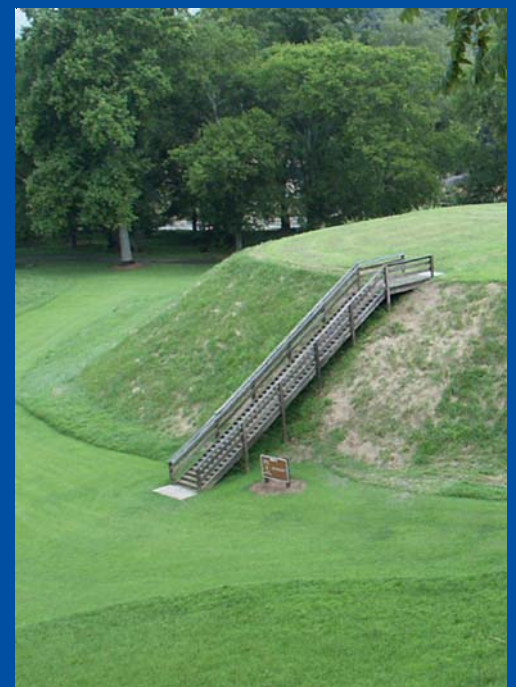


# Georgia Land Conservation Partnership Plan

**A Report to Governor Sonny Perdue**



**Advisory  
Council for the  
Georgia Land  
Conservation  
Partnership**

**August 2004**







# **Georgia Land Conservation Partnership Plan**

**A Report of the Governor's Advisory Council for the Georgia Land  
Conservation Partnership**

**Georgia Department of Natural Resources in cooperation with the Carl  
Vinson Institute of Government, University of Georgia, and Marty Maxwell,  
President, Creative Compositions**

**August 2004**

Additional information and a .pdf of this report can be found at *<http://www.gadnr.org>*



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John Ambrose, Hugh and Carol Nourse, Jim Kundell, and John Ambrose.



## Georgia Land Conservation Partnership Advisory Council

Mr. Clay Long, Chairman  
McKenna Long & Aldridge

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Mr. Ralph Callaway, Vice President  
Callaway Gardens

Mr. Deke Copenhagen, Director  
Central Savannah Land Trust

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Riverview Plantation

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Mountain Conservation Trust

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Rockdale County Parks and Recreation

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Institute of Ecology, University of Georgia

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Georgia Wildlife Federation Board

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Mr. Wade Shealy  
Hampton Island Preservation LLC

Mr. Monte Simpson, Public Affairs Manager  
MeadWestvaco

Mr. Ben Slade  
St. Simons Land Trust

Ms. Joyce Stevens  
Georgia Trust for Historic Preservation

Honorable Ross Tolleson  
State Senator

Mr. Tom Williams, Vice President  
Capital Resources and Properties

### Project Leaders

Mr. Paul H. Michael  
Georgia Department of  
Natural Resources

Dr. James E. Kundell  
Carl Vinson Institute of Government  
University of Georgia

**DNR Staff:** Commissioners Lonice Barrett and Noel Holcomb, Bob Donaghue, Connie Gilliam, Eric Hunter, Pat Lynch, Rebecca Mason, Detrick Stanford, Eric VanDeGenachte

**Cooperators:** Rex Boner, The Conservation Fund; Steve Friedman, The Nature Conservancy; Susan Kidd, Georgia Conservancy; Dr. Liz Kramer, Institute of Ecology, UGA; Jerry McCollum, Georgia Wildlife Federation; Tavia McCuean, The Nature Conservancy; Hans Neuhauser, The Georgia Land Trust Service Center, Andrew Schock, The Conservation Fund; John Sibley, Georgia Conservancy; Curt Soper, The Nature Conservancy; David Swann, The Trust for Public Land; Jeanie Thomas, Governor's Office; Harvey Young.



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*Growing up on a farm in rural Georgia, I learned early on the most basic principles of stewardship. I learned them from my father and from the land itself. And that most basic lesson was simply this: If you take care of the land, the land will take care of you. That is the fundamental idea behind the Georgia Land Conservation Partnership.*

Governor Sonny Perdue

## **Preface**

Because of the growing need for land conservation, Governor Sonny Perdue announced in October 2003 that he would create an advisory body to develop Georgia's first comprehensive land conservation plan. Governor Perdue recognized that, although significant State funding would be necessary, State funding efforts, standing alone, would not be sufficient to meet Georgia's land conservation needs. Consequently, he stressed the importance of establishing partnerships with local governments, the private sector, and other institutions for a cooperative movement to achieve appropriate land conservation goals.

On December 30, 2003, Governor Perdue created the Advisory Council for the Georgia Land Conservation Partnership, which held its first meeting in January 2004. Since then, the Advisory Council has worked with the Georgia Department of Natural Resources (DNR) staff, conservation organizations, University of Georgia faculty, and others to craft this land conservation plan. We held public meetings to gain input and placed materials on the DNR website to make it available to the public and to provide another opportunity for comment.

The Council found its challenge to be both difficult and exciting: difficult, primarily because of the many variables to be considered and the inevitable use of judgment that is necessary when not all of the relevant factors are known and quantifiable; exciting, because of the historic opportunity offered to them by the Governor to contribute to the creation of a conservation vision for Georgia, to propose the very best organization, techniques and strategies to conserve and protect much of Georgia's natural beauty and richness.



The Council included members of the General Assembly, local elected officials, farmers, foresters, developers, academics, conservationists, private landowners, and other active and interested citizens. In the end, despite our diverse backgrounds and points of view, the overwhelming importance and urgency of our task brought us together behind this Plan and this set of recommendations. We believe that the Plan is important not only for the quality of life of all Georgians but also for Georgia to remain an economically attractive state. As Governor Perdue rightfully proclaimed, if we take care of the land, the land will take care of us. We believe that our time and effort have been well spent. And we thank Governor Perdue for his leadership in this important endeavor. We sincerely hope that the Governor and General Assembly will move forward aggressively to implement the Plan's recommendations at this critical time in Georgia's history.

In developing the Plan, we assembled and analyzed a great deal of information to formulate our assessment of the current status of land conservation in Georgia and our recommendations for meeting the land conservation goals. Much of that information is contained in this report. Additional information supporting this plan is available on the DNR Web site ([www.gadnr.org](http://www.gadnr.org)).

*Clay C. Long,  
Chairman*



## Executive Summary

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**Members of the Advisory Council with Governor Sonny Perdue.**

Georgia is the largest state east of the Mississippi River and has a great diversity of natural resources. It is a desirable place to live, work, and play. But, as the fifth fastest growing state in the nation, it is increasingly difficult to maintain critical natural assets: clean air and water; wildlife habitats; diverse plant and animal populations; outdoor recreational and educational areas; and cultural and historic sites. Without these assets, Georgia becomes a less attractive place to live, our health and happiness deteriorate, and our economic advantages are lost.

Recognizing this growing and urgent need for land conservation in the state, Governor Sonny Perdue, by Executive Order on December 30, 2003, created the Advisory Council for the Georgia Land Conservation Partnership (the Advisory Council or Council). He charged the Advisory Council to:

- Oversee the development of the State's first comprehensive, state-wide land conservation plan;
- Ensure that all interested parties have full opportunity for involvement and input into the Plan; and
- Advise the Governor concerning implementation of the Plan.
- The Governor envisioned that the Georgia Land Conservation Partnership Plan would focus on:
- State acquisition of large, strategic parcels of land, including fee simple and less than fee simple interests;



## 2 Georgia Land Conservation Partnership Plan

- State grants to counties and cities for greenspace acquisition and protection; and
- State support and incentives to increase land conservation by private landowners, land trusts, and philanthropic organizations.

The first question posed by the Advisory Council was: *What do we want Georgia to be like in the future?* In attempting to answer that question, the Council adopted its vision statement:

The Georgia Land Conservation Partnership envisions a state-wide network of natural, historic, and recreational areas and land and water corridors; a priceless legacy which enhances the health of ecosystems, encourages working landscapes, fosters natural resource stewardship, sustains a healthy economy, and promotes a sustainable high quality of life for current and future generations of Georgians.



© John Ambrose

**Ensuring abundant water is an important benefit of land conservation.**

The Council then asked the second question: *What will it take to achieve that vision?* The Georgia Land Conservation Partnership Plan seeks to answer that question and serve as a road map for reaching the vision. The eight recommendations set forth below focus on crucial policy decisions to be made in order for the goals of the plan to be achieved. In some instances legislation will be required to implement the recommendations and action items. Specific action items which support implementation of the Plan and relate to each of the recommendations are also included.



**Recommendation 1:**

*Adopt a qualitative approach to land conservation so that the special benefits provided by land are used to prioritize lands for protection.*



The Plan proposes a framework that recognizes that not all land is of the same environmental and cultural value. Some land provides critical benefits to society and functions as a “green” infrastructure, whereas other land may be of little environmental or cultural value. The Plan seeks to identify

the types of land that can provide the environmental benefits needed to sustain a high quality of life and a sound economy in Georgia. The most important benefits that conservation lands can provide include:

- Clean and abundant water;
- Clean air;
- Biodiversity;
- Cultural identity; and
- Outdoor recreation and education.

**Recommendation 2:**

*Amend the Georgia Greenspace statute to reflect the changes recommended in this Plan, including opening participation to all local governments; basing grants on competitive projects rather than on adoption of a greenspace plan; providing for a greenspace element in the local comprehensive plans; and expanding the definition of greenspace to include active recreation at a capped level. A significant percent of the land conservation funds recommended in Part III of this Plan should be earmarked for the Community Greenspace Program.*

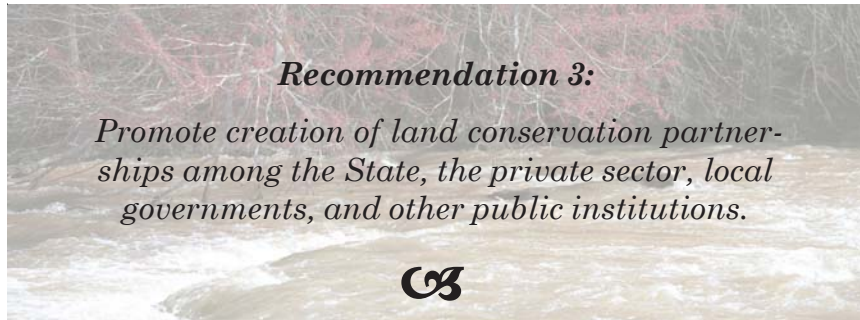


Achieving these five benefits is the goal of this Plan. Action items include developing a GIS data management system to identify strategic lands, quantify measures for prioritizing and comparing projects, and monitoring progress, as well as establishing a set of indicators, or a scorecard, to measure success (see Action Items 1 and 2).

The Community Greenspace Program has involved state-wide policies implemented through the actions of qualified local governments. The impact of the Program would be greatly enhanced if it became truly state-wide with all local governments eligible to par-



ticipate. The restructured program would continue to recognize the special physical attributes that the local communities value and that contribute to their special sense of place.



The vast majority of land in Georgia is and should remain in private ownership. Private owners are often the best stewards of land. Public ownership of conservation lands is important if certain uses are to be promoted (e.g., public access for recreation purposes) or discouraged (e.g., excluding all economic use of the land to protect certain endangered species or important archeological sites). But, there will not be enough funds to purchase in fee simple all the lands that should be conserved. We have to seek more creative solutions and to form partnerships with others interested in land conservation.

One major reason for creating partnerships is to leverage funds. The State can partner with federal agencies but has lost the opportunity for significant funding each year for lack of matching funds. The Community Greenspace Program has leveraged significant local dollars. In addition, the State has the opportunity to leverage private funds from corporations, individuals and philanthropic institutions to conserve land.

The Council reviewed various alterna-





tives for implementing the Plan, monitoring implementation, providing technical assistance, and building partnerships and public awareness. We believe that the best organizational structure should include the following:

- Reconstitute the Georgia Greenspace Commission as the Georgia Land Conservation Authority to oversee the implementation of the Plan; and
- Expand and restructure DNR's current Real Estate Office as a division that would coordinate strategic land conservation efforts, provide technical assistance and public outreach programs, provide staff support to the Authority, and work in a collaborative relationship with the Georgia Forestry Commission and other agencies to implement this Plan.

The Georgia Department of Natural Resources, the Georgia Forestry Commission and other appropriate agencies should review this Plan and determine agency responsibilities consistent with its intent (see Action Item 3).

#### ***Recommendation 5:***

*Support the development and use of a variety of land conservation tools.*



Given the tremendous variation in the motivation and economic needs of property owners and in the restrictions and management needed to achieve different conservation outcomes, the State must provide a wide range of conservation tools. One tool may be essential in one situation but ineffective in another. In some cases, it may be necessary to combine several tools. In addition to land acquisition, tools include the use of conservation easements, zoning and other land use regulations, and public education and outreach.

Action items to improve the State's toolbox should include the following (see Action Items 4-12):



- Creating a public/private revolving fund that would allow land to be purchased, made subject to conservation restrictions, and resold;
- Establishing an effective Purchase of Agricultural Conservation Easement program;
- Requiring holders of conservation easements to report pertinent information to the Georgia Land Conservation Authority;
- Clarifying the authority of the Attorney General to enforce conservation easements;
- Encouraging the use of more flexible land use tools by local governments;
- Creating a Mitigation Enhancement Program to direct wetlands- and stream-impact mitigation funds to acquisition of fee simple and development interests in priority lands;
- Funding implementation of the Georgia Carbon Sequestration Registry Act;
- Developing a comprehensive public information and outreach campaign; and
- Developing a cooperative arrangement among

state agencies and organizations with outreach programs designed for landowners to provide technical support on land conservation.

An important step in developing a strategic land protection program is to eliminate barriers to conservation wherever it is feasible to do so. The Advisory Coun-



© Georgia Department of Natural Resources

**The Plan will help protect habitat for wood storks and other endangered species.**

***Recommendation 6:***

*Support removing disincentives for land conservation and adopt new incentives to encourage conservation of land.*





cil believes that the existing ad valorem tax policy is a disincentive, but also recognizes that ad valorem taxes are the sole or primary source of funding for local governments and schools. Therefore we recommend reviewing and consider amending funding mechanisms for local governments and school boards that would permit consideration of the current use method of ad valorem taxation (see Action Item 13).

In addition, providing incentives helps create partnerships. Incentives identified in the plan include income tax credits for land conservation, revaluation of conservation easement lands for ad valorem taxation, promotion of Georgia-grown forestry and agricultural products, and flexible partnering approaches. Education and involvement of the public are critical to making these incentives work.

Action items to provide incentives for land conservation should include the following (see Action Items 14-17):

**Our cultural heritage is preserved by protecting historic landmarks.**



© John Ambrose



- Providing a Georgia income tax credit for a donation or bargain sale of land or a permanent conservation easement;
- Providing a standard methodology for valuation by tax assessors of land that is subject to a conservation easement;
- Expanding the marketing and certification program for Georgia-grown products; and
- Recognizing outstanding land stewards.

Implementing this Plan will require a commitment of State funds. This commitment of funds is an investment: an investment in our natural and cultural resources; an investment in protecting

our quality of life; an investment in maintaining our economic competitiveness; an investment in our future. Other states have recognized that land conservation is not only environmentally sound but also is good business. People want to live, work and play in a quality environment. Land conservation is a critical component of ensuring that Georgia remains the type of place that people and businesses want to call home.

