

HIGHLANDS COUNCIL CHARRETTE

Land Preservation

ATTENDEES:

Dennis Schvejda, New York-New Jersey Trail Conference
Ann Hardiman, Washington Borough Environmental Commission
Troy Ettelson, NJ Audubon Society
Mervyn Haines, private citizen
Steven Bruder, State Agricultural Development Committee
David Epstein, Morris Land Conservancy
Tom Wells, The Nature Conservancy
Bill O'Hearn, Highlands Coalition
Dennis Miranda, Forever Wild
Tim Brill, State Agricultural Development Committee
Debbie Pasquarelli, Highlands Council Member
Janice Kovach, Highlands Council Member
Tom Gravel, The Trust for Public Land
Rich Hehmeyer, The Trust for Public Land
Matt Polsky, Passaic River Coalition
Sylvia Kovacs
Jon Wagar, Conservation Resources, Inc.
Dag Madara, North Jersey District Water Supply Commission

Laura Szwak, Facilitator, Highlands Council
Lynn Brass-Smith, Recorder 1st day, Highlands Council

*All attendees participated both days, unless otherwise noted.

VISION:

An interconnected system of publicly & privately preserved lands and farms to achieve and maintain multiple benefits (farming, watershed protection, biodiversity, recreation, wildlife habitat, others). (Active management implied in preservation.)

First Day—March 28, 2006

Note: Any statement with a HC indicates that the participants suggested that the Highlands Council take the lead. Numbers in () indicate the amount of votes or dots that suggestion received from the first day's vote.

FUNDING

Problem Statement 1: What are the critical gaps in funding land preservation? How can land preservation funding be improved/leveraged to support Highlands land acquisition goals?

Problem Statement 2: What new or improved funding tools are needed to provide stewardship of preserved lands in the Highlands?

Strategies:

General:

- Need for more money to fund acquisition in the Highlands (15)
- Improve the use of conservation easements HC
 - Stretch the money by buying easements vs fee simple
 - Create standards for conservation easements to strengthen it as a tool; adopt standard conservation easement language
 - Promote nonprofit partnerships with state to monitor easements to encourage state to purchase more land HC
 - Public access requirements with state funding, esp. for private forest owners, inhibits conservation.
 - No funding for conservation easements, especially on forest lands

County and municipal level:

- Some local governments are not spending their funds in the Highlands Preservation Area
- Acquisition funding is driven by opportunity rather than proactively reaching conservation goals
- Educate local open space committees as well as agriculture advisory committees about options and need for stewardship practices
- Bridge acquisition & stewardship—through conformance to the RMP require municipal education about management and stewardship issues. (4)

State: (4)

- Funding running out—support GSPT (4)
- State land-managers are under funded to manage/monitor. Need stewardship funding for state land management activities.
- Adopt water consumption fee (7)
- Natural Resource Damage (NRD) options
- State funding programs structurally are adequate—just not enough resources
- Establish parallel program in GSPT for stewardship (5)
- Need biodiversity focus funding—animal & plant folks need to integrate
- “Without management, we are taking a step backward”
- Change budget structure—personnel & budget at Parks & Forestry is decreasing—need to work with legislators—coalition in NJ working on this issue for management of public lands (Missouri model)
- Need study done to evaluate benefits of ecotourism and funding applications at the state and local government level
- Develop friends groups for public lands
- Improve coordination among state agencies for acquisition & stewardship support (2)

Federal:

- Competition for Forest Legacy (no money for NJ)
- Move federal funding approaches by continuing lobbying & outreach, esp. with 4 other Highlands states (7)

- Support reauthorization of the 07 Farm Bill. Need to promote NJ receiving more money through this program for restoration/conservation since NJ does not get subsidy funding.
- FLEP—Forest Legacy & stewardship
- Farm commodity conflicts with conservation –based subsidy—global issue.
- 1975 Forest Stewardship Act on the floor (1)
- Use federal earmark process for funds (contact local congressman).
- Build relationship w/legislators & congressional representatives HC

LOCAL GOVERNMENT TOOLS

Problem Statement: What incentives can be provided to engage and motivate local government as stewardship partners?

