

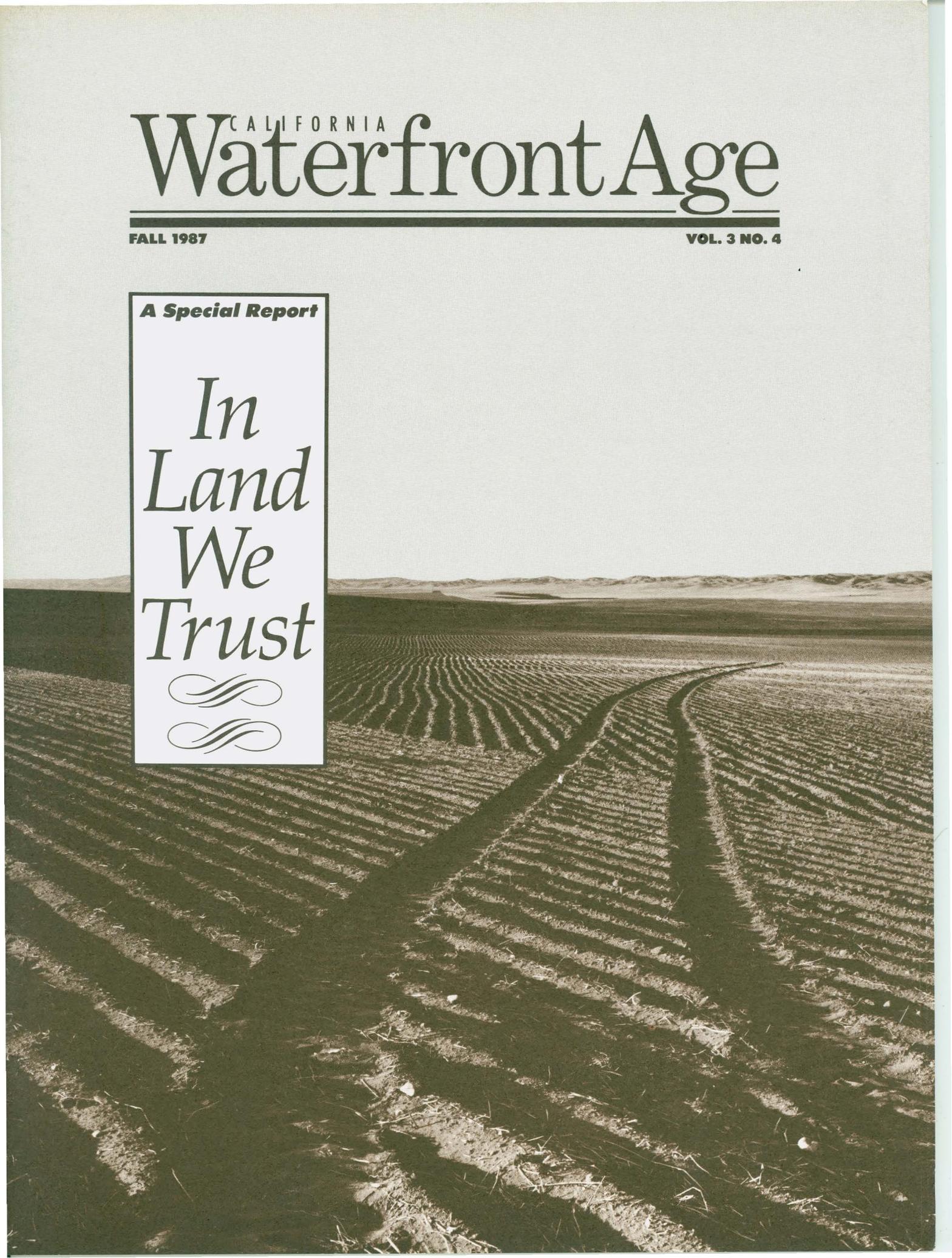
CALIFORNIA Waterfront Age

FALL 1987

VOL. 3 NO. 4

A Special Report

In Land We Trust



Guidelines for Contributors

California Waterfront Age is glad to consider contributions of articles and shorter items related to the state's waterfronts. We aim to provide a forum for the description and discussion of public programs and private initiatives relating to waterfront restoration and development in California. Resource management and economic development are our major themes.

We will consider articles of up to 3,000 words on the following subjects:

1. Economic development, project finance, waterfront restoration, the impact of changing uses.
2. Tourism, waterfront parks, public access.
3. Maritime industries.
4. Water quality, resource restoration, enhancement.
5. Cultural and historical issues.

We will also consider the following shorter features:

Conferences: We publish summaries of waterfront-related conferences.

Book reviews: We seek relevant reviews, about 500 words in length, of current books and other publications of interest to our readers.

Essays: Reflections on themes related to waterfronts are welcome. They can be verbal, photographic, graphic, or in cartoon form.

Interested contributors should call or write the editor. Send self-addressed stamped envelopes with submissions.

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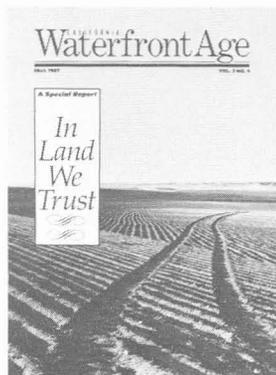
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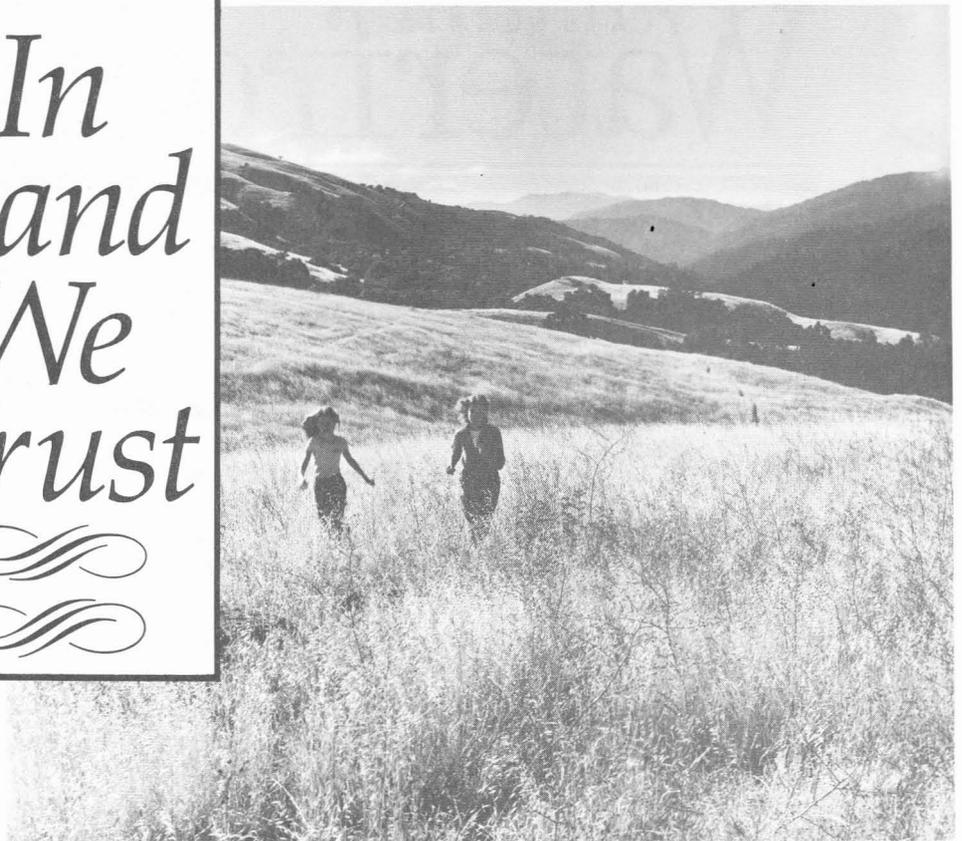
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A Special
Report
on the
Land Trust
Movement

In Land We Trust



Throughout California and the nation, citizens are banding together to become stewards of the country's natural endowment by forming local land trusts and other conservation-oriented nonprofit organizations. These groups share the view that whoever holds title to land has a responsibility to protect it in respect for the past and for the benefit of future generations.

They are:

- *committed to long-term management of land and land-based resources and to education about natural resources and the need for stewardship.*
- *locally based and largely self-supporting.*
- *run mainly by volunteers.*
- *broadly representative of their communities.*
- *acceptable to landowners.*
- *likely to stay away from controversy and adversarial positions.*
- *cooperative with public agencies and helpful to them in many ways.*

Such land trusts and local nonprofits enable people who own land to provide for its well-being in perpetuity. They enable citizens to develop personal bonds and commitments to special places and natural areas, and to participate more directly in land use decisions that affect them.

California Waterfront Age reports on the growing land trust movement, a manifestation of the American spirit of self-reliance and of the recognition that the nation's natural wealth must be protected for its people and its future. Don Coppock and Jenifer Segar of the Coastal Conservancy staff collaborated as guest editors on this issue. Drawings are by Dan Hubig.

The recent proliferation of local, community-based trusts and other conservation-oriented nonprofit organizations is remarkable. According to Ben Emory of the Land Trust Exchange, the almost 12-fold increase in such organizations since 1950 is reflected in the approximately 600 land trusts now active in at least 46 states. The California State Coastal Conservancy, a government agency, presently works with over 45 nonprofits along the coast alone. This special issue of *California Waterfront Age* focuses on this phenomenon and on the role nonprofits play both in the preservation of our natural lands and coastlines, and in providing public access to them.

The spread of nonprofits is a peculiarly American response to a perceived shortcoming in existing organizational functions. Michel Crozier, in his seminal work, *The Bureaucratic Phenomenon* (University of Chicago Press: 1964), noted that the comparative openness of the American system enables it to use a variety of human resources that would otherwise be "indifferent or hostile"; it is possible for many different "kinds of initiatives to flourish." The following pages offer reports on some significant initiatives in response to the perceived need to protect land resources for the public good.

But is the growth of local land trusts wholly benign? Some critics claim that these organizations take property off the tax rolls, thereby depriving hard-pressed local governments of revenues. The question needs to be considered in the context of affected communities. The taxable value of a particular piece of land may decline when, say, a conservation easement is placed over it. However, research by the Urban Land Institute, the Real Estate Research Corporation, People for Open Space, and others documents that preserved open space has enhanced local tax bases. For example, a 1980 study by the New Jersey Conservation Foundation found that open space increased the tax base by increasing adjacent property values and by promoting outdoor recreation. The study concluded that open space also leads to more

cost-efficient development by encouraging improved site design, such as clustering; saves public funds by preventing development of hazardous or geologically unstable areas; maintains natural features that can protect against flooding; and may be a less expensive alternative to development if the tax benefits of development are measured against the cost of maintaining public services.

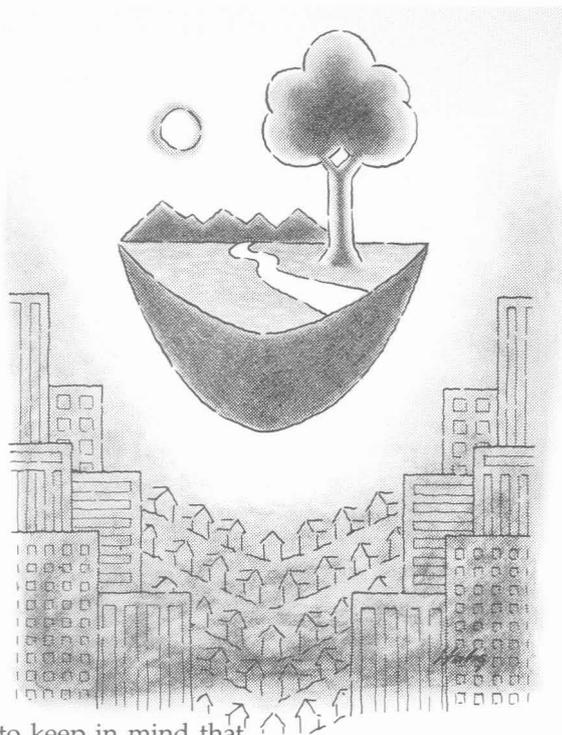
Where less-than-fee acquisition occurs, land uses are limited but a tax value remains and does not necessarily diminish. This is especially true with farm land over which agricultural easements are placed. The land is returned to private ownership and continued farming. On a net basis, productive, revenue-generating farm land may be of more economic benefit locally than low density subdivision development with associated "costs of urban sprawl."

It is also important to keep in mind that some land should not be developed, no matter who owns it, because of its inherent natural, recreational, or scenic value. California's 1975 Coastal Plan took a big step in identifying just such special areas along the coast.

Nonprofit Advantages

But why land trusts? Critics ask, "If land is to be preserved for the public, why is it not being acquired by public agencies, which can be held accountable to the public?"

Nonprofits have advantages over public agencies in efforts to protect land for the com-



mon good. They can often obtain land more quickly, at lower cost, through their more intimate knowledge of local real estate markets and personal relationships to their community. Many local landowners will not deal with government departments, but will talk to a group of neighbors. For this reason, some lands could not ever be acquired for the public except by the nonprofit route. In addition, public funds for natural resource conservation have declined lately while costs have risen, thereby spurring more nonprofit activity.

Nonprofits can also achieve land protection goals more economically than many government agencies because they can call on knowledgeable volunteers and are growing skillful in using varied acquisition instruments. They can crystalize local action on local concerns.

Furthermore—and this is one of the most powerful attributes of nonprofits—these local conservation organizations often can monitor and manage property for the public good better than a public agency, because of greater local knowledge, energy, and commitment. The Mountains Restoration Trust in California's Santa Monica Mountains is just one example among many of this stewardship role in practice.

The stewardship function is often carried out in cooperation with public agencies. Nonprofits frequently contract with public agencies to manage public lands and to conduct educational programs for schools and the public related to the natural resources of which they are guardians. Moreover, nonprofits tend to pass land they acquire to government agencies, while maintaining a guardianship role. Many nonprofits have carved out a role for themselves as advance acquirers and temporary holders of land until public agencies are able to take it over. The Trust for Public Land specializes in this type of activity. The Sempervirens Fund transfers all the land it acquires to the California state parks department. Recently, the Coastal Conservancy helped this nonprofit to purchase a critical parcel to expand Big Basin Redwoods State Park in Santa Cruz County. Without the Fund's involvement, this expansion could not have occurred.

Some critics claim that land trusts provide "conservation for the rich" at public expense;

that they create greenbelts to shield the affluent from negative impacts of higher-density, lower-income development; and that they fail to provide public access to land they acquire.

When nonprofits place conservation or other easements on land, it remains in private ownership. Therefore, access may indeed continue to be restricted unless the easement provides for it, as in the case of access easements to enable the public to reach a beach. But a great many nonprofits have specifically opened new areas for access. In California, for instance, the Shoreline Trust for Education Program Services, in cooperation with state agencies including the Coastal Conservancy, created access to over 100 acres of previously closed state park land.

In environmentally sensitive habitat areas, access may be inappropriate—whether the areas are held by a land trust or a public body—because human intrusion would damage the protected resource. Some of these areas can tolerate controlled access, and many ways to provide it have been employed by both nonprofits and public agencies, such as fish and game departments.

Pre-empting Future Options?

Nevertheless, the question arises as to whether nonprofit ownership of land or easements over the long term, for whatever laudable public purpose, somehow pre-empts the ability of future generations to use this land for some other equally laudable public purpose based on changed circumstances. While a legitimate concern, this does not seem to be a major issue.

Not only do nonprofits often transfer land they acquire to public agencies, but also much of the land they permanently hold to preserve wetland and other habitats should never be developed or intensively used, no matter who holds it. (Nature Conservancy and Audubon Society lands come to mind.) The need to protect such lands is likely to grow, not lessen. When nonprofits hold conservation easements, the land remains in private ownership and is no less available for future public acquisition than it was before the easement was acquired.

Continued on Page 54

Model Watershed Plan Underway

The first comprehensive urban watershed plan on the California coast moved toward realization in July, when the Coastal Conservancy authorized a grant of up to \$850,000 to the city of Vista to implement the Buena Vista Lagoon Enhancement and Watershed Sediment Control Plan.

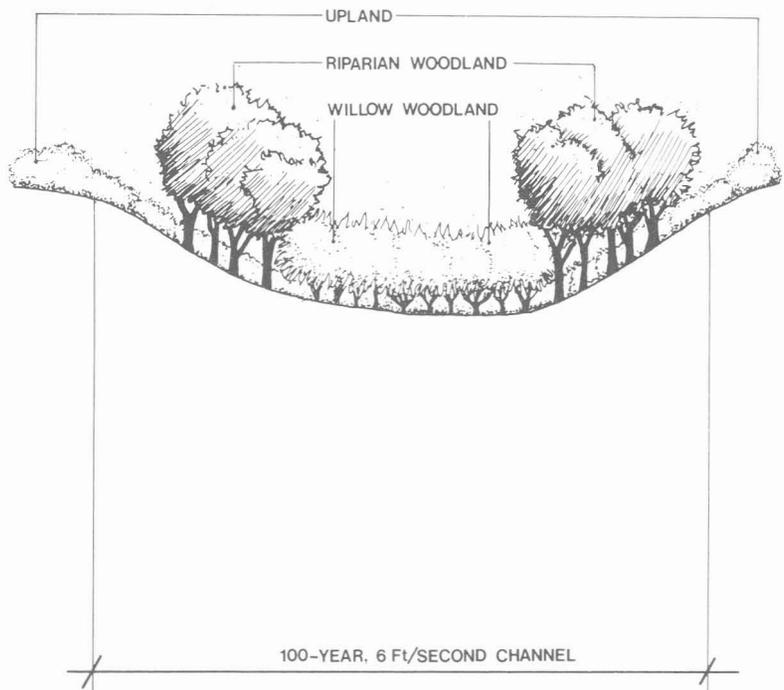
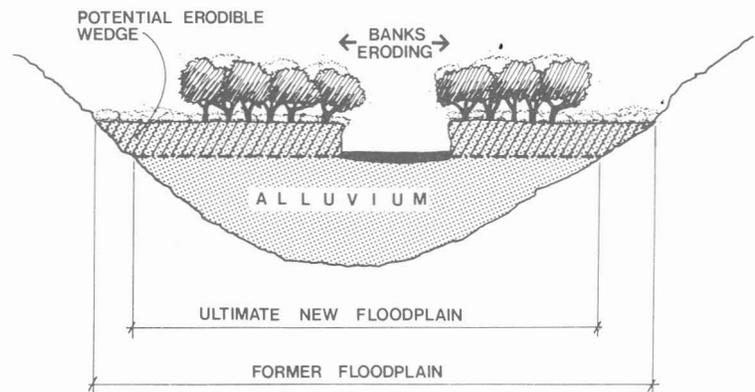
A major model for a new approach in flood control and sediment management, the plan provides for measures to reduce sediment buildup in the lagoon while preserving riparian habitat and creating a new urban waterfront.

The Conservancy's funds will finance the construction of a seven-acre stormwater detention basin in the upper watershed, to lower peak storm flows in Buena Vista Creek and significantly reduce erosion of the creek channel. Also funded are biological studies and a detailed engineering design for three areas of the creek in the city of Vista. This innovative design will create an enhanced, fully vegetated creek channel that will slow water flows and reduce channel erosion. The creek will flow through the center of the city of Vista. A linear pedestrian trail will border the riparian forest. Commercial development will front on the green-lined creek.

The upland detention basin and the slow-flowing creek will substantially reduce sedimentation in Buena Vista Lagoon, a large coastal wetland and State Ecological Reserve located in the downstream cities of Carlsbad and Oceanside. The city of Vista will contribute \$498,000 to the project, which was developed in cooperation with the U.S. Corps of Engineers, the state Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Buena Vista Lagoon Foundation. Carlsbad and Oceanside also are contributing to the overall project.

Toward New Shoreline Park

A Conservancy grant of up to \$250,000, authorized in June, will help the city of Ventura



The current channel erosion problem (upper drawing) in and along Buena Vista Creek will be alleviated by creating a vegetated channel (bottom) that will slow storm water flows.

Lee Ehmke

to develop Shoreline Park as part of the overall Master Plan redevelopment of Ventura County's Seaside Park area, which also includes the Ventura County Fairgrounds and Surfers Point Park.

The project includes a landscaped turf area, parking, re-establishment of a portion of the Omer Rains State Bicycle Trail, utilities, lighting, and replenishment and revegetation of sand dunes. The parking area will allow greater public access to the shoreline, which now can be reached only by walking around a chain barricade. A proposed road to be built around the fairgrounds perimeter would allow vehicle access to the park.

The proposed Shoreline Park area now serves as unimproved overflow parking space during the fair. The Conservancy's funds constitute part of the total budget of \$2.1 million.

Nature Study Centers in the Works

Drawing on the state's Environmental License Plate Fund (ELP), the Conservancy has authorized grants to help create two interpretive nature study centers in Southern California.



In May, the agency approved a \$400,000 grant to the National Audubon Society for the Audubon Living Museum, which will be the cornerstone of a major environmental education program planned by the society at the Ballona Wetland, near Marina del

Rey in Los Angeles. The funds for the museum were appropriated by a bill authored by Assemblywoman Gwen Moore of Los Angeles. Most of the estimated \$6 million needed to build the facility will be raised from private sources.