There is ample evidence that people are willing to pay for protecting land, water and other natural resources. In this Plan, we have sought to demonstrate that a substantial investment is both reasonable and feasible. It is also necessary in order to maintain and protect the natural resources that are crucial to the quality of life in Georgia and its economic competitiveness with other states.

We have reviewed sources of funding that other states use to support land conservation programs. This review points to some potential sources and indicates that others would be impractical here. We believe that, whatever the source and level of funds, Georgia must dedicate some funds





for land conservation purposes if it is to convince its partners that it will be a reliable member of the new Georgia Land Conservation Partnership.

***Recommendation 8:***

*The State should begin implementing the Plan immediately by focusing on those recommendations and action items that: (1) relate to creating the Land Conservation Authority, staffing the Authority and revising the Community Greenspace Program; (2) require little or no expenditure of funds; and (3) demonstrate the effectiveness of partnerships and the tools identified in the Plan.*



To create a dedicated source of funding, voter approval in a general election will be necessary. The 2006 general election would be the earliest that this measure could be placed before the voters, and if approved, funding would not be available until at least 2007. As important as a dedicated source of funding is to the long-term viability of this Plan, now is the time to commence execution of the Plan. Many of the recommendations and action items can be implemented with little or no expenditure of funds and should be undertaken immediately. Some of these are also important mechanisms that must be in place for the Plan to function. Finally,

it is important to demonstrate that this new partnership will be a powerful tool for the conservation of land, and this



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**The use of public transportation and alternative fuels help reduce air pollution.**



can best be accomplished by creating the recommended revolving Fund.

We believe that it is critical to have early successes in implementing the Plan. By aggressively moving forward to implement the recommendations of this Plan, the Partnership can show clearly how these tools and incentives can work to conserve land and have in place the structure and policies necessary to fully implement the Plan when a reliable funding source is available.



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**Piedmont Park in Atlanta provides for both active and passive recreation for an urban population.**



## **Part I Georgia Land Conservation: Where Are We, How Did We Get Here, and Where Are We Going?**

Georgia, the largest state east of the Mississippi River, is a state of diverse geology and geography: from the small portion of the Cumberland Plateau that extends into Georgia, the northern Blue Ridge Mountains, and the Ridge and Valley region that serve as the birthplace of some of the state's major rivers; to the rolling hills of the Piedmont where most Georgians live; to the Coastal Plain of South Georgia with its expanse of forests and farmlands; to the Coast, with its marshes, barrier islands, and beaches. This mix of land forms, coupled with a warm, moist climate, has produced a rich variety of plant and animal species that causes Georgia to rank as one of the six most biologically diverse states in the nation.

Georgia owes much of her wealth to the land. It has supported a growing economy, which has shifted over the years: from naval stores to pulp and paper; from rice to pecans and peanuts and, more recently, to vegetables and specialty crops; from textile manufacturing to high-tech industries; and from rail and barge transportation systems to Hartsfield-Jackson International Airport, two major coastal ports, and a major interstate highway system. If Georgia were



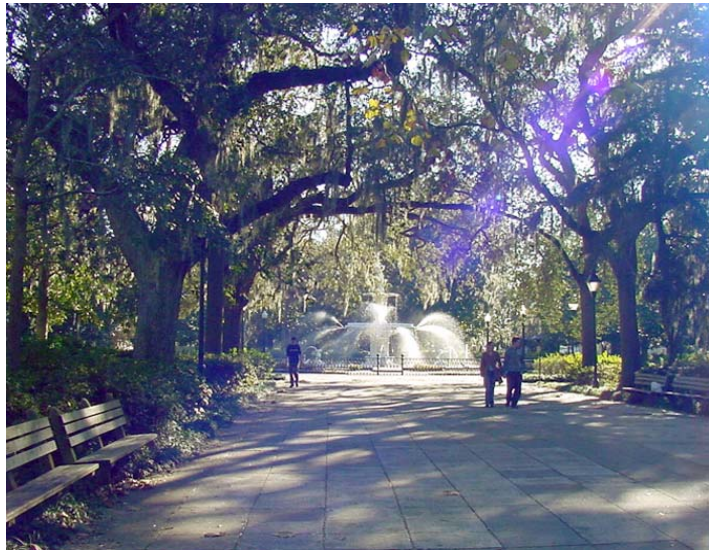
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**Biologically, Georgia is a very diverse state.**



separated from the rest of the United States today, it would boast the 17<sup>th</sup> largest economy in the world!

Georgia is also the fifth fastest growing state in the nation. Between 1990 and 2000, the population increased by 26.4 percent. This amazing growth rate has continued, and today about 8.4 million people call Georgia home, making it the tenth largest state by population in the United States.



© Frank McIntosh

The population growth is not evenly distributed across the state, however. Nearly three-fourths of the state's residents live in North Georgia, primarily in the Piedmont and Ridge and Valley regions. The second fastest growing part of the state is along the ecologically fragile coast. While this population growth has spurred local economic activity for these areas, certain other parts of the state are losing population, and their regional economies are stagnant.

**Savannah city parks are an example of early land use decisions that benefit us today.**



© Library of Congress

**Early cotton production methods resulted in widespread erosion and deposition of sediments in our streams that still turn them red during storms.**



## Current Land Challenges

We Georgians have inherited from our forefathers a legacy of both land preservation and land abuse. On the one hand, we benefit today from some of the earliest land use decisions made in Georgia. For instance, the parks that James Oglethorpe laid out in Savannah in the 1700s are major amenities for that city today. On the other hand, from 1790 to 1840, much of the land in the Piedmont region, the center of the state's agriculture, was cleared for cotton production. Heavy rains washed away the unprotected topsoil and deposited it in once clear rivers, leaving exposed a sterile subsoil of clay.

The land challenges of today are different from those of the past, and they vary across the state. In rapidly growing areas, urban sprawl is converting land from biologically productive forests and farms to urban uses at an unprecedented rate. It has been argued that Atlanta is the fastest sprawling metropolitan region in the history of the world! Atlanta's diameter, from outer suburb to outer suburb, has grown from 60 miles in 1975 to more than 100 miles today; nearly a threefold increase in land area (see Figure 1). But urban sprawl is not unique to the Atlanta region; it is happening in cities and small towns across the state. In fact, if urban sprawl is defined as the per capita conversion of land from forests and farms to urban uses, all of the other metropolitan areas of the state are sprawling faster than Atlanta.

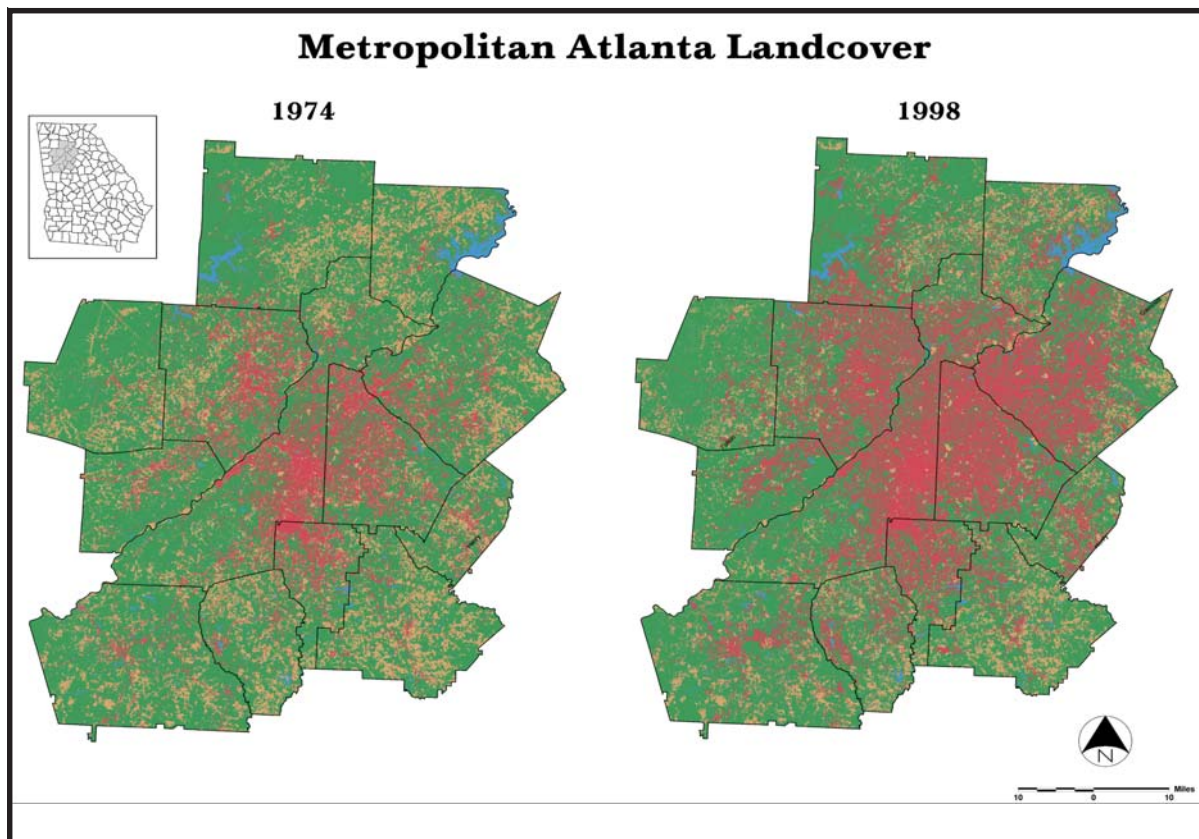
Rural Georgia, by contrast, faces a different set of land conservation issues. Many rural landowners have historically practiced private land conservation. But economic pressures on the agricultural and forestry industries, together with ad valorem taxes,

**Natural forests and pine plantations are increasingly being converted to urban uses.**



© Jim Kundell





**Figure 1: The Georgia Land Use Trends project shows the loss of greenspace and increase in urbanization in the metropolitan Atlanta area.**

are causing some landowners to fragment and sell off parts or all of their land. This is particularly true where there is a strong market for residential and commercial development. Unless the ad valorem issues are addressed, some farms and forest tracts will be developed and the natural systems they support will be lost. However, if the ad valorem taxes are reduced, it will be necessary at the same time to address the source of funds that the local governments and schools will need to replace this lost revenue.

Since 1974, the State has conserved land primarily by fee simple purchase through the Heritage Trust Program, Preservation 2000, RiverCare 2000, and the Community Greenspace Program. These efforts have resulted in the conservation of somewhat more than a third of a million acres in Georgia, while during the same period of time nearly a million acres became urbanized.



## Where Are We Going?

If current trends continue, Georgia will find it difficult to sustain a high quality of life and a competitive economy. As the number of Georgians increases, the demands placed on the land, water, and air also increase, and the impact on the natural systems becomes significantly greater. Several trends, if not addressed, suggest a bleak future.

- The expanding population requires more land for homes, schools, office buildings, commercial establishments, and shopping centers. A rule of thumb is that it takes about three-fourths of an

**Urban sprawl reduces forested and agricultural areas and increases the amount of impervious surfaces which contribute to water and air quality problems. Smart growth approaches maintain greenspace and minimize impervious surfaces.**



© Marty Maxwell



© Frank McIntosh

acre of land per person to meet these needs with conventional development patterns. Land for these urban and suburban uses comes from converting forest and agricultural lands. These changes reduce food and fiber production, and wildlife habitat and corridors. They also decrease the greenspace that meets aesthetic and recreational needs.



- Water quality in streams and lakes will become more difficult to maintain as we build out watersheds and pave more land. Stormwater runoff from parking lots, rooftops, roads, and lawns will carry more pollutants to our streams. This increase in nonpoint sources of pollution coupled with increased wastewater from the expanding population will make it difficult to ensure water quality in our streams, rivers and lakes, and will likely result in loss of aquatic species as their habitat deteriorates.
- Demands for water increase along with population. Although Georgia is located in the wettest part of the country, our demands for water are already challenging supplies across the state. For over a decade, we have been in conflict with neighboring states over shared water resources; this conflict may well increase. Within the state, controversies over water issues have emerged in the metropolitan Atlanta region, Southwest Georgia, and along the coast. If these problems increase with population growth, Georgia will suffer.



© Marty Maxwell

**The seafood industry is dependent upon the coastal marshes which may be threatened by increasing development.**



- Our overwhelming dependence on the automobile for transportation will contribute to more traffic congestion and greater difficulty meeting air quality standards. Ground-level ozone and particulate matter cause health problems, particularly for sensitive populations such as the elderly and asthmatics. Dependence on fossil fuels as our principal energy source, both for transportation and electricity, raises questions relating to climate change, which has significant implications for forestry and agricultural production and for coastal areas as sea levels continue to slowly rise.
- The increasing number of people moving to our coast compounds the environmental impact there. Growth in Georgia's coastal region is encroaching on the marshes and other environmentally sensitive systems on which coastal tourism and the commercial seafood industry depend.
- The diversity of plant and animal species in the state is imperiled. According to NatureServe, Georgia is ranked 4<sup>th</sup> among the 50 states in ecosystems at risk.
- Other states that are economically competitive with Georgia are taking dramatic steps to protect their land resources, recognizing that economic competitiveness is tied closely to quality of life. Georgia lags behind most other southeastern states in land conservation and, unless steps are taken, we will continue to fall further behind.

The projected future of Georgia suggested above is not one that most Georgians want. Fortunately, we have alternatives. But we have to make choices today that will allow Georgia to continue to provide a high quality of life for all segments of the population, to support a strong economy, and to be a place where people want to live, work, and play.



## Part II Land Conservation Partnership Plan

The first question is: *What do we want Georgia to be like in the future?* To answer that question, the Governor's Advisory Council for the Georgia Land Conservation Partnership envisions:

a statewide network of natural, historic, and recreational areas and land and water corridors; a priceless legacy which enhances the health of ecosystems, encourages working landscapes, fosters natural resource stewardship, sustains a healthy economy, and promotes a sustainable high quality of life for current and future generations of Georgians.

The next question is: *What will it take to achieve that vision?* The Plan proposed here seeks to answer that question and can serve as a road map for reaching that vision. It will require a significant commitment to conserve land: not just by the State and not just by buying and owning fee simple title to land. The State must have partners and these partnerships must use a wide variety of tools.



© Phillip Jordan

**The endangered red-cockaded woodpecker is a native of Georgia.**

### An Overview of the State's Role in the Plan

To advance the Advisory Council's vision, the intent of the Plan is to approach land conservation strategically so that State and local efforts, in partnership with those of the private sector and other institutions, result in the conservation of the most environmentally and culturally significant lands across the state—a qualitative approach to land conservation. To accomplish this, the State should:



- Identify and conserve those lands that are most important from an environmental and cultural perspective.
- Adopt a three-pronged strategy for conserving land by:
  - ⊕ Restructuring the Community Greenspace Program to make it available to all local governments on a competitive basis;
  - ⊕ Creating partnerships with the private sector and other public institutions interested in land conservation; and
  - ⊕ Adapting its organizational structure to better carry out land conservation responsibilities.
- Use a variety of tools and incentives to conserve land by public/private partnerships without relying solely on purchasing land.
- Identify and implement a stable source of funding for the Plan (discussed in Part III).