Strategies:

- Municipal tools--Zoning (10); timed growth; limiting infrastructure (watershed management focus; work w/DOT); model ordinances (conservation subdivisions; cluster development areas); eco-ag zoning (B&Bs; farms)—Need info re how to help municipalities; mandated training for municipal officials, such as zoning boards; does MLUL allow conservation zoning—see pinelands for examples; educate municipal planners; reach out early to developers/planners to avoid confrontations down the road;
- MLUL—avoid arbitrary & capricious—need planning groundwork such as good natural resource data, that can be used to translate into policy for master plans, then write ordinances to build on this structure. Be bold. (5)
- During conformance, Highlands Council can work with towns to achieve these goals
- Toolbox of conservation ordinances (1)
- Use existing models such as Raritan Compact; Great Swamp 10 Towns Management Committee, Hunterdon Toolbox
- Mixed opinion re using local open space trusts to fund stewardship & management activities—support application when acquisitions are complete (1)
- Need guidelines for Preservation/Planning split towns
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LAND PRESERVATION INCENTIVES FOR LANDOWNERS

Problem Statement: What incentives can be provided to engage and motivate private landowners as stewardship partners?

Strategies:

- Financial incentives for private landowner conservation (8)
- Educate landowners—in groups and individually to explain acquisition and stewardship options (8) HC
 - Encourage outreach by municipalities and counties (1)
 - Use ANJEC's road shows as a model to educate local government officials. (2) HC
 - Audubon's workshops HC
 - Audubon's mailings that get a 33% response rate

- Work with lease farmers (85% of farmers in Warren co.) & Farm Bureau who are resistant to these programs. HC
- CREP was given as an example. This program targets riparian and watershed protection and parcels of 12 acres or more are eligible. The federal government has made \$100 million available through this program, yet only \$10 million has been allocated. Need to engage landowners to take advantage of this funding for stewardship. Need to improve CREP (no middleman?)
- Establish a “hit squad” modeled after NJ Audubon’s program to assist landowners in managing their properties for wildlife/conservation goals. Audubon focuses on planning area farmland in the Highlands. There is a need to expand this program to north Jersey landowners in general. HC funding for hit squads
- Need for a similar “hit squad” approach for forest land management and enhancement.
- Promote leadership among landowners
- Educate public about the importance of land preservation to water resources HC (match regulation w/education)
- Educate landowners about preservation options and information
- Installment payments to encourage private landowners (1)
- Adopt a fairness approach, especially important for agricultural lands. What is reasonable compensation for farmers? How do we help the farmers but also balance good land management? (1)
- Maintain economic viability of farming & sustainable agriculture (1) (LIP marketed to farms not owned but leased.)
- Encourage landowners to voluntarily keep their lands open through current use assessment, using New Hampshire model as a guide
- Give landowners special treatment in capital gains—different approaches at the federal and state levels
- Give landowners additional incentives for natural resource protection & stewardship management (WHIP, NRCS existing programs, etc.) (1)
- Restrictions on deeds, such as impervious surface limits, when providing tax/other incentives for best stewardship practices
- Proactive acquisition & conservation—contact property owners in priority critical areas for acquisition and/or stewardship (2)
- Tax break for landowners with conservation easements, include woodlands—target education to tax assessors
- Match soil & water improvement and conservation practices with 8-year assessment. Renewal based on BMPs.
- Conservation tax incentive with a conservation assessment/stewardship focus rather than a commodity (trees) – need to change state constitution (6)
- Landowner incentive program—not doing well in NJ. Federal focus on T&E; farm bureau not supportive.
- Lease farmers incentives; not precluded from state farmland preservation funding—look ahead for where goods can be sold; local market cooperatives; agribusiness—shift money to sustainable practices. (1)
- Accelerate pace of acquisition process

- Provide knowledge about funding options & facilitate access to funding, for example, inform landowners about CREP—has a big application form HC

OTHER TOOLS, APPROACHES AND ISSUES

Problem Statement: In order to meet the goals for land preservation in the Highlands region, what land preservation tools, besides funding, are needed?

Strategies:

- Control white tailed deer (5)—strengthen/liberalize hunting regs (5)
- Promote Ecotourism in Highlands --Evaluation of owning land—no lead economic development entity in region; example of audubon guide in bayshore region; partnership w/ municipalities to create byways cooperatively—DOT incentives, inc. acquisition money
- Ag enterprise districts (Salem/Cumberland cos.)
- Retirement program to allow farmers to enroll in state program; health care programs for farmers
- Subsidies for certain crops
- Get younger people engaged in farming—(Genesis farm, as an example)—form cooperatives
- Help farmers use proceeds of farmland preservation to invest in different ag pursuits
- One on one education with landowners
- Promote farm bill to transition to different types of ag that will be more useful to NJ farmers, i.e. Ethanol, woodlands
- RMP missing energy component

