Twenty-five years ago, the Land Trust Alliance helped usher the land trust movement into existence and then into a modern, more professional era. A former president of the Land Trust Alliance looks back on the organization's beginnings and looks ahead at the challenges the organization and movement face.

THE LAND TRUST ALLIANCE

AND THE MODERN AMERICAN LAND TRUST MOVEMENT

Since the first land trust was formed more than a hundred years ago, leaders in local communities have come together to save meadows, mountains, woodlands, waterways, farms, and ranches. By forming land trusts, they seized a powerful idea that combines local knowledge of people and places, the flexibility of the private sector, and the energy of volunteerism.

Today, there are almost seventeen hundred land trusts operating throughout America, saving all types of land and waterways in rural, suburban, and urban communities. Despite the success of the land trust movement, each day in the United States, five thousand acres of land is lost to poorly planned development.[1] But the growth and strengthening of the land trust movement offer hope of stemming the tide and permanently protecting the lands that we all love.

Land trusts also have a powerful national voice. Since 1982, the Land Trust Alliance has both supported and led the land trust community. Created from the ground up, the Alliancehas made it possible for tens of thousands of landowners to choose conservation, for countless people to learn the art and science of protecting land, and for land trusts throughout the country to become effective, enduring land conservation organizations.

WHAT IS A LAND TRUST?

A land trust is a private, nonprofit conservation organization formed to protect natural resources, such as farmland, forests, natural areas, historic structures, and recreational areas. Land trusts are sometimes called conservancies, foundations, or associations. They are well known for their firsthand involvement in land transactions and land management.

Local and regional land trusts support grassroots efforts to conserve lands important to their communities. They may focus on distinct areas, such as a single town, county, or region, or concentrate on unique features of a specific lake, river, or mountain. National organizations, such as The Nature Conservancy, American Farmland Trust, and The Trust for Public Land, operate throughout the country. Ducks Unlimited, Trout Unlimited, Sportsman's Alliance of Maine, and Sporting Lands Alliance are examples of national and local conservation organizations created

BY JEAN HOCKER

COURTESY OF FRANCESCA DALLEO

At the annual Land Trust Alliance conference, or Rally, land trust members put push pins into a large map to show their location. The northeastern United States has the highest concentration of land trusts.

by outdoor enthusiasts to protect hunting and fishing areas.

Land trusts use a variety of tools to help landowners voluntarily protect their land. Purchasing and accepting donations of conservation easements and land are the most common (see box). Land trusts may manage land owned by others or advise landowners on how to preserve their land. They may help negotiate conservation transactions in which they play no other role. Land trusts often work cooperatively with government agencies by acquiring or managing land, researching open space needs and priorities, and assisting in the development of open space plans. As grassroots organizations, more than half of all land trusts in the United States are run solely by volunteers.

What Is a Conservation Easement?

A conservation easement is a legal agreement entered into voluntarily between a landowner and a land trust or government agency. The agreement generally does the following things:

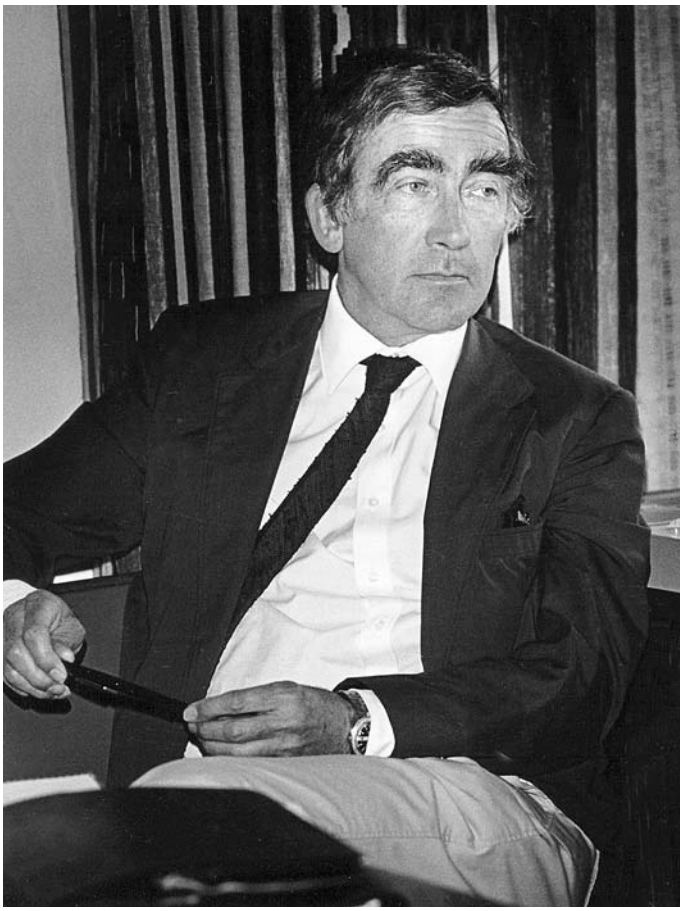
- It permanently limits uses of the land to protect conservation values.
- It allows the landowner to continue owning and using the land (e.g., for farming, forestry, or ranching).
- It allows the landowner to sell the land or pass it on to heirs, although the conservation easement conveys with the land.