In some instances legislation will be required to implement the recommendations and action items identified in this plan.

## What Lands Should Be Protected?



What is an acre of land worth? We know that not all land has the same economic value. An acre of land in downtown Atlanta costs more than an acre of land almost anywhere else in the state. The same concept applies environmentally. Not all land provides the same conservation ben-

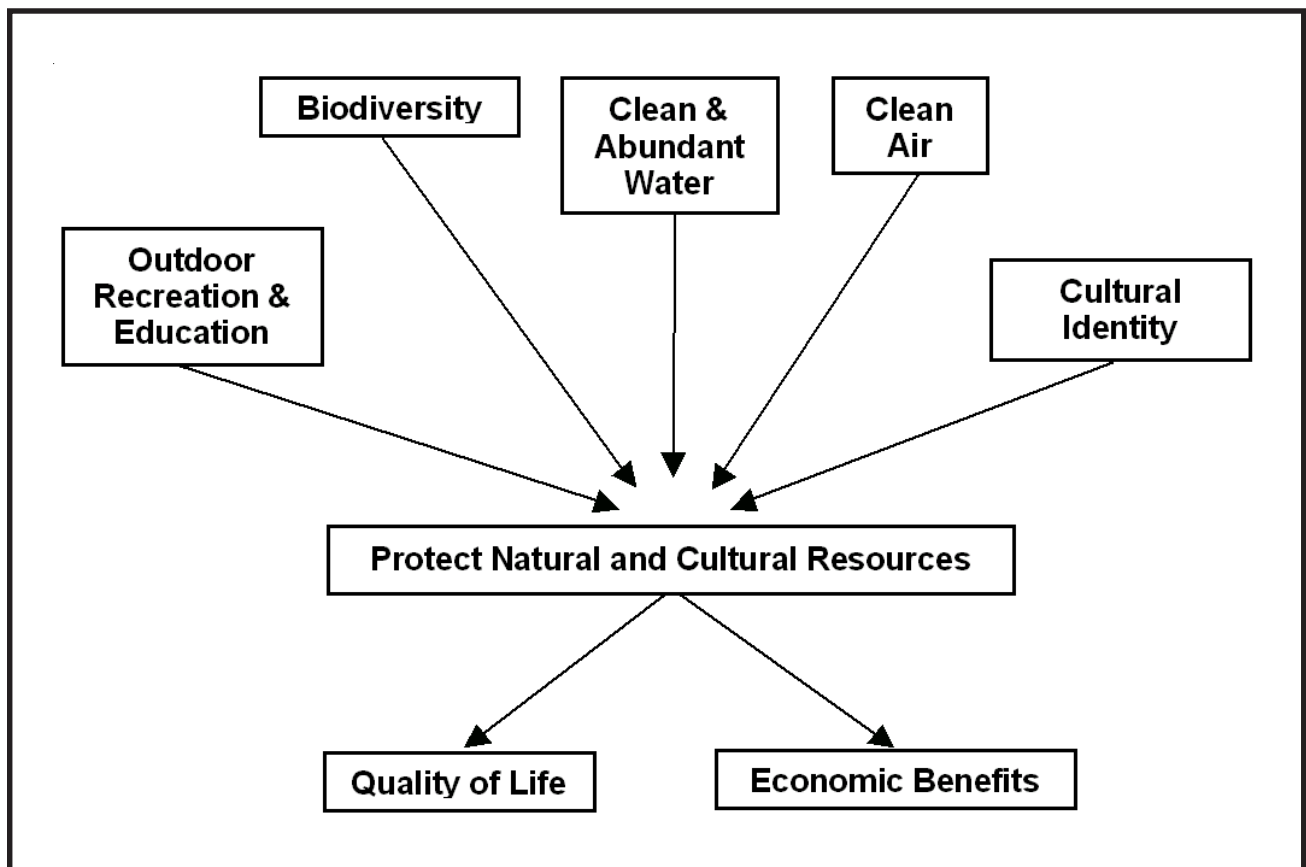
efits. We should conserve a particular acre of land because it provides important societal benefits; the more benefits it provides, the more important it is to conserve.



The Plan proposes a framework that recognizes that land can provide critical benefits to society and can function as a “green” infrastructure. Thus, the heart of the Plan is to identify lands that provide the environmental benefits needed to sustain a high quality of life and a sound economy in Georgia.

The most important benefits that conservation lands can provide include:

- Clean and abundant water;
- Clean air;
- Biodiversity;
- Cultural identity; and
- Outdoor recreation and education.



**Figure 2: The Effect of the Five Benefit Goals on the Life and Economy of Georgia**



© Marty Maxwell



**Forests protect the headwaters of streams.**

Indeed, achieving these five benefits are the goals of this Plan.

Figure 2 illustrates that conserving land that provides each of these benefits protects our natural and cultural resources and, in turn, enhances both the quality of life and economy of Georgia.

Certain types of land provide specific services that help achieve these goals. Some lands provide multiple services and, consequently, should be higher priority lands to protect. For example, forests protect air and water quality and biodiversity and may provide outdoor recreational and educational opportunities. If these forests are along streams, their ability to help protect water quality and aquatic life

may also increase. They may also serve as corridors, connecting otherwise fragmented populations of plants and animals. Appendix A presents the functions and services of the various land types that provide each of the five benefits.

A shift to a more strategic approach to conserving land will require a new way of evaluating how well we are doing in achieving the goal of the program. If we seek to protect a certain number of acres of land, keeping score is simple; we count the acreage conserved. But if we approach land conservation on a qualitative basis, a different approach for keeping score is required: “indicators” will be needed to

#### **ACTION ITEM 1:**

A technical working group should be created by DNR to develop the most appropriate set of indicators, or scorecard, to measure success in meeting the goals of the Land Conservation Partnership Plan.



monitor complex systems and to communicate success in meeting the goal.

We use such indicators every day. For example, changes in barometric pressure or cloud formations can indicate an oncoming storm. Doctors often use body temperature as a first indication of changes to an individual's health. Many indicators are available to measure our achievement of the Plan's goal. For example, indicators for biodiversity may include the number of acres of habitat that are protected and the number of miles of free flowing streams.

This qualitative approach to land conservation requires the coordination of large amounts of data both for planning and for monitoring. A Geographic Information System (GIS) is the data management tool that should be used to coordinate these data. A number of data sets already exist and can be used as the baseline for the program. However, additional data sets will be needed.

#### **ACTION ITEM 2:**

DNR should coordinate development of a GIS data management system to: (1) identify strategic lands; (2) quantify measures for establishing priorities and comparing projects; and (3) create a system to monitor progress in meeting the Land Conservation Partnership Plan goal.

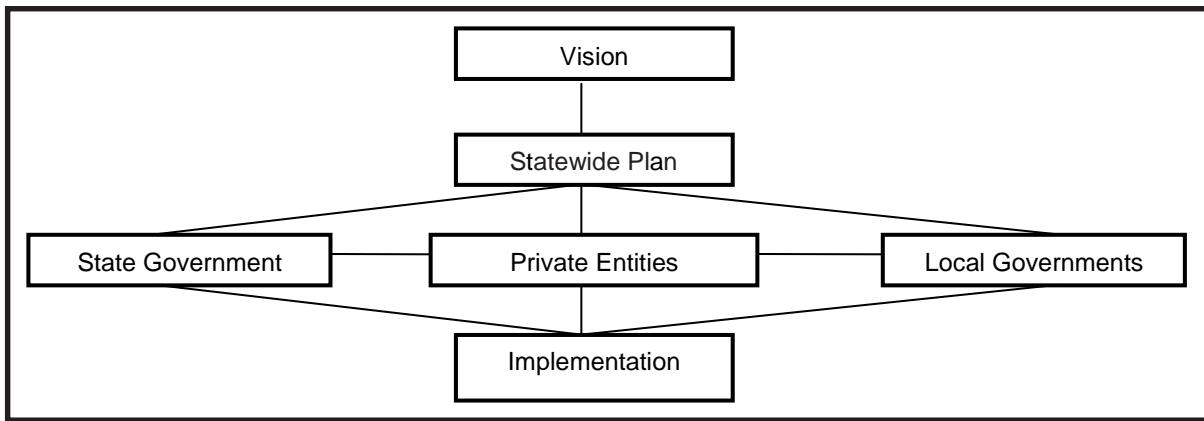
## **The Three-Pronged Strategy for Land Conservation**

As conceptualized by Governor Perdue, the Land Conservation Partnership Plan contains three parallel elements:

- State grants to counties and cities for greenspace acquisition and protection;
- State support and incentives to increase land conservation by private landowners, land trusts, and philanthropic organizations; and
- State acquisition of large, strategic parcels of land, including fee simple or less than fee simple interests.

The Plan is represented graphically in Figure 3.





**Figure 3: The Land Conservation Partnership Planning Process**

### Restructuring the Community Greenspace Program

#### ***Recommendation 2:***

*Amend the Georgia Greenspace statute to reflect the changes recommended in this Plan, including opening participation to all local governments; basing grants on competitive projects rather than on adoption of a greenspace plan; providing for a greenspace element in the local comprehensive plans; and expanding the definition of greenspace to include active recreation at a capped level. A significant percent of the land conservation funds recommended in Part III of this Plan should be earmarked for the Community Greenspace Program.*



The Community Greenspace Program was designed to provide State grants to the fastest growing and most densely populated cities and counties in the state to protect greenspace. To receive funds, qualifying local governments are required to develop a greenspace plan identifying how they will meet the goal of protecting 20 percent of the greenspace within their jurisdiction. Since its inception, 55 counties and 54 cities have benefited from its grants for greenspace acquisition. Approximately 5,800 acres of land have been purchased under the Community Greenspace Program and an additional 2,100 acres are under contract.

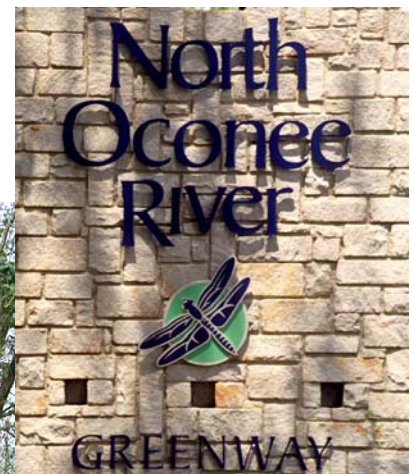
The Community Greenspace Program has involved state-wide policies implemented through the actions of qualified local governments. The impact of the Program would be greatly enhanced if it became truly state-wide with all local governments eligible to participate. The restructured program would continue to recognize the special physical



attributes that the local communities value and that contribute to their special sense of place.

The following changes would make the Community Greenspace Program truly state-wide in scope, more effective in encouraging the highest quality projects, and more likely to attract non-State funds to match State grant awards.

- Provide that all local governments are eligible to participate in the program.
- Provide that, to receive greenspace grant awards, local governments must incorporate greenspace elements into their comprehensive land-use plans.
- Base grant awards to local governments on their applications to acquire specific properties, or on their concept plans for specific projects.
  - ⊕ Make grant awards competitive, based on the merit of the project;



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**The Oconee Greenway in Athens-Clarke County is one of the successes of the Community Greenspace Program.**



© Cherokee County



**Funding for active recreational areas, like Hobgood Park in Cherokee County, should be allowed under the greenspace program but limited in amount.**

- ⊕ Group local governments into tiers for competition, so that comparable local governments compete against each other; and
- ⊕ Establish maximum and minimum amounts for individual awards within each tier of local governments, or create a ceiling for the total amount of funds that may be awarded within each tier, or both.
- Broaden the definition of greenspace to allow land acquisition for more active recreational activities than are currently allowed—such as playgrounds and ball fields—but limit the amount of such lands that greenspace funds can be used to acquire.
- Award land protection grants on an annual funding cycle, so each applicant would compete with the other applicants in its tier. The approval criteria would encourage desired local governmental actions and provide an element of accountability. For example, the rating criteria could award points to projects that:
  - ⊕ Conform with this Plan by directly supporting State land conservation goals, with priority for multiple goals;



- ⊕ Demonstrate the applicant's capability to acquire, develop, and provide ongoing stewardship to any identified and desired property interest;
- ⊕ Grow out of local plans to permanently protect 20 percent of the jurisdiction as conservation lands;
- ⊕ Involve strong public-private partnerships;
- ⊕ Leverage State funds with matching funds;
- ⊕ Document significant prior local efforts to raise funds for land conservation;
- ⊕ Document the permanent protection of land that has been conserved with local financial resources;
- ⊕ Document conservation and protection of land through local planning, zoning, and development regulations, as well as through land acquisition; and

**The Chattahoochee Nature Center is made possible through a partnership of public and private organizations and funds.**

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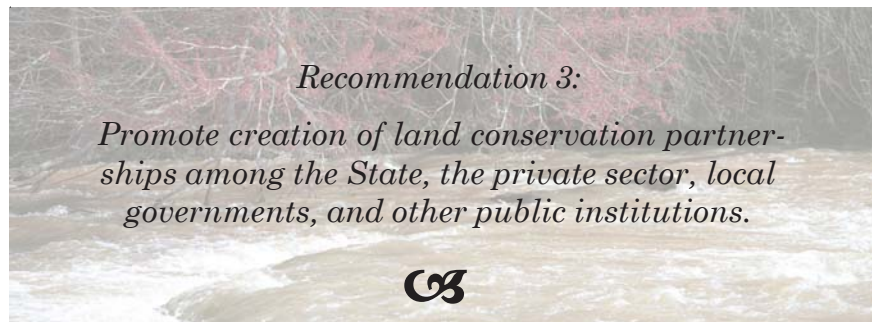
**Tallulah Gorge State Park is the result of a partnership between the State of Georgia and the Georgia Power Company.**

A significant percentage of available State funds should be earmarked for the Community Greenspace Program. Flexibility in funding should be maintained so that if excess State funds are available they could be used for the greenspace program or, alternatively, if excess greenspace funds were available they could be used for State land conservation purposes.

⊕ Are submitted by multiple jurisdictions and demonstrate consistency among the local efforts to connect protected lands or that protect lands of significance to a watershed or other regional area.

➤ Other grants could include emergency grants, planning grants, and grants for pilot projects.

### Creating Land Conservation Partnerships



The vast majority of land in Georgia is and should remain in private ownership. Private owners are often the best stewards of land. Public ownership of conservation lands is important if certain uses are to be promoted (e.g., public access for recreation purposes) or discouraged (e.g., excluding all economic use of the land to protect certain endangered species or important archeological sites). But,



there will not be enough funds to purchase in fee simple all the lands that should be conserved. We have to seek more creative solutions and to form partnerships with others interested in land conservation.

Creating effective partnerships is not easy. Parties to any endeavor frequently have different objectives; inevitably conflicts arise that must be resolved. Effective partnerships require a shared vision, effective leadership, and commitment. For this program, the State can serve as the catalyst to bring parties together, work through problems, maintain continuity and, through the tools and incentives identified in the Plan, provide the means for cooperative efforts to be successful.

