust Fund (overseen by DEP); and 40 percent to the Garden State Farmland Preservation Trust Fund (overseen by the State Agricultural Development Committee).

While Green Acres has been tied to the state's development planning goals, more recently New Jersey has begun to provide detailed biodiversity conservation information to local governments. New Jersey's "Landscape Project" is a statewide mapping effort to help local governments in their land use and conservation decisions. The New Jersey Division of Fish and Wildlife's Endangered and Nongame Species Program developed maps that identify critical wildlife habitat based on rare species location information and land cover classifications within each region of the state. The Landscape Project provides a basis for planning, habitat protection ordinances, zoning to protect critical habitat, management guidelines for rare species protection, and a map to guide land acquisition projects. The project goal is "to protect New Jersey's biological diversity by maintaining and enhancing rare wildlife populations within healthy, functioning ecosystems" by providing the information needed to guide rare species protection efforts at the state, county and municipal levels.[23] This program is not yet fully integrated into either the Green Acres program or local land use planning, but it provides a means to integrate a statewide vision and set of priorities with these available tools. New Jersey's programs are beginning to link statewide funding with local government decisionmaking and efforts to integrate smart growth with state biodiversity goals.

OTHER STATE OPEN SPACE PROGRAMS WITH OPPORTUNITIES FOR SMART LINKS

A number of other states have conservation funding programs that may—with some additions and alterations—lend themselves to the future development of a Smart Link approach. A few of these currently provide modest links between smart growth strategies and open space conservation.

Arizona

Since a 1990 ballot initiative, the Arizona Heritage Fund has provided up to $10 million annually to Arizona State Parks. (Funded from lottery proceeds, revenues to the fund have declined in recent years.) Thirty-five percent of the Heritage Fund is made available annually on a 50 percent matching basis to municipalities, counties, state agencies, and Indian communities to support land acquisition and facility development for parks, outdoor recreation improvements, and open space (the "Local, Regional, and State Parks Heritage Fund"). (Arizona's Historic Preservation Grant Program and Trails Grant Program, also under the Heritage Fund, also make grants to local governments.) While not linked explicitly to growth management, the Local, Regional, and State Parks Heritage Fund program conditions 50 of 100 grant evaluation points on "local criteria," some of which are relevant to development issues. These include having an adopted local comprehensive plan or recreation master plan that supports the proposed open space project; public involvement activities that support the needs, priority and support for

open space; and specific planning efforts related to the project.[24] To date, however, acquisitions supported by the Local, Regional, and State Parks Heritage Fund have totaled only 2,182 acres.

Arizona also has a voter-approved Land Conservation Fund, which funds the state's Growing Smarter State Trust Land Acquisition Program. The program is authorized for funding at $20 million per year for 11 years (starting in fiscal year 2001), and is supported by appropriations from the state General Fund. This State Trust Land Acquisition Program provides grant funds to local governments and nonprofit conservation organizations to match 50 percent of the cost to purchase, purchase development rights, or obtain long term leases of State Trust lands for conservation purposes.[25] (State Trust lands are lands owned by the state since statehood and are administered to generate income for education and related purposes; historically many of these lands were managed for grazing, resource extraction, and similar uses). The program is administered by the Arizona State Parks Board, with the advisory assistance of the Conservation Acquisition Board. Eligible applicants include the state, any of its political subdivisions, and nonprofit tax-exempt conservation organizations. Awards of state funds are made after considering factors in applications. These do not expressly include smart growth criteria, but they do award points (two out of a possible 25) for "public and community support" demonstrated by inclusion of relevant pages of the approved local or regional plan or the organization's strategic plan that describe the community's "open space needs or goals," and that include a letter from the relevant planning and zoning authority indicating compatibility of the acquisition with community plans. Revised rating criteria are expected to be used in the FY 2003 grant cycle.

Trust lands can only be made available for the conservation acquisition program if the State Land Commissioner has first reclassified the lands as suitable for conservation. Lands are eligible for reclassification only if they are within incorporated cities and towns, within one mile of incorporated municipalities of less than 10,000 or within three miles of incorporated municipalities of 10,000 or more. Trust lands in Maricopa and Pima Counties may be eligible for reclassification up to 10 miles beyond the limits; and certain specific Trust lands in Pinal and Coconino Counties are eligible for reclassification.[26] The eligibility criteria are important in the "Smart Links" context, because they recognize the special importance of maintaining conservation lands in urbanizing areas. Initial funding has supported protection of 1,051 acres in FY 2001. With FY 2002 awards, 881more acres have been protected as open space.