Though land trusts often work with donated easements, there are public and private programs to purchase easements as well.

A SEMINAL MOMENT

On October 15–16, 1981, forty conservation leaders from local and regional land trusts gathered in Cambridge, Massachusetts, for the National Consultation on Local Land Conservation. Sponsored by the Lincoln Institute of Land Policy, the meeting was called to identify common goals and needs of conservation practitioners and their organizations and to see how those needs might be met through cooperative action. For the first time, land trust leaders from all across the country discussed and shared ideas, concerns, needs, and possible collaborations.

The gathering was the brainchild of Kingsbury Browne, a prominent Boston tax lawyer with a keen professional and personal interest in conservation. A year earlier, Browne had taken a sabbatical from his law firm to visit land trust leaders throughout the country. He wanted to learn how federal tax policies



COURTESY OF ALAN MCEWEN

Kingsbury Browne, pictured around the time of his 1980 sabbatical during which he studied land trusts in America. Browne subsequently organized the National Consultation on Local Land Conservation in 1981, a meeting that led to the formation of the Land Trust Exchange and its successor, the Land Trust Alliance.

influenced their conservation work. Among other things, he was surprised to find that "almost every individual and institution visited was troubled by poor communication" with others engaged in similar work.

Subsequently, Browne and a few colleagues persuaded the Lincoln Institute to sponsor a national meeting. In preparation, the institute surveyed all known local and regional land conservation organizations. The resulting publication, the first *National Directory of Local Land Conservation Organizations*, supplied information on some four hundred organizations.

At the meeting, participants avidly endorsed Browne's notion of better communications and saw the need for collective action—in marketing and building public support, in influencing public policies, in refining land-saving techniques and strategies. They talked about the relatively new tool of conservation easements and the long-term monitoring responsibilities easements would bring. Some cautioned against relying too heavily on this one tool rather than developing a diversified strategy. They also discussed the need for land trusts to strengthen their institutional capacity.

In the end, participants agreed on the need for a new network of land trusts. "What was wanted," stated the meeting report, "was some sort of service bureau that would be the focal point of coordination and would serve as an information clearinghouse, would organize joint action on public policy matters, and might begin to design a national public awareness program."

From this beginning was born the Land Trust Exchange, later renamed the Land Trust Alliance. Incorporated in early 1982, the new organization was envisioned as a sort of national land trust cooperative, anchored by a three-person staff and subsidized initially by grants from foundations and gifts from a few land trusts. It was hoped that after three years, the core operating costs would come from user fees and land trust memberships.

INFORMATION SHARING AND TRAINING

In launching its programs, the Land Trust Alliance faced a difficult balancing act because of the nature of land trusts. As the authors of the consultation report noted,

> *A newcomer to this field is particularly struck by the inherent contradiction that appears in land trusts, on one hand as individualism, self-reliance and diversity of individual local land conservation efforts, and, on the other hand, as a need to be related in some way to a larger whole.…[T]he creativity of each local land trust and its ability to inspire individual initiative and to draw out private resources is directly tied to its freedom from external bureaucratic agendas and interference …[but] the same local programs find themselves heavily reliant on both a complex combination of transactional techniques and a fragile body of public legislative and regulatory actions.*

Although the founders imagined an ambitious undertaking, they did not want to go under the umbrella of an existing national organization. And they were also cautious about creating "another national conservation organization with an overburden of staff, committees, surveys, reports, and conferences." They were afraid that the wrong kind of national organization might overshadow the individuality and creativity of local land trusts. Therefore, a culture of sharing and mutual support was fostered by the new organization. The Alliancehas carefully nurtured this culture even as the organization has grown through the years.