There are four primary ways the State can and should support land conservation partnerships:

- Promote and assist existing and new partnerships with new and enhanced tools:  
Although a number of successful conservation partnerships have existed or are now active in Georgia, more partnerships could succeed if the State implemented the recommendations contained in this Plan. Furthermore, the State should make the land conservation tools as user friendly as possible and should encourage and assist local governments to do the same.
- Promote and serve as a clearinghouse for transferable partnership models: Because some land conservation efforts are similar to others, lessons learned from one project should be made available to guide the efforts of other projects. The State can help foster a cooperative sharing of experiences by coordinating the gathering and dissemination of information about land conservation efforts throughout the state and elsewhere.
- Coordinate complex and unique strategic projects: Some expensive or complex projects of strategic significance may require many partners with a variety of expertise. The State can





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**Wetlands like the Okefenokee Swamp here are critical habitat for many species. A private foundation helped buy the second largest wetland in Georgia, the Chickasawhatchee Wildlife Management Area.**

serve to bring the partners together and help them focus on land conservation objectives.

- Support demonstration projects: Demonstration projects can both validate the use of partnerships and serve as examples for others on how to structure certain types of partnerships. Consequently, the State can use demonstration projects for gaining experience and insights into how to make certain partnerships effective and for showing others how to partner effectively.

One major reason for creating partnerships is to leverage funds. The State can partner with federal agencies with funding programs to help achieve the goals of this Plan. While public and private entities in the state have successfully applied for federal funds for land acquisition, land stewardship, and capital improvement projects, Georgia has lost the opportunity for considerable funding each year due to a lack of matching fund availability and the absence of a co-



ordinated effort to apply for and administer some potential grants.

Appendix B presents information on federal funding sources consistent with the Plan that Georgia might be able to leverage if sufficient matching funds were available. The Community Greenspace Program has leveraged significant local acquisition dollars and has encouraged local communities to generate additional funding for greenspace protection. Some specific examples are presented in Appendix C.

In addition to federal and local funds, private funds from corporations, individuals, and philanthropic institutions are available for land conservation purposes. Frequently, these potential funding sources want to see a commitment by the State before they provide funds. For example, a private foundation provided matching funds to the State for the acquisition of the Chickasawhatchee Wildlife Management Area, second in size to the Okefenokee Swamp as the largest wetland area in Georgia.

To leverage funds, a critical partnership of State agency efforts in the near term will be coordination with the DNR Wildlife Resources Division's "Comprehensive Wildlife Conservation Strategy." All states are currently completing this process in order to identify priorities for land conservation that will protect their state's biodiversity. It is anticipated that federal and other funds will soon become available to implement these strategies, and Georgia can be a top competitor for these funds.

Effective partnerships, particularly in regards to leveraging funds, are circular in nature. It becomes difficult to determine who is leveraging whom. The State uses its funds in the Community Greenspace Program to leverage local funds; but local communities use their funds to leverage State funds. Similarly, the federal government has grant programs designed to leverage state, local and private funds but the State can use its funds to leverage federal funds and private funds. The best partnerships are mutually beneficial. To make them work in Georgia, funds must be available for the State to leverage or to be leveraged to conserve land.



## State Organizational Structure



Coordination among all stakeholders is crucial to the success of the Plan. The Advisory Council reviewed a number of alternative approaches for implementing the Plan, monitoring implementation, providing technical assistance, and building partnerships and public

awareness. We believe that the best organizational structure should include the following:

- Reconstitute the Georgia Greenspace Commission as the Georgia Land Conservation Authority to oversee the implementation of the Plan; and
- Expand and restructure DNR's current Real Estate Office as a division that would coordinate strategic land conservation efforts, provide technical assistance and public outreach programs, provide staff support to the Authority, and work in a collaborative relationship with the Georgia Forestry Commission and other agencies to implement this Plan.

### Reconstituting the Georgia Greenspace Commission as the Georgia Land Conservation Authority

The Georgia Greenspace Commission should be reconstituted as an authority, renamed the Georgia Land Conservation Authority. It would be responsible for the coordination and implementation of all land conservation activities, including the continuation of grants to local govern-



ments. In addition to the Commission's existing purposes, the new Authority would promote strategic land conservation by both the public and private sectors and periodically evaluate land conservation progress. It would advise the Governor and others about opportunities and needs and could help coordinate initiatives both within and across agency boundaries. For example, the Authority should ensure that the Comprehensive Water Management Plan and comprehensive planning under the Georgia Planning Act recognize the goals and endorse the strategies of the Land Conservation Plan. In addition the Plan must be consistent with the Comprehensive Wildlife Conservation Strategy and be coordinated with the Forest Legacy sites and regions determined by the Georgia Forestry Commission, DNR, U.S. Forest Service, and others.

State authorities are empowered to carry out certain functions that other organizational units cannot and, as a result, an authority would be a necessary structure to effectively implement the goals of this Plan. As recommended below, an authority is necessary to enable the State to purchase fee simple title to property, place conservation easements or other such restrictions on the property (or require the purchaser to place restrictions on the land subject to the purchase), and resell the property subject to these restrictions. A State agency cannot resell State-owned property without specific legislative approval, but a State authority can.

It is envisioned that this Authority would place, or require placement of, conservation easements on much of the land it acquires. It should be empowered to oversee and manage the easements and to act as a land trust with respect to these and any other easements. It should also be authorized to act as a co-Trustee with other land trusts to strengthen their capacity to enforce easements. As a Trustee or co-Trustee, the Authority should be empowered to manage land and have funding for land stewardship purposes. Some lands acquired by the Authority may be suitable for management as parks, historic sites, natural areas, wildlife management areas, and public fishing areas. These properties could be administratively assigned or transferred to DNR. Other properties suitable for State ownership could



similarly be administratively assigned or transferred to the Georgia Forestry Commission or other appropriate agencies.



**State ownership of property is exemplified by the Etowah Indian Mounds State Park.**

An additional benefit of using an authority for land acquisition purposes is that it would allow for streamlined policies and procedures and provide greater flexibility in accepting title in specific instances where it is assured that the natural resource values of land are going to be protected. The Authority should also review policies and procedures relating to land conservation to determine how they relate to each other. For example, questions have been raised about how lands assessed as bona fide conservation use properties (O.C.G.A. Section 45-5-7.4) might be affected by other land conservation tools such as transfer of development rights and conservation easements.

The Authority could also have the power to sell revenue bonds, if it had a reliable source of funding to pay back the bonds. Selling revenue bonds can create the initial capital that would accelerate the start-up of the land conservation program, rather than accumulating sufficient funds as revenues are generated. This method would allow the State to be more competitive in the wholesale market of acquisition of strategic properties. Accelerating the start-up of the





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**Riparian buffers protect water quality by reducing pollutant runoff. They can also serve as wildlife corridors.**



land conservation program is critical since there is currently a large amount of timber land on the market, some of which is high priority land that is at risk. An additional benefit to using an authority for this purpose is the availability of funds that carry over from fiscal year to fiscal year.

The Authority should have an expanded Board of Trustees, with representatives of local governments, private landowners, land trusts, and conservation organizations. In addition it should include members from appropriate State agencies such as the Commissioner of DNR, Executive Director of the Georgia Forestry Commission, Executive Director of the State Properties Commission, Commissioner of the Department of Transportation, Commissioner of the Department of Community Affairs, Commissioner of the Department of Agriculture, and the Executive Director of the Georgia Environmental Facilities Authority.

### **Providing Agency Support**

The Department of Natural Resources is the major State land management agency in Georgia and also staffs the Georgia Greenspace Commission. Creating a new DNR division would help give the Plan the stature it needs to succeed. The proposed division is a more cost-effective method for achieving the Plan's goals than a new State agency would be. This approach provides continuity with existing State land acquisition programs, including the existing Community Greenspace Program. As DNR is the most logical land manager for fee simple lands to be acquired under the Plan, it should coordinate the monitoring and stewardship of conservation easements as well. Most actual land management activities would remain with existing divisions within DNR, the Georgia Forestry Commission, or with other agencies.

The Georgia Land Conservation Authority should be attached to DNR for administrative purposes, and a sufficient number of staff with the expertise necessary to carry out the responsibilities of implementing this Plan should be employed. For coordinating purposes, the director of the new division should also serve as the executive director of the Land Conservation Authority.



The Department of Natural Resources and the Georgia Forestry Commission have cooperated extensively in managing State-owned lands. Objectives for lands within the primary responsibility of each agency vary by agency mission, funding source at acquisition, funding source for ongoing management, and public interests. It is recommended that this collaborative relationship be expanded for the purposes of implementing this Plan, with the Forestry Commission working closely with forest owners on those components most closely aligned with forest activities (e.g., carbon sequestration).

**ACTION ITEM 3:**

The Georgia Department of Natural Resources, the Georgia Forestry Commission and other appropriate agencies should review this Plan and determine agency responsibilities consistent with its intent.

## **Tools and Incentives for Conserving Land**

Many different tools are needed to protect strategically important lands. These tools include not only acquiring land but also acquiring interests in land, such as conservation easements; the use of ordinances and other measures that restrict certain types of land uses, generally in certain places (e.g., land disturbing activities in riparian buffers or filling of wetlands); and public information and outreach. In addition, incentives, or the removal of disincentives, must be used to help achieve the land conservation goals of the Plan. Generally the incentives relate to taxes, providing greater flexibility, promoting Georgia-grown forestry and agricultural products, and streamlining procedures. Education and involvement of the public are critical to making these tools work.



## Land Conservation Tools

### ***Recommendation 5:***

*Support the development and use of a variety of land conservation tools.*



Given the tremendous variation in motivation and economic needs of property owners and in the restrictions and management needed to achieve different conservation goals, the State must provide a wide range of conservation tools. A tool may be essential in one situation but ineffective in another. In some cases, it may be necessary to combine several tools.

## Purchase and Donation of Fee Simple Title

Federal, state, and local governments, as well as conservation organizations, have traditionally protected land by purchasing a parcel in fee simple and using it for conservation purposes. The State has purchased thousands of acres for parks, wildlife management areas, and other purposes consistent with the Plan's goals. Fee simple acquisition is expensive but it is usually the tool of choice when public access is desired or when protecting conservation values that preclude most other economic uses of a property. As a major owner and manager of land, the State should set the standard for stewardship by using best management practices on all its lands. Fee simple acquisition will continue to be a tool for land conservation, but other less expensive, less invasive, and better-tailored techniques exist, and their use should be dramatically increased.

## Leasing Land

Leasing land can be a helpful tool for providing recreation and other benefits on lands the State does not own in fee simple. DNR currently manages 210,000 acres for wildlife management through short-term leases. These leases



are renewed on an annual basis. Recent sale of timberland properties in Georgia used as wildlife management areas, however, exemplifies the limited surety associated with this arrangement. Long-term leases are more reliable and may include first right of refusal for purchasing the land if it is placed on the market.

## Conservation Easements

Land ownership entails a bundle of rights that can be separated from the land. The owner can, for example, retain mineral rights when the land is sold. Separating rights from the land may reduce its value and its price usually reflects this change. To conserve more land with scarce dollars, governments and conservation organizations have begun acquiring just the development rights in some lands. When development rights are purchased or donated, title to the land remains with the private owner, who agrees to manage the property in order to protect specific conservation values and who foregoes the right to develop the property in a manner that would jeopardize those conservation values. The conservation easement may require that the landowner use best management practices in order to protect the conservation values. Development rights may also be severed from only a portion of the property, leaving the remainder available for development. For example, Gwinnett County's Community Greenspace Plan envisions purchasing and retiring development rights within riparian corridors in order to protect water quality. The landowner agrees not to disturb the land within a certain distance of the stream but otherwise continues to own and enjoy that section of the property.

### *Recycling Funds Through Use of Conservation Easements*

One mechanism to make the best use of available funds is to recycle the funds through a revolving program. This approach would involve purchasing land, placing (or requiring placement of) conservation restrictions on those portions of the land requiring protection, and reselling the land with the restrictions in place. Funds obtained from the resale of land could then be used to purchase additional land, put



conservation restrictions in place, and again resell the land. Not only does this approach permit recycling funds in multiple transactions; it also allows the fee title to the land to remain in private ownership. Finally, active participation by the State in a system for recycling funds would greatly accelerate efforts to protect lands with conservation easements.

Probably the best way to implement such a recycling program would be to create an actual Fund that would be used for this purpose. Although the State itself could create this fund, it would be far preferable for the State to partner with foundations, conservation organizations, and other interested parties to do so. The combination of State funds with foundation and other private funds, along with the know-how of organizations and land trusts experienced in the use of conservation easements, would be a powerful kickoff to the Plan.

**ACTION ITEM 4:**

The Georgia Land Conservation Authority should join with foundations, conservation organizations, and other interested parties to create a revolving fund that would allow for the purchase of lands, placement of conservation restrictions on the land, and resale of the land with the restrictions in place.

Similar programs have been used elsewhere. In the last few years almost one million acres of working forest lands have been protected in South Carolina, Tennessee, Maryland, and the New England states through a consortium of conservation organizations, private investors such as Timber Investment Management Organizations (TIMO's), and state and federal agencies who together purchased large tracts of land, placed conservation easements on particular sensitive areas and then resold the land with the restrictions in place.

### *Agricultural Conservation Easements*

Agriculture and forest lands are commonly intermingled and, consequently, when the term "agriculture" is used in this Plan, it includes silviculture.

Between 1992 and 1997, Georgia lost more than 184,000 acres of farmland—ranking third nationally in prime agricultural areas lost to development. Agricultural losses have been acute not only around metropolitan Atlanta but also



near such cities as Albany, Macon, and Savannah. Continued decreases in the state's agricultural base may threaten its ability to support a viable agricultural economy and result in the loss of greenspace benefits such as air and water quality and biodiversity.

Purchase of development rights has been used as a means to protect agricultural land. These agricultural programs, generally known as Purchase of Agricultural Conservation Easement (PACE) programs, compensate farm owners for foregoing the future development of their land. In general, agricultural conservation easements limit subdivisions, non-farm or forest development, and other uses that are inconsistent with commercial agriculture and forestry. Typically, PACE programs consider soil quality, threat of development, and future agricultural viability when selecting tracts for protection.

Selling an easement allows a farm owner to receive cash for some of the equity in the land, creating a financially



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**PACE has been used to protect agricultural land from development.**



© Marty Maxwell

**Reinvestment of PACE funds may make land more affordable for beginning farmers.**



competitive alternative to development. For example, the proceeds from selling an easement may be used to reduce debt, to expand or modernize a farm operation, or to invest for retirement. The reinvestment of PACE funds may also stimulate local agricultural economies. Such a sale may also facilitate farm transfers to the children of farmers and make the land affordable to beginning farmers and others who want to buy it for agricultural purposes. It may also reduce property taxes and keep them from rising.

Carroll County is using \$19 million generated through a special purpose local option sales tax to purchase and retire the right to subdivide prime agricultural tracts. A public/private partnership effort which included USDA Natural Resources Conservation Service, Oconee County, Athens Land Trust, the Georgia Community Greenspace Program, and others purchased the development rights on a farm in Oconee County in 2004 with the intent of keeping it as a working farm.

At least 24 states have authorized state-level PACE programs. In 2004, the Georgia General Assembly considered House Bill 822 to create such a program. The legislature delayed action pending the final report of this Advisory Council.