Colorado

The Great Outdoors Colorado Program (GOCO) was created by amendment to the state constitution by the voters in 1992. It funds conservation land acquisition, park improvements, wildlife conservation, and conservation planning using a portion of state lottery proceeds.[27] (Colorado lottery proceeds go 40 percent directly to local governments for parks and recreation, 10 percent to state parks, and 50 percent to the GOCO Trust Fund which makes awards to state agencies, local governments, and conservation organizations). Approximately $241 million has been awarded by the GOCO Trust Fund since 1994, protecting 156,000 acres of open space, adding 15,000 acres of parkland, and acquiring 30,000 acres for state wildlife areas. GOCO funding must be matched, with the recipient providing at least 30 percent; however, in general matching requirements have been exceeded with recipients providing almost a 3:1 match.[28] Funding is awarded in four categories: wildlife; state parks and outdoor recreation; competitive matching grants to state agencies, local governments and nonprofit conservation organizations for open space acquisition or protection; and a competitive grants program for local governments which includes planning and capacity building. The GOCO Trust Fund receives revenues from the state lottery, at approximately $17 million/yr 1994-1999, and $40 million in 2000 and thereafter.[29] Because of anticipated declines in Colorado lottery proceeds coupled with an identified need for more near term funding for acquisitions, the voters in November 2001 approved issuance of up to $115 million in bonds to be funded by 20 years of lottery revenues.

The GOCO grant rating criteria do include several ties to integrated comprehensive planning. Applicants are asked to provide a narrative description and site plan in relation to proposed developments on the land acquired as well as on surrounding land uses in the immediate area outside the acquisition. Explicit emphasis is placed on combining the proposed developments with multiple uses (access to public transportation, multiple recreation purposes, proximity to other community facilities, etc.). Projects must demonstrate how they fit an adopted parks and recreation master plan for the community or region.[30]

The GOCO Board also funds a category known as Legacy Projects, in which funding is allocated to projects of regional or statewide significance that combine two or more of the funding categories of "outdoor recreation, wildlife, open space, and local government projects."[31] Twenty-four Legacy projects have received more than $108 million in GOCO funding, and have included such projects as the Sand Creek Regional Greenway, linking Aurora and Denver with a system of regional streamside parks and trails. Grant approval is conditioned upon strong partnerships among federal, state, and local governments, nonprofit organizations, and the private sector.

Colorado does have a small planning assistance program. The Colorado Heritage Planning Grant Program distributed $1.4 million across the state since 2000. However, the Office of Smart Growth in the state Department of Local Affairs will have a budget cut for FY 2003, making available grant funds of only $190,000 rather than approximately $700,000.

Connecticut

Connecticut has established by statute a goal that 21 percent of the state's land area be maintained as open space (10 percent by the state, and 11 percent by municipalities, water companies, or nonprofit organizations).[32] Connecticut has two conservation grant programs that are relevant to this goal and that also have connection to local land use decisions.

Connecticut's Protected Open Space and Watershed Land Grant Program is administered by the State Lands Administration under the Department of Environmental Protection. It uses state bond proceeds to provide grants to municipalities, "distressed municipalities," "targeted investment communities," water companies, and nonprofit conservation organizations to acquire land and development rights to protect open space and watersheds. [33] Matching grants provide 40 to 65 percent of the appraised market value of the acquisition. To date, approximately $61 million has been allocated (FY99-$10M, FY00-$12M, FY01-$12M, FY02-$12M, FY03-$15M). Acquisitions through 2001 exceeded 10,000 acres. The application criteria indicate a preference for land "adjacent to and complementary to" existing open space, agricultural land, or watershed property; and lands close to urban areas, vulnerable to development, and consistent with state, local, and regional conservation and development plans. (Under Connecticut law, municipal planning commissions prepare plans of conservation and development).

