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The Magazine of the Appalachian Mountain Club
April 2002

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In Land They Trust

A movement grows in the face of sprawl

In 1999 the Morris Land Conservancy (MLC) purchased Pequanock Township's favorite sledding hill on the eastern edge of the New Jersey Highlands. The parcel that contains the hill—four acres threaded with well-used trails and connected to the township's popular Foothills Park—was fully permitted for development, but area residents were determined to keep the space open for recreation. MLC, a local land trust, was able to take quick action to purchase the property, with a happy outcome for both the community and the landowner.

Compared to conservation deals involving hundred-thousand-acre timberland tracts, this may not seem like a big victory. But in places like Morris County, N.J., which lie within an hour or two of the Atlantic seaboard's population centers, communities are watching open space disappear at an alarming rate, and small, beloved parcels take on iconic significance. Such semi-rural places as Morris County, in the western part of the state, are finding themselves on the cutting edge of two converging trends—suburban sprawl and the land-trust movement. Throughout the country, and especially in the Mid-Atlantic region, citizens are reaching out to land trusts to help stop sprawl-related losses and preserve community character.

AMC's Central Appalachian Conservation Director Tom Gilbert reports that land trusts are playing a critical role in the effort to protect the Highlands region of New York, New Jersey, Pennsylvania, and Connecticut. "Land trusts are often the ones who identify the properties that have the highest conservation values and are most threatened," Gilbert says. "AMC and other conservation groups then work with them to ward off development proposals and secure funding to protect the properties."

Land trusts—nonprofit groups that acquire land or development rights for conservation—are not new, but their usefulness is growing in the face of competing demands for open space as it rapidly diminishes in the Northeast corridor. Michelle Byers, executive director of the New Jersey Conservation Foundation, a statewide land trust, explains, "People are seeing places they thought would always be there turned into one more subdivision. It makes them realize that local zoning is not an effective way to protect those places that have meaning."

Although many municipalities have master plans that cite rural character and open land as objectives, zoning ordinances in those same locales often allow for subdivisions with one house per one-acre or five-acre lot. In other words, such ordinances allow for unbroken swaths of low-density housing. As a result, Byers says, "citizens have to work to acquire the places they care about, to make parks, get conservation easements and get the lands permanently conserved."

The number of land trusts in the U.S. grew by 42 percent between 1990 and 2000, according to a census by the Land Trust Alliance (LTA), a national umbrella organization. LTA reports that the south-central states saw the largest percentage increase, but in sheer numbers—up from 11 to 26—this region still falls behind the Mid-Atlantic, which now supports 174 land trusts, up 65 percent in the same period. The Northeast, the birthplace of land trusts (see sidebar), is home to almost 500 such organizations. Accordingly, the growth in new Northeast land trusts has slowed, although existing ones in the region increased the amount of land protected by 166 percent in the last decade.

With about a third of those lands containing trails and more than half protecting river corridors, land trusts are important allies for recreation organizations. John Myers, who coordinates the trail lands protection program of the New York—New Jersey Trail Conference (NYNJTC), helps secure permanent rights-of-way and protect the wilderness qualities trail users are seeking. NYNJTC uses whatever method suits each situation—easements, purchases, or donations.

AMC Director of Trails and Riverways Stewardship Heather Clish points out that "because land trusts don't always come under the same pressures by multiple recreational user groups, they're sometimes better equipped to manage and/or restrict uses the way any private landowner can."

Though not the only means of conserving land, land trusts are popular because they offer certain incentives and rewards. "Land trust work has pretty tangible, quick results. If you protect land, it's done," says Jennifer Adkins, LTA's Mid-Atlantic program director. "And it's voluntary—land trusts aren't forcing people to do things. We work with market forces, and that appeals to people. Landowners may be eligible for incentives including estate- and income-tax savings by donating conservation easements or land, although land trusts are increasingly willing to buy development rights, or even the entire tract."