In August, the Conservancy authorized a grant of up to \$150,000 to the city of Chula Vista for the construction of exhibits at the Nature Interpretive Center on Chula Vista Bayfront in South San Diego Bay. The recently built center is designed to serve as a major environmental education facility for San Diego County and Southern California,

servicing 150,000 school children and 25,000 members of the general public a year. The center includes hands-on interpretive exhibits, classrooms, and research facilities designed to accommodate both children and visiting scientists.

The Coastal Conservancy has been actively involved in the project, having previously approved other ELP funds for construction of the new center. The Conservancy, using its own money, also has funded the preparation of enhancement plans for wetland and upland areas in the Chula Vista Bayfront. This current ELP grant will help to fund indoor exhibits that will describe and interpret regional wetland resources. The city estimates the total costs of preparing these exhibits at \$407,500. It has spent \$247,000 and committed another \$10,000 for new exhibits and for exhibit maintenance.

Any public agency or nonprofit organization can apply to the state Resources Agency for ELP funds. Applications approved by that agency must also be approved by the Legislature and the governor.

Pillar Point Harbor Improvements

Studies to relieve traffic congestion at Pillar Point Harbor and to improve public access will be conducted by the San Mateo County Harbor District with a \$49,775 grant authorized by the Conservancy in June. The harbor is heavily used by both recreational boaters and commercial fishermen and has become increasingly crowded in recent years. The Harbor District is engaged in comprehensive planning to rectify problems due to poor layout and conflicting uses. Conservancy funds will be used to assess the feasibility of widening Johnson pier and making other shore-side improvements related to the commercial fishing industry and public access.

Sediment Control Plan at Los Penasquitos Lagoon

Coastal wetlands at Los Penasquitos Lagoon in San Diego County are being rapidly converted to upland habitat by accelerated sedimentation resulting from upstream land uses. In June, the Conservancy authorized the expenditure of up to \$30,000 from watershed developer permit fees to prepare a

sediment control plan for its recently acquired 20-acre site south of Los Penasquitos Lagoon. The watershed developer fees were required by the Coastal Commission to mitigate impacts of upstream development upon downstream wetlands.

The project site is at the terminus of Los Penasquitos and Carroll canyons. Most of the sediment generated in these canyons by construction and increased stormwater runoff crosses this parcel before entering the lagoon's tidal channels. The sediment control plan will improve the site's natural function as a sediment trap while preserving and, where feasible, restoring existing riparian and freshwater habitat values.

Conference Changes

Restoring the Earth 88, a national conference on ecological restoration and the design of new solutions to environmental problems (see *Waterfront Age*, Summer 1987) has been rescheduled for January 13-16, 1988. The new deadline for papers is October 30. For more information contact Restoring the Earth Conference, 1713C Martin Luther King Jr. Way, Berkeley, CA 94709. (415) 843-2645.

Lost Coast Map

"Trails of the Lost Coast," a color map depicting 60 miles of the wildest coast in California, is now available from the California Coastal Trails Foundation. Produced with the cooperation of the State Coastal Conservancy, the state Department of Parks and Recreation, and the U.S. Bureau of Land Management, the map highlights camping, fishing, and hiking opportunities and shows all public roads and trails in this coastal wilderness in Mendocino and Humboldt counties. The map text relates the history, geology, flora, and wildlife of the area. Popularly known as the Lost Coast, the area includes land under the protection of King Range National Conservation Area and Sinkyone Wilderness State Park.

For a copy of the map, send a check for \$2.50 to: California Coastal Trails Foundation, ATTN: Lost Coast Map, PO Box 20073, Santa Barbara, CA 93120.

Arcata Wins Major Award

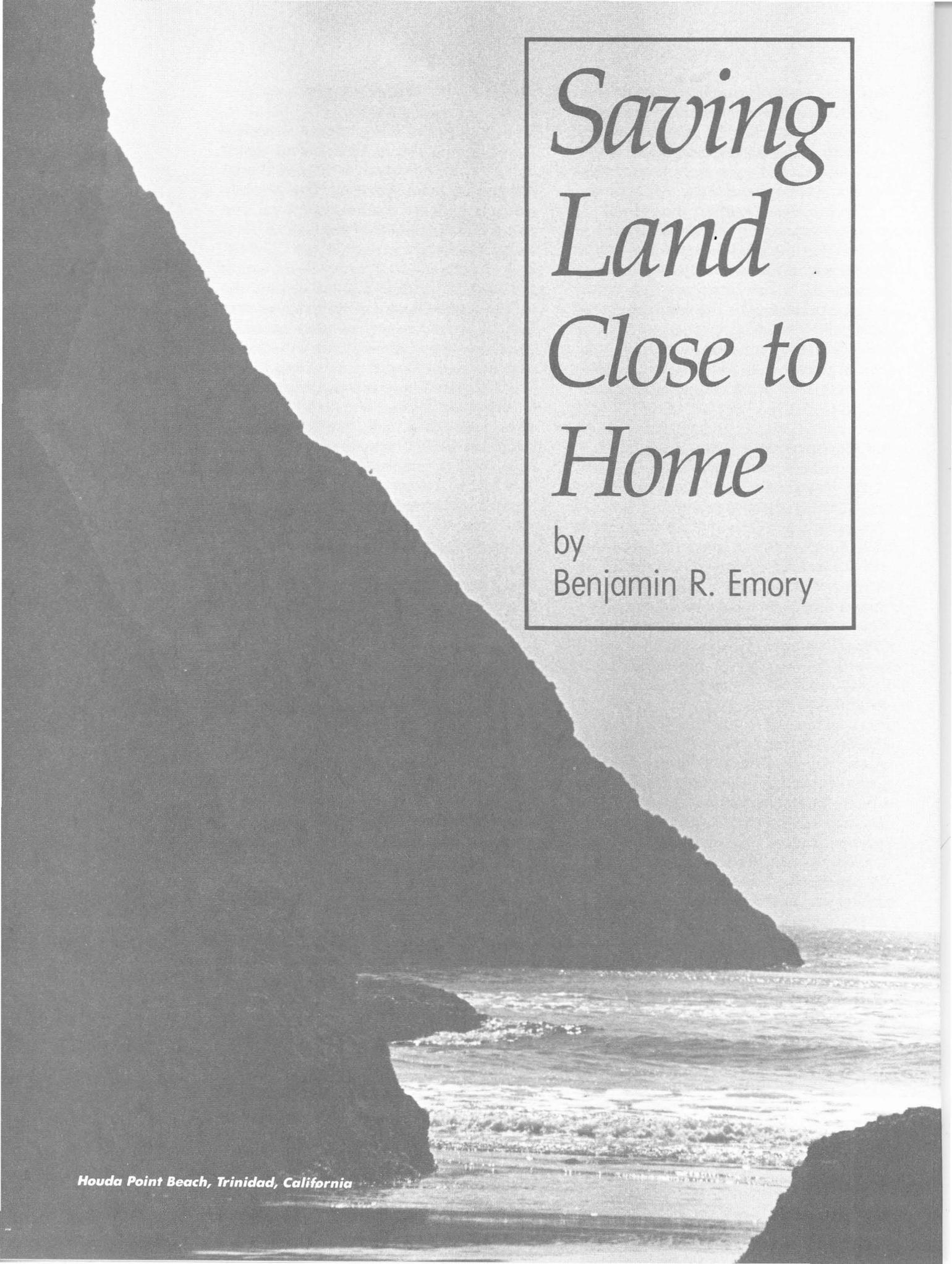
The city of Arcata has been awarded the prestigious Innovations in Government Award for its creative development of wetland projects and the innovative use of treated waste water to enhance natural resources. The award is cosponsored by the John F. Kennedy School of Business at Harvard University and the Ford Foundation, which provided the prize, a \$100,000 check to be used as seed money for an interpretive center that will be built near the wetland projects. Arcata was one of 10 award winners selected from among 1,000 applicants nationwide.

The Coastal Conservancy provided funds to implement three of the projects: the 76-acre Arcata Marsh and Wildlife Sanctuary, completed in 1981; the 17-acre Arcata salt marsh project, completed in 1983; and the 26-acre Butcher Slough project, completed last September. Located on the city's southern waterfront, these projects provide a diverse mix of wetland habitats, as well as several miles of trails. Waste water is used to irrigate the freshwater marsh. The Audubon Society conducts regular bird counts and reports that over 160 species use these wetlands. Recreational use exceeds all expectations. The city estimates over 90,000 visitors a year.

These award-winning projects are excellent examples of the kind of cooperative venture the Conservancy seeks from local jurisdictions to implement the agency's enhancement program.

Easement Management Handbook

A handbook on easement management will be published later this year as a joint venture of the Trust for Public Land (TPL) and the Land Trust Exchange, with partial funding from the State Coastal Conservancy. The book describes some of the most effective work in this area and tells how to start an easement program, raise funds, and manage and monitor easements. Included are two sample easement documents prepared by leading attorneys. The volume will be available through the Exchange. Janet Diehl of TPL is principal author. □



*Saving
Land
Close to
Home*

by
Benjamin R. Emory

Houda Point Beach, Trinidad, California

[M]ore and more the solutions must be found close to home by such means as land trusts. . . .

—Governor Lamar Alexander of Tennessee, chairman of the President's Commission on Americans Outdoors

HISTORICALLY, government agencies and national conservation organizations have played the major roles in preserving land for coming generations. But more and more of today's important conservation successes are the work of local and regional nonprofit groups, often called land trusts.

To the best of our knowledge at the Land Trust Exchange, the national service bureau and communications network for land trusts, about 600 now operate in at least 46 states—an almost 12-fold increase since 1950. Only in Arkansas, Hawaii, North Dakota, and South Dakota do we know of no land trusts. New England has the highest concentration, with Connecticut in the lead with 92 and Massachusetts a close second with 91. Sizable numbers of trusts are in the Middle Atlantic States, in the Rocky Mountains, and on the Pacific Coast. California has 42. The Midwest and the Southeast are witnessing increasing activity. Only in the Southwest is the movement slow to catch fire.

The first organization in the United States known to have operated as a land trust is the Ohio Historical Society, formed in 1885 in response to a public embarrassment: Two archaeologists digging in Adena Indian mounds in southern Ohio had turned up significant artifacts. Unable to sell them locally, they found a British buyer who eventually turned them over to the British Museum. Dismayed state legislators launched a program to buy and preserve the state's historical and archeological heritage. The society was formed to maintain sites to be bought by the state. It now cares for 59 state-owned sites and 18 more that the society acquired.

Six years after the founding of the Ohio Historical Society, Bostonians founded the

What is a Land Trust?

The term "land trust" broadly covers local or regional, private nonprofit conservation organizations working within their community, state, or occasionally a several-state area in the *direct* protection of lands of open space, recreation, or resource importance. Also included are publicly funded organizations using private funds for land acquisition and management and that have private citizens as their board of directors.

In funding, 71 percent rely on annual appeal or memberships; 29 percent solicit foundation grants; 7 percent receive government appropriations; 4 percent use government subsidies; 23 percent tap their endowments for income; and 18 percent produce income from the sale of services.

—From the 1985–86 *National Directory of Local and Regional Land Conservation Organizations*, published by the Land Trust Exchange. The Exchange recently moved to 1017 Duke Street, Alexandria, VA 22314.

Trustees of Reservations to protect "jewels of the living landscape," and in 1900, a group in California organized as the Sempervirens Club with the slogan "Save the Redwoods." Then in 1901, the Society for the Protection of New Hampshire Forests was born [see stories Page 33]. But it was not until about 1965 that the number of land trusts and their geographic spread began to increase dramatically. Land Trust Exchange surveys showed 53 trusts in 26 states in 1950, and 132 trusts 15 years later. An additional 176 were founded in the next ten years and 123 more in the subsequent six, bringing the total to 431 by 1975. The growth continued at an accelerating pace. In the last six years alone, about 170 new land trusts were formed.

What accounts for this growth? There are several factors. The current political and economic climate is a stimulant. As other sources of conservation funds have shrunk, nonprofit efforts to rescue threatened natural resources have grown. These citizen organizations fill a void in more ways than one, however. They can do things that public agencies, because of bureaucratic or political constraints, cannot. For instance, they can take advantage of windows of opportunity for acquiring properties. Land trusts that have revolving funds or access to a line of credit can approve in a matter of hours, with a conference call to the executive committee, an action that would take a government agency six months.

Recently, the Maine Coast Heritage Trust, concerned about development pressure for seasonal homes on Vinalhaven, a large island, saw an opportunity to act because an option to purchase was about to expire. This

window was likely to be narrow, a matter of days. The trust, however, found a buyer who agreed to conservation easements, which were subsequently worked out between him and the trust. Because they usually act locally, land trusts tend to spark excitement. People can see benefits close to home and contribute volunteer energy.

Hilltops to Beaches

The nation's land trusts are as diverse as their supporters and their geographic locations. The common thread is that each is a nonprofit organization overseen by a board of private citizens striving to preserve land—not just one special parcel—in a natural or relatively natural condition.

In the San Juan Islands of Washington state, on the coast of Maine, along the St. Lawrence River, and in Lake Champlain, land trusts are preserving the scenic and ecological integrity of fragile islands. On the estuaries, from Chesapeake Bay to San Francisco Bay, salt marshes are a high priority. In Oregon, Colorado, and New Hampshire, there is pioneering development of green ways—linear corridors for public enjoyment along rivers and streams, abandoned rail-

road rights-of-way, and old trails. Forests are being preserved by land trusts in New England, Louisiana, and California. Farms and ranches are being protected on the Pacific coast, in Wyoming, and in Pennsylvania. Vacant lots in New York City, Chicago, and San Francisco, trout streams in Montana, water-side parks in South Carolina, and Indian mounds in Iowa are among the many types of land now being protected by land trusts.

In size they range from tiny, all-volunteer groups focused on land preservation in one town or neighborhood to organizations with staffs of 20 or more professionals working throughout one or even several states. All, however, have a commitment to conservation that extends beyond any one single piece of land. Sixty-five percent of the land trusts listed in the Land Trust Exchange's *National Directory of Local and Regional Land Conservation Organizations* have no paid employees, and even the professionally staffed groups rely heavily on volunteer trustees, advisors, and others.

Among the smallest is the all-volunteer Tensas Conservancy Coalition, in Louisiana, working to preserve hardwood bottomlands on the Mississippi River. One of the largest is the 86-year-old Trustees of Reservations, in



**King Ranch,
Chester County,
Pennsylvania**

Massachusetts, with a budget of \$2.5 million and 23,153 acres under protection.

A Wider Focus

As the movement has grown, and as conservation efforts became more costly and difficult, the land trusts have expanded and diversified. Until recently, they primarily acquired donated land and retained it as preserves. Recognizing the limitations of being able to protect only what generous individuals give away, they began to raise money in their communities to purchase lands that particularly merit preservation.

But acquisition has serious limitations. Many important properties are unavailable at affordable prices or even at any price, and the costs of ownership can be high. In recent years many land trusts have turned to conservation easements as a primary land conservation technique. The land remains privately owned, but the land trust receives, usually as a gift, the right to enforce in perpetuity conservation restrictions guiding the extent and nature of future development and the use of the restricted property.

In the last five to ten years, land trusts have begun to view limited development—selling or developing parts of a property to generate funds to conserve the most important portions—as having great potential. In many instances, this may be the only option in this era of high real estate prices and sharply reduced federal tax incentives for charitable giving.

Probably the best known and most sophisticated limited development project by a land trust to date was the 1984 acquisition of the 5,300-acre King Ranch in Chester County, Pennsylvania, by a limited partnership conceived and sponsored by the Brandywine Conservancy. A limited partnership was chosen because it was easy to establish and administer and was attractive to potential investors, whose liability is limited to the amount each individual invests. The partners also received federal income tax benefits through deducting both the partnership's business expenses and the conservation easement that would protect the natural resource.

An 814-acre natural area traversed by a clear, cold stream was transferred by the lim-



ited partnership to the Conservancy. The remainder of the property was sold as lots ranging from one to 300 acres, subject to conservation easements allowing limited development. The easements are enforceable by the Brandywine Conservancy.

Partners with Public Agencies

In another recent shift, more and more land trusts now work in partnership with government agencies. California's land trusts have been leaders, in many ways, in demonstrating the potential of such public/private partnership. In 1978, a coalition of residents in and near the tiny North Coast town of Trinidad founded the Humboldt North Coast Land Trust to provide a community-based alternative to a proposed large-scale expansion of state park facilities in the area. In response to the community initiative, and with the help of the State Coastal Conservancy, the state Legislature withdrew funding for the state park purchases and, in a special bill, recognized the Humboldt North Coast Land Trust as an "appropriate entity" to act in the public interest. It funded the land trust with \$100,000 to be administered in conjunction with the Conservancy. Negotiating gifts of land and conservation easements and entering into cooperative arrangements with the city and the Coastal Conservancy, this local land trust has assumed responsibility for the management and maintenance of several coastal accessways and beaches.

The benefits of working closely with government planners are widely apparent. The Land Trust for Santa Barbara County, for in-



Fruitvale Community Garden, Oakland, California

stance, found planning commissioners and staff genuinely concerned about the environment, but lacking information, case studies, and new concepts about ways to protect natural resources. Into this void the trust stepped, softly.

The planning commission had decided to approve a major oil facility, on condition that the oil company protect 200 acres of valuable Burton Mesa chaparral. However, neither commissioners nor staff knew how to achieve the goal of protection. The land trust's director informed them about conser-

ment of the resources of the Bay and its tributaries.

The foundation operates three major programs: land conservation, environmental education, and environmental defense. The goal of the education program is to develop an informed, appreciative, and active Bay constituency by providing in-the-field and on-the-water education programs throughout the Bay region.

Each year, 27,000 children and young people, mostly junior high and high school students, are taken on field trips to the foundation's several study centers, which are at sites protected through its land conservation program. The foundation has seven work boats equipped as research vessels, some of which are stationed in major ports while others are mobile. Three canoe rigs (each consisting of nine canoes) take students up rivers and along shorelines close to where they live. Some lucky students get to ride on a skipjack, the beautiful traditional sailboat of the Chesapeake Bay oystermen. Some have two-day visits to the foundation's residential study centers: a house on Smith Island (a watermen's community of 500 residents) and a former hunting lodge on stilts on an uninhabited salt marsh island. Not surprisingly, there are long waiting lists for these unique educational opportunities.



Through its educational programs the Chesapeake Bay Foundation provides unique educational opportunities for students.

vation easements, providing examples, background legislation, and case studies. She suggested criteria for selecting the botanic preserve site and later worked with the county counsel in drafting the conservation easement. Since the conveyance, the trust has worked with the county staff to prepare a plan for monitoring the easement and has urged the commission to bear in mind that the preserve could be enlarged through future mitigation actions.

At the second national conference of land trusts, National Rally '87, held at the Monterey Bay Aquarium last February, Patrick Noonan, president of the Conservation Fund and former president of the Nature Conservancy, called for expansion of land trust programs, particularly in education. He may well have been thinking of the Chesapeake Bay Foundation in Maryland, founded 20 years ago to contribute to the wise manage-

What's Ahead

As they look to the future, land trusts face a number of issues. They must expand their constituency, address quality control questions, and decide whether and how much to get into policy issues and political affairs.

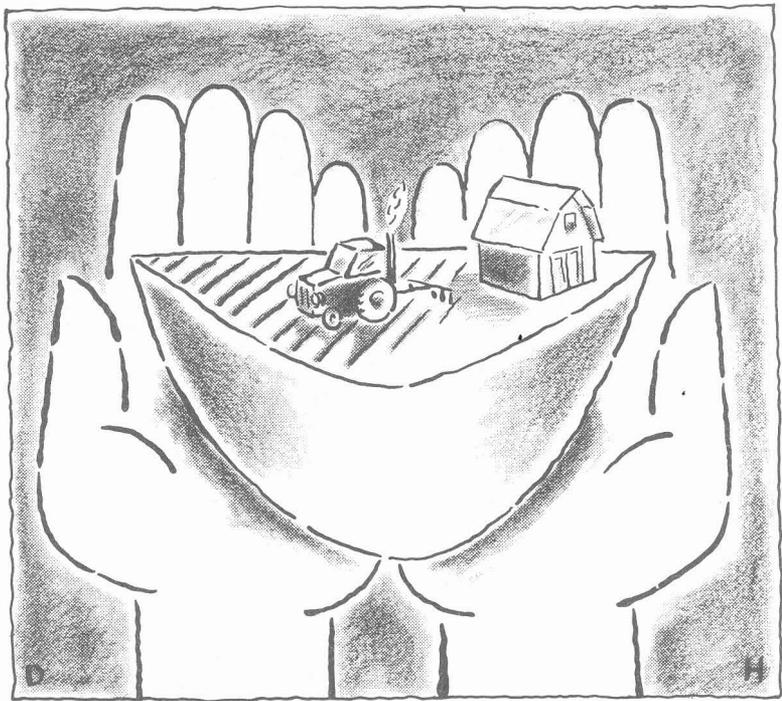
The Chesapeake Bay Foundation's educational efforts are a fine example of constituency building. The Humboldt North Coast Land Trust's management of coastal accessways and beaches demonstrates how land trusts can help meet diverse needs for outdoor recreation opportunities. The urban program of the Trust for Public Land has been particularly innovative on inner city vacant lots, helping to protect them as playgrounds, community gardens, and oases of green. An important part of building a reservoir of support for land trust activities is educating the public and public officials about the public benefits of land trust programs.