The land trust world into which the Land Trust Exchange was born was vastly smaller, less experienced, and less professional than that of today. Of the more than four hundred land trusts identified in the Lincoln Institute's 1981 survey, seventy-five percent had been created in the prior seventeen years. Only half had annual budgets of more than $5,000; just over a quarter had budgets exceeding $20,000. Only twenty-five percent had some kind of paid staff. In later, more thorough surveys, some of the groups turned out not to be land trusts at all.

There were perhaps twenty or twenty-five land trusts that could be considered experienced, professionally run, and reasonably well financed. The rest were very small, run by volunteers, newly created, or in many cases, not active. Collectively, the land trusts surveyed in 1981 reported having helped protect slightly more than 670,000 acres of land.

Land trust transactions were, for the most part, fairly simple. The most common method of land protection was fee acquisition—that is, buying the land. Although some well-established organizations like the Brandywine Conservancy and the Maine Coast Heritage Trust had pioneered the use of conservation easements, easements were much more common among newer land trusts, especially those in the West, like the Montana Land

Reliance, that were working to protect large acreages of working ranchlands. Keeping land in production held great appeal to the owners, and the lower cost of easements made them palatable to land trusts. The Nature Conservancy had already acquired a few early easements in some of the western states, and the idea was appealing and right for the culture there.

There were few limited development projects, few complex partnerships or funding schemes, and few attempts at what is today called landscape-scale conservation. Stewardship of land and easements were not high on most land trusts' priority lists. Indeed, many were struggling to complete their first projects; land management problems and easement violations seemed far in the future for many organizations.

There was not even a land trust "movement" at this time. The Trust for Public Land was beginning to organize and assist new land trusts in the West, but few understood the collective impact land trusts might have. Most land trusts did not think of themselves as part of anything much bigger than their own organization. Many land trusts contacted for the 1981 survey were surprised to learn that other like-minded groups existed—sometimes even in neighboring counties. Most of the people who came to the Cambridge meeting had never met in person before.

As the Land Trust Exchange began to develop its programs, its leaders knew—even in the much smaller land trust world of the time—that it could not hand-hold every land trust. But most land trusts were so eager for any available information and ideas that it fell to the organization, as practically the only resource around, to develop basic information and answer a great many individual requests for help.

Moreover, although the people who established the Land Trust Exchange were hardly neophytes, they knew that a flood of unguided new organizations and land conservationists could make mistakes that, at best, would hinder good land conservation and, at worst, would jeopardize all land trusts. Information sharing and training quickly became critical.

Among the first projects was production of a quarterly journal for land trusts, called *Land Trusts' Exchange*. In addition to carrying general news of interest to land trusts, it emphasized practical how-to guidance drawn from on-the-ground experience.