The current popularity of voluntary, free-market approaches to conservation also has favored land trusts. As private organizations, land trusts have none of government's powers to seize private property for public benefit, and instead
rely on market mechanisms: persuasion, negotiation, and compensation. But opposition to land trusts—and more specifically to their preferred tool, conservation easements—does exist. Some of the most active opposition is emerging in Mid-Atlantic states where the trend is gaining momentum. National groups such as the New York–based Property Rights Foundation of America and regional groups such as the Pennsylvania Landowners Association view easements as a threat to private-property ownership and claim that land trusts are merely secret agents for government. Some base their allegations on the fact that land trusts are partnering with public agencies to hold land until government can approve and fund conservation purchases. Land-trust advocates counter that such deals are hardly clandestine, and landowners are exercising their private-property rights when they choose to conserve their acreage.

In an era of reduced government funding and rising awareness of issues related to sprawl, "land trusts fill a very important gap," says Richard Sprenkle, deputy director of the Pennsylvania Department of Conservation and Natural Resources. "Some maintain title and manage lands when public agencies can't. In rapidly urbanizing areas, local governments will continue to be strapped to provide any open space. We need other entities to step up to the plate."

One way land trusts are stepping up is by buying parcels, like the sledding hill in Morris County, that are priorities for public acquisition but threatened with imminent development. Not constrained by time-consuming approvals, land trusts can often buy a property when it goes on the market and hold it until the public processes can run their course and funding can be assembled. When MLC stepped in to assist Pequannock Township, for example, the owner was positioned to develop the tract, says David Epstein, MLC executive director. The developer asked if MLC could do a deal quickly for cash, and the parties closed the purchase in 45 days, using a bank loan. It took several months for the township to complete approvals and financing to buy the property from MLC. The landowner "wouldn't have waited," says Epstein.

Some developers, however, gripe that members of land trusts are "NIMBY"s (Not-In-My-Backyard-ers) or "no-growthers"—especially if a deal starts when development is pending. Matt Sprung, a developer with Millennium

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Homes in Morris County who also serves on the county’s open space committee, says, “What happens is a developer comes in with an idea that is consistent with zoning and the master plan. People start screaming, ‘We have to buy it!’ They’re just trying to stop development.”

Sprenkle and others in the movement insist that sprawl is a very real concern, with subdivisions fragmenting forests and farmland alike. Forest fragmentation, he says, “has a serious impact on all the species that depend on forests, and it will preclude commercial forestry.” The voluntary, private efforts of land trusts are essential parts of the solution to conserve forests and farmlands, he says.

Sprenkle also observes that sprawl limits recreation that has traditionally taken place on large, private tracts. “When you start chopping them up,” he says, “those opportunities are lost.”

—Sandra J. Tassel is a freelance writer specializing in conservation issues, based in Seattle.

AMC and Land Trusts

The Appalachian Mountain Club proposes...to qualify itself to receive, hold, and administer real estate,” wrote the club’s recording secretary, Rosewell B. Lawrence, in 1893. Thus AMC became one of the very first land trusts. But AMC’s pioneering role in the movement really began two years earlier, when it rallied critical support for the Councillor of Topography, visionary landscape architect Charles Eliot, in founding the Massachusetts-based Trustees of Reservations, the first statewide land trust. Eliot’s organization in turn inspired the British National Trust movement, because the British ambassador at the time also was an AMC member.

Today AMC no longer serves as a land trust, having focused more broadly on advocacy to protect the mountains, rivers, and trails of the Appalachian region. AMC’s director of Conservation policy and advocacy, Eric Antebi, says AMC still works hand-in-hand with land trusts when collaborating on land protection. “Our role is to provide scientific information and to get people to speak out for the places they care about. Other organizations, including land trusts, provide tools for protecting land once public support is in place,” Antebi says. As an example, he cites an ongoing effort with the Forest Society of Maine to protect a large tract of former timberland along the West Branch of the Penobscot River in that state. When completed, the deal could conserve up to 650,000 acres. AMC and other groups helped citizens rally local, state, and federal government to protect the land, and the Forest Society is buying land and development rights from willing sellers.

To learn more about land trusts or to find one in your area, contact the Land Trust Alliance in Washington, D.C.: 202-638-4730 or www.lta.org.

—J.R.B.