Quality control is an issue the whole land trust community must address. Acquiring and managing land for the public benefit leads to very long-term—theoretically perpetual—responsibilities. Land trusts must strive to build the long-term organizational and financial strength necessary to carry out the responsibilities to which they commit themselves. They must develop and update contingency plans for ensuring protection of land they hold in the event their organization becomes financially insolvent or leaderless. They must be selective about lands and interests in land that they acquire and make sure of both the importance of its conservation for the public benefit and their own ability to cope with the responsibility that a commitment to protection will bring.

Failure by any one land trust to operate responsibly for the public benefit could give the whole land trust community a black eye that could seriously hinder its effectiveness. To help land trusts deal with the quality control issue, the Land Trust Exchange has established a committee of its board of directors and membership to investigate possible development of a set of standards or code of ethics for land trust operations.

The third major issue, that of political involvement, confronts land trusts with increasing frequency. Traditionally, land trusts have focused all their efforts on conserving particular parcels of land and have left policy issues to more activist-oriented groups. The example of the Land Trust for Santa Barbara County, however, illustrates one role for land trusts in land use planning. Some leaders in the movement look at the ever escalating pressures on the American landscape and at the impact of local, state, and federal legislation on land conservation—for example, changes in federal tax law—and urge that land trusts become active in shaping policy.

With a membership of nearly 400,000, the 600 land trusts scattered around the nation can be a significant force. In addressing the closing session of the National Rally '85, the movement's first, Dr. Roger Clarke of the Countryside Commission for England and Wales concluded: "You do not know the power you have!" Awakening to the possibilities inherent in the numbers and talents of their members and supporters, land trusts are beginning to raise their voices, individually and collectively, to encourage govern-



ment at all levels to develop policies favorable to land conservation. From town planning boards to the halls of Congress, they are making their views known. In fact, this year the Land Trust Exchange moved its headquarters from Bar Harbor, Maine, to Alexandria, Virginia, in part to play a larger role in affecting federal policies that have an impact on local land conservation efforts.

The director of the Department of Environmental Management for the state of Rhode Island, Robert L. Bendick, Jr., stated last year that his rapidly urbanizing state has no more than five years left to protect all significant open space that will ever be protected. Other areas also face short time horizons. For example, it has been suggested that Cape Cod has only two years left. The tremendous pressures our society is placing on open lands are the single most critical issue facing land trusts. They cannot solve the problem on their own, of course, if indeed the problem is solvable. But they are, in the words of Karin Strasser Kaufman, chairman of the Monterey County Board of Supervisors, "an absolutely essential element" in preserving and protecting special areas that we wish to safeguard for generations to come. □

Benjamin R. Emory is former president and executive director of the Land Trust Exchange, former executive director of the Maine Coast Heritage Trust, and now a member of the Maine trust's board.

Completing the Green Puzzle

SOME OF THE most expensive real estate in the world lies south of San Francisco in the sprawling "Silicon Valley," heart of America's computer technology research. Unrelenting pressures for development continue to bear down on the surrounding countryside, especially the rolling hills and wooded coastal mountains of San Mateo, Santa Clara, and northern Santa Cruz counties.

established by San Mateo and Santa Clara county voters in 1972 and is financed by a percentage of the total property taxes collected within its area of operation. Its mandate is to find and secure missing pieces of the jigsaw puzzle—to fill the gaps between state and county lands that keep the foothills green and open to the public. Because of limited funds and procedural requirements,

among both wealthy landowners and small farmers. It has worked not only to acquire land but also to make itself useful to the community in other ways.

"When farmers or landowners have questions about their water rights or how to get permits for specific uses, they'll usually call us for advice before tangling with a public agency," said John Wade, POST's land counselor. "I also get to act as an interpreter. People call up when they don't understand the complicated language of their LCPs (Local Coastal Plans) or land use regulations—they're not sure how it affects them and their property, so I head down and try to translate it into English for them." Because it nurtures its relationship with the community, POST is able to design projects that fit as many local needs as possible. Consequently, when the projects come before public agencies, they have wide support.

Recognizing early on that public funds for land conservation would shrink, POST has made it a point to seek financial support from private citizens; last year, half its budget came from private contributors. The rest came through grants from foundations and government agencies and from interest earned on previous gifts. POST's board of trustees and advisory committee are composed of people with deep roots in the community and include well-known names, enabling the land trust to marshal considerable technical, financial, and legal clout.

This year POST successfully undertook its biggest project and largest financial commitment. After seven years of negotiations, it acquired an option to purchase the 1,270-acre Cowell Ranch, with sweeping coastal vistas and two miles of beachfront, just south of Half Moon Bay. The ranch was put up for sale by the S.H. Cowell Foundation in January. POST

These same pressures have stimulated vigorous forces for open space conservation, not the least of which is the Peninsula Open Space Trust (POST). In the past ten years the trust has managed to protect more than 13,000 acres, valued at over \$12 million, for open space uses including agriculture, forestry, recreation, wildlife habitat, resource conservation, and scenic preservation. With an annual operating budget of about \$350,000 and a staff of four, POST acquires land, places deed restrictions or easements on it, and then resells it to public agencies or private landowners.

This small but powerful nonprofit organization was created to help the existing public open space agency in its work. The Mid-Peninsula Regional Open Space District (MROSD) was

MROSD was often unable to prevent the loss of key parcels.

Therefore, in 1976, Herbert Grench, general manager of MROSD, moved to create a land trust. He wrote bylaws and helped round up a founding circle of prominent local citizens with an interest in preserving the region's quality of life. They included J. Ward Paine, a venture capitalist and POST's first board of trustees president, and Robert Augsburger, former vice president for business and finance at Stanford University, who became POST's first executive director. POST's current executive director is Audrey Rust, former director of development for the Sierra Club.

Now boasting over 4,000 donors, POST is well known and respected



had until August 31 to raise \$2 million of the \$6.7 million purchase price. After meeting this goal, POST became eligible for \$4.7 million in grants and loans from the Cowell Foundation to complete the purchase price. The purchase means that Brussels sprouts, artichokes, and peas—not houses—will continue to grow on this land. POST will work with local residents and the city of Half Moon Bay to combine agricultural protection with public access to the coast.

—Pia J. Hinckle



Above: Cowell Ranch stretches from the beach to the rolling coastal hills. Elsewhere: People enjoying preserved open space.



A Successful Partnership

State Coastal

Conservancy

works with

more than 45

local nonprofit groups

by Don Coppock and Jenifer Segar

THE TIJUANA RIVER estuary, sandwiched between the city of Imperial Beach and the Mexican border, is one of the largest remaining coastal wetlands in Southern California. Unlike the others, it has not been bisected by a major road or railway. It is an important stopping point on the Pacific Flyway, and an irreplaceable habitat for several endangered species, including the California Clapper Rail, California Least Tern, and Salt Marsh Bird's Beak.

In 1982, this diverse and productive estuary was given federal protection when the National Oceanic and Atmospheric Administration (NOAA) designated it a research reserve. Several government agencies have joined forces to protect it. The Coastal Conservancy is among them.

Within the past seven years, the Conservancy has channeled over \$2 million of state and federal funds to the protection and enhancement of the Tijuana River National Estuarine Research Reserve. About a fourth of this sum went in grants to the Southwest Wetlands Interpretive Association (SWIA), a local nonprofit organization.

Why did the Conservancy choose this route for carrying out its mandate? Why not undertake projects directly, or contract with local governments?

During the past five years, the Conservancy has found that local nonprofit groups can be excellent partners. Not only are they interested in natural resources close to home, but also they are willing to take on projects that it would be difficult, if not impossible, for state or local government alone to accomplish. The nonprofits are on the scene and on the case. They can catch fly balls and fill gaps among the several agencies and jurisdictions that are often involved in conservation projects. They can act quickly, be flexible and resourceful, respond to crises and opportunities, and offer a noncontroversial, solution-oriented approach—and they save public money through volunteer effort and fund raising. For a resource protection agency such as the Conservancy, they can be



Tijuana lacks sewage treatment facilities and therefore creates water quality problems downstream.

good allies, as the partnership with SWIA illustrates.

Local citizens who had long been active in the Tijuana estuary's behalf organized SWIA in 1981, shortly before NOAA established the reserve. Some of the group's founding members had earlier fought against plans to channelize the Tijuana River for flood control purposes and to build a major marina in its salt marshes.

Realizing that the reserve's health would require constant vigilance, the group formed a nonprofit organization to play a stewardship role. The salt marshes, channels, and sandy beaches of the estuary lie between two booming metropolitan areas: San Diego County is one of the fastest-growing counties in California; Ciudad Tijuana is the fastest-growing city in the Northern Hemisphere. From the shore of the estuarine inlet, one can see a bullring on a hilltop in Mexico. The river flows through the city of Tijuana, which lacks sewage treatment facilities and therefore creates water quality problems downstream, in the reserve and along San Diego beaches. About three-fourths of the Tijuana River watershed lies in Mexico.

Numerous federal, state, local, and other agencies had worked together to develop a plan to manage the estuary as a whole system, across government and other bureaucratic boundaries. A management authority was set up, representing the city of Imperial Beach, the city and county of San Diego, the Coastal Conservancy, the Coastal Commission, the state Parks and Recreation Department, the U.S. Fish and Wildlife Service, and NOAA. This management authority reviews development plans, permit applications, and other proposals that might affect the reserve, and its comments influence decisions by local governments and others. The Fish and Wildlife Service and state parks department jointly manage the reserve, guided by the authority. Moves are now underway toward possible designation of the Tijuana estuary as an International Biospheric Reserve.

A Unique Role

Within this complex system, SWIA found a unique stewardship role. It became the eyes and ears keeping watch over the reserve. When something is amiss, SWIA knows whom to call. All the agencies concerned with the Tijuana Reserve know they can call SWIA when something needs doing and they cannot do it themselves—be it to provide 24-hour monitoring for a scientific study or to provide materials and volunteers for a cleanup of tires and other unwelcome deposits in a salt marsh.

To stop destruction by off-road vehicles and dumping, SWIA volunteers solicited donations of telephone poles and dropped them along the urban edge of the estuary as barriers. To cope with the Tijuana sewage, they helped to develop and build a low-technology demonstration waste water treatment plant.

For the Coastal Conservancy, SWIA was a natural ally. Though the agency has the capacity to carry out projects on its own, it has found that it often gets far more mileage out of working through nonprofit groups. The groups can become catalysts in their communities, drawing in donations of time, money, equipment, and materials to Conservancy-sponsored projects, stretching the public dollars. In building the telephone-pole barriers, for instance, SWIA only used Conservancy grant money for transport. On a dune revegetation project, the Conservancy provided the funds, while the nonprofit provided the manpower.

Nonprofits also are effective in involving local people in Conservancy projects from



the ground up. And they can usually be counted on to provide maintenance for projects once these are completed.

SWIA supplements other agencies' work as well, especially the educational work of the State Department of Parks and Recreation and the U.S. Fish and Wildlife Service. It leads docent tours for school groups and is currently coordinating the construction of a visitors' center, for which the Conservancy helped them get federal funds.

In helping SWIA, the Conservancy did more than sign over checks. It worked closely with the organization in developing projects and smoothing the way for them through bureaucratic mazes. The partnership's most lasting accomplishment is a more effective, informed citizenry that can continue to work in the public interest long after the Conservancy's seed money has gone.

The Conservancy has teamed up with more than 45 local nonprofit groups during the past eight years along the state's 1,100-mile coast in projects designed to protect and restore resources and to develop them, where appropriate, for the public benefit. The Conservancy has authorized over 89 separate grants, totaling \$13.9 million, to nonprofit organizations. These partnerships have demonstrated that the whole can be better than its parts, for each side has helped the other to accomplish its goals more effectively.

Conservancy funds go to nonprofit groups to preserve and restore habitats, provide public access to the shore, redesign in-

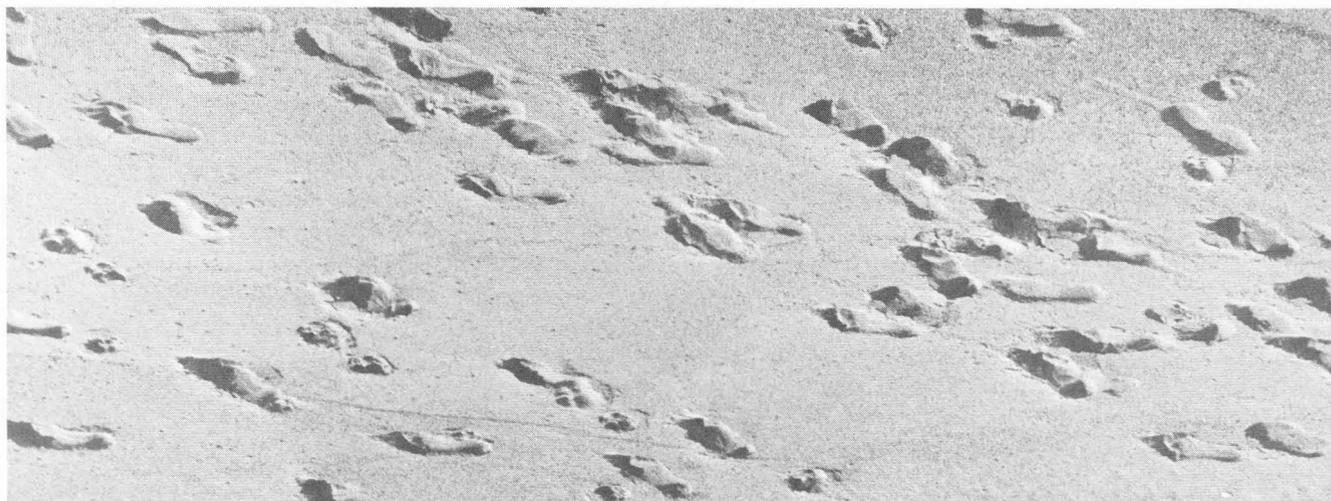
appropriate subdivisions, renovate urban waterfronts, preserve coastal agricultural land, and to acquire and hold key resource sites that could otherwise be lost to public use and enjoyment.

The extent to which the Conservancy joins with nonprofit groups to carry out its mandate is unique among public agencies in the United States, though the concept of such a partnership is not unprecedented: The National Park Service has long relied on the nonprofit Appalachian Mountain Club to manage and maintain trails, for instance. Now, however, the idea of working toward public goals through nonprofits seems to be spreading in government. Other California resource agencies have begun to approach such organizations about assisting in selected programs.

Track Record Examined

The Conservancy provides both outright and reimbursable grants, though program guidelines encourage applicants to seek matching funds, in-kind donations, and other supplementary funding. To qualify for Conservancy funding, local groups must have more than dedicated volunteers with good ideas. They must pass a fairly rigorous series of tests, partly required by legislation, partly built up through experience.

To begin with, only those organizations exempt from taxes under Internal Revenue Code Section 501 (c)(3) may receive Conser-



vancy funds. If the federal government has determined that the group is a public charity providing sufficient benefits to justify donations to it from taxation, that's a good start. But there is more:

The Conservancy only funds projects that further the agency's specific goals. If a nonprofit organization's primary goals include preservation of land for scientific, historic, educational, recreational, agricultural, scenic, or open-space purposes, it may be eligible. However, the organization's track record must be able to withstand a good, hard look. This does not mean that an organization must have years of experience behind it before it can qualify. The Conservancy has worked in partnership with groups that had only recently been formed, as well as with some that are long-established. We ask ourselves: Is this group sufficiently stable, motivated, and capable of seeing a project through to completion? And, most importantly, we consider: Does the project make sense and comply with the Conservancy's guidelines for projects?

A sound project may serve several goals. For example, the Conservancy has provided a series of grants to the Redwood Community Action Agency (RCAA), in Humboldt County on the northern coast of the state. This group's main emphasis is on countering the economic hardship and unemployment caused by declines in the local timber industry, not resource conservation. However, a series of Conservancy-funded projects served the Conservancy's goals as well as those of the RCAA. RCAA repaired disturbed riparian areas, reduced erosion of stream banks, and restored salmon spawning streams—Conservancy priorities—while also providing jobs and promoting economic development.

Based on its years of solid accomplishments, the Redwood Community Action Agency has just published a stream restoration guidebook that the Conservancy will help to distribute to other interested nonprofits.

Technical Assistance

Throughout a project's duration, Conservancy staff work one-to-one with grantees. If a project requires land purchase, the Con-



servancy can often help the nonprofit learn negotiating skills. If there are bureaucratic snags, it can help undo them.

The Conservancy also helps local nonprofit groups working on similar resource issues to learn from each other. It offers community-based workshops and publications of general interest to nonprofits. These publications, available free of charge to all nonprofits, include *The Nonprofit Primer: A Guidebook for Land Trusts*, technical bulletins on a wide range of issues important to nonprofits, and a biannual newsletter, the *Coastal Community*, which reports on coastal projects undertaken by local nonprofit groups.

To strengthen its technical assistance effort, the Coastal Conservancy has contracted with the Trust for Public Land (TPL) to provide a variety of training and technical services to coastal nonprofits to help them better carry out Conservancy projects.

Conservancy-sponsored workshops sometimes bring in outside consultants who meet with members of the nonprofit community. Training workshops for nonprofit directors are tailored to meet the needs of each group, and to help them work more effectively with the Conservancy.

How the Conservancy successfully operates when state and local group interests coincide is best described by example.

Unbuildable Lots

The town of Cambria in San Luis Obispo County has 7,000 inhabitants and 8,000 va-



An agricultural land trust protects dairy farming in Marin County, California, by means of agricultural easements.

cant lots. Relics of speculative subdivision activity in the 1920s, many of these lots, only 25 feet by 75 feet, are unbuildable under the Coastal Act of 1976. The greatest concentration is in the Lodge Hill neighborhood, in a rare native Monterey Pine forest, on steep, erosive slopes with little proper drainage or fire protection.

The Conservancy worked with both the California Coastal Commission and the county planning staff to formulate a policy to reduce the cumulative impact of development and provide much-needed open space by transferring development from certain highly visible areas to others where it could more easily be accommodated.

But an essential component was missing: to carry out the policy, someone had to acquire possibly hundreds of lots. The Conservancy, headquartered 300 miles away, in Oakland, did not have staff resources to commit someone full-time to the Cambria project. The county did not want to be responsible for buying lots in the area where it was actively regulating development.

Fortuitously, some local citizens were forming a new land trust, the San Luis Obispo land conservancy, to conserve ag-

ricultural land and to manage natural areas. There followed something of a courtship ritual: Coastal Conservancy staff made a presentation of the Cambria situation to the land trust board, and the land trust responded with a detailed proposal of its own projects. The results to date: grants totaling \$321,000 to the land trust to develop a restoration plan, work with involved landowners and local real estate agents, and purchase lots in the Lodge Hill area. The land trust's restoration plan to resubdivide the land by using outright purchases and transferable development credits (TDCs) to preserve critical open space has been approved by the Coastal Conservancy, the county, and the Coastal Commission. The land trust already has acquired several lots adjacent to coastal Highway 1.

"Landowners find the land trust less threatening than the state," said John Ashbaugh, executive director of the San Luis Obispo County Land Conservancy. "We can neither regulate nor condemn. These two major state powers can be very intimidating to landowners." (The Conservancy has never used its power of condemnation, having found that dispute resolution is a far more effective tool.) The San Luis Obispo

land conservancy "has learned a great deal about how to approach landowners using strategies from the Coastal Conservancy," Ashbaugh added.

Saving Farm Land

One of the most challenging land use issues facing the Conservancy is that of agricultural land preservation. It is a particularly difficult function for the state to carry out because, on the whole, farmers are skeptical of state acquisitions and of anything else that appears to restrict their ability to use land as they prefer. Therefore, to help carry out its mandate in this area, the Coastal Conservancy joined with land trusts: they had the contacts and credibility in the local community that are vital to a farm land preservation program.

In Marin County, where development pressures are severe, the Conservancy approved a \$1 million grant to the Marin Agricultural Land Trust (MALT) in 1984 to develop model projects that could conserve the land base and the agricultural economy in the coastal part of the county. Conservancy funds were matched by another \$1 mil-

lion from local sources. The land trust, whose members were primarily from the agricultural community, were in an advantageous position to negotiate for the acquisition of local parcels of land. In the first Conservancy-funded project, MALT negotiated a bargain sale for a conservation easement on 320 acres of scenic grazing land. It was appraised at \$360,000, and bought for \$144,000.

Now, several years later, the wisdom of this initial grant is apparent. MALT has carried out several other transactions, not involving Conservancy funding, which have resulted in protective easements over 3,000 acres, all done with full willing agreement of landowners. Bob Berner, MALT's executive director, believes that even more important than the size of the acreage involved is a shift in local perceptions. More farming families, particularly in the dairy industry, now think that agriculture in the area will continue, he says, and are willing to invest in farm improvements. Young people are anxious to buy land for farming. In Marin, as well as in neighboring Sonoma County where the Sonoma Land Trust has received similar Conservancy assistance, local nonprofits find



that farmers are beginning to come to them with ideas for new projects.

Nonprofits Act as Caretakers

Nonprofit organizations are important partners for maintaining existing public access and historical and natural resources that would otherwise deteriorate. The Del Norte County Historical Society contacted the Coastal Conservancy for financial assistance to restore the Battery Point Lighthouse Tower and accessway. The lighthouse, a major tourist attraction in the county, sits on a small island in the Crescent City harbor and is one of the oldest lighthouses in California. Its deterioration required prompt action. However, neither the Historical Society, which managed the lighthouse, nor the county, which owned it, had sufficient funds. A small grant from the Conservancy enabled major repairs to be made and helped to continue the public use of the 131-year-old building, which attracts thousands of visitors each year.

