Noah at the Ballot Box: Status and Challenges

PETER S. SZABO

Open-space ballot measures have been one of the most important trends in land conservation over the past decade, with voters authorizing $27.3 billion for open-space conservation between 1996 and 2004. This article validates the strength of the trend—measures pass 77 percent of the time, typically with support from 60 percent of voters. However, it also raises two areas of concern: (1) Geographic coverage is narrower than might be expected, confined to a small proportion of largely bicoastal states and counties; and (2) it is likely that only a small share of the funds raised by open-space ballot measures leads to the conservation of wildlife habitat. I recommend several steps for research and action to maximize the potential of ballot measures to help close the gap between the funding needed to complete a national network of conservation lands and what is currently being spent.

Keywords: ballot measures, open-space funding, conservation finance, land conservation, wildlife conservation

The cost of securing a national network of wildlife conservation lands has been estimated at $250 billion to $425 billion, or approximately $4 billion to $8 billion a year for 30 years, in 2002 dollars (Shaffer et al. 2002). In practice, how far away are we from this annualized figure? A study of the 1992–2001 period by Defenders of Wildlife identified about $3.6 billion a year in total federal, state, and private expenditures on land conservation (Lerner et al. 2007). Even with some margin added for sources of conservation funding not covered by the Defenders study, such as local government, mitigation, and natural resources damage awards, the gap between the estimated need for habitat conservation resources and what is currently spent could well be in the low billions of dollars a year.

How might this gap be closed? The answer is that many funding sources will have to be expanded and new ones developed, with public resources playing a central role. Unfavorable political and fiscal dynamics at the federal level, which are likely to persist for some time, suggest that the heavy lifting will not be done in Washington. Rather, the more promising opportunities lie at the state and local levels. Recent experience with one important element of state and local conservation funding—open-space ballot measures—affirms this.

This article examines data on the open-space ballot measures put before voters at the local, county, and state levels between 1996 and 2004. The data come from the LandVote database, a resource compiled by the Trust for Public Land and the Land Trust Alliance (TPL 2005). Beyond the highest-level statistics, not a great deal is known about this important funding tool. Analysis of the data yields a number of findings, as well as two major concerns, that might inform the efforts of those attempting to address the difference between the level of resources needed to conserve the habitat of US wildlife and the financial commitment the nation currently makes to this objective.

Before examining what this data set tells us about public funding, an important limitation of these data needs to be discussed. The data set provides an incomplete picture of state and local funding because it includes only those open-space funding streams that have been established through the ballot box. Many other open-space conservation programs—be they large, multiyear initiatives such as Florida's substantial Florida Forever program, or smaller initiatives supported through modest annual appropriations—are established by legislative action alone and are not put directly before voters. Keeping in mind, then, that we are looking at just one form of state and local open-space funding, let us turn to the data.

In sum, the data show that public support for open-space ballot measures is one of the great conservation stories of the last decade. Between 1996 and 2004, voters across the nation approved 1071 open-space ballot measures authorizing $27.3 billion in spending on open-space conservation at the state, county, and municipal levels. Assuming an average 20-year life for these programs, total conservation spending supported by ballot measures at the state and local levels across the country averages approximately $1.37 billion annually.

Peter S. Szabo (e-mail: pszabo@bloomadv.com) is the founder of Bloomingdale Management Advisors, New York, NY 10025. He provides consulting advice on strategy, program design, and assessment to foundations and nonprofit organizations.

Most of the measures have passed at the municipal level; however, most of the funds have been generated by states and counties (figure 1). Proposed measures pass 77 percent of the time, typically with a solid majority of 60 percent, at all levels of government (table 1). Support in terms of the number of "yes" votes cast in favor of these measures has held fairly steady, with even years—when most major elections are held, and therefore when the pull to the polling place is strongest—outpacing odd years by 10 to 1, though this margin appears to be narrowing. The amount of funding authorized in each election cycle has held fairly steady, with even years producing on average three times the resources of odd years ($4.3 billion versus $1.4 billion).