Strategies for “orphan” properties:

- Adopt Forever Wild status (model program in NY state)
- Small properties—donations; wills; tools not adequate for small properties; parcel based data will show priority smaller properties as infill, buffers, etc.; TDR credit equity; limited practical use program (pinelands); donors (nonprofit gifts, i.e. Church; entity to accept land as investment
- Local environmental commissions can accept land on behalf of the township
- Funding should be commensurate with quality & quantity of drinking water (formula approach)
- Conservation value focuses on large properties

Big picture thoughts:

Highlands Council is in the middle. Focus on “givings” not “takings.” Farmers issues with threatened & endangered species—should be rewarded not felt that they have rights taken away. Public outside Highlands should contribute to people protecting their drinking water supply.

Leadership:

- Void in leadership (2)—Needs to come from HC & other groups (2)—bridge differences
- HC can sponsor forums for debate & discussion periodically (2)
- Build consensus agenda (4) to work out differences on issues—HC to take a major role; provides continuity to continue dialogue.

Landowner equity: Landowners claim equity removed in Preservation Area—saying no money to help them, don't want to give up rights yet—not ready to participate in preservation ---what are the strategies?

- Why do we have to; what do we owe them?
- Easier for farmers—they can still farm and receive aid
- Work cooperatively to work out equity issues. Rather than freeze values at 8/9/04 (or 1/1/04), let value of land increase for purposes of TDR (4)
- Financial planning—help them evaluate various alternatives—get group of financial planners together to assist landowners (1)

Strategic vision:

- Adequate & additional funding for land acquisition and stewardship is absolutely necessary and integral part of successful implementation of the RMP
- HC coordinating role with education
- Promote wilderness values & restoration of wildland values
- Preserving wild quality of the Highlands landscape and functioning ecosystem
- Public & private management to sustain multiple benefits

Top Strategies for Land Preservation

(based on Day 1 voting)

- Maintain and enhance funding for acquisition & stewardship
 - Federal level
 - GSPT
 - Water fee
 - Local Open Space Trusts

Pros & cons: not much discussion—seemed self-explanatory
- Education about land preservation & stewardship options
 - One-on-one with landowners
 - Public
 - Local governments

Pros: Models available from nonprofits & environmental commissions
Cons: Labor intensive; building a new system; who will do it; why should other groups do it/what are their incentives
- Create and improve tax incentives for landowners and others
Pros: Federal carryover is getting extended; momentum is increasing for these opportunities at the national level; water conservation in ag industry is getting a lot of attention; adopt/use current use assessment as used in New Hampshire—working model
Con: State & national debt problem—neither is likely to give up existing revenue easily.
- Enhance zoning and other municipal planning tools
Pros: Models out there (data has been provided to the Highlands Council?); Highlands TDR opportunities; Highlands Council grants to assist municipalities in creating these tools

Cons: Lack of data & access to data from NJDEP/other state agencies; COAH obligation often in conflict with land preservation; local Planning Board volunteers are overburdened and they are volunteers who aren't knowledgeable about complex land use options.

- Stewardship and acquisition are integral and cannot be separate activities to preserve land in the Highlands (addressed on Day 2)

Pros: Adopt a parallel funding source in the GSPT & coalition working on this problem; opportunity to enhance & promote ecotourism opportunities; opportunity to improve & enhance sustainability of agriculture

Cons: Not being addressed—everyone is focused on acquisition & beating the race for open space

Other issues:

Marketing; sustainable communities; green buildings

Key=Highlands Council leadership

Overall Strategies for the Highlands Council to Reach their Mission

Day 2: Voting Items

An interconnected system of publicly & privately preserved lands and farms to achieve and maintain multiple benefits (farming, watershed protection, biodiversity, recreation, wildlife habitat, others). (Active management implied in preservation.) **(58)**

Implementation of the RMP cannot succeed without additional stable funding sources for land acquisition & stewardship. **(27)**

Highlands Council should coordinate efforts & information (toolkits) to educate **(13)**

- Landowners about land preservation acquisition and stewardship options (i.e. one-on-one basis, groups, networking) **(4)**
- Municipalities about importance and incentives in adopting the RMP. **(6)**
- Public about ecotourism opportunities in the Highlands **(7)**
- Public about the long-term importance of the Highlands in providing drinking water. **(3)**