**Battery Point
Lighthouse**

The lighthouse was saved for public en-

joyment by the county and the historical society in 1969, after the Coast Guard found it no longer needed it. Had they not stepped forward, it might have been removed or sold to a private buyer who would not have maintained it for the general public. Now it is maintained by volunteers who also operate the signal equipment through a special aids-to-navigation permit from the Coast Guard. Only a minor (\$25,000) financial boost from the Conservancy was needed to continue this valuable arrangement.

Timely Acquisition

Nonprofit organizations can often move more quickly than state agencies to acquire property for public use. For example, the Conservancy gave a reimbursable grant to the Sempervirens Fund, one of the oldest nonprofits working on the California coast, to acquire an important parcel, the Rancho del Oso, for eventual inclusion into Big Basin Redwoods State Park in Santa Cruz County.

In this case, working with the nonprofit group had two important advantages: First, the landowner needed to sell the property quickly and the Fund could buy it much faster than the state parks department. Second, there were significant cost savings to the state. The Fund will sell the parcel to the Department of Parks and Recreation for half the purchase price and will privately raise funds to donate the remainder of the cost as a gift to the state.

Future Directions

The relationship between the Conservancy and nonprofits can be improved and strengthened in several ways. The agency could serve a stronger role in helping nonprofit groups working on coastal resource projects to learn from each other by providing a forum for exchange of ideas. Workshops could be expanded to include all nonprofits working on similar resource issues in one region.

Nonprofit organizations can also help to strengthen the relationship. We must continue to make sure that these organizations, if they are to receive public money, are fully accountable. Nonprofits have to understand



that a close scrutiny of their operations is a price they will need to pay if they decide to accept public funds.

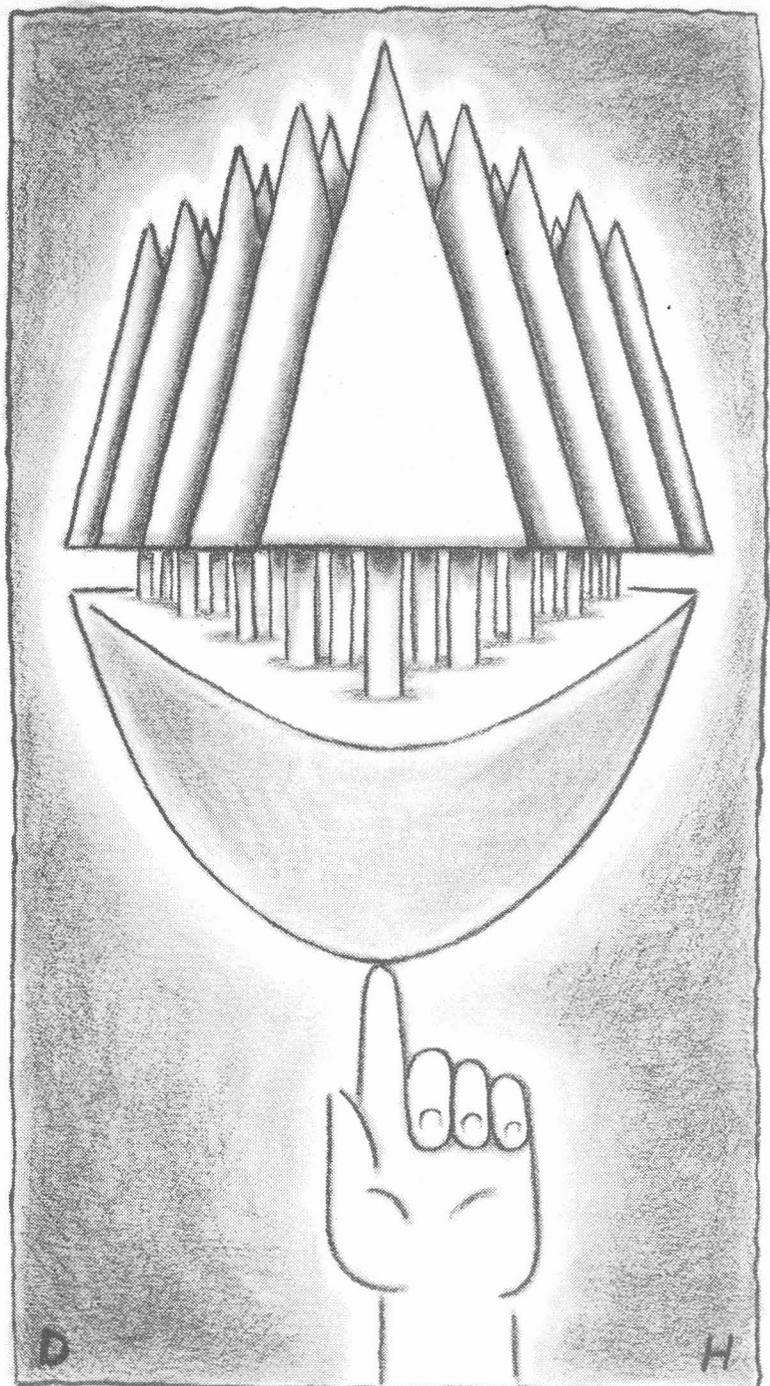
More participation by nonprofits in the state's donations and dedications program would be beneficial. There are more than 1,000 public access dedications along the coast, results of Coastal Commission permit actions. However, the accessways cannot be opened unless they are accepted by a public agency, nonprofit organization, or local government. With the recent Supreme Court case (*Nollan*) restricting the Commission's ability to require such easement dedications, there is a chance that many access opportunities will be lost if prompt action is not taken. Nonprofits could play a larger part in increasing public access by accepting such dedications. In addition, the Coastal Conservancy currently holds about 200 acres of land in the form of conservation easements. These are more suitably held by a local government or nonprofit group.

The partnership between the Coastal Conservancy and nonprofit groups has evolved over the years and will continue to evolve. One far-reaching Conservancy goal is a public recreation trail along the entire California coast. Another is preservation of the remaining 23 lighthouses for public use. Only 12 are now accessible, to some degree, to the public. If such plans are to materialize, some type of partnership with local governments and nonprofit groups will be essential. □

Don Coppock is program manager for the State Coastal Conservancy's nonprofit program and agriculture preservation program. Jenifer Segar formerly was a coastal analyst and the coordinator for the Coastal Conservancy's nonprofit program.

Stream Care Guide

Stream Care Guide, published by the Redwood Community Action Agency with funding from the State Coastal Conservancy and editorial assistance from Janet Diehl of the Trust for Public Land, can be obtained by writing: *Stream Care Guide*, c/o State Coastal Conservancy, 1330 Broadway, Suite 1100, Oakland, CA 94612. □



An Island Way of Life

CAPTAIN HOWARD COLE first started coming to Lopez Island decades ago, while he was with the National Oceanic and Atmospheric Administration. In 1948, he bought some 300 acres, and in 1970, after retiring, put some cows on the land. He loves being a farmer and he loves the island, with its open fields, forests, seascapes, the bald eagles, river otters, harbor seals, and passing whales. "I had spent a lot of time in remote places," he said. "This is as close as I could come to them and still have everything else I wanted."

But the qualities that drew him to Lopez Island are fast disappearing here and on the other San Juan Islands scattered along this northwest-ernmost corner of the United States. They are close to Seattle—only half an hour by float plane—where thousands yearn for a cottage by the sea. In the 1960s, a growth boom sent land prices rocketing and, as docks and houses rose along the lovely shoreline, the wild and pastoral qualities of Lopez began to diminish.

So when some neighbors asked Captain Cole if he would help protect the land, he said yes. He agreed to grant a conservation easement on 120

acres of his farm land to a newly formed local land trust, giving up the right to subdivide and reducing market value and tax cost. The land will remain as open space, and there is a better chance it will continue to be farmed.

"I had friends in the land trust and I respected their idea," Captain Cole said. "People like it here because it's open. If it keeps getting cut up, it'll be just like anyplace else. So putting some land aside will benefit the whole in the long run, I figure."

The San Juan Preservation Trust was formed in 1979 to protect the farm lands, shorelines, special habitat areas, forests, and scenic areas of the islands by giving local people an opportunity to translate their love of place into an investment toward its continuance. The trust founders understood that neither the county nor the state had the resources to commit, and unless the islanders themselves took steps to assure wise use of the land, the San Juan Islands could soon be destroyed by hasty and poorly planned development. "As population pressures came to bear, there were tremendous pressures to rezone," said Linda Krieger, the trust's first executive director. "You might think you have something protected, but any Monday morning, there could be a new vote."

Some special areas were preserved through the Nature Conservancy, but that organization had too many other responsibilities to devote as much attention to the San Juans as local residents thought was necessary. "They have the 50 states and the whole world to save," pointed out Linda Henry of Orcas Island, a longtime community leader who was inspired by the Nature Conservancy to launch the local trust.

The board was selected from among longtime islanders "who owned land but were not wealthy, and who were in the mainstream of

the community," said Krieger.

The first gift received was forest and grazing land with an active eagle's nest on San Juan Island. The second was a very restrictive easement protecting a waterfront area on Lopez where eagles sat on old snags waiting to feed. The third was Captain Cole's easement. The gift of a seven acre-lakefront parcel on San Juan Island allowed public access to land owned by the state Department of Natural Resources but previously inaccessible to the public.

Word was getting out among the neighbors. A couple selling off 40 acres decided to protect it first with a conservation easement, though that lowered the market price. Others followed suit. "You live in a fishbowl on the islands," said Krieger. "When you do something like that, it tends to have a ripple effect. People tend to be good stewards here and will put that sense of stewardship on a legal document in a voluntary way."

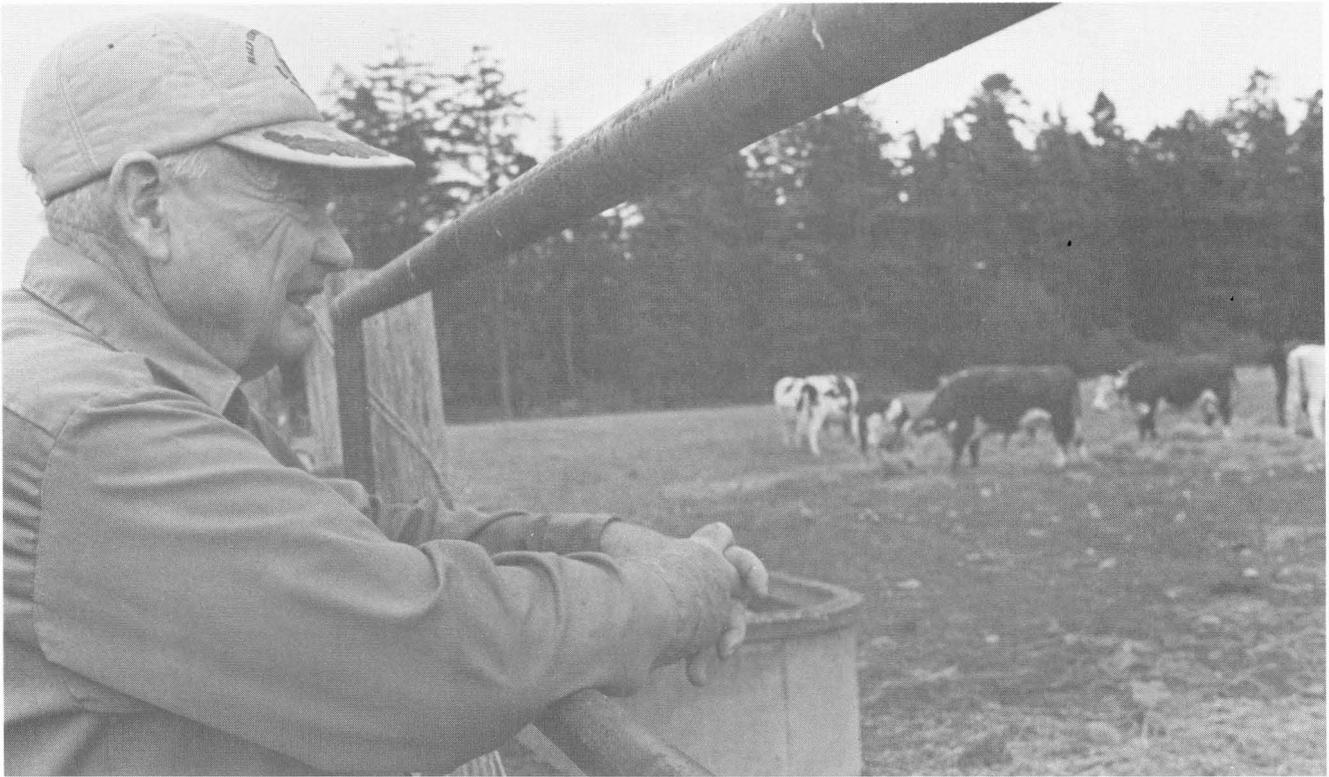
"Many people have very special, almost mystical, feelings about the islands," added her successor, Robert Myhr.

By late 1987, the trust had acquired title or easements on 804 acres, including two and a half miles of waterfront—all as gifts. With only one part-time staffer, the executive director, and an average annual operating budget of \$15,000, it relied on board members to put in much volunteer time. The major problem was scheduling meetings between ferry runs.

"We tended to get decisions real fast," recalled Krieger, now executive director of the Land Trust for Santa Barbara County in California. "When we'd see a ferry, someone would call for a vote."

One of the most recent gifts was a stretch of undisturbed shoreline on Orcas Island, between a state park and federal land. It may eventually become part of a low-tide natural shoreline walking strip between two

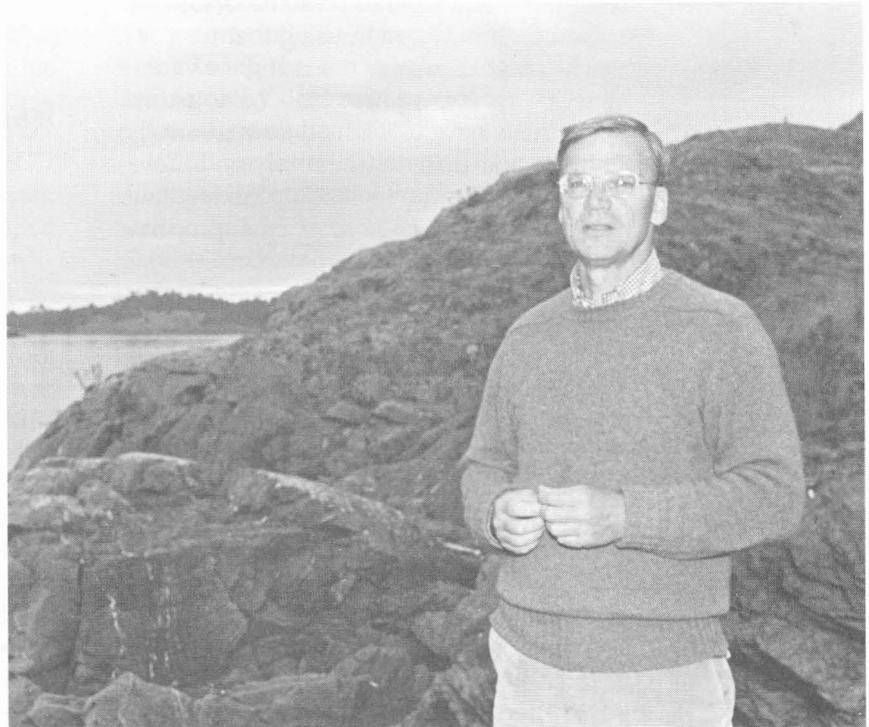




state parks, according to Myhr.

Another was a conservation easement on the largest remaining single-owner, family-held land on Crane Island, a 17-acre farm. Though it had been zoned R-2, two residences per acre, in the county's comprehensive plan, it will now remain as a one-unit small farm, with 210 feet of waterfront.

The trust publishes a newsletter and conducts educational programs. It enjoys wide support, though there are also some islanders who "question what we're doing and think that land trust activity takes decisions away from future generations," said Myhr. "But we try to point out that with property ownership come rights and stewardship responsibilities to protect the beauty of the islands for future generations." The benefits of the trust's work will be enjoyed not only by local residents, but also by the thousands of visitors who flock to the islands each year. Most will not be able to buy a cottage by the sea. But they probably will have access to peaceful seascapes and shorelines, along with the otters and, hopefully, bald eagles and whales. —R.G.



(Upper) Captain Howard S. Cole owns 370 acres on which he raises cattle, sheep, pigs, ducks, geese, and turkeys. (Lower) Robert Myhr at the edge of Davis Bay, with Crane Island to the left. (Opposite page) Linda Henry, owner of the Farm Nursery on Orcas Island.

Photos by Jonathan Ezekiel

Protecting Places:

A New Look at Land Acquisition

by Barbara C. Brumback

THIS ARTICLE IS NOT ABOUT any particular place. It is about ways to protect special places, or special things about these places, through creative land acquisition. It briefly reviews some techniques, looks at their potential use, and touches on some factors that should be considered in using them.

The range of organizations and the variety of techniques to protect land have grown. Land trusts have blossomed throughout the country, and many of them rely on innovative land protection tools. But, like any tool, the instrument chosen must be appropriate for the task.

Fee Simple Acquisition

Land acquisition techniques should be viewed as tools in a toolbox. A sledge hammer is not used when a tack hammer will suffice, and a tack hammer is not used when a sledge hammer is needed. Completing the entire job may require using more than one tool.

When land is "acquired fee simple," the absolute ownership of property is transferred from one landowner to another. Property ownership comes with a set of property rights, and fee simple ownership includes owning the land and the bundle of property rights (such as the right to develop or the right to cut timber) that go with it. In this article, fee simple acquisition means that the land and its bundle of property rights are ac-

quired and retained.

The fee title holder controls the use of the property and is responsible for managing it, so the full cost of fee simple acquisition includes both acquisition and management costs. Fee simple acquisition can be an important part of a land acquisition program, but it is also the most expensive method.

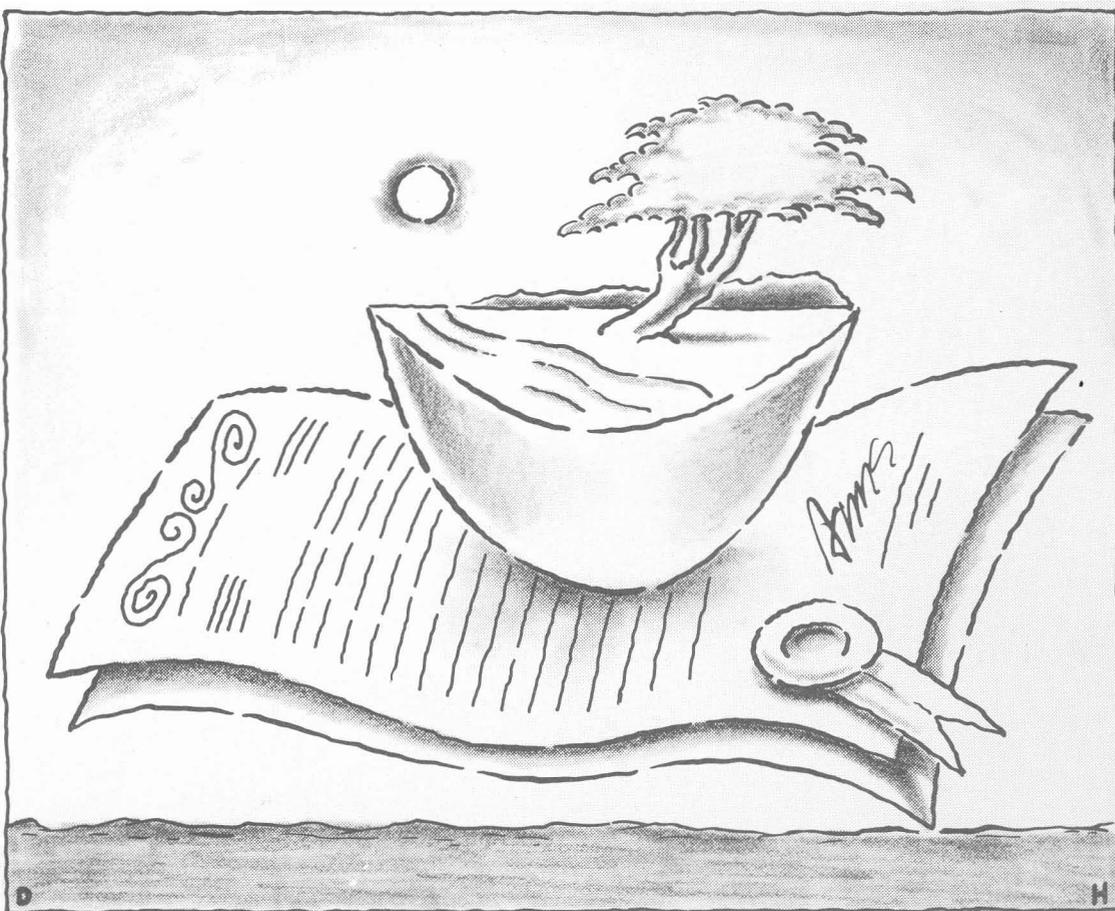
Why Less Than Fee?

In recent years, interest has risen in alternatives to fee simple land acquisition, mainly because:

- high land prices have caused public agencies to examine ways of making the most of limited funding—of getting "more bang for the buck."
- the reasons that public entities acquire land have changed, and these changes make alternative acquisition techniques more workable, at least potentially.

