

SENATE
S.2187

"Talking Points" in Support of the Legislation

1. **WATER:** We are essentially running out of conventional water services for future development in much of the United States. California will be out of water under current usage patterns by 2010; Atlanta is currently studying desalinization plants on the Georgia coast to solve its looming water shortage. Because of the way that land allows water to be held, to perk, and to be cleaned, a land preservation program must be a material part of any solution to our future water needs.
2. **ECONOMY:** Our economy has been, and always will be, dependent on the quality of our natural ecosystem estate. That estate has been so abundant that for most of our country's history, we have essentially been able to take it for granted. This reality is best evidenced by the fact that we have not priced the value of natural ecosystem services into our valuation of land. Unless we aggressively take action today, our economy, and any potential for strong future economic growth will be significantly diminished.
3. **CULTURE:** Our national culture, as diverse as it is, has always arisen from our relationship with our land. Population growth, demographics, estate taxes, property taxes, zoning, and other factors have conspired to change dramatically our land usage patterns, which in turn has begun to change dramatically our culture and our values. While this is certainly not all negative, the inability to value and conserve land in a way that recognizes its profound effect on our culture is extraordinarily negative.
4. **FARMERS AND RANCHERS:** Population growth, demographics, estate taxes, and property taxes, have conspired to diminish greatly our ranch and farm lands throughout the United States and perhaps especially the fertile lands surrounding many of our urban centers. This has become such a significant problem in the West that the Western Governors' Association has joined with the National Cattlemen's Beef Association and the Trust for Public Land to state that the "dire need" for the creation of programs to fund conservation easement acquisition programs cannot be "overstated".
5. **AIR:** While there is evidence that our air quality has somewhat improved, that improvement as well as the overall air quality is absolutely dependent on the continued sequestration of carbons and other harmful materials by our trees and plants. Poor land stewardship continues to threaten that critical base of protection, and consequently any effective long term air quality solution must include a very intentional and very strategically planned land conservation program.
6. **HOW THE BILL WORKS:**
 - (A) **PRIVATE:** The public acquires and preserves the conservation value of the land that it needs but the title, maintenance, and operation of the land stays in private control. This also keeps the land on the property tax roles.
 - (B) **VOLUNTARY:** Landowners participation in this program is voluntary. Under the Bill, no landowner can be required to participate. If and when a landowner decides to participate, then that participation is determined on a

- fully negotiated basis with the landowner reserving the right to withdraw from the negotiations without penalty at any time until agreement is reached.
- (C) **MARKET-BASED:** Any conservation easement acquired under the Bill will be acquired for a value not greater than its appraised value but in every case as the result of a voluntary arm's length negotiation between buyer and seller.
 - (D) **STRATEGIC:** Because the Bill allocates a specific amount of capital to each State over a set period of time, each State can plan and pursue strategic conservation rather than the opportunistic conservation that has been the historical model (e.g., rather than protecting something because it has become available for protection, States will be able to construct and execute high return, planned strategies for conservation of resources).
 - (E) **NO NEW FEDERAL BUREAUCRACY:** Essentially all dollars will be used to conserve land, and the placement of those dollars will be through existing 501(c)(3) conservation organizations working with oversight from the Federal and State Governments. The result is that no new federal bureaucracy will be needed to administer the program.
 - (F) **URGENCY AND LOCAL LEADERSHIP:** Because of our land use patterns and trends, there is an immediate need to take action. The only way to achieve this effectively is to empower citizens to determine what lands need to be conserved in their communities and to give them the tools and incentives to act. The Bill does this and is in fact organized around this reality.
 - (G) **TAX CREDITS:** The use of tax credits allows taxpayers to use their tax dollars in their communities as a way to conserve land but also to respond to the urgent need for doing so. It also allows more people to participate, either through allocation of their own tax obligations or by soliciting their neighbors and friends to participate.
 - (H) **ECONOMIC RETURN:** Based on a study by the World Resources Institute, it can be conservatively estimated that the investment contemplated by the Bill will produce an annual return of six times the investment of all such tax credits. The Institute supports this by establishing the value of the natural economic services that the conserved land will generate.
 - (I) **EQUITY:** The Bill recognizes that the conservation and restoration of our natural infrastructure is everyone's responsibility and that it is much too important to rely primarily on a donative strategy. By moving to an acquisition system, we will also be able to obtain clearer and better strategic results for our nation.
 - (J) **SCALE:** The Bill is designed to respond to our national needs and consequently scales its remedies and program to that requirement.
 - (K) **EVERY STATE:** Ecosystems do not recognize or honor state lines. The Bill recognizes this and, to accomplish its goals, directly encourages every State to participate.
 - (L) **CAPITAL ALLOCATION:** Capital is allocated among the States under the Bill pursuant to the amount of private open space (more precisely defined under the Federal land census as private farm, ranch and forest lands) that each State has relative to the total amount of such lands that the Nation has. Notwithstanding the formula, no State shall receive more than 4% of the annual total allocation.