The state's Charter Oak Open Space Trust Account and Grant Program provided grants to municipalities and nonprofit organizations to acquire land or easements for open space and watershed protection.[34] It was a program funded in FY01 with $6 million in appropriated state surplus funds. The grant funds were available only to municipalities that had adopted an open space plan. Conformity with regional conservation and water quality plans, and with the state conservation and development plan, was required.

Connecticut also has a bond-funded Recreation and Natural Heritage Trust Program.[35] While this program is not explicitly linked to local land uses, it does serve to meet the statewide conservation goals. This program provides for the direct, permanent acquisition of land by state government agencies for parks, forest, and wildlife. Since 1999, $77.4 million has funded 267 completed projects, comprising acquisition of 18,240 acres; another 95 projects are pending.

Georgia

Georgia has recently increased its expenditures on open space, and has begun to link these expenditures with growth decisions by local communities.

Georgia's Community Greenspace Program awards grants to counties that have an approved greenspace program. The grants are used to help them acquire greenspace either in fee simple or conservation easements. The Program's goal is to encourage participating counties and cities to conserve at least 20 percent of their land area as connected and open greenspace.[36] A local government is eligible to submit a community greenspace program for approval if it has a population of not less than 60,000 or if it has experienced average growth of at least 800 persons per year between the most recent decennial census and the most recent estimate of population by the U.S. Bureau of the Census. Eighty-nine counties are currently eligible to submit greenspace programs and apply for the grants under these criteria; and 56 have decided to participate.

The Georgia General Assembly appropriated $30 million for grants under this program in each of the last three fiscal years. While a substantial amount of money, the program helps acquire only a small part of the lands needed by most jurisdictions to meet their 20 percent goals.

An eligible county's share of the appropriated funds is based on the amount of its state property tax levy on

residential property during the preceding tax year. (Thus, a county that had returned to the State as its residential property tax five percent of the amount returned by all eligible counties combined could apply for five percent of the following year's appropriated greenspace grant funds). Of the 40 eligible counties and the cities within them that first became eligible in FY-01, 39 counties and 53 of the cities within them elected to develop community greenspace programs; and the Commission approved them all. An additional 49 counties became eligible to submit programs in FY-02. Of these, 16 are seeking to participate; and the one county that first became eligible in FY-01 but that did not participate that year also submitted a program for approval.

In order to receive a grant award, a jurisdiction must have an approved community greenspace program and be in compliance with certain other state programs, such as audits and comprehensive planning. Not all of the FY-02 applicants currently comply with these requirements. The funds for any approved municipality that cannot be granted by May 31, 2002 are awarded to its host county. Similarly, funds that cannot be granted to an otherwise eligible county by that date are divided pro rata among the other participating counties.

In its application for funding, each county and participating municipality must demonstrate, with appropriate maps and diagrams, the types of lands that it wants to protect, and it must indicate how preserving these areas would be consistent with one or more goals of the community greenspace program. Applicants must explain the relationship between the proposed greenspace acquisitions and the counties' and participating municipalities' comprehensive plans; and they must amend those comprehensive plans where necessary in order to ensure compliance with greenspace program requirements. The counties and any participating municipalities must explain what acquisition and protection methods will be used (i.e. fee-simple acquisition, conservation easement, or land-use regulation). They are also asked to highlight both those currently existing tools for greenspace preservation and any additional tools that counties and participating municipalities might incorporate to further their conservation goals. Lastly, applicants are requested to describe those legal and structural barriers which prevent effective greenspace protection, and how the local governments will mitigate or remove those barriers within a ten-year period. Thus, the program not only awards acquisition funds to local governments, but—perhaps most importantly—it prompts those governments to evaluate thoroughly their goals and implementation techniques.

The program guidelines of the Greenspace program also state that the DNR "may match local government expenditures for land acquisition along the Altamaha, Chattahoochee, and Flint rivers with state or other funds as may from time to time become available to the Department for such purposes, or it may cooperate with local governments to identify and acquire land with state funds for state management so as to complement or enhance Community Greenspace Programs along these rivers." This provision highlights another important conservation plan in place for the Chattahoochee River. The Chattahoochee River Land Protection Campaign includes $140 million in funding ($29M federal, $35M State of Georgia, $25M private fundraising, $25M Woodruff Foundation grant, $20M county governments), all of which will be used for land acquisition to protect a 180 mile corridor. Most acquisitions are targeted along the main river stem. Conservation organizations such as The Nature Conservancy and the Trust for Public Land acquire some of the property and are reimbursed for reconveyance of some properties. The State has also acquired about 6,591 acres at eight locations to operate as a regional state park. To date, a total of 54 miles of river front have been acquired, comprising approximately 17,000 acres. Smart growth techniques are not required on adjacent lands, but project participants, including conservation organizations, have been promoting cluster residential design, narrow streets, water conservation devices, pedestrian walkways, mixed use, and transportation alternatives on private lands within the corridor that are not acquired and on lands that are acquired and then reconveyed subject to easement.[37]