Traditionally, public agencies purchased land mostly to provide services: streets, parks, landfills, canals, office sites, and housing. Such services usually require active public occupation and use of the land. More recently, public agencies have also acquired land for conservation — to protect environmental or scenic values. In these cases, absolute ownership may not be needed. Control over the land's use may be enough.

In Florida, both economic and conservation interests have encouraged the consideration of alternatives to fee simple



acquisition, the state's tool of choice to date. Florida is well known as a high growth state. It gains a new resident every 90 seconds. The state is less well known for its strong commitment to acquire important natural resource and recreation lands. Over the next 10 years, Florida will have the capability to generate an estimated \$1 billion to acquire land through a host of programs funded by diverse revenue sources (including bonds, severance taxes, documentary stamp taxes, and a special optional county "tourist tax"). However, the price tag for land needing some sort of protection is higher than government's ability to pay. Even if the state could buy all this land fee simple, how could it afford to manage it all?

Two Alternatives

One of two major alternatives is acquisition of only the necessary level of interest in the land. In other words, out of the bundle of property rights, only the rights that could be used to harm the resource are acquired. The rest stay with the original landowner, along with title to the land. The second alternative provides for greater flexibility in the land's use once it has been acquired fee sim-

ple. Using the first alternative, the acquiring entity does not get all the property rights initially. Using the second alternative, the acquiring entity does not keep all the property rights permanently.

Whatever the method, land or interest in land can be acquired through purchase or donation. In addition, land development regulations can require that a landowner donate land or interest in land before being permitted to alter his property in some way. In California, for instance, public access must be granted as a condition for development within the coastal zone.

Creatively used, alternative acquisition techniques can resolve conflicts between development and resource protection objectives in a mutually beneficial way, taking the sharp edge off land regulations so that landowners' options are increased while land protection objectives are met.

Acquisition of Interest

The chief acquisition of interest technique is the easement. This is a specially tailored document that either grants rights to others (known as a positive easement) or restricts the landowner's realm of actions (known as

a negative easement). An easement can be granted for a specific term or in perpetuity, but "in perpetuity" is not necessarily forever. Most easements have a reverter clause, so that if the purpose of the easement is abandoned, the easement goes back to the fee title holder or to another party. Easements acquired through grants with the California State Coastal Conservancy typically state that the easement will come back to the Conservancy.

Positive easements can provide access, hunting and fishing rights, or hiking trails. Negative easements can prevent activities such as erecting billboards, filling wetlands, cutting trees, or developing property. One of the principal benefits of an easement is that the document is crafted specifically to meet resource protection or other goals on a particular piece of property. Easements are a flexible, often cost-effective tool. When an easement is purchased, the cost is equal to the value of the property rights acquired — not to the full value of the property.

The most common kind of easements provide access, as when a property owner can only reach his land by traveling over property that belongs to someone else. Access easements can also be used to open land in the public domain, such as the wet sand portion of ocean beaches, to public use.

Conservation easements (negative easements that landowners place on their land to conserve important recreation, environmental, or historic values) are of particular interest in resource protection programs. By acquiring the easement, the easement holder is able to control

the property rights that the landowner could use to degrade the property's resource values. The landowner retains title and all property rights not specified in the easement.

Public agencies have used conservation easements in an on-again, off-again fashion for the last 50 years. A 1985 survey by the Land Trust Exchange showed that approximately 500 nonprofit and government agencies held conservation easements on 1.8 million acres. The list of easement holders

found in the survey includes a host of federal, state, and local government agencies as well as national conservation groups such as the Nature Conservancy and local and regional land trusts. (Programs devoted only to historic easements were excluded from the study, but programs that accomplished historic preservation along with other resource protection goals were included.)

Often, easements served more than one purpose. The following chart shows what percentage of survey respondents used easements to protect the land qualities listed.

%	Land Quality Protected
80	Scenery visible from public road and/or open space character of a community
73	Habitat (fish and game)
52	Freshwater resource areas (e.g., floodplain, aquifer, watersheds, stream corridors)
37	Farm or hay land
33	Timberland
26	Historic/archeological sites
25	Grazing land

Purchase of development rights (PDR) is an acquisition of interest program rather than a tool. The landowner retains the land, but sells the right to develop it. Many PDR programs are designed to protect agriculture. At least six states, including Maryland, Massachusetts, and New Jersey, have established and funded PDR programs to protect farm land. In at least eight states, local governments operate farm land PDR programs. The land's future use is limited through easements or deed restrictions.

The basic idea behind conservation easements and purchase of development rights is very similar. Deed restrictions and easements are also similar in that both are tools that can limit the land's use. Easements, however, set up a relationship between the fee title holder and the easement holder, while deed restrictions are simply recorded, legal limitations of use.

Post-Acquisition Disposition

The second broad type of alternative land acquisition requires the initial fee purchase of land, followed by some innovative disposition of property rights. For instance, by

"Land trusts have blossomed throughout the country, and many of them rely on innovative land protection tools."



means of leases, selective resales (often with restrictions that limit the land's future uses) or other techniques, some or all of the property rights are transferred to another party, either temporarily or permanently. Through post-acquisition disposition, the management costs are reduced, a portion of the acquisition costs recouped, and the ability to acquire a particular tract enhanced.

Purchase and lease arrangements allow the agency to retain title to the land, but the land is leased for another's use under restrictions that dovetail with the agency's land management objectives. The lease can spell out restrictions (such as limiting timber harvesting to thinning) or mandate certain actions (such as providing public access) that assure that the agency's needs for the resource are met. The land can be leased back to the original owner, often as part of a negotiated purchase. The ability to lease back often enhances the ability to acquire a particular tract, an especially important consideration in land acquisition programs without general eminent domain authority. The ability to lease land back to the original owners allows them time to adjust their activities (to assemble other properties, for example) to the sale. Many leases are for resource-based

uses such as timber harvesting, farming, and grazing.

Leases and other arrangements (such as licenses or permits) can also be used to enhance recreation services such as equipment rentals, food, supplies, and campgrounds. Many public and nonprofit land management agencies use different kinds of concession agreements to provide additional income while providing the public with a service.

Another approach used is to purchase land, limit its development by easement or deed restriction, and resell all or part of it. The restrictions could require that the land remain in a resource-based use but need not prohibit development. Some land trusts have combined resale with "controlled development," often clustering development on less environmentally sensitive portions of the land while restricting or prohibiting activities on other portions. Controlled development works best when the site is large enough to allow clustered development while buffering important natural areas from its effects. Of course, this method of resource preservation can only work on sites that are both economically and environmentally desirable for development.



**The river of grass
in Florida's East
Everglades.**

Great Blue Heron

Land trusts have been among the most successful entities using innovative purchases and resales with controlled development. Their private, nonprofit status allows them to enter into partnerships and put together financing in ways that are seldom allowable for government agencies.

Limitations on the Use of Alternatives

All land acquisition techniques, including fee simple acquisition, have limitations. No acquisition and management strategy is 100 percent hassle-free. Fee simple acquisition's principal limitation is the cost of buying and managing the land.

Alternative techniques are often somewhat difficult to transact. Piecing together strategies can be time consuming, particularly the first time it's done. Negotiations with landowners can be complicated by the

"Florida is a high growth state. It gains a new resident every 90 seconds."

landowners' difficulty in understanding the property rights they are being asked to give up. However, especially in land acquisition programs

without eminent domain authority, alternative techniques offer the flexibility that can make the idea of acquisition more acceptable to landowners, particularly when the acquisition technique can meet the needs of both the landowner and the acquiring agency.

For example, to preserve the existing use of a cattle ranch, the rancher could be offered the alternatives of selling or donating conservation easements on his land, allowing the land to continue being used as a ranch, or of selling his land with a guaranteed lease-back.

The alternative techniques have other inherent limitations. For example, some of the problems encountered with easements include the difficulty in determining the cost of the property rights that are being transferred from the landowner to the easement holder. This is a particular problem with purchased easements, since the cost of the easement rises as the restrictions on the property's use increase. Property rights left in the hands of the landowner can also be a problem if those rights are later used in a way that is incon-

sistent with the reason behind the easement.

For instance, a Florida agency holds "flowage" easements in the Everglades. These easements were intended to let water course naturally over the land, but the landowner later wanted to mine limerock, which would damage both the water's flow and quality. The agency recently won two rounds in a legal battle to prevent the landowner from using his remaining property rights in a way that was detrimental to the easement's purpose. Finally, while easements do away with the agency's need to manage the land, the agency must enforce the terms of the easements. The Land Trust Exchange's survey found that enforcement problems were more anticipated than actual. Violations were reported on less than 2 percent of the easements, and most easement holders felt the violations were not intentional. Nonetheless, successful enforcement requires a record of the easement and of the land's condition. As a practical matter, easements are more easily enforced by an entity that is near the restricted land.

The high initial cost is one of the major limitations of purchase-and-lease or purchase-and-resale arrangements. Leasing or selling the land with restrictions can recoup some of these initial costs, but the real savings are realized over the long term in land management. Either the lessee or the new owner is responsible for managing the land. While the agency no longer has to manage the land, it should take steps to see that the terms of the agreement are being met.

The lease or the restrictions placed on the property must be drafted so that the agency's resource protection needs are met. Meeting these needs can include restrictions on the land's use that reduce the value of the lease or bring down the land's market value. For example, say an agency acquires land to protect a natural floodplain where cattle have traditionally been raised. To protect water quality, the amount of nutrients entering the water must be kept to a minimum. Through a lease or resale, grazing can continue, subject to restrictions—limits on the number of cattle per acre or a requirement that the land remain in native range—to protect water quality. Restrictions like these usually bring down the land's market value by making the land's use less profitable to the new owner or

lessee. Simple economics dictates that the value will vary according to the restrictions and the desirability of the property.

Another limitation of post-acquisition disposition is that public access and use may or may not work under the agreement, since the rights of the lessee or new landowner must be balanced against the public need. When a Florida agency bought land along the Kissimmee River, the public's demand to hunt on the property had to be balanced against the lessee's need for a safe place to run his cattle. The solution was to allow hunting of waterfowl only.

In addition, for government agencies, the procedures required before land can be sold often present an amazing labyrinth that impedes innovative purchase and resale arrangements.

Many of the problems that have been encountered with alternative acquisition techniques stem from inappropriate use. In the 1930s, the National Park Service picked easements as the preferred cost-saving tool for the Blue Ridge Parkway, a scenic drive through North Carolina and Virginia wilderness in this eastern range of the Appalachians. Many landowners were unaware of the full implications of the easements. Others became embittered on learning that their neighbors received more money for relinquishing property rights than they had. The Park Service's enforcement costs rose as landowners violated the easements' restrictions. In 1936, the Park Service dropped easements and turned to fee simple acquisitions as a better method to protect the scenic highway corridor.

In other cases, resources were successfully protected by a blending of techniques. In the case of Massachusetts' Charles River, easements, regulation, and fee simple work together in a conservation checkerboard along 112 miles of riverfront.

A thorough understanding of the following factors can serve as a basic guide in choosing an acquisition strategy:

1. The purchasing entity's need for the property. If the land is to be made available for active public occupation and use, all property rights will probably need to be acquired.

2. Nature of the resource to be protected. Exactly what is needed to protect the resource? Is the resource so fragile that all prop-



erty rights should be assembled, or will control over some property rights suffice?

3. Compatibility between proposed land uses and between the landowners, acquiring agency, and other partners of the acquisition. Alternative acquisition techniques typically involve a partnership between the agency, landowners, lessees, or buyers of restricted lands. All members of the partnership must be in accord for it to work, and the proposed land uses must complement one another as well as the resource to be protected.

4. Land management objectives. Does the agency know that it either does not want or cannot afford to manage the property over the long term? If so, an alternative technique should be considered.

5. Long-term cost of each alternative. If all or most of the property rights are needed to protect the resource, the agency should seriously consider fee simple acquisition. The next question to be answered is whether the agency can—legally, and for the good of the resource—use a post-acquisition disposition strategy.

The strategies are only tools, and before a tool can be chosen, the job it is being asked to do must be defined. Defining the job begins with a fundamental understanding that a particular resource must be protected. All other considerations flow from that central fact. Once the dimensions are clear, land acquisition techniques can be selected to protect natural resources and to foster appropriate development. □

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The U.S. Army Corps of Engineers not only built a dam but also acquired natural water storage areas in the Charles River watershed in an innovative solution to flood problems.

Close-Up

The Kindest Cut

CUTTING TREES to preserve a forest? At first glance, that looks wrong. But that's exactly what the Land Trust of Santa Cruz County (LTSCC) will be doing. To preserve the health of the forest and to help pay for a 320-acre acquisition in the hills just south of the famous beach and boardwalk of Santa Cruz, it will harvest selected second growth redwoods on 50 acres of the land.

Is part of a loaf better than none? No, that's not the issue, says Anna Jean Cummings, the land trust's executive director. Consultants have advised that "selected thinning in certain areas of the forest will help bring the totally overgrown forest floor back to life. This is a unique opportunity to service the debt we have on this property and ultimately make the forest more productive. We have a very conservative harvest plan. All significant trees will be marked and saved."

The Santa Cruz land trust is one of a growing number working on projects that appear "anti-environmental" to expand their preservation work. Partial development and mixed use of acquired land are cautiously being explored in many areas where strong urban pressures have driven the price of preservation sky high.

The acreage above the rural community of Corralitos was acquired for one third of its \$1.35 million market value in 1984 from one of the land trust's members, the late Carlton Byrne. The \$100,000 that timbering is expected to bring in will be used to manage the property, upgrade water facilities, create public access trails and possibly some overnight campsites, and service the remaining debt.

When neighbors heard about the logging plan, some worried that it might be a prelude to development. "But we met with them and explained that deed restrictions placed on the property by the trust protect



Byrne Forest

the property from any new residences ever being built on it," Cummings said.

The timber harvest plan is part of a multi-faceted fund raising approach. It will help to preserve the Byrne Forest, so named after its former owner, who had a summer residence in it for 30 years and died nine months after securing its future through his bargain sale to the trust.

The land trust, formed in 1978 by Santa Cruz residents, acquires and receives donations of property and conservation easements on lands that have scenic, recreation, open space, historic, or agricultural value. The 13-member board of directors is diverse, including a dentist, an environmental planner, a tax attorney, and an artist, all from the community.

With only two part-time employees (Cummings and a project coordinator) and many volunteers, the land trust has so far conserved more than 390 acres worth an estimated \$2.5 million and spent only \$225,000. Its first project, carried out with help from the State Coastal Conservancy, transformed an abandoned and overgrown mill pond within Santa Cruz's city limits into Antonelli's Pond, now equipped with benches and an interpretive nature trail.

Fund raising efforts have included outdoor brunches, picnics, and a "Human Race" walkathon. Two annual events have become local favorites. In mid-July, the land trust sponsors Flower Day. Volunteers deliver to businesses pre-sold bouquets (10 for \$25) of surplus flowers donated by Watsonville growers. The businesses give the bouquets, which include a tag describing the land trust, to friends and clients.

In October, the trust holds an all-day Country Picnic on a member's ranch north of the city of Santa Cruz. The price of admission, \$13.50 for adults and \$6 for children, buys lunch, nature hikes, music, and a ride on a miniature steam train from the 1915 San Francisco Exposition for about 500 people. "We want the trust to be within everyone's financial reach, not just big donors," says Cummings. Fund raising events generate about \$9,000 a year. The rest of the income comes from individual and corporate gifts and an occasional state grant. This year, an anonymous donor has offered the trust 50 cents for every dollar it raises from individuals, businesses, and corporations in a fund raising challenge to help the land trust meet its budget needs.

—Pia J. Hinckle

Land Trusts Expand Their Commitments



One of many logging mills in the Santa Cruz Mountains at the turn of the century.

It happened on the Atlantic as well as on the Pacific coast at the turn of the century. Reckless logging was destroying the land's natural endowment, and citizens of good sense and vision rallied to save woods they valued and loved. In New Hampshire they formed a society to protect the forests and established a national forest. In California they fought to save redwoods and founded a state park. On both coasts, they built on their gains, as success inspired further efforts. But now a new menace has come to the fore: reckless development. Again, building on tradition, citizens have organized to save the land's wealth for coming generations.

by Rasa Gustaitis

New Hampshire Forest Society Branches Out

THE CITIZENS OF New Hampshire don't care much for land use regulations: some townships don't even have zoning. Nor do they let their government spend money readily: in the past 25 years, the state has purchased no land for conservation purposes. But these are practical people, and now—as once before at the turn of the century—they know that their well-being depends on protecting the land.

Circle of Protection for the Redwoods Widens

BIG BASIN REDWOODS State Park, in coastal Santa Cruz County, might never have existed had it not been for Andrew P. Hill, a photographer who saw the giant trees in 1899 and was so awed that he spent the rest of his life working to preserve them. And almost surely this park would not have grown to 16,000 acres, and become such a favorite with hikers, if other citizens had not worked to secure its natural boundaries and

New Hampshire

That became widely obvious in the 1890s, when the White Mountains were being clear-cut. Not many people thought of conservation then, but the price of the forests' destruction had to be paid. Without roots and ground shrubs to capture snow melt, steep slopes were eroding, and torrents rushed down, causing floods and filling ponds, rivers, and harbors with silt. Down river, in Lowell and Manchester, the big textile mills were dependent on water power. Their interests and those of the lumber industry were not the same.

Therefore, some businessmen and industrialists concerned about economic impact found common cause with a few preservationists and foresters and, in 1901, organized the Society for the Protection of New Hampshire Forests. Ten years later, they scored a victory in Washington: the White Mountain National Forest was created.

In the ensuing years, the society continued to work for forest protection and, more broadly, to promote wise use of the state's renewable resources. Thanks in large part to its efforts, one seventh of New Hampshire's total land area is now protected. The Forest Society has preserved, or helped to secure for the public, nearly 1,200 square miles of land. Some was added to the national park or to state parks; some given to the state Fish and Game Department. Many parcels—tiny dells, woodland groves with springs and cascades, ponds, salt marshes, and shoreland, went to townships. In addition, the society itself owns, manages, and pays taxes on 18,159 acres—59 parcels spread across nine counties, including farm land, islands, forests, mountains, wetlands, and shorelines. And it holds donated easements on 15,158 acres. All of the society's lands are open to the public.

But lately, a consensus has been building in the state that much more land must be protected. New Hampshire is growing faster than any other state on the Eastern seaboard, except for Florida. The economy is shifting away from pulpwood production to high-tech industry. Tourism is the second-biggest industry and expanding. The state has no income tax, but the rooms and meals tax is sig-



The Society's Project CONSERVE docent Peg Herman raising questions to students on natural resources and conservation.

nificant. And people coming in for weekends or vacations are looking for nature, not shopping malls and housing tracts.

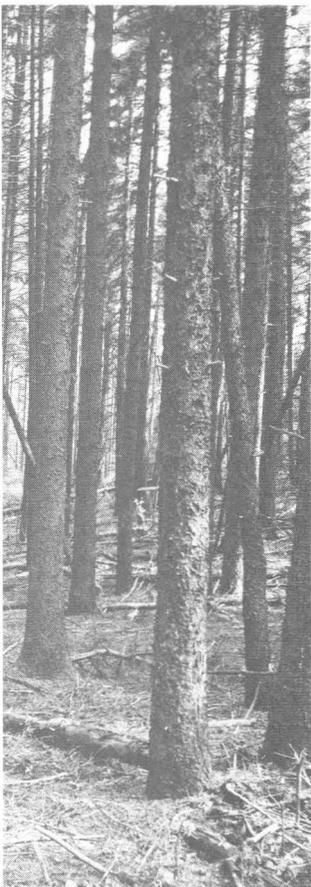
So last April the society launched a new, bigger campaign—the Trust for New Hampshire Lands, a nonprofit corporation with a broad mission: “to maintain New Hampshire's distinctive quality of life by ensuring the long-term health and beauty of its outstanding natural resources and public recreational opportunities.”

The group of over 100 private and public incorporators was a coalition including major conservation and recreation interests, bankers, builders, and organizations representing town selectmen and planning commissions.

“We were trying to bring in all the key players in the state and the key business interests,” said the society's land protection specialist, Sarah Thorne. “The idea—and it's working well—is to build a consensus: we have a severe problem, and it takes drastic means.”

In October, the new trust had a proposal before the Legislature. It called for a major program of acquiring land and easements and asked for \$50 million in five years be-

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Redwoods

to render its wilderness accessible by building trails and campsites.

Likewise, it is improbable that the nearby 3,600-acre Castle Rock State Park would have been created had not one family translated a special love of a place into gifts for posterity, thereby inspiring others to do likewise. Citizens working through local land trusts, cooperating with other nonprofits and with state agencies, have helped state parks to acquire more than 19,000 acres in the Santa Cruz Mountains. And they continue to work, to expand, and to protect what has been saved.

Kenneth Mitchell, chief of acquisitions for the California State Department of Parks and Recreation, said partnerships with nonprofit groups are growing. The tradition is of long standing. "We owe the creation of the fantastically beautiful state park system in large part to the Save the Redwoods League," he pointed out. Formed in 1918, that organization campaigned to establish the system that now comprises 270 parks visited by more than 65 million people annually. It has donated \$50 million to the parks.

Big Basin Park began when one man took action to realize a vision. Andrew Hill was on assignment to illustrate a magazine story when he first gazed up at ancient Sequoia sempervirens. He saw that these trees were part of the nation's heritage but that, as things stood, they would probably be cut down. Already loggers were moving in, hastening to meet the demand for building materials brought by California's expanding cities. Trees older than the Cedars of Lebanon were being felled to produce fence posts and shingles. Hill had the will, energy, and perseverance. He knew writers, priests, professors, and judges. They helped him to put out the word: Save the Redwoods.