And yet, while these figures—especially the fairly consistent 60 percent voter support—offer sound reasons for confidence in the potential to extend public spending via ballot measures, further analysis reveals two concerns that need to be addressed. The first area of concern is coverage. The geographic distribution of open-space funding measures is uneven. Much of what is often touted as a national phenomenon is occurring in relatively few places. While 17 states and 114 counties passed measures in the 1996–2004 period, a small number of these accounted for the lion's share of the resources generated. Just 14 counties passed half the $9.3 billion approved by counties, while 10 states (California, New Jersey, Minnesota, Michigan, Ohio, Missouri, Arizona, New York, Colorado, and Rhode Island) produced 97 percent of the $11.4 billion that came from states. In fact, the state figures are even more concentrated than this. California and New Jersey account for almost 75 percent of state-level, voter-approved conservation funding. Even more striking, these two states produced some 30 percent of *all* conservation funding approved by the ballot at all levels of government during the period analyzed.

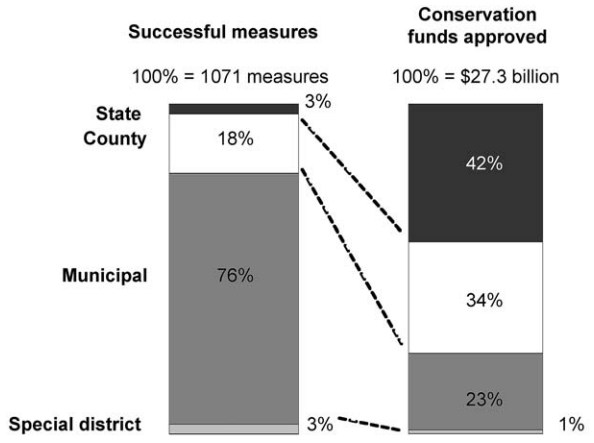

Figure 1. Share of successful open-space funding measures and funds approved in the United States, by jurisdiction, 1996–2004.

Delving a bit further into distribution, the data show that public support for open-space ballot measures is largely a phenomenon of the East Coast and the region that extends from Colorado south and west to the Pacific: relatively wealthy, sprawling, and, in the case of the East, densely populated and highly developed areas. Some 70 percent of the 1071 measures passed during the period studied were enacted in states along the eastern seaboard, while more than 40 percent of all funds authorized were passed in the area bracketed by Colorado and California (with California generating more than 60 percent of the total for that region). In contrast to the level of activity in these geographic areas, the middle of the country had five states that did not vote on a measure at any level of government (Indiana, Kentucky, North Dakota, South Dakota, and Nebraska) and three states that approved the lowest levels of funding, $5 million or less for the entire period (Iowa, Arkansas, and Tennessee).

The second area of concern might be termed yield. In practice, only a portion of the funding authorized by voters for open space results in the conservation of land valuable to wildlife. Put another way, open-space ballot measures almost always yield less than 100 percent of their face value for wildlife habitat conservation. Of course, virtually all open-space measures result in the protection of some wildlife habitat. This occurs either because there is a stated intent to dedicate a portion of new funding to the conservation of wildlife habitat or because habitat is conserved in the course of protecting other open space, including parks, watersheds, and ranchlands. Unfortunately, there is today no firm answer to the question of how much of the open-space funding nationwide results in the conservation of wildlife habitat. If it is less than 100 percent—and quite likely it is considerably less than that—the implication is that state and local public open-space measures would have to be much larger to yield a little more for habitat conservation.

Ballot measures have proved enormously valuable to recent efforts to conserve land. Along with major open-space investment programs authorized by state and local legislative

Table 1. Success rates of open-space ballot measures, by type of jurisdiction.

Jurisdiction type	Ballot measures			Funds approved (US dollars, in billions)	Percentage of measures passed	Percentage of yes votes
	Failed	Passed	Total			
State	6	32	38	11.4	84	61
County	56	193	249	9.3	78	59
Municipal	232	814	1046	6.3	78	60
Special district	22	32	54	0.3	59	56
Total	316	1071	1387	27.3	77	60

bodies, and, of course, annual appropriations, they are one of the most important sources of open-space funding. Nevertheless, the preceding analysis suggests several caveats about open-space ballot measures, as well as recommendations for researchers and for conservationists and their supporters.

Table 2. Area conserved and funds awarded through 11 western state measures, by category of land.

Land category	Area conserved (hectares)	Percentage of area conserved	Funds awarded (US dollars)	Percentage of funds awarded
Open space	7302	4	31,206,321	15
Agriculture	73,749	45	63,141,716	29
Parks	8933	5	52,484,521	24
Urban	1830	1	7,324,193	3
Habitat	70,424	42	33,730,156	16
Recreation	34	0	50,000	0
Trails	1959	1	6,380,180	3
Riparian/wetlands	404	0	14,061,709	7
Historical	1072	1	6,149,894	3
Total	165,707	99[a]	214,528,690	100

a. Percentage does not total 100 because of rounding.
Source: Ernest Cook, The Trust for Public Land, Boston, personal communication, 26 September 2006.