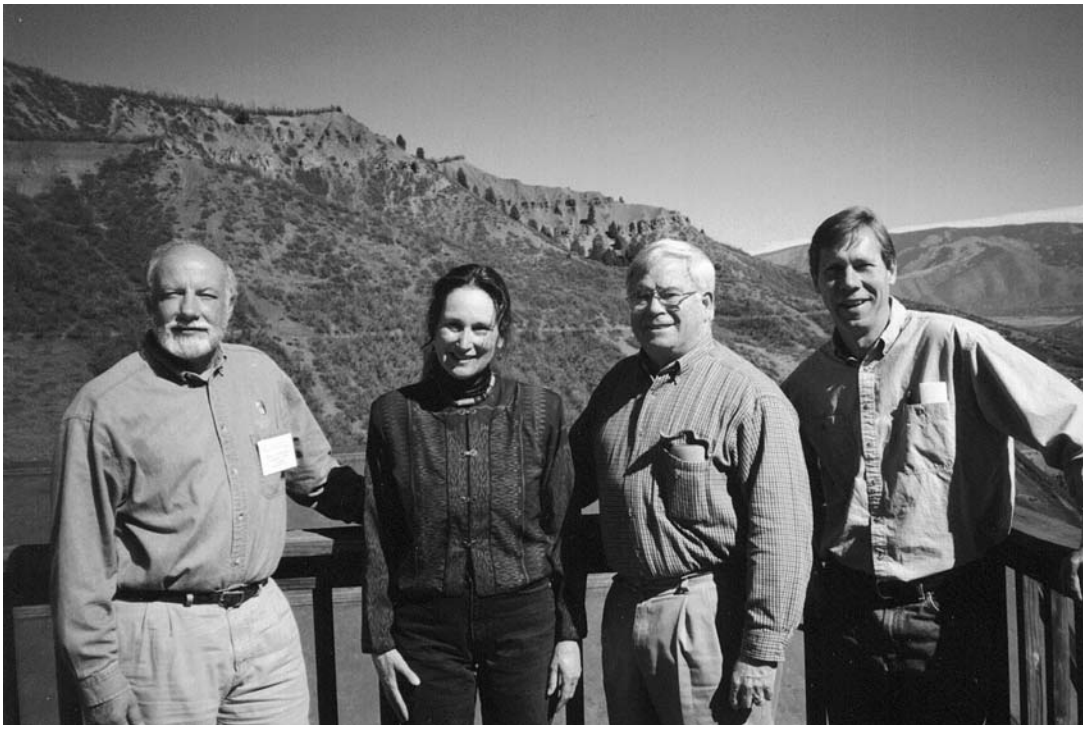
Another early program was a gathering of appraisers, lawyers, and conservation practitioners, held in February 1983, on the valuation of conservation easements. It resulted in *Appraising Easements*, published in 1984 and now in its third edition. Twenty-five years later, this publication is still the standard in the field.

A third early endeavor was coordinating land trusts' responses to IRS draft regulations on the newly enacted Section 170(h) of the Internal Revenue Code, the section on the tax deductibility of conservation easement donations. In 1980, Congress made permanent a provision (which had been set to expire) granting deductibility of easements. Without any coordinating body, local and regional land trusts had had little input in designing the law. It was essential that these organizations, which protected many kinds of open space, weigh in on the regulations to carry out the new law. The Land Trust Exchange urged land trusts to comment on the regulations and organized responses at a Treasury hearing in September 1983. IRS officials told the author at the time that the hearing was one of the most informative they had attended.

EARLY ACCOMPLISHMENTS

The Land Trust Exchange accomplished a great deal in its early years, and by the time I became its third president and CEO in 1987, following Allan Spader and Ben Emory, the organization had held the first two Land Trust Alliance rallies. Now widely known as just "Rally," this annual conference attracts nearly two thousand land trust professionals from around the country who come together to share experiences and learn from the experts in the field of land conservation.

By 1987, the Land Trust Exchange had also conducted a comprehensive nationwide survey of conservation easement



COURTESY OF THE LAND TRUST ALLIANCE

Representatives of the four founding land trusts of the Land Trust Alliance at Rally 1999 in Snowmass, Colorado. Left to right: Mark Ackelson, Iowa Natural Heritage Foundation; Joan Vilms, The Land Trust of Napa County (CA); Bill Sellers, Brandywine Conservancy (PA); and Jay Espy, Maine Coast Heritage Trust.

COURTESY OF CEDAR LAKES CONSERVATION FOUNDATION, INC.

A foot bridge at the Klingler Fox Hill Nature Conservancy, a project of Cedar Lakes Conservation Foundation, Inc. The bridge was constructed by volunteers to improve cross-country and hiking trails on the 145-acre preserve located in Washington County, Wisconsin.

programs, produced a film on conservation easements, published *The Federal Tax Law of Conservation Easements*, and undertaken substantial work toward completion of *The Conservation Easement Handbook*, the second edition of which came out in 2005.

The early leaders focused initially on easements not because they thought easements were the only or the best tool for conservation, but because they astutely recognized that no practical guidance or norms existed for the use of this increasingly popular but often misunderstood technique. Starting with the issuance of *Land Trust Standards and Practices* in 1989, the renamed Land Trust Alliance accelerated efforts to develop a common ethic and set of expectations for land trusts, to foster a sense of collective responsibility and excellence, and to bring more resources into the land trust movement. Over the years, the Alliancedelivered new and greatly expanded programs in training, public policy, publications, information services, and public information, both from the main Washington office and later from regional offices. As land trusts and their conservation transactions matured, so did the alliance's emphasis on excellence and long-term stewardship, as well as on providing more sophisticated training, information, research, and guidance.