Soon after, a group of like-minded people trekked into the mountains and found trees even more ancient than the ones Hill first saw. On the banks of a creek on May 18, 1900, they organized the Sempervirens Club, passed a hat, and collected \$32 for the treasury and, with Hill in the lead, fought until, in 1901, the governor signed a law creating "California Redwood Park . . . for the honor



Volunteers at Castle Rock State Park planting young trees and shrubs for erosion control as part of Sempervirens' annual reforestation program in the parks.



Early members of Sempervirens Club in front of Father Tree in Big Basin Redwoods State Park. Founder Andrew Hill seated center front. Photographer unknown.

of California and the benefit of succeeding generations." Soon the first 3,800 acres were acquired—the first land to be purchased for a state park.

For 53 years, the Sempervirens Club continued to work to complete the park, filling in gaps and securing natural watershed boundaries. But when it dissolved in 1954, key acreage was still privately owned.

Emergency Brings New Support

By the 1960s the big threat to the redwoods was not logging as much as it was development. In 1968, 320 acres on Mount McAbee, a dramatically beautiful privately owned site within the park, were about to be subdivided. The state parks department was unable to commit the \$12,000 required to secure the land by the May 1 deadline. So a San Jose pharmacist, Claude A. (Tony) Look, and three allies jumped into the breach. They launched a "May Day" campaign to raise the money—and met their goal more than twice over.

Meanwhile, another group was working to create a new state park to the east of Big Basin, along Skyline highway. Russell Var-

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New Hampshire

cause, said Thorne, "if we don't act soon, the land will be gone. We are interested not in just a few nice parks, but in making a major impact."

Last spring, the Legislature overwhelmingly passed the Land Conservation Investment Program, the most comprehensive land protection scheme in the state's history. It is designed in the spirit of New Hampshire: maximum economy, minimum regulation and bureaucracy. The trust will identify and evaluate land of greatest priority, working with data from an inventory of lands of great

est significance to the state's citizens. Local communities will name lands they want to preserve, following rules and criteria set down by the state. The lands can include aquifer recharge areas, forested watersheds, farm land, and undeveloped shorelands. The trust will be the acquisition agent for the state and use the state's money only for direct acquisition costs. To meet all other costs, the trust has made a commitment to raise \$2.5 million. Matching grants provisions will enable towns, groups, and individuals to improve prospects for lands they want to be considered.

By April, the trust had inventoried 300,000 acres worth \$250 million as the start for a base from which to make selections. The Legislature passed the program overwhelmingly and appropriated \$20 million of budget surplus funds for acquisition. It will consider additional appropriations in two years. "We hope to stretch state dollars, doubling the amount with donations," said Thorne. The trust's lifespan is limited to the duration of the program, which ends January 1993.

Meanwhile, the Forest Society continues to add land to the White Mountains National Forest and to acquire and manage land and easements. To make sure the easements are honored, it conducts an aerial survey of lands annually. Only two violations ever turned up, and one was a misunderstanding. But "your easement program is only as strong as your monitoring program," says Thorne.

Another important aspect of the society's work is its extensive educational program on natural resources. The concept of land stewardship to which it is committed requires an informed citizenry.

With a staff of 18 and a membership of 8,000, the society is the largest conservation group in the state. Program funds (\$886,000 last year) come from investment income (30%), contributions (17%), reimbursement for services and program fees (15%), dues (13%), grants (8%), and from rents, forest operations, and occasional land sales. "Sometimes we are given something that's not appropriate to keep," explained Thorne.

"It's very rewarding work," she says, "helping to pass the land on to the next generation." □



Redwoods

ian, who with his brother Sigurd invented the klystron microwave tube and later founded Varian Associates, used to hike around the giant boulders known as Castle Rock while a boy. He had long hoped to preserve the land as wilderness. He gave the funds for the first 513 acres of what in 1968 was designated as Castle Rock State Park. Big Basin and Castle Rock supporters joined that same year in forming the Sempervirens Fund to further the cause of both state parks. In one of their first projects, the following spring, they rallied 2,500 volunteers who built a trail connecting the parks in a single day. That feat launched the Santa Cruz Mountain Trail Association, which now brings citizens out annually for Trail Day to build or maintain trails. Later, the 30-mile Skyline to the Sea trail was created, allowing a descent from mountaintop to the coast, ending at the mouth of Waddell Creek, on land recently secured with a loan from the State Coastal Conservancy. Three more trails, linking nearby parks, are planned.

The Fund was dedicated to securing watershed boundaries, and nobody was more conscious of the need for this than Tony Look, its executive director for the first 17 years. He had grown up among redwoods to the north, in Humboldt County, and had seen magnificent forests ruined by clear-cutting. During exceptionally fierce storms, in 1955 and 1966, storms and landslides from denuded hills destroyed Bull Creek, the town where his father had grown up, and tore out 1,000-year-old trees that had been preserved—without watershed protection. So, he said, "I decided there were better things to do than run a pharmacy," and turned his energies to conservation.

Much Was Accomplished

Now 12,000 members strong, the Fund managed to acquire more than 4,000 acres at a price of over \$3 million, passing it on—always at half what it had paid—to state parks. "The Basin has 22,000 acres of integrated ecology. We still need 5,000," said Look's successor, Verlyn H. Clausen. "Some of that is logged, but strategically in the watershed, so we could have a Bull Creek problem. The state Parks and Recreation Commission has

established a legal master plan boundary for Big Basin, so we have a clearly defined focus."

On Castle Rock, the emphasis is on acquiring parcels that are bordered on two or three sides by the park, and, in the long term, securing land on the Lorenzo River watershed. Dorothy Varian, widow of Russell Varian, has continued to lead the way on this front. Year by year, the task of completing the parks is becoming more difficult. Land that cost \$500 an acre 20 years ago now goes for up to \$3,000 an acre.

"It's a race to the finish line," says Clausen, looking at the big map on his office wall, showing Big Basin and Castle Rock state parks with planned boundaries and with gaps, like missing pieces of a jigsaw puzzle. "Developers will occupy all this in less than a decade if we don't."

But thanks to the work of citizens groups, especially the Sempervirens Fund and its offspring, the Santa Cruz Mountain Trail Association and the Santa Cruz Mountains Natural History Association, these redwood parks now have a broad base of loyal supporters. Women who as Girl Scouts came to camp under the redwoods have returned at middle-age to dedicate standing trees. Some who gave money to plant a seedling later dedicated whole groves. Dedicating a standing tree (\$175 to \$1,500), or grove (\$5,000 and up) allows you to place a small plaque at the foot of a tree. Look found it a fine way to raise funds and give people a personal stake in the park. This fall, Arthur Hayler, who designed much of Highway 280 while working for the state highway department, and his wife, Louise, celebrated their 50th wedding anniversary in a grove that friends and relatives dedicated to them. "We thought we would encourage all our family to take a look at Big Basin if they haven't been there yet," explained Hayler. "And it seemed a good idea—to save some trees."

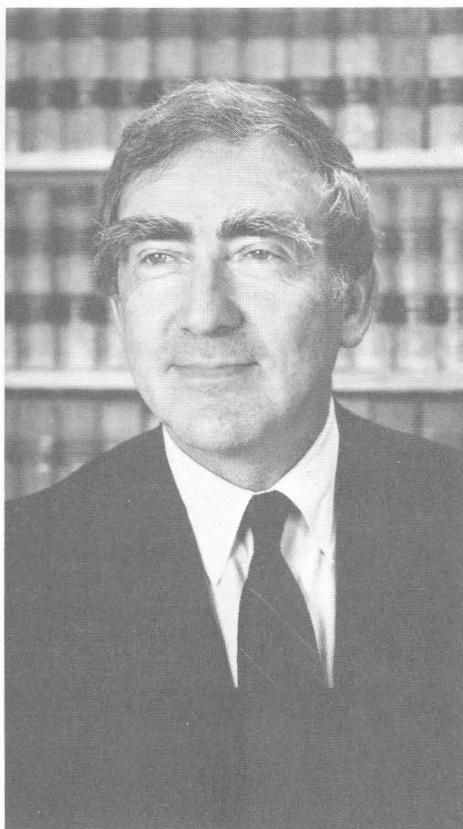
Parks department officials have nothing but praise for the Sempervirens Fund. "They work very closely with the department and are very effective," said Ross Henry, chief of planning and local assistance. "Through their efforts we've acquired thousands of acres." □

A Perspective on the Land Trust Movement

An interview with Kingsbury Browne

IN 1980, KINGSBURY BROWNE, a tax attorney on sabbatical leave to Harvard and the Lincoln Institute of Land Policy, told his family:

"I think I'll follow Steinbeck's route in *Travels with Charley* and go west to visit some land trusts." His family responded: "Fine, except that Charley's not going, we are." So, with his wife and several children, he set out. What he saw led him to encourage the Lincoln Institute to organize a meeting that prompted the formation of the Land Trust Exchange. He is that organization's general counsel and also a member of the board of advisors of the Trust for Public Land. Browne was interviewed by *Waterfront Age* editor Rasa Gustaitis in his office on the 19th floor of a



Kingsbury Browne

high-rise overlooking Boston Harbor.

Waterfront Age: To what do you attribute the enormous increase in the number of land trusts?

Kingsbury Browne: It's a response to threats of loss of critical lands in communities. The 50-odd land trusts that existed in the '50s were a seminal group that became models for the some 500 that came after them in response to local crises.

WA: How did you come to be involved with the land trust movement?

KB: I'm a tax lawyer. Land trusts depend on charitable gifts of land and interests in land, and that's basically my field. Fifteen years ago, Hank Foster—Charles H. W. Foster, who's well known for environmental work around the country—suggested I look at tax policy and administration as it affects land conservation. I did and got into it through that back door. Not many have really looked at the tax policy side of land conservation.

And then in 1980 I had a sabbatical leave and went back to Harvard [for six months] as a visiting scholar and as a fellow at the Lincoln Institute of Land Policy. I took the occasion to go west looking at land trusts.

WA: What common threads did you find?

KB: I was intrigued with the capabilities of the people involved, almost without exception. They were all interested in what other land trusts were doing but had few contacts with them. So they were tending to reinvent the wheel. I wrote a report for the Lincoln Institute and suggested they bring these people together, which they did for two days, paying expenses. And when they met they decided to formalize themselves as a non-profit umbrella organization called the Land Trust Exchange.

I was also interested in the difficulties—I think they have abated since 1980—in relationships between private land trusts and local governments. The Blackfoot River program was an example. There, ranchers were willing to give perpetual scenic easements, but they wanted county control of the river and the rafters. The solution was striking: In

addition to the scenic easements, the ranchers gave short-term access easements to the Blackfoot, but on condition that the county put wardens on it. With that, a level of successful private-governmental cooperation began. Similar public-private sector relationships are now becoming more common. They were rare eight years ago.

In the East, land conservation through government bureaucracy and by nonprofits ran in parallel. Now you see nonprofits working closely with state governments in all phases of land protection. The Trust for Public Land does major work here in Massachusetts assisting the Department of Environmental Affairs and the Department of Food and Agriculture in complicated acquisitions, including farm protection. Without the timely and skilled intervention of TPL, some of our most critical lands would have gone into development.

WA: *What occurred to bring the change?*

KB: The sense of haste of hurrying hounds. The land disappearance problem became visibly critical. The President's Commission on Americans Outdoors certainly expressed that early in 1987: "... more and more the solutions must be found close to home by such means as land trusts to preserve river fronts and landscapes."

WA: *In California, the coastal regulation program has pretty much been dismantled, and environmental issues are not on people's mind in the same way they were earlier. It's not a lack of caring. But people tend to leave them to someone else to take care of.*

KB: You know, back in the 1970s, when the federal government was very active, a lot of federal money went into protecting land at the state and local levels. That tended to enhance the idea that the federal government was worrying about it. When the land and water conservation funding ended, the states had to step in and expand their programs.

WA: *New Hampshire would be a case in point.*

KB: New Hampshire, Massachusetts, Florida. Maybe, in a way, the initiative has been

put back on the states and many seem to be responding. Maybe that's a better way.

WA: *The growth of land trusts is also part of that response. Did some change in tax law encourage it?*

KB: The principal federal tax benefits accorded to land trusts are exemption from federal income taxes and the deductibility of land contributions. State preferential real estate tax assessment laws result in lower assessments for farm land, woodlands, and conservation lands. The recent tax effort has been more one of trying to hold on to these traditional tax benefits. About 1976 we began to see Congressional concern with gifts of conservation easements and similar partial interests in land. At the same time, the Treasury Department tightened up on deductions. The 1986 Tax Reform Act cut sharply into prior tax benefits.

At the Land Trust Exchange, we started what is called the Conservation Tax Program, an effort to put current tax developments into language an educated layman can understand and use with people working on land conservation. If, for example, a case comes down involving the valuation of a conservation easement, we will issue a synopsis of the case, in memorandum form, and then attach the case to it. Part of my work is in that area.

WA: *This seems to be a very democratic movement.*

KB: Yes, because of its roots. I remember back at Harvard Law School there were people on the faculty who said, "Well, this is all very elitist." But the reply to that is simple: A lot of our critical resources are or until recently were in the hands of wealthy people because they had the good fortune and opportunity to acquire particular, critical pieces of land. That land can now pass into public use, albeit at considerable expense. Today in New England we are watching our water tables dropping and ground water becoming

***"Our colonial laws provided
... access to great ponds
... and to beaches, so long
as a person 'shall not trample
on another man's corn.'"***

contaminated. Thousands of people are being hurt. Politically there is now evidence that the public is damn well concerned and that government is not keeping up with that concern.

WA: *Nongovernmental efforts are showing promise in many areas now.*

KB: I think that's right. The local concern of citizens has to be the starting point. But without the cooperative intercession of government, it will be difficult to accomplish this job. That's why the President's Commission recommended a billion dollar trust fund: it is recognition that government has a very important role to play—a much bigger role than it has assumed.

WA: *Where do you see this movement headed?*

KB: Continued growth, a steady involvement of many capable people, particularly younger people. What I cannot yet see is the radical departure required to really come to grips with the task.

"The time is coming when people who move into a community will ask not only about schools but also about the disease profile of the community."

For example, local coastal communities in Massachusetts all have town beaches. And many go to great lengths to exclude the interior communities. Even for coastal communities there is lack of sufficient access. Towns are now going back through historic

records looking for access rights. Our colonial laws provided that the public should have access to great ponds, which are ponds over 10 acres, and to beaches, so long as a person "shall not trample on another man's corn." That basically says you can walk through an owner's woodlot to fish or wildfowl, but you may not walk through his garden. With woodlots turned into lawns, and uplands above beaches developed, access rights have been cut off.

We've come full circle since colonial times. The early settlers came from England, where resources, like beaches, forests, and great ponds, were all owned by the crown. The colonists said, we'll put it all back in the hands

of the private citizen. Today we struggle to find ways of restoring beaches and great ponds to the public.

In Massachusetts, the owner of the upland along the Atlantic owns the beach. Individuals have a right of passage only for fishing and wildfowling. Our beaches are therefore largely closed to public recreational use. It isn't only a question of paying owners to open up those beaches, although the cost is significant, it is also a lack of realization by government that it has to police those beaches. I suspect landowners would be receptive to a sort of joint venture if government would face up to the need to police and ration the hordes of people who want to use beaches. The whole notion of private ownership of land and that owners can do anything they want with it is out of date in terms of what's happening with our critical resources. But if there is a public interest, it must be a responsible interest.

I think pollution and disease will strengthen this movement. Years ago, the head of public health at Harvard Medical School said to me: "You know, in law you have no means by which to measure the quality of your legal care." I asked, "What do you use in medicine?" and he said, "Death certificates." And he said, "The time is coming when people who move into a community will ask not only about schools but also about the disease profile of the community. Is the cancer rate higher than elsewhere?" We've had examples here in Boston's suburbs of a much higher than normal incidence of children's deaths from leukemia. That may be linked to ground water contamination. Elevated death rates from cancer occur in the vicinity of nuclear power plants.

When you start talking about measuring communities by disease profiles, water supply contamination, and lack of access to beaches, you begin to find aroused communities. I think the people in such places will insist on more responsive government, and will also support local land trusts, which can, for instance, protect aquifers through conservation easements. A lot of that is going on here and in the West too. Land trusts are local people trying to step in and say: "If you don't know what your problems are we will try to help identify them. And if you do, we can help." □

Art, Science, and Effort

by Allen H. Morgan

MOST MAJOR NONPROFIT organizations—large hospitals, universities, and some long-established national conservation groups—depend on the “Three G’s” to bring in money. Trustees must “Give, Get, or Get Off.” This is not to say that management does not need policy advice and direction, but such assistance also generally comes best from successful people who have money or access to it. But tactics that work for the National Audubon Society or the Nature Conservancy may be unattainable for small land trusts, for few will be able to find enough “heavy hitters” to serve on their boards. For them there is another route, one most successful nonprofits—even the large ones—rely on for the long run. It demands substantial investments of time, effort, skill, and cash.

It can't be done with smoke and mirrors: Your goals must be important, and your operation must withstand scrutiny. In our “business” of preserving land, tricks and gimmicks don't work. They may generate thousands of raffle ticket purchases for the new car, but the net return is low for the effort required. Gimmicks also demean your project. People capable of writing a check for \$10,000 are not much interested in raffles, and may even be turned off by them. And while thousands of names may be generated by the lure of a jackpot, these are poor prospects. They were attracted by the jackpot, not the cause.

Ours is an important cause with great intellectual and emotional appeal. If eloquently articulated, it will find support among gen-

erous people with surplus cash. The values of open space are self-evident to most people willing to look and listen, even though efforts to explain them scientifically may bog down in complexity. Swamping the public with detailed data will not get your message across. The land trust's executive director must know how to communicate well and should spend at least half of his or her time doing so; raising money boils down to identifying people with money who think your cause is important and motivating them to give. Much of the work involves planting seeds that take many years to germinate.

Begin by building membership (or supporters, if you prefer). Members are both an end in themselves and a means to achieving your goals. Their financial support enables the organization to operate and to employ staff with special skills to multiply effectiveness. Members are centers of influence—on corporate and foundation boards they are of key importance in securing contributions.

During a luncheon back in the 1960s, I sat beside a state senator who knew nothing of Massachusetts Audubon. When I told him it had 16,000 members he was silent for a time, then replied: “Mr. Morgan, there are not 16,000 dues-paying card-carrying members of the Republican and Democratic parties combined in Massachusetts. If you can lead and focus that membership it will be the most powerful political force in the state.”

“There is no secret password or key. The effective approaches are straightforward and simple.”

It's no accident that our state has a pioneering record on environmental issues.

Massachusetts Audubon is now 38,000 strong, and has an average monthly dues income of almost \$100,000. Add another 15 percent in extra gifts for general operating support, plus an average of more than five bequests a month, and the Society's annual budget is \$5 million. Years of hard work lie behind those numbers.

But all this does not answer the burning question on the reader's mind: How to land that \$100,000 gift or \$1 million bequest? There is no secret password or key. The effective approaches are straightforward and relatively simple. Their execution as a coordinated program is long-term. It requires excellent communication skills combined with a significant budget and careful management of the clerical details, which become more complex as numbers grow.

My experience has demonstrated the following basic steps to be effective.

Step One—Identifying Prospects

Consider: Who out there among the general public is interested in your project? Which ones have enough money to be able to give some away? Which ones are generous enough to do so?

In persuading prospects to identify themselves, publicity is of fundamental importance, especially when it is "hard" news, not just the report of some superficial event. Here controversy is the key ingredient. The media will report it, and it attracts people of substance, provided, of course, that your position in the controversy is rational and convincing. The people it offends will never give you money anyway.

Wayne Hanley, former city editor for a major newspaper, who produced virtually all of Massachusetts Audubon's printed materials and orchestrated a flood of media publicity during the 20-year period of explosive growth from 3,000 to 30,000 members (an increase in dues income from \$35,000 a year to more than double that a month) maintains that the only publicity that is bad for you is your obituary.

But in the same breath let me emphasize and re-emphasize the basic importance of being right on the issues: Do your home-

work, be rational and brief, but call a spade a spade.

An advertising executive for a major corporation refused to give Audubon cash but agreed to fund a series of public service television and radio "spots" built around major issues and with a key ending: "Send a self-addressed, stamped envelope and we'll send you more information." Responses sometimes exceeded 1,000 a month.

We sent a reprint of the four-page centerfold of a recent Audubon newsletter on major issues keyed to the public service spots—water pollution, wetland values, pesticides, population growth, solid waste, air pollution, and others. All respondents were entered into the computer and solicited for membership at two-month intervals, five or six times in all, until the response rate fell below 1 percent—an overall total return of over 10 percent.

But again, what worked for Audubon may not work for a small, local organization. It probably cannot get on TV, and local radio is far less effective. If land trusts could form statewide or larger coalitions for a TV campaign, dividing returns regionally, this avenue would be open to them. Unfortunately, most seem incapable of doing so.

There are many other effective methods: Find an inexpensive, high-quality item related to your goals and advertise it for sale. A good strategically placed ad can pay for itself in merchandise sold, and 10–25 percent of the respondents will join when asked.

Create a master list of prospects, consisting of everyone who comes to you for almost any reason. Responses to the ad are a major source. Create a simple form and jot down the names of people who telephone. Ask reservation visitors to register; charge a fee to nonmembers, but give them a receipt which, on presentation with the balance, will credit their fee toward membership.