The Georgia Community Greenspace program does not directly link open space acquisitions to growth management decisions, but it does ensure that participating local governments evaluate open space and development at the same time, plan for open space and develop additional sources of funding. While not providing statewide planning information, the Georgia program shows some appreciation for larger scale plans by virtue of its support of the regional watershed conservation efforts in the most heavily populated and most rapidly growing areas of the state.

Illinois

The Open Space Lands Acquisition and Development Program (OSLAD) was authorized in 1986 as part of a statewide bond-funded program. In 1990, the pro-

gram was greatly expanded by assigning 35 percent of the revenue from the real estate transfer tax (approximately $21 million per year) to the program. Open Space Land Acquisition and Development Grants are available for only those local government agencies with statutory authority to acquire and develop land for permanent public park purposes. More than $129 million have been awarded to assist 884 local park projects since the OSLAD program began in 1986.[38] Eligible entities include municipalities, townships, counties, park districts, conservation districts, and forest preserve districts. Grant awards, which are provided on a reimbursement basis after satisfactory project completion, are limited to 50 percent of eligible project costs or the approved grant amount, whichever is less. Awards up to $750,000 are available for acquisition projects, while development or renovation projects are limited to a $400,000 grant maximum.[39] The grant evaluation criteria favor projects that meet statewide outdoor recreation priorities and local needs.

Created in 1999, the Illinois Open Space Land Trust Program, administered by the DNR, provides grants to local governments to acquire properties or easements for open space areas from willing sellers. The program was adopted as part of Governor Ryan's "Illinois Tomorrow" legislation, based on reducing congestion, preserving open space, engaging in reinvestment and redevelopment, and working with local governments.[40] $160 million have been allocated for the program over 4 years. Project priorities emphasize acquisition of critical watersheds, endangered species habitats, and wetlands. Additions to already existing public recreation areas also qualify as lands eligible for acquisition. In addition, each grant application includes a local needs assessment based on a comparison of existing supply and distribution of open space and park land acreage, to the statewide median and/or to locally adopted standards. Agencies eligible for assistance are counties, townships, municipalities, park districts, conservation districts, forest preserve districts, and river conservancy districts. The program also allows for partnerships with non-governmental organizations, provided that lands acquired with state funds remain under governmental ownership. The grants match up to 50 percent of the total project cost. Areas with "disadvantaged" populations are eligible for up to a maximum of 90 percent funding assistance. No more than $2 million may be awarded to any grantee for a single project for any fiscal year. As of October 17, 2001, 3,304 acres have been acquired with OLT assistance.

Minnesota

Minnesota's Environment and Natural Resources Trust Fund (ENRT) was established by the voters in 1988 and enhanced and extended by voter-approved constitutional amendments in 1990 and 1998. At least 40 percent of the net proceeds of the state lottery are placed in the Fund until the year 2025. At the end of 2001, the market value of the Trust Fund was $299 million. Programs eligible for ENRT funding include the Reinvest in Minnesota (RIM) program (detailed below); research leading to more effective protection or management of the environment and natural resources; collection and analysis of information to develop environmental and natural resource policy; enhancement of public education and understanding of the environment and natural resources; and activities that preserve or enhance natural resources threatened with impairment or destruction. ENRT funds must be appropriated by the legislature from the Trust Fund to a list of projects. Through 2001, about $108.5 million dollars from the Trust Fund had been appropriated for 217 projects.