THE ALLIANCE AND THE MOVEMENT TODAY

When I stepped down at the end of 2001, after nearly 15 years of leading the Land Trust Alliance, things had certainly changed from the world of twenty years earlier. For one thing, the Alliancewas no longer hesitant about being a national organization that leads, as well as supports, the land trust movement. In fact, land trusts now assumed that the organization they had created would play that role, and they wanted it to. But this leadership is possible only because the Alliancecontinues to respect the individualism, creativity, and regional and local vigor of each land trust. These qualities form the foundation and unique strength of the land trust movement.

Land trusts have become part of a skilled movement, with paid professional staff as well as volunteer energy. Faced with a sense of urgency, land trusts—even those still quite young—tackle projects and fund drives on a scale unimagined twenty-five years ago. They protect, often with many partners, huge swaths of land that help sustain whole ecosystems. Rather than focusing on individual land parcels, many strive to protect riparian corridors, migration routes, connector lands, viewsheds, and watersheds.

And most land trusts now take seriously the stewardship of lands and easements, both those they acquired a decade or two ago and those they are acquiring today. Many land trusts have already experienced problems with land management, easement violations, and amendments; they now know to prepare more for the years ahead.

Land trusts are much better known today than they were twenty-five years ago. That leads to greatly increased expectations—from their communities, funders, public agencies, landowners, and the general public. Even as land trusts become more and more innovative in the struggle to counter ever-increasing sprawl, no land trust can afford today to operate with anything less than excellence and integrity.

As land trusts continue to seek and receive land and easements, they can no longer rely solely on the charitable intent of landowners for achieving their conservation goals. Successful land conservation now requires more resources—more public and private dollars, more financing methods, more tax incentives, and more partnership building—than ever before.

Census Highlights

Every five years the Land Trust Alliance surveys the land trust community in America. At the end of 2006, the 2005 National Land Trust Census was released, with these facts:

- Total acres conserved by local, state, and national land trusts doubled in just the past five years, to 37 million acres.
- The pace of conservation by local and state land trusts more than tripled between successive five-year periods. The local land trust community is now protecting an average of 1.2 million acres every year.
- The number of land trusts grew to 1,667, a thirty-two percent increase over five years. Land trusts now serve almost every community across America.
- Land trusts are more effective than ever. Most have adopted comprehensive professional conservation practices, invested more in their conservation work, and built larger endowments so that they can care for land over the long term.

CHALLENGES OVERCOME

With more visibility for land trusts has come increased scrutiny. In the winter of 2005, the congressional Joint Committee on Taxation recommended major decreases in the federal tax deductions for donations of conservation easements. The scrutiny came about because of some identified abuses of the deduction. The Land Trust Alliance agreed that abuses needed to be stopped but feared that these recommendations would severely penalize the work of the vast majority of land trusts, which were doing things the legal way.

In response, the Alliancemobilized a network of people concerned about conservation—including land trust supporters, forest landowners, ranchers, farmers, hunters, and fishermen. This united front engineered a different outcome, including new federal tax incentives to help conservation-minded property owners of all income levels protect their land.

As soon as the expanded tax incentive passed, the Land Trust Alliance launched a national communications plan to let people know about this new opportunity for conservation. The new tax incentive is due to expire at the end of 2007, so a powerful coalition continues to work to make it permanent.