Step Two—Converting Prospects to Members

You must tell your story with enough eloquence to capture people's attention and convince them—not an easy task!

Be brief. Attention spans are short, competition is severe. Use pictures, graphs, and

maps: Giving is more a response from the heart than an intellectual decision.

Repeat endlessly. The audience is constantly changing; people forget; almost none understand as clearly as you do.

Consider direct mail. It's expensive but cost-effective if you are careful. And who can come up with a better way to achieve high volume? If a mailing costs \$2,500 and returns only \$1,500 it is not a failure: where else can you invest \$1,000 (the net "loss" incurred by the mailing) that will return \$1,200 or so a year later, and nearly comparable amounts indefinitely into the future? Even people who do not respond are reached. Many read the material and may respond next time. Name recognition is increased. Your publicity or advertising efforts reinforce the process.

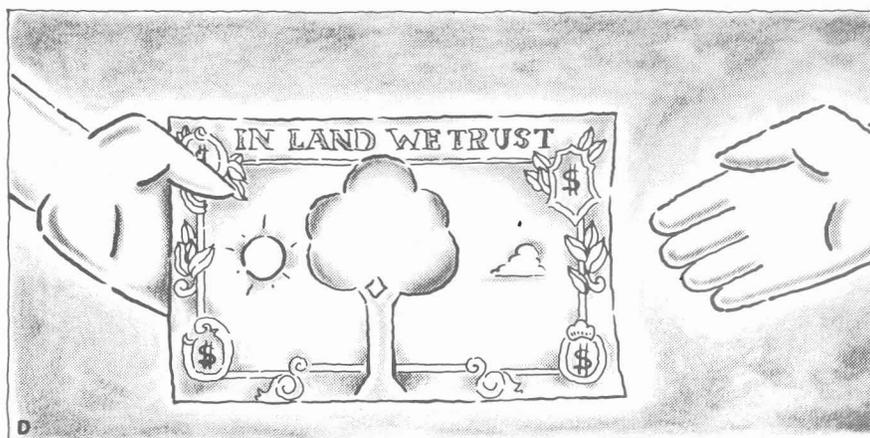
Make the first step easy. Many people with money won't start giving until they have learned enough about you to be satisfied. A basic membership fee of \$100 automatically turns away many high-potential people who won't risk that amount to find out about you.

What should the basic fee be? Sudbury Valley Trustees' (SVT) is still \$15, but the average new member dues payment is now about \$25 (our Family category, a golden name!). SVT's average renewal level over the last 12 months is now \$37. These figures demonstrate to me that a modest (to \$20?) dues increase will not have a negative impact *financially*—but I'm convinced of the importance of *numbers* and want to keep the entry threshold low.

But remember two things: As dues rates go up, you begin to compete against yourself. Higher rates will inevitably reduce extra gifts. Remember also that the *only* rate you can really increase effectively is the basic one. All others are voluntary.

DO NOT force people to choose between going up or down. With a scale of \$15 individual and \$25 family membership, an increase to \$20 and \$30 forces the \$25 member, who has already voluntarily increased \$10 above the minimum, to either go up or down. Many will go down, and I believe it leaves a bad taste in many mouths.

Remember, it's important to have large *numbers* of members. They are a political force, and ultimately, it is in the political arena that conservation battles will be won or lost.



Step Three—Upgrading

The first step is simple: offer a sliding scale of membership dues, and as a "first cut" they will identify themselves. When I left Audubon in 1980, more than 100 people on average were renewing each month at \$100 or more without my having called on them in person.

Some were surely straining to give \$100; surely for many others the potential was much greater. How to find out? Ask around; call on the phone and invite them to lunch so you can report in person what their generous level of giving enables you to do.

Hold an informal lunch—adequate but inexpensive. A major Boston bank (one of our board members was a director!) was glad to sponsor Audubon's. Invited were all members who had renewed six to eight months before at \$100 or more. My pitch was informal, and candid: You are substantial supporters. We are grateful and want to say so in person as well as to respond to your questions and secure your views. We want your constructive criticism.

At one such lunch one of Boston's wealthiest philanthropists (whom I had never met) stood up in the midst of my opening remarks, apologized for interrupting, turned to the audience of 30 or so, and said that in his 50 plus years of experience giving away millions to local charities he had never before been invited to such an affair. A brief chat later set the date for a visit in his office, which led to major annual operating support from his corporate foundation. A direct approach through staff had failed twice before.

Incidentally, we lost that support a few years later when a staff scientist's testimony was alleged to be the key to a substantial financial setback for the company. I don't think we deserved as much credit as we received, but we lost the support anyway.

"Giving is more a response from the heart than an intellectual decision."

To try to get a broader range of members to upgrade, premium offers are very effective: a \$4 coffee mug (your cost in small volume) for a \$25 or \$50 gift or dues increase. At Audubon such a program initially sold over 400 mugs a month—and at that volume, cost is cut almost in half.

No matter how much he or she gives, thank *everyone* with a personal letter. For gifts of \$100 to \$1,000, call to say thank you. Periodically—say on the 10th and 20th anniversaries of joining—as you thank members for their latest renewal, suggest that they consider endowing their support with a bequest.

Over a span of 25 years, such a program has generated over \$25 million in bequests for Massachusetts Audubon. Incredibly, many come from people who are not members at the time of death.

Be Willing To Experiment

Try new ideas. You'll generate some errors in the process, but trying crazy new ideas is the way to find the ones that work. Some techniques that work for some will flop for others, and vice versa. Keep testing your experiments against controls, keep careful records, act on what

"Raising money boils down to identifying people with money . . . and motivating them to give."

you find out.

At SVT, a recent new folder produced half as many returns as the old one. It was promptly dumped. At Massachusetts Audubon, scrutiny of membership records turned up two facts: half of all losses came at the end of the first year, and new members

virtually never made an extra gift that first year. We stopped soliciting extra gifts in the first year. And we added a service for new members. A month after they enrolled, we sent a New Member Kit, which included the latest annual report, recent newsletters, sanctuaries map, and other items, together with a "welcome aboard" letter with an invitation to an open house for new members, held quarterly at headquarters and regional centers across the state. Result? First year losses declined 25 percent. Detailed records, and their careful scrutiny, were the key.

Consider Timing

Bill annually on the anniversary of initial joining—not once a year as some organizations insist on doing.

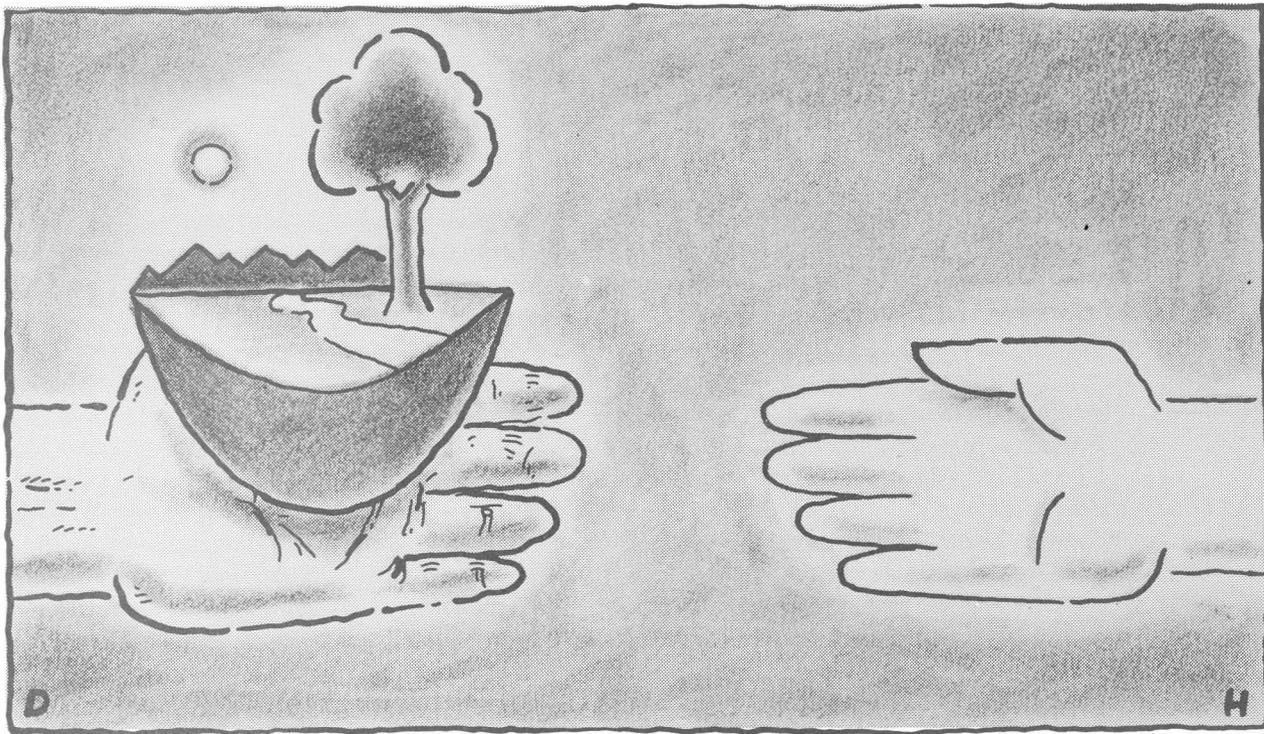
Six months after renewal, ask for an extra gift.

Do *not* send out an "annual appeal" for extra gifts to all members simultaneously. It automatically competes with the renewal process for 30 percent to 40 percent of your members. It is unproductive, leads to confusion when people up for renewal use the appeal envelope to send in their renewal check, and it irritates many people.

Where Else To Get Money?

Take it wherever you can find it, take it even from the "bad guys." Assume it will never be repeated for budgeting purposes, and tell off such donors at even the slightest hint of seeking favors in return. SVT receives \$250 a year from a notoriously bad actor with whom we are in almost constant confrontation. He has never raised the subject. I can't understand it.

Government grants? Usually not worth the effort required and the risks involved, in my experience. Ditto foundation grants, in many cases, though not nearly as bad as government. Don't misunderstand: Audubon receives at least one foundation grant a week, and SVT doesn't usually turn money down



either. But most foundations want exciting “new” projects that require staff expansion and generally leave you hanging in midair financially when the grant runs out. And foundations almost never will pay for overhead. The foundation grants you want are the ones that really *help*—that support your priorities, not theirs.

A fund raising method that seems to be growing popular among land trusts is partial development: the sale of enough house lots (or trees, or whatever) to finance an acquisition. Space does not allow treatment of this big subject and its pitfalls. Suffice it to say that if as much as half the land in question is involved, you probably should not do this: the gain is not worth the public perception that you’ve become a developer.

Keep your priorities flexible. The very nature of this “business” is opportunistic. Usually there is no way you can tell when an owner will be willing (or forced) to deal on land. Pushing too hard on an unreceptive prospect may ruin your chances. Seize opportunities. “Yes,” “Maybe,” and “No” can be likened to the gears of a car: drive, neutral, or reverse—you make progress saying yes!

More important than the Three G’s to me are CS and CC: common sense and common

courtesy. Liberally laced with conviction, enthusiasm, and energy, they smooth the way. Follow your instincts for what is right rather than what may be popular. “Pitch” to a prospect only what you can defend with total confidence as true, honest, and open. Be on time; respond quickly, whether it’s to say thank you or to answer a critical letter. Answer all letters, especially the critical ones.

The frustrations on the road may be many, but the rewards greatly exceed them. Good luck. □

Allen H. Morgan was executive vice president of the Massachusetts Audubon Society until 1980, when he resigned to accept a Mellon Fellowship at Yale for six months and to become the executive director of Sudbury Valley Trustees, which he helped form in 1953. It owns over 1200 acres outright, and through its advocacy and surrogate role with government has been influential in the preservation of more than 5,000 additional acres by government. During his 23 years with Audubon, Morgan conducted numerous fund raising campaigns and saw the Society’s endowment grow from \$2 million to \$10 million—a figure that increased by \$10 million over the next five years from bequests he had initiated.

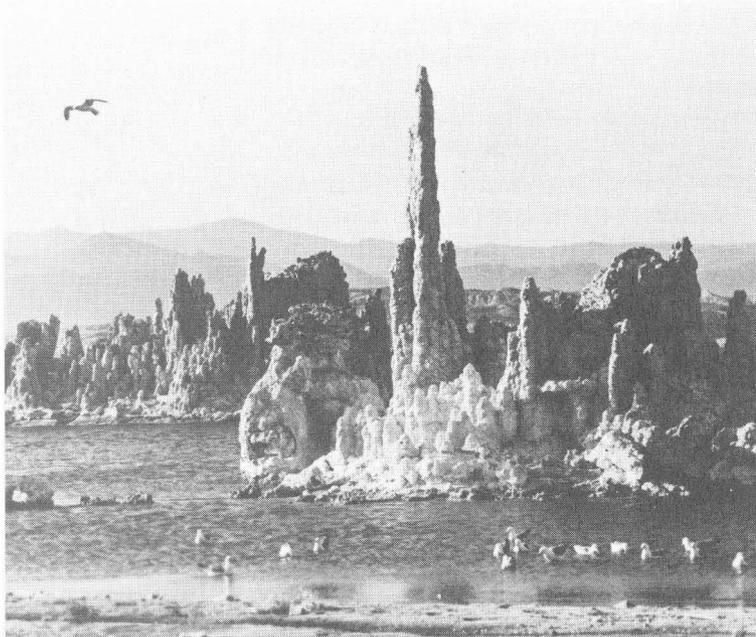
Where's the Water?

Cadillac Desert: The American West and Its Disappearing Water, by Marc Reisner. Viking/Penguin, 1986. \$22.95 hb, 582 pp., \$8.95 pb.

As the Mormons, the first modern practitioners of irrigated agriculture in the arid lands of the West, would say, "It's a marvelous work and a wonder." Marc Reisner's *Cadillac Desert: The American West and Its Disappearing Water* joins a fistful of classics written in the last 20 years about the problems of water development in the land of little rain.

The first major works on Western water, written in the 19th century, were epic accounts of exploration. They included the journals of Meriwether Lewis and William Clark, and John Wesley Powell's description of the first trip down the Colorado by Euro-Americans. A generation ago, another group of writers, including C.B. Glasscock, Remi Nadeau, and Wallace Stegner, for the first time raised questions about the massive dam building that transformed the desert into an oasis civilization.

Mono Lake, an inland sea, is slowly dying because most of the water that flowed into it is being diverted to Los Angeles, 300 miles away. As the lake's depth has decreased, natural calcium formations called tufa towers have been exposed.



Their accounts, however, lacked a perspective that would come with the rise of the modern environmental movement. Only in recent years have writers like Philip Fradkin, Robert Gottlieb, William Kahrl, and John McPhee fully addressed the profound consequences for man and nature of a civilization born of hydrology.

Much of the knowledge of these alarming consequences has emerged from the persistent activism of citizens' organizations that have taken on the big dam builders in the West such as the United States Bureau of Reclamation and its allies among land developers, corporate farmers, and engineering companies. Activists like Reisner, who worked for the Natural Resource Defense Committee, invaded the guarded precincts of congressional committees and the federal bureaucracy where water projects were the debased currency of the realm. They ferreted out deals that often were nothing more than crude raids on the public treasury on behalf of powerful economic interests. And they revealed the mentality of the big dam builders, like former Bureau of Reclamation chief Floyd Dominy, the man who wanted to flood the Grand Canyon and who is so wonderfully described in *Cadillac Desert*.

In highly readable prose, Reisner reviews much of the history of Western water development, from Powell's famous *Report on the Arid Lands* through the alliance between the federal Office of Management and Budget and Washington-based environmentalists during the Reagan years. He describes the formation of the Reclamation Service, the rape of the Owens Valley by Los Angeles, the dam building era that began with the New Deal and wound down in the 1970s, and Jimmy Carter's ill-fated attempt to confront the water developers head-on with his famous hit list.

Like his peers, Reisner asks: "What does this bode for the future?" He is fascinated by the decline of earlier civilizations that were based on water development, particularly Sumeria in the Fertile Crescent. There is evi-

dence, Reisner says, that the Sumerians fatally contaminated their soil through irrigation practices that produced a massive build up of salts. The Iraqis, who today live where ancient Sumeria once stood, are still reaping the consequences of Sumerian agriculture; 20 percent of the country's arable land can never be returned to cultivation.

According to Reisner, salinization, the silting up of dams, and the mining of ground water in the West are consequences of "a uniquely productive, creative vandalism"—that is, the development of a civilization based on hydrology. The Colorado River is already a transmogrified plumbing system that most years fails to deliver a single drop of river water to the Colorado's outlet in the Sea of Cortez. The Ogallala Aquifer, which underlies the Great Plains, is being drained at an alarming rate, as are the aquifers under California's Central Valley.

While thousands of acres of farm land go out of production every year because of salinization, California's rivers are delivering an increasingly foul and toxic brew to the Pacific Ocean—even as politicians wrangle over new plans to divert more water from these rivers to the Los Angeles metropolplex and to the big farms of the San Joaquin Valley. In the vital Sacramento Delta, the confluence of most of California's rivers, the spawning grounds of both the striped bass and the salmon have been heavily damaged by a combination of toxics and pumping water to the South. And the chain of consequences stretches ever seaward; the Delta pollutes the Bay, and the Bay dumps the same contaminants into the ocean while the great Bay/Delta inland nursery for seagoing aquatic life is being destroyed.

In the last century, American hydrologists have committed themselves to constructing the greatest civilization ever built on water transfers. During the next century, Reisner concludes, an even greater amount of energy and resources will have to be devoted to reversing the negative consequences of these epic engineering feats. If not, the West is

likely to go the way of ancient Sumeria.

—Peter Wiley

Peter Wiley is the coauthor of Empires in the Sun: The Rise of the New American West and America's Saints: The Rise of Mormon Power.

Settling Land Disputes

Managing Land-Use Conflicts, edited by David J. Brower and Daniel S. Carol. Duke University Press, 1987. \$47.50, 323pp

"... in the ethical progress of man, mutual support—not mutual struggle—has had the leading part."

—Peter Kropotkin, *Mutual Aid*

Under what conditions will cooperation emerge where no one competing interest has the power to impose its will on another? The question has intrigued scholars for generations.

We all believe that people tend to look out for themselves. Yet Kropotkin and others have shown that mutual aid appears inherent in human behavior. How does it come about? What are the ways it can be helped to occur?

One model is presented by Robert Axelrod, in "Evolution of Cooperation." He describes a simple reciprocity model of negotiation and conflict resolution developed during his studies of game theory and concludes that four basic properties tend to generate cooperative results: "... avoidance of unnecessary conflict by cooperating as long as the other player does, provability in the face of uncalled-for defection by the other, forgiveness after responding to a provocation and clarity of behavior so that the other player can adapt to your pattern of action."

Another conflict-resolution model has been developed by the State Coastal Conservancy, perhaps the only governmental agency set up specifically to resolve conflicts between landowners, the interested public, and regulatory agencies.

The Conservancy's decade of work has been based on the premise that on issues of resource preservation, conflict resolution must be viewed not as a process of compromise, but of accommodation. That is, one which results in the protection of the resource, not a surrender of a portion in the name of peace.

Unlike most mediation processes, which presuppose an impartial actor, the Conservancy's approach requires the agency to play an active role as a party with a stake in the outcome of the dispute and, most importantly, with the means to help bring about a resolution (see "The Sinkyone Promise," by Neal Fishman and Maxene Spellman, *Waterfront Age*, Summer 1987).

Interest in methods to resolve land use conflicts has been increasing as, more and more often, no single entity is capable of deciding unilaterally for or against a particular use. Consequently, the interest in systems to produce acceptable cooperative results has also been growing.

Managing Land-Use Conflicts, edited by David J. Brower and Daniel S. Carol, purports to describe diverse models for cooperation unified by the concept of special area management (SAM). However, despite its price and pretense, the book disappoints. Not only does it fail to come to grips with the special area management concept, it fails to deliver the case studies the reader has a right to expect. Most of the articles it contains, interesting as they may be in their own right, bear only a limited relationship to the stated goal of the book.

In their introduction, the editors define SAM as "... the attempt to manage development in complex ecological and administrative settings." This definition is so general as to lose almost all meaning. Yet Carol and Brower conclude that SAM is something to be resorted to "when all else fails."

Charles K. Walters in "Special Area Management Planning In Coastal Areas: The Process" covers similar ground and argues that SAM provides a tool to resolve conflicts. He describes the criteria and methodology for setting up a special area management program (SAMP). The analysis and recommendations are some of the most interesting and insightful in the book. However, Walters is so eager to justify the SAMP approach that he

fails to realize he has actually begun to develop a comprehensive system that is applicable not only to SAM but also to any other conflict resolution system one may be forced by necessity to use.

The concluding chapter attempts to justify SAM on the grounds of testimony contained in the preceding articles. Unfortunately, except for the contributions by John R. Clark and Scott T. McCreary, and by Lindell L. Marsh and Robert D. Thornton, few of the case studies describe the resolution of actual conflicts in a SAMP.

Clark and McCreary's "Special Area Management in Estuarine Reserves" is perhaps the most comprehensive case report. They describe the development of estuarine sanctuaries at Elkhorn Slough, Apalachicola, and Tijuana River Estuary. Unlike most of the others, this article actually describes a SAM process resolving conflict surrounding the establishment of estuarine sanctuaries. It is an article well worth reading.