**ACTION ITEM 5:**  
Legislation should be enacted by the Georgia General Assembly establishing an effective Purchase of Agricultural Conservation Easement program for Georgia.

### *Monitoring and Enforcing Conservation Easements*

In order to determine progress in conserving land through the use of conservation easements, it is necessary to monitor their use. Currently, easements are recorded on

**ACTION ITEM 6:**  
The conservation easement statute should be amended by the Georgia General Assembly to require all holders of conservation easements to report pertinent information about the easement to the Georgia Land Conservation Authority.



the deed by the local government, but there is no reporting requirement that would allow the State to track their use.

Before landowners will voluntarily increase the use of conservation easements for land conservation, they must be convinced that these easements will permanently protect the land. A landowner who places a conservation easement on land is likely to honor its terms, but an heir or subsequent purchaser may be tempted to develop the property that the easement seeks to protect. Enforcement of the easement is the responsibility of the easement holder, which might be a private land trust or a governmental body. In several states, the Attorney General shares that enforcement authority, allowing the State to take enforcement action in the event the land trust needs assistance.

#### **ACTION ITEM 7:**

DNR is requesting an opinion from the Attorney General regarding his authority to enforce conservation easements held by private, nongovernmental land trusts. In the event of a finding that the Attorney General lacks such authority, the General Assembly should amend the Georgia Uniform Conservation Easement Act to authorize the Attorney General to enforce these easements.

## **Land Use Control Ordinances and Related State and Federal Activities**

Under the Reserved Powers of the U.S. Constitution, states and, by extension, local governments can use their “police powers” to restrict land uses in order to protect public health, safety and welfare. Under the Georgia Constitution, the State has the authority to restrict land uses in order to protect the natural resources,

**Cloudland Canyon is a beautiful and vital natural area.**



© John Ambrose



environment and vital areas of the state. “Vital areas” are defined by statute as water supply watersheds, significant ground water recharge areas, wetlands, stream corridors, and the higher elevations and steeper slopes of mountains.

### *Local Land Use Ordinances*

Land use controls most commonly used by local governments include zoning, subdivision regulations, and building codes. Generally, these ordinances have not been designed to meet the goals identified in this Plan. For example, traditional zoning was designed to separate incompatible land uses such as industrial facilities from residential areas.

However, traditional zoning with large lot requirements, is a major cause of urban sprawl. Recent efforts have focused on adapting land use control measures to better protect environmental values.

One way to make traditional zoning more flexible is to allow development rights to be transferred between zones, allowing for different development densities based on environmental and other considerations. The

transferee pays the transferor the fair market value of the transferred development rights. Transfer of development rights between zones allows one zone to develop at a higher level (the receiving area) while another zone (the sending area) is kept in a more natural state. The overall level of development remains the same but the concentration is shifted from one area to another. Transfer of development rights is authorized under Georgia law and is being piloted in south Fulton County. Conservation subdivisions can be used to concentrate development on a portion of a subdivision while reserving some greenspace, usually in more en-



© Hugh and Carol Nourse

**Land conservation protects endangered plants such as this *trillium persistens*.**





© Jim Kundell

**Agriculture is an important land use which also serves as greenspace.**

Environmentally sensitive areas. Another flexible land use measure is overlay zoning, which identifies areas within a zone that require special treatment (e.g., wetlands). Overall the land uses remain the same but sensitive areas are flagged for special consideration and treatment. Use of these tools has grown dramatically due to the Community Greenspace Program, development of model ordinances and the provision of technical assistance.

Agricultural districts can help maintain farmland. Under traditional zoning, agricultural zones have been generally used as holding areas until the land within them is desired for development. By creating an agricultural district, the local government and the farmers (voluntarily) are saying that this is an area that they want to retain in



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**Coastal wetlands are protected under the Coastal Marshlands Protection Act.**



agriculture. Consequently, it is a positive endorsement of agriculture as an important land use. In addition, there are potential benefits to landowners with active farmland in

**ACTION ITEM 8:**

State policy should encourage the use of more flexible land use tools by local governments. Where State policy restricts their use and encourages wasteful uses of land, changes in State law or rules should be considered.

an agricultural district. These benefits vary by state but might include reduced ad valorem taxes and limits on local regulations that restrict or regulate farming practices. Agricultural districts can help to create an economic and regulatory climate that supports and protects the local agricultural economy.

### Related State and Federal Activities

Some State and federal requirements support the intent of this Plan. For example, use of best management practices (BMPs) required under the Georgia Erosion and Sedimentation Control Act (e.g., maintaining undisturbed vegetative buffer along streams) and the stormwater control requirements of the federal Clean Water Act (e.g., using greenspace to provide filtering and infiltration of stormwater) are measures with aims consistent with this Plan. In addition, the Georgia Coastal Marshlands Protection Act sets requirements for activities that disturb coastal marshes, a particularly important greenspace managed by the State.

Two examples of how activities of the State and federal governments can help meet the Plan's goals relate to mitigation of impacts on wetlands and stream corridors and carbon sequestration.

#### Mitigation Enhancement Program

Acquisition and protection of wetlands and some riparian areas are required pursuant to mitigation programs



mandated by federal and state regulatory programs. For example, section 404 of the Clean Water Act requires developers, including government agencies, to obtain permits from the U.S Army Corps of Engineers for projects that cause unavoidable impacts to wetlands or streams. The permits usually require the developer to mitigate for those impacts by restoring and preserving wetlands and/or streams in the vicinity of the project or at another site. Funds for the required mitigation are considered part of the project's costs.

At present, most of the mitigation funds are spent to acquire wetlands or stream corridors and then to restore them. While the acquired lands are usually in the same geographic area as the impact, they are not necessarily in the same watershed nor do they necessarily conform to the State's land conservation needs as identified in this Plan. Currently, developers spend a great deal of money on mitigation lands that may not protect our most important natural areas or create connections between them.

By developing a program to assure that the lands thus acquired are those identified as the highest priority under this Plan, the State would have an extremely cost-effective measure for acquisition of conservation land. A mitigation enhancement program could be based on one recently created in North Carolina. In July 2003, the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U.S. Army Corps of Engineers signed a memorandum of agreement establishing the Ecosystem Enhancement Program (EEP). The EEP, which is housed within the North Carolina Department of Environment and Natural Resources, is a public/private partnership to promote and enhance watershed functions across the state.

The EEP partnership directs North Carolina Department of Transportation funds for wetlands and streams mitigation—approximately \$100 million over a three-year period—to the acquisition, restoration, and permanent protection of lands that enhance watershed functions in the region in which the impacts are to occur. Land trusts play a role in this partnership; they help identify and screen potential sites for acquisition and monitor the sites purchased by the EEP.



**ACTION ITEM 9:**

The State should create a Mitigation Enhancement Program to direct wetlands- and stream-impact mitigation funds of the Georgia Department of Transportation and other agencies to the acquisition of fee simple and development interests in priority lands identified in this Plan.

*Carbon Sequestration*

There have been a number of legislative proposals to place limits on carbon emissions from fossil fuels and to implement such a policy with a system of tradable carbon permits. In most versions of such a policy, actions taken for the purpose of sequestering carbon earn credits. These credits can then be sold to fossil fuel users in the trading system, creating a direct financial incentive to sequester carbon.

The expectation that the Kyoto Protocol on Climate Change will be ratified soon and the emergence of government-backed emissions-trading schemes in Britain and Denmark are driving the growth of carbon dioxide credits. The 2004 Georgia General Assembly passed legislation providing that the Georgia Forestry Commission establish a registry of offsetting reduction in greenhouse gases obtained by carbon sequestration. The U.S. Senate is considering legislation that would cap greenhouse gas emissions and allow carbon rights trading. Thirteen U.S. companies, including American Electrical Power, Dupont and Ford, have joined the new Chicago Climate Exchange. Some U.S. companies are buying carbon dioxide credits today, at relatively low prices, as insurance against future regulations.

Other policies might directly provide incentives to increase carbon sequestration without linking these activities to a market for emissions credits in the fossil fuel sector. These include direct subsidies for sequestration and payments for maintaining forested land, and for using particular agricultural techniques (e.g., conservation tillage)



even when there is not explicit measurement of net carbon sequestration. However, any such policies are likely to have significantly less financial resources because funding will come from government revenues.

To the extent that this Plan maintains land in an undeveloped state, it is quite possible that very little *new* sequestration will be achieved. Instead, net releases of carbon into the atmosphere will be avoided. While avoiding such releases is equally as valuable as new sequestration in terms of its environmental benefits, it is likely that such preservation will not easily qualify for credits. On the other hand, where cleared land is planted with pine trees and produces, for example, an additional 20 tons of sequestered carbon, the activity would likely qualify for 20 tons worth of credits. The actual status would depend on the rules of the incentive program, which cannot be predicted with any certainty at this time.



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**Trees take carbon dioxide from the air that can help reduce global temperature increase.**

#### **ACTION ITEM 10:**

Funding should be made available to the Georgia Forestry Commission to enable the implementation of the Georgia Carbon Sequestration Registry Act.

## **Public Information and Outreach**

Providing good information is one of the best tools for achieving effective land conservation. The Georgia Land





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**The Advisory Council discusses the need for improving public awareness of land conservation issues.**

Conservation Partnership can best meet its goals if the public continues to support the conservation of environmentally significant lands. Polls indicate that many members of the public clearly understand the importance of conservation and favor the protection of open space. Nevertheless, it is critical for land conservation that this public support be nurtured and expanded to ensure a sustainable, stable program to which the State can make reliable, long-term commitments.

The State needs an effective campaign of education and outreach to enhance public support for all partners working toward the achievement of the Plan's goals. The campaign should inform all Georgians of specific ways in which they can help conserve land and should

seek to develop environmental stewardship as a core value of both landowners and the public. The campaign should have three elements: a communications program, a training initiative, and a resource center for information referral and technical support. For a summary of a partnering matrix (available at [www.gadnr.org](http://www.gadnr.org)) see Appendix D.

### Communications Program

The communications program should place messages both directly and indirectly in the news media, through news items, feature items, and the contents of speeches and reports that receive media attention. To determine the target audiences and the most effective messages and media, the program should include:



- A brief situation analysis describing the reasons for creating the partnership and its role in addressing land-related challenges;
- A survey and analysis of public opinion concerning land conservation to determine what messages are most likely to create awareness of conservation needs and to motivate the public to change unsustainable behaviors;
- A program-specific list of goals, objectives, and tactics; and
- A few key messages that will appear in every State speech, news release, feature article, interview, or other public statements about the program.

### Training Initiative

The conservation partnership is expected to operate for many years; to involve numerous land conservation organizations and other partners; to explore many new ideas, approaches and methodologies; and to use various tools for land conservation. The State should take the initiative to ensure that landowners and other conservation partners have current information about successful projects, partners, and tools so they will be equipped to succeed in their own projects. Training sessions and other educational programs and devices will be needed. Such efforts will increase the capacity of partners to further the Plan's goals.



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**Meetings like this one in Macon were held to receive input from the public on the draft plan.**



## Technical Support

The State should establish a resource center that provides a wealth of readily available information on land conservation. Much of this information can be Web-based and include directories of land conservation initiatives in Georgia and the nation (who is doing what and where), funding sources, research efforts and findings, conservation needs, conservation accomplishments, and model programs and tools. The directories should include direct links to relevant Web sites and to expert organizations and individuals who can provide information that is tailored to the specific needs of the person seeking the information. The Department of Natural Resources should also have staff that can respond

to questions from existing or potential conservation partners. Technical support is critical for effectively using the tools and incentives identified in this Plan to conserve land.

### **ACTION ITEM 11:**

The State should develop a comprehensive public information and outreach campaign with three elements: a communications program, a training initiative, and a technical support center. These elements may be contracted out to other service providers.

The State should develop a land conservation outreach program for landowners. This assistance should include providing information on conservation tools and management practices upon request, coordinating application for related State and federal programs, and

### **ACTION ITEM 12:**

DNR should cooperate with the Georgia Forestry Commission, the Georgia Soil and Water Conservation Commission, the Cooperative Extension Service, and other institutions and organizations with outreach programs designed for landowners to provide technical support on land conservation.



other similar types of support that will assist landowners in conserving their land.

## Incentives for Land Conservation

### ***Recommendation 6:***

*Support removing disincentives for land conservation and adopt new incentives to encourage conservation of land.*



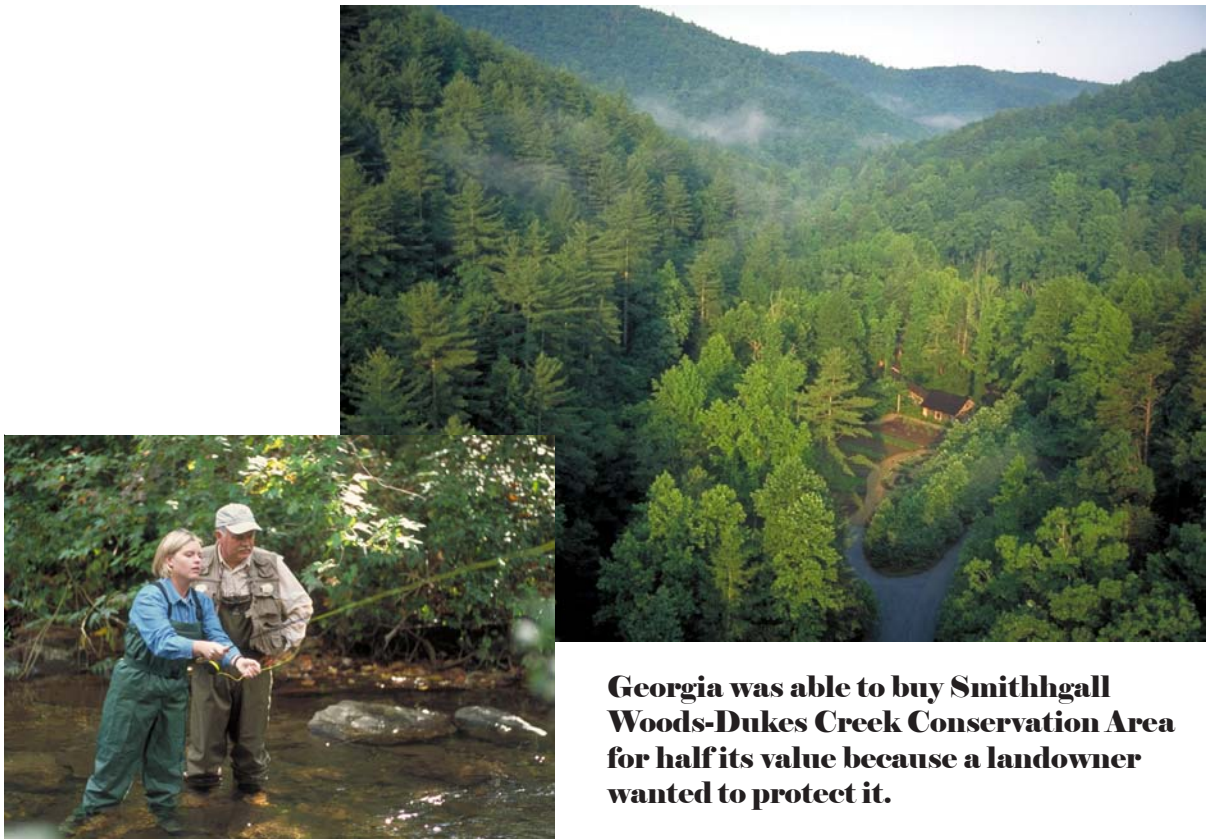
Georgia has a long history of private land stewardship. The rural parts of the state offer many examples of privately owned farms and forests where land conservation planning has continued for decades: from the farmer who chose to keep livestock out of streams to the forest owner who kept hardwood forests along streams. In urban areas, some landown-

ers have resisted the pressures of urban sprawl and kept their open space intact. In many instances, these owners have continued to live on these properties until changes in surrounding land use degraded their quality of life. With increasing land values and an increasing property tax burden, this stewardship—both in rural and urban areas—has become increasingly difficult.