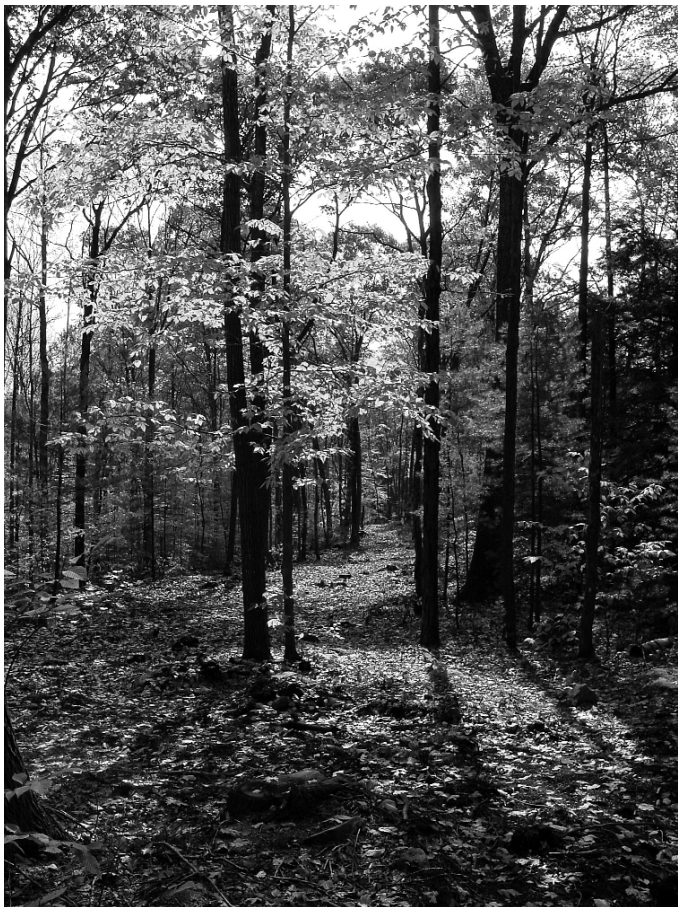
Even before the threat of outside regulation, the land trust movement was working to increase professionalism by following *Land Trust Standards and Practices*, the ethical and technical guidelines for land trusts. The Land Trust Alliance, working with land trusts around the country, is developing an accreditation program, the first step of which was the formation of the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance. The program will encourage land trusts to put policies and systems in place to create strong and effective organizations that will be able to keep the promise of protecting land in perpetuity.

THE ROAD AHEAD

The Land Trust Alliance is keenly aware of the unprecedented challenges facing all who work in today's land conservation movement. And the Alliance's leaders see that the responses of twenty-five, ten, or even five years ago must be rethought. That's why the Alliance, guided by a five-year strategic plan, has stepped up its outreach to the general public to remind them that everyone needs clean air, clean water, and a connection with nature, and that land conservation provides these benefits.

Typically, the land conservation movement has emphasized the "what" and "how" of our work. Moving forward, the Alliance will focus on who is affected and the positive impact of its work. Among the long-range challenges for the land trust community are 1) advancing permanent tax incentives for private conservation; 2) mounting a program for legal defense of sound conservation easements that are challenged by those with nonconservation agendas; 3) increasing the diversity of the conservation movement; and 4) building strong, enduring land trusts through a comprehensive system of curriculum, training, and accreditation by an independent body. And, of course, climate change is looming as a threat to the flora and fauna of conserved places, prompting the formation of a new task force to assess how land trusts can help address this issue.

Since its creation twenty-five years ago, the Land Trust Alliance's mission, and that of the community of land trusts, has been to conserve the places people love—whether forests, farms, ranches, habitat, scenic areas, or community gardens in cities—before they are lost forever. But to meet the challenges ahead, the Alliance will need the highest standards of professionalism in the land trusts, strong support in Congress for private conservation, and greater public understanding of how its work affects people's daily lives. As the center of the land trust movement for the past quarter-century, the Land Trust Alliance has shown what dynamic leadership and guidance—grounded in the grass-roots culture of land trusts—can accomplish. □



COURTESY OF GEOFF JONES

Property protected by the Society for the Protection of New Hampshire Forests shows a well-managed trail developed from a logging road.

Jean Hocker, president of the Land Trust Alliance from 1987 to 2001, is president emeritus and a consultant for the Alliance. Hocker was previously the founding executive director of the Jackson Hole Land Trust in 1980. She participated in the 1981 National Consultation on Local Land Conservation and served on the Alliance board from 1984 to 1987. She is currently president of Conservation Service Company, LLC, through which she undertakes projects and consulting services that draw on her extensive land conservation experience.

NOTES

1. From the USDA Natural Resources Conservation Service Natural Resources Inventory, 2003, www.nrcs.usda.gov/TECHNICAL/land/nri03/nri03landuse-mrb.html.