The Minnesota Department of Natural Resources and Department of Agriculture receive funding through RIM, which supports acquisition of lands and easements and projects intended to enhance the habitat value of public and private lands. RIM funding comes both from biennial state bond issues and from the ENRT Trust Fund. The DNR submits a proposal for RIM funding to the LCMR (Legislative Commission on Minnesota Resources). Every biennium the LCMR reviews the major environmental issues facing the state and prepares a strategic plan that identifies priority areas for funding. The LCMR makes a recommendation to the full legislature which in turn must pass a bill allocating the funding. Final recommendations are based on consistency with the strategic plan and with regard to the funding available. Several statutory planning requirements within RIM serve as a foundation for DNR project proposals to the LCMR. The DNR utilizes both its Fish and Wildlife Resources Management Plan and its Conservation Reserve Management Plan to guide this process. These plans integrate ecological, social, and economic components involving an extensive public participation process.

The Natural and Scenic Area Grant program provides grants to cities, counties, townships, and school districts, up to $500,000, for the acquisition of eligible scenic and threatened natural landscapes. Individuals

and communities can apply for more than one grant simultaneously. This program requires a 50 percent match by the applicant. Also, the Critical Habitat Match program was created to encourage the donation of critical fish and wildlife habitat (though not limited to those areas) to the state DNR; donations are matched. The state has provided more than $20 million for acquisition and enhancement of critical habitat. Private landowners have donated land and cash totaling more than $20 million in cash and land.

More locally, the Metro Greenways program is a collaborative, public/private effort in the seven county Minneapolis/St. Paul metropolitan region. There are several components to this initiative including technical assistance, planning grants, land protection funds, and coordination with the many natural resource planning and restoration protection projects in the region. Over $500,000 in matching grants have been awarded to implementing agencies to conduct natural resource inventories, land cover mapping, and natural resource management and greenway plans. In addition, $5 million in state funds have been allocated toward 15 land protection and restoration projects as recommended by the LCMR. The Metro Greenways program emphasizes the value of ecological connectivity of lands to other open spaces and buffer zones so as to reduce current or future negative impacts of nearby land use in determining funding priorities. Higher priority is given to those sites with an immediate or high level of threat from sprawl and development pressures, particularly in cases where such "ecological connectivity" to other open spaces would be permanently compromised.

New Hampshire

The Land and Community Heritage program (LCHP) is designed to support local efforts by providing up to 50 percent of the cost of a conservation or preservation project within that community, utilizing a combination of loans and grant monies. In addition to proposals for land acquisition, resource inventories and planning "that can demonstrate linkage to the permanent protection or restoration and rehabilitation of eligible resources" are eligible to receive funding. Passive recreation is required on all lands acquired.

The program is funded from general fund appropriations. Recent appropriations allocated $3 million in FY-01, $5 million in FY-02, and $7 million in FY-03. The program has received approximately $165,000 since January 2001 from the sale of conservation license plates.[41] The legislature has earmarked 30 percent of the funding for state entities and the remaining 70 percent for non-state actors (municipalities, counties, townships, and conservation nonprofits).

The following factors are considered in rating project proposals for LCHP funding. First and foremost, the imminence of threat to the land from encroaching development is evaluated. Population trends and growth patterns are analyzed with respect to both the proposed acquisition and those lands surrounding it. Unique ecological and scenic qualities are considered. More priority is given to proposed acquisitions that would add to already existing protected areas (watersheds, wildlife corridors, parks, etc). Demonstrated planning cooperation between communities is also favored. Communities that can provide a larger match are given higher priority as well. All applicants are also required to submit a long term stewardship plan for the parcel which includes, among other items, a description of perceived potential future threats to the land's ecological integrity and an assessment of how management plans can be designed to address such threats.

There is some statewide connection to smart growth issues. House Bill 585, enacted in the spring of 2000, established the state's smart growth policy and extended the Council on Resources and Development's (CORD) responsibilities to review state agencies' capital budgets, facility plans, and grant programs for consistency with the state's smart growth policies.[42] HB 1259, also enacted in 2000, expanded the scope of the State Development Plan to include smart growth policies. To support better coordination of environmental and smart growth planning, the New Hampshire Department of Environmental Services expanded the scope of its Regional Environmental Planning Program, through which DES provides grants of $25,000 per year to each of the nine regional planning commissions statewide, to provide support for smart growth efforts.