Marsh and Thornton's article describes the method used to resolve some technical issues under dispute, in this case the extent and quality of the habitat for the Mission Blue Butterfly, an endangered species. Since the actual issue in controversy was growth, open space, and the interrelationship of the unique habitats of San Bruno Mountain, south of San Francisco, resolution of the butterfly issue did little other than to advance the developers' cause.

Other articles either fail to discuss conflict resolution in a SAMP or are not about SAMPs at all.

Mary Dolan's "Baltimore Harbor Environmental Enhancement Plan" presents a comprehensive description of Baltimore's official environmental planning process, but avoids discussion of the decision-making process. It does not address conflict resolution. In fact, its failure to mention any conflict at all can only lead one to suspect that it is an unrealistic portrayal of how one of the nation's most successful inner city waterfront restoration programs came to grips with the many environmental conflicts that accompany a program of this scope.

Richard Booth's "New York Adirondack Park Agency," while an interesting description of one of its most significant and seminal land use management endeavors in the

United States, merely justifies the agency's policies and approach and contains almost nothing about SAMP or conflict resolution. Nevertheless, with some addition of specific historical information, this could be a much needed and valuable report on this important and little understood land use management agency.

Glenn Pointer's "Impasse on the Upper Delaware" describes a situation that, despite the best efforts of all involved, failed. His conclusion that more bottom-up planning was needed does not withstand analysis since without a firm understanding of the elements of conflict resolution bottom-up planning can fail as miserably as top-down. The planning program could have used some clearly articulated alternatives to be considered early in the process.

Carol's "New Jersey Pinelands Commission" describes what is, next to California's conservancies, the most exciting land management agency in the United States today. Its very existence demonstrates a workable organizational framework for governmental involvement in conflict resolution and regional planning. It suffers, as does Booth's article, in failing to analyze and discuss any specific example of its dispute resolution capabilities in action.

Gerald Cormick and Gail Bingham's "Environmental Mediation" draws rather superficial conclusions from diverse so-called mediation activities. Can you imagine a conclusion as insipid and useless as "successful mediation is where the negotiators learn to like, trust and agree with each other"? Successful mediation is what you do when they don't! The article is difficult to relate to the purpose of the book. It could also be much improved by a greater emphasis on analysis rather than description.

The Conservation Foundation's "Urban Parks" article bears no relationship to the stated theme of the book. The creation of an urban park of the scope of the Golden Gate National Recreation Area as a means of land use management deserves its own book.

Finally, Melissa Banach and Denis Canavan's "Montgomery County Agricultural Preservation Program," while bearing little relation to the announced theme of the book, is well worth reading for an insight into a transfer of development rights program.

This type of program, used extensively by California's conservancies, will gain greater prominence if the trend represented by recent Supreme Court cases limiting regulation options continues (see "Property Rights in the Supreme Court," by Joseph L. Sax, *Waterfront Age*, Summer 1987).

The book unaccountably ignores the California State Coastal Conservancy, which has a long history of dealing with specific land use conflicts and has formulated a methodology for dealing with them based upon designing and implementing actual projects.

In conclusion, the book appears to be more a loose collection of articles on interesting land use management organization and techniques than an examination of special area management or of conflict resolution. What this means (besides more evidence that you can never tell a book by its cover or its price) is that the reader must be aware that this volume represents neither a comprehensive overview nor adequate insight into any fundamental process of land use management.

—Joseph P. Petrillo

Joseph P. Petrillo was executive officer of the State Coastal Conservancy during the agency's first nine years.

A Fish Story

The Herring of San Francisco and Tomales Bays, by Anna L. Suer. *The Ocean Research Institute*, 1987. No charge for one copy, 64pp.

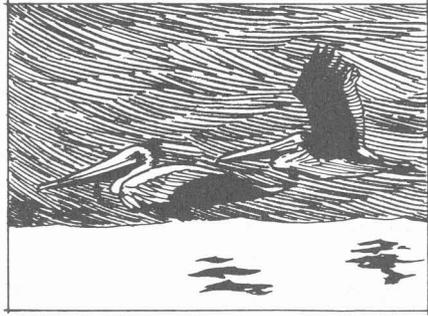
Which fish supports California's most valuable single-species fishery? If you said, "King salmon, halibut, sablefish, Dover sole, or widow rockfish," you were wrong. Here's a hint: This small (generally less than 10 inches), silver fish has golden eggs treasured by the Japanese as a New Year's delicacy. Answer: The Pacific herring (*Clupea harengus pallasii*).

This and other information is chronicled by Anna L. Suer in *The Herring of San Francisco and Tomales Bays*. Suer explores the often strange, hectic, and profitable Pacific herring fishery. The report is divided into sections

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One-Minute Windows

by Richard Retecki



Strafers

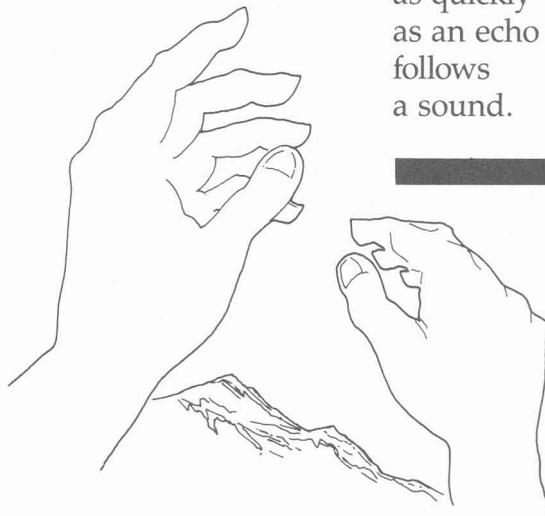
if pelicans
flew as close
to the ground
as they do water
gravity
would suck them in
to be tree stumps
or something.

████████████████████

Silence

as quickly
as an echo
follows
a sound.

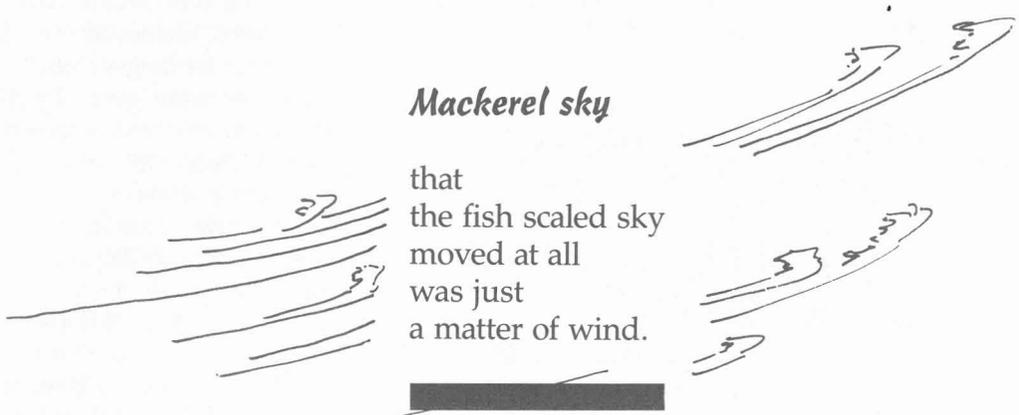
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Drawings by Tom McKeag

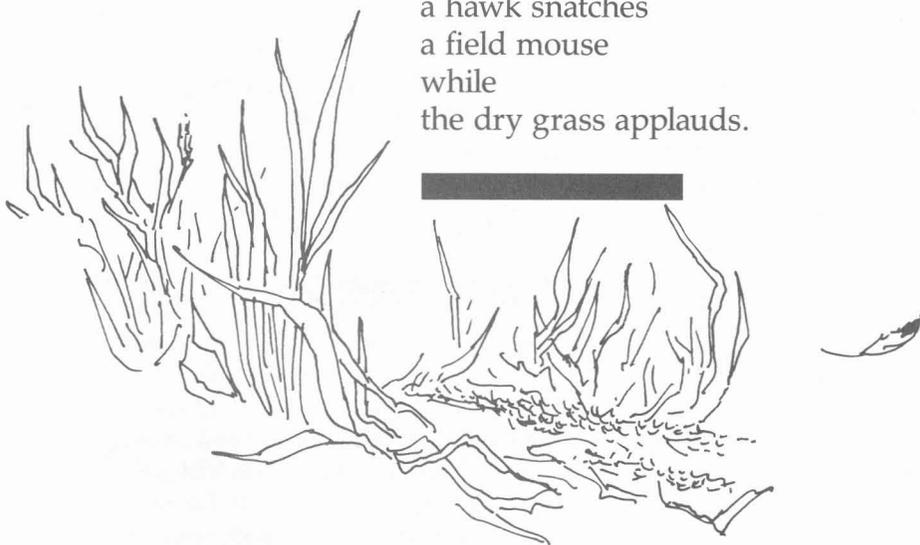
Mackerel sky

that
the fish scaled sky
moved at all
was just
a matter of wind.



Matinee

a hawk snatches
a field mouse
while
the dry grass applauds.



Richard Retecki, resident poet, and Tom McKeag, resident artist, are on the Coastal Conservancy staff.

California Waterfront Age is a forum for discussion and welcomes letters to the editor. We reserve the right to edit them.

Mitigation Story Challenged

Editor:

As the former manager of the Upper Newport Bay Ecological Preserve, I feel "Mitigation Problems on the Southern California Coast" by Dr. Joy Zedler [Winter 1987 *Waterfront Age*] was inaccurate in citing Upper Newport Bay as an example of a restoration project that sacrificed wetlands values for the sake of sediment removal.

The brief description of the project is misleading and does not identify the objectives of the project. In 1982, the state Department of Fish and Game, working with the cities of Newport Beach and Irvine, Orange County, and The Irvine Company, initiated a comprehensive program to control sediment deposition in Newport Bay. This program included upstream controls and dredging within the Bay to restore and maintain subtidal and lower intertidal habitat and provide for localized sediment deposition. A secure nesting site for the endangered California Least Tern was also constructed.

From 1969 to 1981, more than 1.2 million cubic yards of sediment were deposited in the Bay by upland runoff. Approximately 100 acres of salt ponds were converted to primarily ruderal and barren uplands. About 125 acres of mudflat and subtidal habitat were converted to salt marsh, primarily cordgrass. Continued uncontrolled sedimentation threatened eventually to convert much of this low marsh to high marsh and uplands.

The author makes several misleading or inaccurate statements regarding the results of restoration work at Newport Bay:

1. "[D]eep channels were excavated and dredged spoils placed alongside." Deep channels were not dredged; instead, an 80-

acre basin was created. Maximum depths of -4.0 to 0.0 feet Mean Lower Low Water (MLLW) were achieved over about 40 acres. The remainder ranges from 0.0 to 7.0 MLLW. Side slopes were generally graded at 10:1. Restoration and enhancement projects between 1982 and 1985 removed more than 1.3 million cubic yards of material from the Bay. All but a few hundred cubic yards was removed to upland disposal sites away from the Bay. The material retained in the Bay was used to create high tide refugia for Clapper Rails and a nesting site for Least Terns.

2. The impression is given that restoration degraded existing high value marsh. Minimal work was done in such salt marsh. Of the 90 acres affected, only nine acres of predominately high marsh (above 7.0 MLLW) with scattered patches of cordgrass was removed. Projects were designed to minimize the loss of middle and low marsh. Surveys of affected high marsh areas were conducted to ensure that habitat for the Belding's Savannah Sparrow would remain.

3. "The spoils remained without vegetation one year after construction." The restoration area is being allowed to revegetate naturally. Replanting was not deemed necessary since past planting efforts have not significantly increased the rate of revegetation. Natural revegetation generally takes at least five years.

4. "Will time improve the site? Will the salt marsh reestablish itself?" Attempting to predict the success of marsh establishment based on observations at Buena Vista Lagoon is biologically unsound. Two different types of wetland are being compared: Newport Bay, a tidal system, and Buena Vista, a non-tidal fresh/brackish lagoon. At Buena Vista Lagoon, the dredge spoil islands are not subject to inundation and were not intended to provide for marsh vegetation. At Newport Bay, tidal elevations were created specifically to encourage marsh vegetation. Approximately ten acres within the elevational range suitable for cordgrass development have been created. Additional acreage was pro-

vided for middle and high marsh establishment.

The article also suggests that the project negatively affected the Light-footed Clapper Rail population. However, the Clapper Rail population increased following marsh restoration from 85 pairs in 1985 (pre-project) to 99 pairs in 1986. The increase is not directly related to the project, but indicates that project impacts to existing habitat were minimal.

The restoration work at Upper Newport Bay also has created more than 80 acres of tidal wetland. This has expanded shorebird habitat (mudflats); enhanced habitat for marine fish; helped to minimize the effects of freshwater input to the bay by increasing the tidal prism; and provided an isolated nest site for the endangered California Least Tern. This site supported up to 31 breeding pairs which fledged an estimated 26 young in 1986. Nesting attempts during the previous five years resulted in the fledging of two young.

Design of restoration projects at Newport Bay was supported by baseline studies of the benthic community, fisheries, avian use, and water quality. After project completion, studies were initiated to monitor fisheries, and benthic and avian establishment in the restored area.

Dr. Zedler makes a strong argument for monitoring the results of restorations. But disseminating an article that does not accurately determine what the goals, objectives, and results of a restoration project are when evaluating them is counterproductive.

Carl Wilcox
Associate Wildlife Biologist
State Department of Fish and Game

Caveat on Nollan

Editor:

It was good to see Professor Sax's mostly reassuring article on the real impact of the U.S. Supreme Court's three land use cases of this past term ("Property Rights in the Supreme

Court," Summer 1987). While I generally agree with his assessment, and hope that planners take heart as a result of reading it, I do think a little cold water should be applied to that analysis.

First, even if the *Nollan* majority merely required that "some" relationship or nexus exist between the government restriction and the impact expected from the particular development (thus merely restating the usual nexus test in exaction cases), the import here may lie in the Court's applying the test at all. By doing so, it may have signaled a more activist or interventionist role for the federal courts in closely examining the basis for a state's (or locality's) rationale for imposing a particular condition. Previously, much wider latitude was accorded the art and science of state and local land use planning and regulation. As Justices Brennan, Blackmun, and Stevens noted, *Nollan* may well betoken both more active court review, and a higher standard of precision or "fit" between the harm and the regulation imposed to mitigate it.

Second, I don't agree with Professor Sax that "there has been no recent case in which the . . . Court invalidated a regulation on the ground that it prevented all economically viable use . . ." since I believe the court *may* have done just that in *Nollan*. More precisely, the Court seems to have found a taking in *Nollan* without *any* significant reference to that other prong of takings analysis: denial of all economic, beneficial, or reasonable use. In *Nollan*, given the configuration of the property, the physical intrusion would have been minimal and the contention of diminution in value or economic injury was especially weak, as noted in Justice Brennan's dissent. Nevertheless, the Court was persuaded to find an unconstitutional taking by its hard look at the first prong of the takings test—and by giving an unstated nod to the second.

Given all of this, however, planners need not panic. As Israel Stollman, the executive director of the American Planning Association, stressed in a recent seminar here in

Maryland, the more rational response to these cases should be to do good, solid, careful planning and analysis. It may be more important than ever for land use regulation to be strongly based upon adequate study and rationale. And when conditions are imposed or exactions required, governments need to make sufficiently clear the connection between the imposition or requirement and the harm or impact which the development is said to engender.

Professor Sax was right. While increased attention and care is necessary, paralysis is not. Strict environmental regulation and adequate protection of the public trust is still the government's responsibility; we all just need to be aware that somebody's watching—and in the end, maybe that's not all bad.

Lee R. Epstein
*Assistant Attorney General
State of Maryland*

Continued from Page 4

As to accountability, private nonprofit organizations may indeed not be subject to public disclosure requirements, but if they use public funds, the funding decisions of public agencies supporting them are public record. And, typically, public agencies audit the nonprofits they fund. Thus, this concern appears to be a non-issue.

Kingsbury Browne, interviewed in this issue, states that people in "aroused communities"—those faced with problems such as lack of access to beaches, loss of wetlands, and water contamination—"will insist on more responsive government, and will also support local land trusts." He believes that land trusts "are local people trying to step in and say: 'If you don't know what your problems are we will try to help identify them. And if you do, we can help.'" That seems reasonable enough—especially when you're short of money. □



Continued from Page 49

that discuss the resource, fishery, research, and future prospects for the herring of San Francisco and Tomales bays.

There are delightful quotations from journalists, scientists, and San Francisco residents spanning the last century of herring fishing. Fascinating and informative photos from 1906 to the present augment the easy-to-read text, and illustrations, graphs, and maps highlight the sections.

Suer has included an extensive list of references annotated in standard scientific format within the report. This list should be helpful to those interested in further study.

Moreover, the next time you walk along a beach or dock in the winter and see mats of golden eggs on seaweed or pilings, you might find yourself reflecting on the journey those eggs might have taken, the money they may bring, the wildlife they may feed, the graceful silver fish they may yet become, and the complex work being done to ensure that the Pacific herring remains an important part of the San Francisco and Tomales Bay environment.

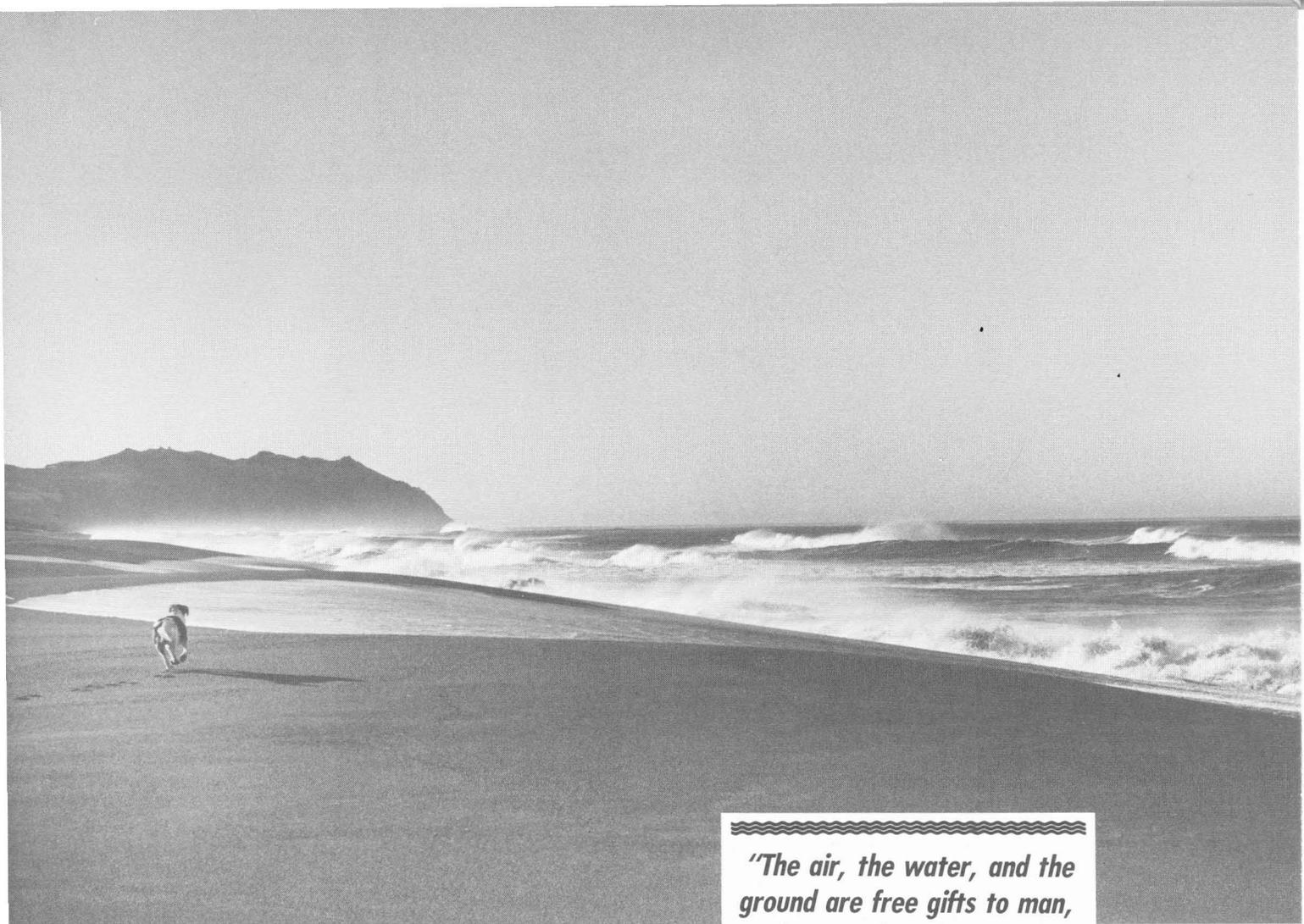
—Edward Ueber

Edward Ueber is a marine resource specialist residing in San Francisco.

Mystery Solved

Impossible to fool Waterfront Age readers, dozens of whom correctly identified our last mystery photo as a replica of the Statue of Liberty located in Paris, France. The statue is on the west side of the Pont de Grenelle, on the western edge of Paris, and just a stone's throw from another highly symbolic national monument designed by a Frenchman. The photo was taken by the Coastal Conservancy's executive director, Peter Grenell (no relation to the Pont).





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*"The air, the water, and the  
ground are free gifts to man,  
and no one has the power to  
portion them out in parcels."*  
—James Fenimore Cooper  
~~~~~

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