

Gov. Kaine announces goal to conserve 400,000 acres of land

By Nikki Rovner

In April 2006, Gov. Tim Kaine announced a goal that's the centerpiece of his environmental agenda: he wants to conserve 400,000 acres by the end of his term. In setting this goal, the governor explained his intention is to exceed the Chesapeake 2000 goal of protecting 20 percent of the Chesapeake Bay watershed by 2010.

Chesapeake 2000 is an agreement between the states of Pennsylvania, Maryland and Virginia. Pennsylvania and Maryland have already met the 20 percent goal. Gov. Kaine's goals are statewide. In order for both goals to be met, most of the land will have to be in the Chesapeake Bay watershed.

What does "conserve" mean?

In order to count toward the land conservation goal, land must be protected in perpetuity and must have conservation value. To be considered protected in perpetuity, the land must either be subject to a perpetual conservation easement or owned outright (held in fee) by a private conservation group (known as a land trust) or a state or federal conservation agency. Local governments also can hold conservation easements and own lands, such as parks, for conservation purposes.

In order to be considered to have conservation value, lands must serve a conservation purpose such as preservation of historic resources, watershed preservation, maintaining agricultural or forestal use, providing natural habitat, providing natural resource-based recreation or education, or preservation of scenic open space.

Conservation easements must protect such values in order to be legally valid. For lands held in fee, ownership by a land trust or government conservation agency is strong (but not conclusive) evidence that the land has conservation value.

How will the goal be met?

As a general rule, Gov. Kaine's goal will be met through voluntary means. In fact, the most powerful tool the state has to protect lands is the land preservation tax credit. Eligibility for that incentive program hinges on the charitable intent of the donor of the land or conservation easement. That is, to receive the tax credit, a donor cannot have received anything in return for the conservation easement or land.

It's important to recognize, however, that while charitable intent is a condition of receiving tax incentives, it's not a condition of eligibility for the 400,000-acre goal. If a landowner chooses to sell his land to the

state for a wildlife management area, for example, that acreage will count toward the goal. Similarly, a conservation easement that a farmer sells to a local government under a Purchase of Development Rights program is considered a contribution toward the goal.

Further, if a developer agrees to convey land or a conservation easement to a locality in exchange for a rezoning on other property or some other local action, that will count as well, so long as the land has conservation value and will be protected perpetually.

How are we tracking progress toward the goal?

The Virginia Department of Conservation and Recreation has been assigned the role of tracking progress toward the 400,000-acre goal each month.

To complete this task, DCR contacts conservation agencies, land trusts and those local governments with Purchase of Development Rights programs each month to find out how many acres of land and easements they have acquired. While DCR strives to gather a complete picture of the conservation occurring in the Commonwealth, it's possible some protected lands have not

been captured by DCR's database.

If you know of land with conservation value that's been protected in perpetuity and would like to make sure the land is being counted, you may contact the Department of Conservation and Recreation's Office of Land Conservation at the number below.

What can land developers and home builders do to help Virginia achieve this goal?

Land can be set aside for conservation in a way that qualifies for land preservation tax credits or improves the marketability of adjoining land by providing an amenity for residents. Landowners who explore a full range of options for large tracts may discover opportunities to meet their own goals and contribute to Virginia's land conservation goal at the same time.

The DCR Office of Land Conservation can help determine whether lands have conservation value and provide information about the many choices landowners have for protecting their land.

For more information, call the DCR Office of Land Conservation at (804) 225-2048 or visit www.dcr.virginia.gov/olc.

(Nikki Rovner is deputy secretary of natural resources.)



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