Ohio

Ohio voters authorized a $400 million bond issue for environmental purposes in November 2000. The Clean Ohio Act (COA), signed July 26, 2001, implements the bond issue, and allocates funding to four programs. Over a four-year period, it will provide $150 million for greenspace preservation (the Clean Ohio Conservation Program, administered by the Ohio Department of Natural Resources and assisted by district Natural Resources Advisory Councils), $25 million for

farmland preservation (administered by the Ohio Department of Agriculture with the advice of a Farmland Preservation Advisory Board), $25 million for trails acquisition and development (administered by Ohio DNR with the advice of a Clean Ohio Trail Advisory Board), and $200 million for brownfields renovation (administered by the Ohio Department of Development in coordination with the Ohio Environmental Protection Agency).[43] These funds will be available through grants to local government agencies and nonprofit conservation organizations. These applicants can leverage monies from a variety of other State, federal, local, and private programs to meet the minimum 25 percent matching requirement. All four of these programs bear some relationship to smart growth objectives, although direct links to the local planning process will become more apparent only as funding choices are made.

Under the $150 million Clean Ohio Conservation Program, for example, a statutory funding formula makes funds available to each of 19 infrastructure funding districts covering the state. Natural Resource Advisory Councils will serve in each of the funding districts and will approve the greenspace projects, subject to final review and approval by a state level Commission. Each Council will adopt its own criteria for grant applications, relative to local land use and zoning. Of those general priorities already established, proposals for open space acquisition must: protect habitat for rare, threatened or endangered species; preserve high quality wetlands and other scarce natural resources; preserve streamside forests, natural stream channels, functioning floodplains, and other natural features of Ohio's waterways; support comprehensive open space planning; or secure easements to protect stream corridors.

Oregon

Oregon's growth management planning legislation establishes state planning goals implemented by city and county governments. Among these mandatory goals are protection of natural resources and open spaces.[44] Although these goals are part of the land use programs of local governments, state funding support has lagged. In 1998, voters approved Measure 66, which allocates 15 percent of state lottery dollars to state parks and recreation areas and the protection of watersheds.[45] Half of this amount is to be managed by the Oregon Parks and Recreation Department (OPRD) for investments in capital projects for facilities construction, land acquisition, and rehabilitation projects in areas open to public recreation. The remaining half is to be expended by the Oregon Watershed Enhancement Board (OWEB) for projects related to watershed protection and restoration. Particular emphasis is given to those watersheds and riparian areas containing salmon habitat. This is the first dedicated open space acquisition fund in Oregon's history. $46.2 million was available for the first biennium.

Through the Local Government Grant Program, the OPRD provides up to 50 percent funding assistance as reimbursement to cities, counties, townships, and park and recreation districts for acquisition and/or development of public recreation areas. Those cities and districts with a population less than 5,000 and counties with a population less than 30,000 are required to provide only a 40 percent match.

OWEB also awards funds to local watershed councils and conservation districts through its own grant initiative for such projects as land acquisition, habitat restoration, culvert removal, and riparian repair. All applicants are required to provide at least 25 percent in matching funds. Projects must demonstrate consistency with all relevant land-use plans, at the local, regional, and state levels. These projects must also comply with both state and federal environmental laws, through compliance evidenced in land-use plans. Scientific watershed assessments are required to diagnose those problems affecting watershed functions both within the watershed proper and on surrounding lands. Preferred projects will permanently "change land management practices that have chronic disturbances to the watershed." These projects must also address a broad range of ecological criteria that will ensure effective restoration of both riparian and upland areas (i.e. soil erosion, native vegetation, groundwater storage, etc.). Through purchases, easements, and fee ownership arrangements, approximately 4000 acres have been protected through the OWEB monies for wetlands, riparian areas, and recharge meadows. Applications for funding to protect approximately 31,000 acres are being considered.