Some Georgia landowners have assured the permanent protection of their land by donating the land or the development interests in their land to the State, a local government or a private land trust. Other landowners, rather than donating their land, make a bargain sale, selling the land or development interests at less than fair market value. A noteworthy example, is Smithgall Woods-Dukes Creek Conservation Area. This 5,600 acre tract of land was sold to the State at half price by the owner who wanted to see it protected forever.

More landowners would voluntarily protect their land or give up its development rights in perpetuity in exchange for some compensation or other incentives. These incentives might take the form of income tax credits; revaluation of property encumbered with a conservation easement, with a consequent decrease in the property tax; and changes in ad valorem taxation.





## AdValorem Tax Policy

An important step in developing a strategic land protection program is to eliminate current barriers to conservation wherever it is feasible to do so. Georgia's current ad valorem tax policy is a contributor to the loss of farm and forest lands.

Georgia's ad valorem tax is based on the fair market value of land. It assesses how the land *could* be used rather than how it is currently used. As a result, the ad valorem tax on a working farm or forest increases to reflect the potential development value of the property. Many states, including all our neighboring states, base their ad valorem taxes on current use. Georgia has seen a significant increase in population from out of state as well as a substantial population shift from rural areas to the metropolitan areas of Georgia. Our current tax policy has not been adjusted to account for these dynamic population shifts with their concurrent demands for local services and schools.



It is clear that in parts of the state the additional cost burden of increased ad valorem taxes has resulted in the conversion of environmentally friendly farms and forests to commercial and residential development. Many individuals spoke to the Council about the inconsistency of a tax policy that forces the conversion of land to urban/suburban development while spending government money and providing incentives to keep the land from being developed. In addition, there is an issue of basic fairness, as these farms and forests require fewer government services than do residential and commercial properties. Strong arguments were made to the Council that Georgia should move to current use taxation, as its neighboring states have done.

The Advisory Council believes that the existing ad valorem tax policy is a disincentive for maintaining and conserving farms and forest lands. It also recognizes that ad valorem taxes are the sole or primary source of funding for local governments and schools. Although it is beyond the scope of this Plan to propose a specific solution, we do believe that the State should review funding mechanisms available to local governments and school boards and determine whether it would be feasible to adopt the current use method of ad valorem taxation.

#### **ACTION ITEM 13:**

The State should review and consider amending funding mechanisms for local governments and school boards that would permit consideration of the current use method of ad valorem taxation.

### **Use of a State Income Tax Credit**

Georgia law allows for a State income tax deduction for permanent conservation easements and charitable gifts of land but does not provide for an income tax credit. A tax credit is a dollar-for-dollar reduction in the actual tax owed. A tax deduction only reduces total taxable income from which the tax owed is calculated. At least ten states, including North Carolina, South Carolina, Virginia, and Mis-



Mississippi, have adopted income tax credit programs to increase the financial incentives for private land conservation. These programs have protected significant amounts of land at a much lower cost than by purchasing land outright.

North Carolina's conservation tax credit program has been in effect since 1983, and has conserved 108,900 acres of land worth more than \$304 million, at a cost to the State of just \$28 million. In addition, the State's savings on bargain sales (in which land was sold to the State at less than fair market value) was \$25.8 million. In 2000, North Carolina conserved 13,000 acres worth \$41 million at a cost of \$9 million. In 2002, 8,300 acres worth \$49 million were conserved. The cost for administering the program in North Carolina has been quite low, requiring less than one full-time staff person. The program's success owes much to the land trusts that have publicized its existence.

The effects of a tax credit program on the local tax base may often be positive. Most gifts are likely to be conservation easements donated to local land trusts. In these cases, the land stays on the local tax rolls, although at a reduced level, and the landowner continues to manage the property. In some situations, benefits conferred by the conservation easement can increase the value of neighboring land, helping to offset any loss to the tax rolls due to the donation. The protected land also requires far fewer government services such as water and sewer and classroom space. Tax credits also give the owner an actual cash return. The landowner's expenditure or investment of these funds adds

to the local economy both directly and through an economic multiplier effect. Recommended provisions for a Georgia tax credit program are provided in Appendix E.

**ACTION ITEM 14:**

The State should establish a Georgia Land Conservation Tax Credit Program to provide a landowner with an income tax credit for donating land or a permanent conservation easement to a qualified land trust or to a governmental body and to provide a credit on the gift portion of a bargain-sale of land or an easement for conservation purposes to such entities.



## Revaluation of Conservation Easement Lands for AdValorem Taxation

Georgia is one of several states that entitle a landowner to a revaluation, by the local tax assessor, of land subject to a conservation easement (O.C.G.A. Section 44-10-8). However, many local tax assessors do not have an approved method for revaluing encumbered property to reflect the existence of a conservation easement. In 2002, acting pursuant to the county's community greenspace plan, which states an intent to protect the Oconee River and its tributaries through voluntary conservation easements, a landowner placed a conservation easement on his property on the headwaters of the river, a drinking water source for several communities. The landowner petitioned the board of equalization to adjust his ad valorem taxes to reflect the decrease in fair market value of the property caused by the easement restrictions. The equalization board reduced his tax bill accordingly, but the board of assessors filed an action against the landowner in Superior Court. Eventually the suit was settled favorably to the landowner, but the incident had a chilling effect on the voluntary donation of conservation easements. The lack of a state-wide policy on easement valuation has frustrated private landowners' attempts to preserve the natural resource values of their land.

As a result of this particular case, DNR staff and faculty from the University of Georgia worked with tax assessors to initiate the development of a methodology for valuing lands encumbered by conservation easements that is both fair to Georgia taxpayers and easy for local tax assessors to administer. According to a recent poll of state

**Local farmers' markets are one way to promote Georgia-grown products.**



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land trust leaders by the Georgia Land Trust Service Center and the Southeastern Office of the Land Trust Alliance, the adoption of standardized, predictable procedures for valuing land encumbered by conservation easements would

likely increase the use of these easements by the private sector. Studies from around the country indicate that the resulting reduction in property taxes would likely be offset by increased property values of land adjacent to the permanently preserved areas.

**ACTION ITEM 15:**

The State should formalize a methodology for valuing Georgia property encumbered by a conservation easement and require that tax assessors use the method, either by amending the Georgia Uniform Conservation Easement Act or by adopting regulations of the Department of Revenue.

## Other Incentives

Maintaining forests and agricultural operations generally requires that they be economically sound activities. Stimulating sale of products produced on Georgia land would aid in ensuring the economic viability of forestry and agriculture in the state. One approach to helping to stimulate markets for Georgia agriculture and forestry products is for the relevant state agencies, and landowners to partner in marketing and certification of Georgia-grown products. This could be done by expanding the “Georgia Grown” program of the Georgia Department of Agriculture ([www.agr.state.ga.us/ggindex.html](http://www.agr.state.ga.us/ggindex.html)).

**ACTION ITEM 16:**

An expanded marketing and certification program for Georgia-grown products should be undertaken by the Georgia Department of Agriculture and the Georgia Forestry Commission in partnership with the agricultural and forestry sectors.



The State should recognize landowners who make significant contributions to land conservation. One option is to hold a recognition ceremony periodically where those individuals are honored for their contributions, similar to or combined with the Centennial Farms program managed by the Historic Preservation

Division of DNR. Also, the “Natural Areas Registry” which was designed by DNR to recognize landowners for their contributions to conserving Georgia’s natural resources could be revived as a method of promoting private land conservation efforts.

#### **ACTION ITEM 17:**

The State should develop or expand the use of an existing program to recognize outstanding land stewards.

## **Summary**

This Plan recommends a strategic approach to land conservation, so that State and local efforts, in partnership with those of the private sector and other institutions, result in the conservation of the most environmentally and culturally significant lands across the state; a qualitative approach to land conservation. To accomplish this we propose that the State:

- Identify and conserve those lands that are most valuable from an environmental and cultural perspective.
- Adopt a three-pronged strategy for conserving land by:
  - ⊕ Restructuring the Community Greenspace Program to make it available to all local governments on a competitive basis;



- ⊕ Creating partnerships with the private sector and other public institutions interested in land conservation; and
  - ⊕ Adapting its organizational structure to better carry out the land conservation responsibilities.
- Use a variety of tools and incentives to conserve land by public/private partnerships without relying solely on purchasing land.

This comprehensive approach to land conservation will enable the State in partnership with others interested in land conservation to protect more land at a lower cost by purchasing only certain strategically important parcels and by using less expensive conservation easements and regulatory powers to keep more conserved land in private ownership. It is an innovative, comprehensive approach that will enable us to make the best use of our financial and our natural resources.



## Part III Funding the Land Conservation Partnership Plan

Implementing this Plan will require a commitment of State funds. This commitment of funds is an investment: an investment in our natural and cultural resources; an investment in protecting our quality of life; an investment in maintaining our economic competitiveness; an investment in our future. Other states have recognized that land conservation is not only environmentally sound but also is good business. People want to live, work and play in a quality environment. Land conservation is a critical component of ensuring that Georgia remains the type of place that people and businesses want to call home.



### *Recommendation 7:*

*Secure a reliable and adequate source of funding and dedicate it for use in implementing the Land Conservation Partnership Plan.*



## How Does Georgia Compare to Other States?

There is very little data available on total conserved lands in each state. Although a variety of programs, in addition to purchase of land, have been implemented by states across the country, an overall analysis of these various efforts is not yet feasible. However, better information is available on the amount of conservation land in public ownership and it is likely that these data are a workable proxy for total land conserved.

Unfortunately, Georgia falls behind most states, both nationally and in the southeast, in its public ownership of land. An analysis of federal and state lands in each state conducted by the National Wilderness Institute and updated by the Natural Resources Council of Maine ranked Georgia 40<sup>th</sup> of 50 states in total acres owned as parks, forest and



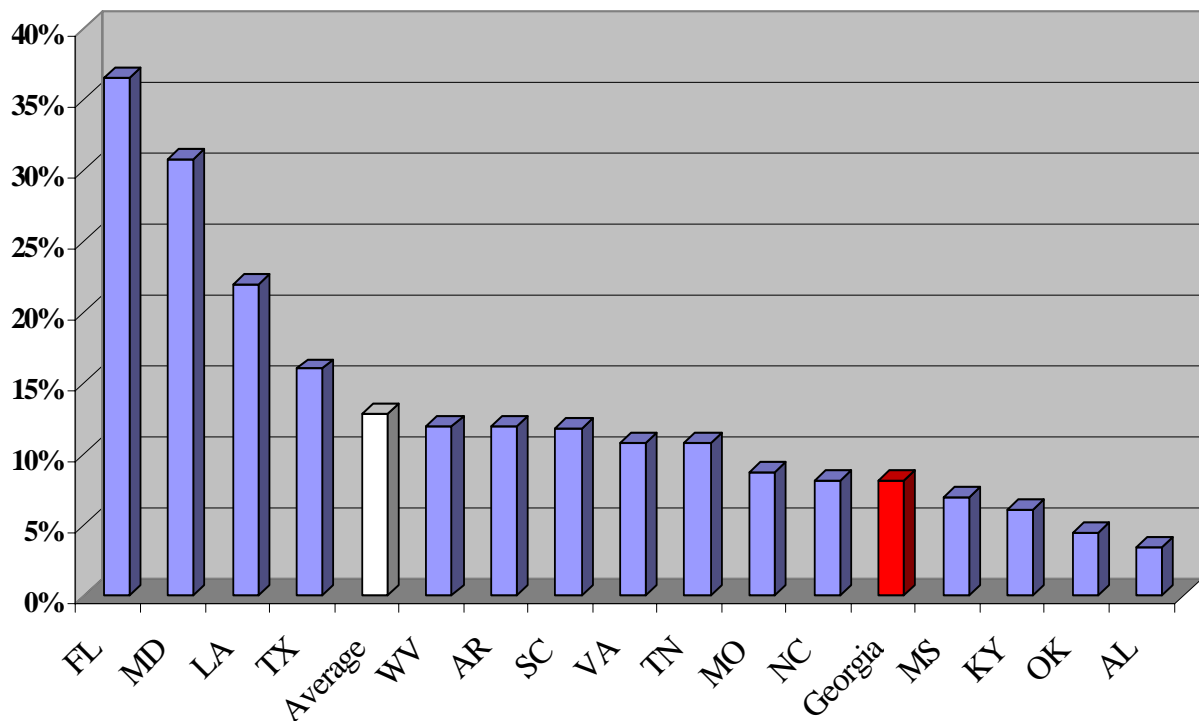
other natural areas. In 2001, the Southeastern Association of Fish and Wildlife Administrators performed a survey of public land ownership in 16 southeastern states. Our state ranked 12<sup>th</sup> of 16 states in the southeast in percentage of land under public ownership and 13<sup>th</sup> of 16 states in conservation acres per 1,000 residents owned by all levels of government.

As shown in Figure 4, southeastern states have on average about 12 percent of their land conserved in public ownership, while Georgia has 8.1 percent.

### Cost of Plan Implementation

Basic to the success of this Plan is a reliable and sufficient source of funds to achieve its goals in a reasonable amount of time. It is difficult to say how much it will cost to achieve the Plan's goals for three reasons. First, the Plan is focused on land quality rather than quantity. There is very little reliable information about exactly how much land is

**Figure 4: Public Conservation Acreage**







© Marty Maxwell

**Parks, like Herman C. Michael Park in Oconee County, provide quality environments for active and passive recreation.**

required to achieve the goals identified in this Plan. Second, it is the intent of this Plan to promote the use a variety of tools in different partnerships to leverage available funds as much as possible. Consequently, it is reasonable to expect to achieve more for the money by using it more effectively. Third, there is a variable time frame for achieving the goals of this Plan. It might be possible to use limited



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**Protecting water resources is essential for water-related recreation purposes.**

not possible to specify precisely the cost of implementing this Plan, there is a guidepost that is worth considering. It might seem reasonable to conserve enough land to attain the average amount of land protected by the southeastern states. Assuming an average land cost of \$2,500 per acre, it would require approximately \$1.95 billion dollars to reach that goal through fee simple purchase. Using the tools and incentives recommended in this Plan, however, it should be possible to reach the southeastern states' average-land-conserved figure and surpass it for significantly less money.

funding over a longer period of time and achieve the same goals as using a greater level of funding which would enable goal achievement in a shorter period of time. The caveat here is that the price of land is increasing and the longer the delay, the greater the cost.

