

# Garden State Preservation Trust



Saving New Jersey's Open Spaces, Historic Places and Farmland

## **MYTHS** about land conservation

### **Myth: Land preservation means State Government use of eminent domain**

**FACT:** This is a perennial falsehood. Seizure of land using eminent domain is specifically barred under the Garden State Preservation Trust Act, PL 1999 Ch. 152. All State acquisitions are from willing sellers. Ballot referendums in 2007 for \$200 million, 2009 for \$400 million, in 2014 to dedicate a percentage of the Corporation Business Tax and the ensuing Preserve NJ Act of 2016 all reiterated these provisions. The barrier against involuntary condemnation remains in place.

### **Myth: Conservation in New Jersey is pointless because "build-out" is inevitable**

**FACT:** Since the inception of the Garden State Preservation Trust in 1999, land has been preserved through conservation at a far higher rate than it has been converted for development. With consistent funding this trend will continue. New Jersey will continue to add more green space and farmland acres than parking lots and rooftops.

### **Myth: There is no program to fund or to rehabilitate playgrounds and sports fields**

**FACT:** The Green Acres program using Garden State Preservation Trust grants is the major funding source for community park development. Green Acres has provided tens of millions of dollars in grants to assist towns, counties and nonprofit organizations as they create or renovate local parks. These parks become community assets with beautiful picnic areas, convenient playgrounds and safe sports facilities.

### **Myth: Conservation of bits and pieces of land has accomplished too little**

**FACT:** State forests, public parks and refuges, preserved farms and other conservation projects completed or underway combine for a total of 1.5 million acres – larger than the land mass of Grand Canyon National Park. This represents a third of New Jersey's dry land mass.

### **Myth: Land preservation agencies want to take away my property rights**

**FACT:** Land preservation programs do not "take" anything. Land preservation through the Garden State Preservation Trust involves payments to owners to buy their land or to pay for easements that limit the land to agricultural use. All such deals are always voluntary; all landowners are paid except in rare cases of a philanthropic donation.

### **Myth: Government buys vast tracts of wild land that are of no use to anyone**

**FACT:** The vast majority of public lands are open for recreation. And land has crucial value beyond economic or residential development. Forests, wetlands and farmlands control, recharge and filter the water, clean the air, capture carbon and dissipate heat. Nature's "infrastructure" reduces current and future public costs for such things as energy or water treatment. As a society, Americans have decided it is good to save endangered wildlife. This choice requires preserved habitat.

### **Myth: Government should not be in the business of buying and running farms**

**FACT:** Agreed. When the Farmland Preservation Program preserves a farm, we acquire only the development rights on the land. It remains private property as a commercial farm. Farmers are free to farm, to pass it to their heirs or to sell it to another farmer. In cases where the State does buy a farm outright, the land is resold at auction for private agricultural use. The goal is always a private, viable, commercial farm which has been removed from the threat of sprawl development.

### **Myth: Farmland preservation easements can be sold later to allow houses to go up elsewhere**

**FACT:** Once farmland preservation easements are bought and put into place, the development rights are permanently retired. The "purchase of development rights" is not reversible and it is not transferable.

There is an innovative, private program called "Transfer of Development Rights." This is an alternate way to pay for conservation. Under TDR, farmers sell the development rights on their land to commercial builders, who may then apply these development rights at other locations. These are private transactions. They can only occur on farmland that has not yet been preserved. TDR programs do not receive funds from the GSPT.