Pennsylvania

Pennsylvania has two sources of conservation funds that support both state and local land acquisition for conservation. Neither is explicitly tied to local land use planning and smart growth. However, each offers some opportunity to incorporate these concerns. The *Keystone Recreation, Park, and Conservation Fund Act* (Key 93), passed in 1993, provides funding to state agencies and

local governments for acquisition of natural areas and open space, using the proceeds from bond sales, and a portion of state realty transfer tax revenues. Key 93 programs have acquired over 31,000 acres.[46] *Growing Greener*, enacted in December1999, is the other significant source for conservation funds; it provides $645.9 million over five years, including about $473.4 million in new money from the General Fund and $172.5 million in funds redirected from the Recycling and Hazardous Sites Cleanup funds and the Landfill Closure Accounts.[47] In 2002 the Growing Greener program was stretched out over a longer period in order to reduce state budget shortfalls. Growing Greener funding supports farmland preservation, open space acquisition, watershed improvements, local grant programs, and other programs. Funds are divided among the Department of Conservation and Natural Resources, Department of Environmental Protection, Department of Agriculture, and PENNVEST (the state revolving loan fund for water and sewer infrastructure).

Pennsylvania provides significant open space grant funding to local governments. In August 2000, the Department of Conservation and Natural Resources (DCNR) combined its conservation grant programs into the *Community Conservation Partnerships Program*, which offers nearly $30 million annually in grants for community recreation, trails, river conservation, critical natural areas and open space.[48] The grants include Growing Greener funds, but also other state and federal funds. The Partnership grant programs include: *Community Grants.* These are awarded to municipalities for recreation, park and conservation projects. Grants require a 50 percent match except for some technical assistance grants and projects eligible as small community projects targeted to communities with populations under 5,000. In 2000, more than $15 million in state funds were awarded for this program, including $2.3 million in Growing Greener funds.[49] *River Conservation Grants.* River conservation grants are available to municipalities, counties, municipal and intermunicipal authorities, and river support groups to conserve and enhance river resources. Grants require a 50 percent match. In 2000, more than $1 million was awarded. *Land Trust Grants.* These grants provide up to 50 percent funding for acquisition of and planning for open space and natural areas which face imminent loss. Lands must be open to public use and priority is given to habitat for threatened species. Eligible applicants are nonprofit land trusts and conservancies. The program has provided more than $21 million in funds since 1995; including nearly $6 million in 2000. State law also provides land trusts with grants to pay up to 50 percent of eligible project costs for planning the acquisition of natural areas and open space.[50] *Heritage Parks Grants.* These promote public-private partnerships to preserve and enhance natural, cultural, historic and recreation resources to stimulate economic development through heritage tourism. Grants require a 25-50 percent local match. In 2000, $3.1 million was awarded. *Rails-to-Trails Grants and Recreational Trails Grants.* These grants provide funding to municipalities and nonprofits for the planning, acquisition or development of rail-trail corridors and other recreational trails. DCNR awarded $3.5 million in 2000, including about $1 million in federal funds. The Department of Environmental Protection (DEP) also has a significant share of the Growing Greener grant program, awarding approximately $30 million per year in matching grants to local governments and watershed associations for watershed restoration, planning, riparian buffers, mineland restoration and oil and gas well plugging.[51]

In Pennsylvania, the Governor's Center for Local Government Services has been designated as the principal state entity responsible for land use assistance and tracking trends in development among Pennsylvania's more than 2500 units of local government. The Center provides funding and technical assistance to help local governments update or develop comprehensive plans and land use ordinances through the Land Use Planning and Technical Assistance Program (LUPTAP) housed in the Department of Community and Economic Development. County-wide and multi-municipal planning efforts are strongly emphasized in the grant program. LUPTAP may generally fund up to 50 percent of the cost of a land use plan or ordinance. For each of the past two years $2.6 million has been appropriated for grants and another $2 million for technical assistance. LUPTAP is part of the Pennsylvania's Growing Smarter Program, and its planning aid is not tied in any way to the open space planning and projects funded through Growing Greener.

Washington

The Washington Wildlife and Recreation Program, established in 1990, funds the acquisition of private lands for wildlife conservation and outdoor recreation, as well as the development of recreational facilities on those lands.[52] The state legislature has appropriated a total of $363 million since 1990, funding over 600

projects on over 150,000 acres across seven categories: critical habitat, natural areas, urban wildlife habitat, local parks, state parks, trails, and water access sites. Half the funding goes to habitat and the other half to recreation. Within these broad divisions, funding is applied to each individual category under a formula in the statute. Cities, counties, park and recreation districts, state agencies, tribes, and school districts are eligible to apply for grant funding. For local agencies, there is a 50 percent matching requirement for WWRP monies. The maximum grants for local parks acquisition or development projects are $500,000 and $300,000, respectively. There is no matching share requirement or limit for state agency projects.