Although it is



© Hugh and Carol Nourse

**Protection of rare plant habitat is an important target for conservation funds.**



## **What People Are Willing To Do**

In April 2004, the Nature Conservancy and the Trust for Public Land conducted a national poll on conservation issues. It showed that 65 percent of American voters surveyed said they were willing to support small increases in taxes to pay for programs to protect water quality, wildlife habitat, and neighborhood parks. When asked if a candidate's position on protecting water quality, local parks, and wildlife areas was an important factor in deciding whom to vote for in November, 79 percent said yes. The national poll found that strong support for these issues cut across all regions of the country, including the Southeast.

A total of 56 percent of surveyed voters said they would pay \$50 per year more in taxes, with their major reason being to protect water quality in lakes, rivers, and watersheds. This is consistent with the need in Georgia to protect water resources, which is one of the most important benefits of protecting land. The small increase in taxes that voters said they would support translates into large increases for state and local conservation programs.

In another analysis, the Trust for Public Land found that American voters have strongly supported conservation finance measures that preserve natural lands, create parks, and protect farmland. Over the past five years, more than 78 percent of the conservation finance ballot measures put to voters were approved, generating a total of \$26 billion.

The Council is not suggesting that we need the \$50 per person per year identified in the poll, but it is clear that we are falling behind other states, and while funding at any level would be helpful, in fact, a substantial investment is needed. A figure often mentioned is \$100 million annually. This amount equates to less than \$12 per Georgian per year, or less than \$17 per eligible voter per year.

## **Land Conservation Efforts of Other States**

Despite the fact that some states are considerably ahead of Georgia in conserving land, they are adopting aggressive programs to increase their land conservation acreage. Florida, which currently conserves over one third of its land,





© Pete Pattavina

**Protecting nesting sites for loggerhead turtles and other endangered species is necessary for their survival.**



is leading the efforts in the region to protect more land. During the 1990s, Florida, using general obligation bonds, dedicated \$3 billion to land conservation. Debt service comes

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**Panola Mountain State Park protects rare plants and fragile ecological features from overuse and abuse.**

from Documentary Stamp Tax revenues (Florida's real estate transfer tax) that were increased three times during the decade to repay land acquisition bonds and other (unrelated) government services. The land acquisition program was so successful that the Florida legislature voted in April 1999 to spend another \$3 billion in the next ten years, or \$300 million a year. With the enthusiastic support of

Governor Bush, the new "Florida Forever" program will allocate 76 percent of the funds to state acquisition of wildlife management areas, natural areas, and state parks, and 24 percent of the funds to match local government funds for greenspace.

North Carolina depends on several different sources to generate dollars for conservation. The State uses the real estate transfer tax to fund land acquisition, parks, and public beach



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**Many states allocate conservation funds for recreation and park projects.**





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**Preserving our cultural heritage with projects like the Tabby house near Darien is an important part of conservation.**

land acquisition and park development program. Funds from the transfer tax are used for agricultural land preservation, protection of rare plant and animal habitat, local park acquisition and other open space needs. Funding for the program has averaged approximately \$130 million annually.

Arkansas employs the real estate transfer tax and one-eighth-cent sales tax to generate approximately \$44 million annually to be used by various agencies involved in conservation and heritage preservation.

South Carolina uses funds from a variety of sources, including a real estate transfer tax, to fund conservation and heritage trust programs. Tennessee also uses the real estate transfer tax for conservation. Neither South Carolina nor Tennessee generate much revenue from these sources.

access. Some funds go to the Natural Heritage Trust Fund for land acquisition as well. The Trust Fund currently contains about \$45 million. North Carolina also has a Clean Water Management Trust Fund that is used for large acquisition projects. Last year this fund was allocated \$75 million for land activities.

Maryland uses various sources of funding for land conservation, including a real estate transfer tax. Program Open Space is the State's principal



States outside the southeast are also focusing their financial resources on land conservation. In New Jersey, former Governor Christine Whitman asked the legislature to dedicate enough funds to protect half of the state's remaining, and rapidly vanishing, privately-owned open space. A constitutional amendment passed by the voters in November 1998, with a two-to-one margin, sets aside \$98 million per year from the state sales tax for up to 30 years. A portion of the funds was reserved for matching grants to local governments. Governor Whitman convincingly argued that the State of New Jersey and its local governments could not afford to provide the necessary public services if most of the currently open lands were allowed to develop.

New York, which has one of the largest wilderness areas in the country in the Adirondack Park Preserve, also depends on the real estate transfer tax as its primary funding source. Of the funds generated, \$125 million annually is earmarked from the tax to the Environmental Protection Fund, of which approximately \$80 million is used for open space and related purposes.

Because of a ballot initiative in November 2002, California has extensive bond programs for conservation totaling \$3.4 billion. These funds are used for various conservation programs relating to riparian habitat protection, public access, nonpoint source pollution control programs, coastal and urban waterfront restoration, and agricultural preservation. Approximately \$826 million is used for grants to cities and counties for recreation, park and open space projects.

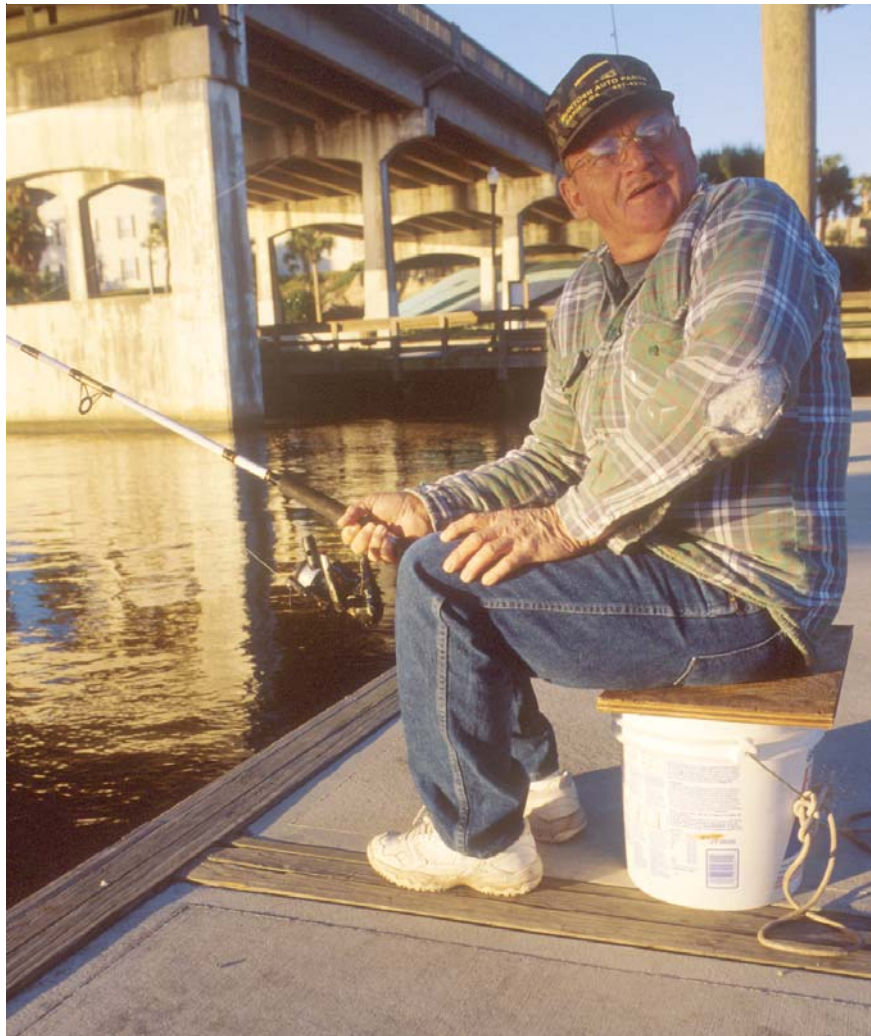
Colorado dedicates one-half of its lottery proceeds to land conservation programs. Approved by the voters in 1992, the funding program generates approxi-



**Conserving land can support biodiversity.**



**Conserving land can help protect aquatic habitat and support fishing and other water-related recreation activities.**



© Marty Maxwell

mately \$50 million a year, up to \$35 million of which goes to the Great Outdoors Colorado program. Since 1994, this program has made grants totaling more than \$275 million for 1672 projects. The demands for these funds outpace their availability by a three to one margin.

Missouri's State Parks/Clean Water Initiative provides \$54 million through one-half of one percent sales tax. This fund was first approved in 1984 by voter initiative and was recently extended for another 10 years.

Texas has a sporting goods tax as its major source of funding for conservation purposes. The funds are essentially split between state and local governments for parks. This tax is capped annually at \$32 million.



Iowa, Maine, Minnesota and Nebraska also use their lotteries to fund land conservation programs. Iowa generates approximately \$35 million annually from its lottery which is split between education and natural areas protection. Iowa leverages funds by requiring a 1:1 match for a portion of the lottery proceeds slated for natural areas protection. Maine uses its lottery funds for habitat conservation, land acquisition, and endangered species projects. Forty percent of the Minnesota lottery funds go to the Environmental and Natural Resources Trust Fund which is used for land acquisitions, biodiversity surveys, and innovative community-based conservation projects. Nebraska's Environmental Trust Fund receives about half of the state lottery proceeds. The funds are used for land acquisition of wetlands and other areas critical to rare or endangered species. All four of these states have fairly small populations and the revenue generated by their lotteries is limited.

Some states use extraction fees from mineral and fossil fuel deposits to fund their conservation programs. Kentucky and Michigan use this source. Kentucky's uses funds from the unmined mineral tax and other sources for its Heritage Land Conservation Fund. The Michigan Natural Resources Trust Fund is used for the acquisition of land that is scenically beautiful or environmentally important. The fund is supported by the collection of oil and gas lease revenues which produce about \$20 million per year.

Since 1974, Georgia has invested over \$331 million, or an average slightly more than \$11 million annually, to acquire over 368,000 acres of land. The challenge is that states with which we are economically competitive, such as Florida, North Carolina, and Maryland, are investing heavily in land conservation, and other states within the region already have more land conserved than Georgia.

## **Potential Sources of Funding**

As suggested by the previous discussion, states across the country employ different methods to accomplish land conservation. The Advisory Council reviewed these mechanisms in considering options for Georgia. A recent national summary of state funding for land conservation between



the 1960s and 1997 found that the sources presented in Figure 5 were most common or significant.

**Figure 5: Funding for Land Conservation 1960s - 1997**

<b>Fund Source</b>	<b>Total States</b>
Bonds	22
General Fund Appropriations	21
License Plate Sales	13
Real Estate Transfer Tax	13
Lottery	6
Oil/Gas/Mineral Extraction Fees	6
Environmental Penalty Money	4
Sales Tax	3
Cigarette Tax	2
Gas Tax	2

Georgia has historically used bonds for land acquisition. In fact, approximately 60 percent of the lands purchased by DNR have been paid for through the use of general obligation bonds. These bonds are usually, but not necessarily, repaid from general fund appropriations. Bonds can accelerate Georgia's ability to protect conservation lands before it is too late to save them, while spreading the budget impact over future years and the repayment burden over future users who will benefit from these properties.

General fund appropriation is the other mechanism normally used in Georgia for funding land conservation. This was the method used to fund the first two years of the Community Greenspace Program. The principal difficulty with this source of funding, of course, is that it requires annual appropriations, which hinders the State's ability to make larger, or long term, commitments.

Georgia has already implemented a lottery program with the funds earmarked for education. The Advisory Council felt, therefore, that this was not a viable source of funding for Georgia. Georgia's limited fossil fuel and mineral deposits means there is very little potential for use of ex-



traction fees. The use of a gas tax would require a constitutional amendment and with gas prices near an all time high, the Advisory Council felt this was not a practical alternative source of funds.

Many states, including Georgia, have special license plates and state income tax check-offs (i.e., nongame wildlife fund and greenspace fund) as revenue raisers. While these efforts are consistent with land conservation, none generates a great deal of money; the amount raised ranges from \$50,000 to \$1 million for most of these programs. Georgia's wildlife tag program has generated about \$2.5 million per year since its inception. Competition by other specialty tags, however, will likely reduce the amount generated by the wildlife tag in the future.

The Council also considered the use of state-wide impact fees to fund land conservation. However, we did not find any state that used state-wide impact fees for this purpose.

An increase in the real estate transfer tax by \$2 per \$1,000 would generate approximately \$100 million annually. Use of the real estate transfer tax for conservation purposes was considered in Georgia in 1998 but failed to receive approval by the voters by a 53 to 47 percent margin. There may be several reasons for this failure, including confusion between the real estate transfer tax and ad valorem tax. It may also be that voters were less attuned at that time to the value of greenspace. Since then, however, the Community Greenspace Program has funded greenspace efforts in the fastest growing and most densely populated counties in Georgia. Approximately 80 percent of the population of the state lives in the 55 counties and 54 cities that have received greenspace funds. It is possible that a large portion of the population is now more aware of the value of greenspace and more likely to support this funding mechanism.

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**Georgia's wildlife tag program has generated about \$2.5 million per year since its inception.**



Although not widely used in other jurisdictions, the sales tax is another potential source of funding that would generate substantial dollars. For example, a redirection of one-tenth of one cent of the existing sales tax would also generate approximately \$100 million annually. With a redirection, of course, other uses of the funds would have to be reduced.

In order to ensure continuity and to provide the Partnership with the ability to make commitments both with its public and private partners and with potential sellers of land, the State, we believe, should establish a dedicated source of funding. A dedicated source of funding would provide certainty as to the quantity of funds to be available and the term of availability.

Use of a particular dedicated funding source could be put to voters in a referendum and also could sunset (or require voter renewal) of the funding mechanism after a period of time, such as 10 to 15 years.

## The Next Step

### *Recommendation 8:*

*The State should begin implementing the Plan immediately by focusing on those recommendations and action items that: (1) relate to creating the Land Conservation Authority, staffing the Authority and revising the Community Greenspace Program; (2) require little or no expenditure of funds; and (3) demonstrate the effectiveness of partnerships and the tools identified in the Plan.*



To create a dedicated source of funding, voter approval in a general election will be necessary. The 2006 general election would be the earliest that this measure could be placed before the voters, and if approved, funding would not be available until at least 2007. As important as a dedicated source of funding is to the long-term viability of this Plan, now is the time to commence execution of the Plan. Currently a large amount of land is on the market, some of which is high priority land that is at risk. Many of the recommendations and action items can be implemented with little or no expenditure of funds and should be undertaken immediately.

Some of these are also important mechanisms that must be in place for the Plan to function. Finally, it is important to



demonstrate that this new partnership will be a powerful tool for the conservation of land, and this can best be accomplished by creating the recommended revolving Fund.

We believe that it is critical to have early successes in implementing the Plan. It is not necessary to wait until a dedicated funding source is created to begin implementation. Much can be done in the interim and efforts should include the following:

- Creating the Georgia Land Conservation Authority and staffing it with a division within DNR;
- Revising the Community Greenspace Program;
- Begin creating the GIS data management system to identify strategic lands, quantify measures for prioritizing and comparing projects, and monitoring progress, as well as establishing a set of indicators, or a scorecard, to measure success; and
- Enacting legislation identified in the Plan necessary to implement it.

It is essential too, we believe, to demonstrate that the State is serious about creating partnerships. DNR should commence discussions with foundations and other partners to create a fund from several sources (i.e., State appropriations, matching federal and foundation funds, environmental mitigation funds). One use of the funds would be for the State to demonstrate how it can effectively partner with others to use the tools discussed in this Plan to conserve land. The effort would focus on using funds to purchase land, place conservation easements on the portions meeting the Plan's goals, and reselling the property with these restrictions in place.

Another use of funds could be to demonstrate how the revised Community Greenspace Program will work and to fund it at some level through State appropriations since other funds, such as bond funds, can not be used for this purpose. It is important to maintain continuity in this program while expanding it to local governments who have not been eligible for participation in the past. This would re-



quire amending the State greenspace statute, revising policies and guidelines, seeking appropriations during the next legislative session, providing training and technical assistance, and making grants to support a variety of greenspace projects.

Current ad valorem tax policy serves as a disincentive for land conservation. We believe that the State should review the role of ad valorem taxes in funding local services and school systems and how these services can be supported in a way that removes the disincentives for land conservation.

Aggressively moving forward to implement the recommendations of this Plan, many of which do not require additional funding, is critical for the success of the Land Conservation Partnership. By so doing, the Partnership can show clearly how these tools and incentives can work to conserve land and have in place the structure and policies necessary to fully implement the Plan when a reliable funding source is available.



## Conclusion

Georgia is a great state in which to live, work and play. The reason is that it has a natural resource base that supports a high quality of life and strong economy. At the same time, growth pressures are making it increasingly difficult to maintain this set of natural attributes: clean and abundant water, clean air, biodiversity, outdoor recreational and educational opportunities, and cultural amenities. We are, as a result, faced with making choices that will determine the future Georgia.

*What do we want Georgia to be like in the future?* The Advisory Council envisions “a statewide network of natural, historic, and recreational areas and land and water corridors; a priceless endowment which enhances the health of ecosystems, encourages working landscapes, fosters natural resource stewardship, sustains a healthy economy, and promotes a sustainable high quality of life for current and future generations of Georgians.”

*What will it take to achieve that vision?* Much has been done over the past several decades to conserve land in Georgia. But the growth in this state is outpacing our current commitment to protect vital ecosystems, waterways, wildlife habitats and corridors.

Efforts to conserve land have proven that the quantity of land protected is not necessarily the best measure of a sustainable environment. It is the quality of the land preserved that returns the best dividends for the health of our natural resources, the health of our citizens, and the health of our economy. Lands that protect clean and abundant



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**The quality of the land protected is more important than the quantity of land.**



© Whitfield County



**An antebellum mansion at Rocky Face Ridge in Whitfield County provides cultural identity for Georgia's citizens.**

water, clean air and biodiversity, and provide cultural identity and outdoor recreational and educational opportunities are the most desirable for conservation.

Although the State itself has a vital interest in promoting conservation of the lands within its borders, it cannot accomplish the task alone. Most land in Georgia is and

should remain privately owned. The State must, therefore, seek the aid of private partners as well as local governments, nonprofit organizations, and other interested parties in the conservation of land. Working with various partners and using the tools and incentives discussed in this Plan, more effective land conservation can be achieved at a lower cost.

The recommendations and action items included in this Plan are critically important. The eight recommendations focus on crucial policy decisions that need to be made in order for the goals of the Plan to be achieved. The action items, highlighted throughout the text, are important, specific steps that would help implement the Plan.

Much concern has been voiced regarding the impact that current tax policies have on land conservation in Georgia. Although this issue is broader than the charge of the Advisory Committee, it is important for the State to determine how to effectively fund local government services and school systems while removing disincentives for land conservation.

It will take a significant commitment of funds to meet the goals of this Plan. There is ample evidence, however, that people are willing to pay for protecting land, water and other natural resources. While funding at any level would be helpful, a substantial investment is needed.

In this Plan, we have sought to demonstrate that a substantial investment is both reasonable and feasible. It is



also necessary in order to maintain and protect the natural resources that are crucial to the quality of life in Georgia and its economic competitiveness with other states.

We have also undertaken to review the sources of funding used in other states to support land conservation programs. This review points to some potential sources and indicates that others are impractical. In any event, whatever the source and level of funds, dedicating funds for land conservation purposes, we believe, is important to convince its partners that the State will be a reliable member of the new Georgia Land Conservation Partnership.

Although it will take time to establish a reliable source of funding to implement this Plan, it is not necessary to wait to begin implementation. Much can be done in the interim. Aggressively moving forward to implement the Plan's recommendations, many of which do not require additional funding, is critical for the success of the Land Conservation



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**Walking in a cedar glen at the Chickamauga and Chattanooga National Military Park.**



Partnership. By so doing, the Partnership can show clearly how these tools and incentives can work to conserve land and have in place the structure and policies necessary to fully implement the Plan when a reliable funding source is available.







# Appendix A The Functions, Services, and Land Types Relative to the Five Goals

Five Major Goals				
Clean and Abundant Water	Clean Air	Biodiversity	Cultural Identity	Outdoor Recreation and Education
Functions and Services				
Reducing sediments	Temperature regulation	Ecosystems	Historic & archeological resources	Recreation
Reducing pollutants	CO <sub>2</sub> regulation	Communities	Scenic viewsheds	Scenic viewsheds
Reducing nutrients	Ozone regulation	Species	Agritourism	Health
Groundwater recharge	Acid rain reduction	Populations	Ecotourism	Spiritual
Water supply & delivery		Genetic	Sense of place	Urban amenities
		Wildlife habitat		
Land Types				
Agricultural lands	AGRICULTURAL LANDS	Forests	Archeological sites	Forests
Floodplains	Forests	Free flowing streams	Historic sites	Greenways
Forests	Greenways	Habitats	Historic landscapes	Habitats
Karst formations	Natural areas	Karst formations	Natural areas	Local Parks
Natural areas	Trails	Natural areas	Scenic viewsheds	Natural areas
Streamside habitats		Wetlands		Parks
Steep slopes		Wildlife corridors		
Wetlands				
Goal Indicators				
303(d) listing	NOx & SOx Ambient levels	State endangered species listings	Number of historic sites	Number of people with access
	Number of ozone exceedences		Number of archeological sites	Number of outdoor ed centers
	Emergency room visits for asthma			Number of park and rec facilities
Land Type Indicators				
Impervious surface	Miles of greenways	Acres of protected habitat	Agritourism dollars	Existing park acreage
Riparian buffer protection	Miles of trails	Miles of free flowing streams	Ecotourism dollars	Distance to nearest park / forest / farm
Ag and forest lands over recharge zones	Vehicular miles traveled	Degree of habitat fragmentation	Tourism of historic properties	Miles of greenways
Acres of protected wetlands	Impervious surface	Acreage of natural communities protected	Preservation & rehabilitation tax credits	Miles of trails
Acres of protected floodplains	Number of urban forest patches	Acreage of wetlands protected	Permits for preservation activities	
% of slopes protected	Carbon-sequestration forests			
% forests in watersheds	Number of municipalities with tree ordinances			
% agriculture in watersheds	% of land in forests			



## Appendix B Federal Funding Levels - Fiscal Year 2004

Program	National Funding Level	Allocation for Georgia	Funds Georgia Received	Program Description
<b><i>Funds for Fee or Easement Purchases</i></b>				
Land & Water Conservation Fund State Recreation Grants	\$91.4 million	\$2,210,749	\$2,210,749 50:50 split DNR & local government	For preparation of SCORPs, land acquisition and development of outdoor recreation areas and facilities.
Forest Legacy	\$71 million	\$1.5 million	\$1.5 million	Supports state efforts to protect environmentally sensitive forest lands threatened by conversion to non-forest uses, through acquisition of conservation easements.
Wetland Reserve Program	\$295.5 million	\$2,125,000	Data not yet available	This program offers landowners an opportunity to establish long-term conservation and wildlife practices and protection to protect, restore, and enhance wetlands on their property.
Farm and Ranchlands Protection	\$84 million	\$1,231,800	Data not yet available	This program offers landowners an opportunity to establish long-term conservation and wildlife practices and protection to protect, restore, and enhance wetlands on their property.
<b><i>Funds for Land Stewardship and Maintenance</i></b>				
Wildlife Habitat Incentives	\$27.2 million	\$520,000	Data not yet available	Voluntary program encourages creation of high quality wildlife habitats that support wildlife populations of National, State, Tribal, and local significance.
Cooperative Endangered Species Fund	\$72.7 million			Available to states and territories to support their participation in a wide array of voluntary conservation projects for listed species, as well as for species that are either proposed or candidates for listing
<b><i>Funds for Capital Improvements and Restorations</i></b>				
TEA 21 Recreation Trails	\$50 million	\$1,185,637	\$1,185,637	Provides \$50 million annually to the States to develop and maintain recreational trails and trail-related facilities for non-motorized and motorized recreational trail uses.



## Appendix C Examples of Leveraging Georgia Greenspace Funds by Local Governments

Jurisdiction	Year	Funding Mechanism	Dollar Amount	General Description
DeKalb County	2001	Property tax surcharge	\$125 million	\$94 million allocated for open space land acquisition, \$31 million for improvements
Douglas County	2002	SPLOST	\$60.9 million	For capital outlay projects, with nearly \$20 million to acquire 2,000 acres of greenspace
Gwinnett County	2001	SPLOST	\$192 million to \$320 million	Actual funding level dependent on actual tax revenues, for active and passive park acquisition and development. Of the minimum available, the county has set aside \$10 million for use by cities, \$80 million for county parkland acquisition and \$102 million for county park improvements. The SPLOST could generate an additional \$128 million. The shares for land and improvements have not been settled.
Roswell, City of	2000	Bond issue and general funds	\$34 million	\$29 million for open-space land acquisition and \$5 million for improvements to the Chattahoochee River Walk.
Suwanee, City of	2001	Bond referendum	\$17 million	Allocated for greenspace land acquisition



# **Appendix D Georgia Land Conservation Partnership Partnering Matrix Narrative**

## **Overview**

The Georgia Land Conservation Partnership Partnering Matrix ([www.gadnr.org](http://www.gadnr.org)) provides easily accessible information on partnering opportunities for stakeholders in Georgia's land conservation efforts. The matrix was developed by the GLCP Advisory Council's Partnering and Leveraging Committee with the help of the Nature Conservancy, the Georgia Conservancy, the Conservation Fund, the Georgia Land Trust Service Center and the Georgia Department of Natural Resources. Before beginning work on the matrix, representatives from each of these organizations were asked to identify several successful land conservation partnerships in which they had participated or of which they had knowledge. Their information was then cross-referenced by the Committee through internet-based research, including back searches establishing other potential partnering organizations. In essence, the identification of potential partnering opportunities grew exponentially as each new partner was identified and researched.

The GLCP Partnering Matrix provides examples of established conservation partnerships between non-governmental organizations, land trusts, state governments, the federal government, corporations, foundations and business professionals. The matrix should not be viewed as an exhaustive list of partnering opportunities, but rather as a tool to guide users with regards to the vast array of land conservation partnering opportunities currently available throughout Georgia. The housing of the current information in spreadsheet form allows the document the flexibility to be easily expanded upon as more land conservation partnerships are established and identified. The current format also allows for the matrix to be distributed to stakeholders in a simple and cost effective fashion via e-mail. The Partnering and Leveraging Committee recommends that the document be updated regularly in order to maximize its potential as a reference tool.



## Recommended Use

The Georgia Land Conservation Partnership Partnering Matrix can be used as a reference guide and resource for anyone interested in the preservation of Georgia's open spaces. The category headings (non-governmental organizations, land trusts, state government, federal government, corporations, foundations and business professionals), identify different types of partnerships. The column headings (name of organization, established conservation partners, potential partners, regions active/areas of interest, benefits in partnering, resources and contact information) identify potential partnership opportunities based upon a user's specific region and land conservation goals (i.e.: funding, educational outreach, technical expertise, etc.). The matrix lists websites for all potential land conservation partners, giving the user direct access to more detailed information. The "Resources" column heading provides a brief overview of what each organization can bring to the efforts. The "Benefits in partnering" column allows stakeholders an insight into how their particular conservation interests might be leveraged effectively through land conservation partnerships.

## Conclusions

The Georgia Land Conservation Partnership Partnering Matrix can be used as a fast, inexpensive, easily expandable and effective way to disseminate information to Georgia's land conservation stakeholders. The desired result of its use would be a dramatic increase in established conservation partnerships around the state with a net result of an increased rate of protection of Georgia's open spaces.



## **Appendix E Potential Income Tax Credit Provisions**

Drawing on the best provisions of other southeastern states' income tax credit programs, Georgia's tax credit program should include the following provisions:

- Require that the donation be either a fee simple conveyance or a conservation easement to a federal, state, county, or municipal entity or to a qualified nonprofit land trust;
- Require that the land meet at least one conservation purpose as defined by the Internal Revenue Service (Treasury Regulations, code section 170(h)(4)): protection of natural habitat, open space for public benefit, enjoyment or education, farmland, forestland, or historically important land or structure;
- Allow the landowner to claim a tax credit of 50 percent of the fair market value of the donated property or easement against his state income tax liability;
- Include in the allowable tax credits up to 50 percent of the costs associated with the transaction, with a cap of \$10,000;
- Limit the tax credit to \$500,000 per year for individuals and corporations;
- Allow the landowner to carry forward any amounts over \$500,000 to later tax years for tax credits until the overage is exhausted; and
- Allow any unused portion of the tax credit to be transferred or sold—a provision helpful to retired landowners with low income tax liability.



# Guiding Principles for Developing the Land Conservation Partnership Plan

To help direct its efforts in developing the Land Conservation Partnership Plan, the Governor's Advisory Council adopted the following guiding principles:

- Conserving Georgia's land resources is critical to all Georgians.
- Conserving Georgia's land resources enhances the state's quality of life, increases economic competitiveness, and helps protect environmental quality.
- Preparing and implementing a statewide land conservation plan (the Plan) is the most effective method to conserve important land resources for the benefit of current and future generations.
- Planning should encourage multiple approaches to land conservation, both public and private, and give priority to implementing those tools that can be immediately used to protect the most strategic lands identified for conservation.
- Using conservation tools and strategies should contribute to:
  - 1 State acquisition of large, strategic parcels of land, including fee simple or less than fee simple interests;
  - 2 State grants to counties and cities for greenspace acquisition and protection; and
  - 3 State support and incentives to increase land conservation by private landowners, land trusts, and philanthropic organizations.
- Achieving the Plan's land conservation goals requires the State to work in partnership with others, including local governments, federal governmental agencies, private landowners, and other citizens, businesses, community associations, land trusts, environmental organizations, and foundations and other philanthropic organizations.
- Partnering with these institutions should leverage federal, state, local, and private funds and incentives.
- Planning should be based on the best available science and technology while respecting local community values and a sense of place.
- Planning should identify strategic lands for conservation based on their contributions to the protection of: water quality, air quality, biodiversity, cultural identity, quality of life, and economic competitiveness.
- Planning should recognize that connectivity and accessibility are important features of many conservation lands.
- Investing in conservation lands is good business and can provide cost-effective ways of providing "green infrastructure."
- Educating the public- and opinion-leaders on the value of Georgia's land resources and the need for protecting them is critical to implementing a statewide land conservation plan.