Agencies submit applications to the Washington Interagency Committee for Outdoor Recreation (IAC), which assembles a team of reviewers and ranks the projects proposed for each category. Evaluation criteria come from the WWRP statute as well as the IAC. Among the criteria listed in the statute for priority funding are projects that respond to an immediate threat from development to the site in terms of its wildlife, plant life, or unique biological features; long-term viability of the project with respect to the parcel in question and surrounding lands; the project's consistency with local, regional, and state land use and recreation plans, and its potential to connect with other wildlife habitats and protected private and public lands. The governor reviews and approves the IAC-recommended project list and forwards it to the legislature. The governor and the legislature may remove projects from, but not add to, the list.

TOWARD SMART LINKS

Conservation funding is on the rise. Even with the economic setbacks experienced by many states in the last year and with increasing competition for scarce federal dollars, it is clear that the voters understand the need for investments in the conservation land base of their communities.

We can implement these programs the old fashioned way—with each state agency setting internal priorities and attempting to find the funding to buy priority parcels (while being alert to windfall opportunities, donations, and sales of lands by large landowners changing their holdings), and with each local community investing in park and recreation lands (usually after little suitable land remains). Or we can take advantage of our understanding that development and conservation are inextricably intertwined.

The states described in this report have recognized the importance of providing substantial state funds to support conservation land acquisition. Most of them have made the further connection of tying land acquisition grants to local and state outdoor recreation plans and open space plans. A few have taken the additional step of identifying on a statewide basis where key areas are for acquisition and protection—both to guide state agencies and to assist local governments and conservation organizations. But only a handful of states have made the truly revolutionary additional link—*the link between conservation funding and development funding*. The Smart Links states have begun to recognize that state development funding and assistance should complement and not undermine conservation funding. Conservation land acquisition is, in fact, an integral part of smart growth.

This recognition is key to the Smart Growth Network's definition of smart growth, but it is often overlooked in practice. Sustainable use of land includes providing for both growth and open space—for economic development and environmental protection that are compatible and mutually supporting.

Tools that can bring about this linkage between conservation investments and sustainable land use are in their infancy. Even the five Smart Links states discussed in this report are only making some of the potential connections in their programs. But they have begun to move the agenda toward using conservation funding to drive good land use, and to ensure that local land use practices help protect the value and long term viability of the conservation land investment. Smart Links approaches thus far have emphasized two strategies:

(1) Provisions that require the preparation of local land use plans and adoption of locally consistent land uses in order to be eligible for conservation funding; and

(2) Provisions that use sustainable land use as a scoring technique in competitive funding programs, rewarding those applications that demonstrate a connection between the acquisition project and local development plans and rules in the community.

The vitality of both of these strategies is enhanced when the state uses its own planning resources and power of the purse to address both the development and conservation side of the equation. Thus, in Delaware and Maryland, state infrastructure support and development assistance is provided in areas designated for more intensive growth and development, while state conservation assistance is provided in areas designated for conservation and less intensive use. In all five of the states, state "greenprints, BioMaps, or Greenways maps" are provided for the use of local governments to assist in their planning of their own investments.

The main opportunity lies ahead, because of the rise in conservation funding and the rise in interest in smart growth techniques for development. A model Smart Links program would include the following features:

(1) Substantial dedicated public funding for conservation land acquisitions.

(2) A single—or coordinated—statewide plan that identifies conservation priorities and development priorities for use in providing both state conservation funding and state economic development/public infrastructure funding.

(3) A grant program to local governments that conditions grants for conservation funding on local governments' (a) adoption and implementation of local conservation plans and (b) adoption and implementation of smart growth development techniques on lands in the jurisdiction that are not slated for conservation.

This is the wave of the future. We are beginning to see it in state programs around the nation.

ENDNOTES

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[2] P.L. 107-63.

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[34] 2000 HB 5883 (Pub. Act 00-203). [get CGS citation]

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[40] 525 ILCS 33.

[41] NH Rev. Stat. Ann. 227-m.

[42] These policies were established by 2001 HB 1259 (RSA 9-B).

[43] 2001 HB 3.

[44] Or. Rev. Stat. § 197.010 et seq.

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