First, in large sections of the country, open-space ballot measures have not been brought to the public or, where they have, the public has not supported them as consistently as elsewhere. Parts of the Northern Plains, the Midwest, and the South do provide some resources for habitat conservation. However, it is likely that much more in the way of resources is needed to address wildlife habitat protection needs. For open-space ballot measures to play a role in these places, a better understanding of public attitudes needs to be developed, along with, where possible, the means of addressing public views and concerns. An overwhelming percentage of Americans are at least sympathetic to environmental goals. What will it take to translate this sentiment, which doubtless extends to farmers, ranchers, and other people who live in areas that to date have been somewhat reluctant to propose and pass open-space ballot measures, into expressions of support for wildlife habitat conservation at the ballot box?

Second, research is needed to understand just how much benefit state and local open-space ballot measures are yielding for wildlife habitat protection. At present, we have only the instinctive estimates of conservation professionals and a few analyses of specific cases. One such analysis, conducted by the Trust for Public Land, looked at 11 western state and county conservation funding programs and assigned the parcels of land protected through these programs to categories that related to the "dominant characteristic" of the parcel involved or to the more general "open space" category. In total, the Trust for Public Land found that 16 percent of the funds awarded by these programs, and 42 percent of the area protected, had conserved wildlife habitat. An additional 75 percent of funding and 54 percent of acreage went to open space, agriculture, parks, and riparian areas or wetlands (table 2; Ernest Cook, The Trust for Public Land, Boston, personal communication, 26 September 2006).

A range of land types no doubt offers at least some benefit to wildlife, and thus the value of these funding programs to wildlife goes considerably beyond what is provided by 16 percent of funding and 42 percent of total area protected. However, as a general matter, analysts and advocates would be wise to be cautious when counting agricultural lands, parks, or general open space as wildlife habitat. Depending on its configuration, a geographic patchwork of mixed use may not offer wildlife enough of what it needs to survive, let alone thrive. More in-depth research into the question of how protecting agricultural land, parks, and other forms of open space benefits wildlife will give observers and advocates alike a more realistic perspective on what to expect from open-space ballot measures.

Of course, whatever such research shows, the simplest way to increase yield is to forge more explicit links between open-space measures and wildlife habitat conservation objectives. Achieving this goal presents certain practical difficulties. Most important among them is that the public offers far greater support for funding that is justified by human need—especially by the need for clean drinking water—rather than by aesthetics, historic preservation, or ecology.

Nevertheless, several areas of action on the question of yield merit exploration. Either as drafted or during public consideration, ballot measures could be linked, in whole or in part, to spatially explicit expressions of wildlife habitat conservation priorities—maps, in other words. Maps can give the public a clear understanding of how funds would be used and what benefits would be involved, as well as a means of measuring and communicating progress. Recently, all 50 states produced wildlife action plans, many with excellent maps of habitat conservation priority areas that could be used to illustrate the significance of relevant ballot measures. The Nature Conservancy's ecoregional plans offer a similar, if not necessarily government-endorsed, form of habitat priority map.

In addition to setting up more explicit links to habitat conservation when open-space conservation programs are considered, practitioners could become more involved in the implementation of such programs immediately after they are authorized. States, counties, and municipalities often falter in the early steps after passage of a measure, and are open to assistance from land conservation practitioners on the planning, launch, and administration of these programs. Initial projects sometimes help establish the signature purpose

of an open-space conservation program in the minds of the public. To the extent that early projects involve habitat conservation and public reception is positive, the program may result in more habitat conservation projects than otherwise would have been the case.

A final recommendation is that new forms of public funding be developed and expanded, because ballot measures and legislative appropriations cannot be relied upon to fully close the overall gap in funding for wildlife habitat protection. A number of innovative concepts and public funding tools have emerged in recent years, including, among numerous others, new federal tax deductions and state tax credits related to conservation easements, the New Markets Tax Credits (NMTC) Program, and payment for ecosystem services. Conservation practitioners should take advantage of the new programs and explore and develop new concepts to their fullest extent. However, practitioners and their supporters should approach such alternatives with open eyes. The attractive tax breaks for conservation easements recently enacted by Congress are likely to result in a large increase in the number of landowners willing to donate easements on their land. Mindful of the enormous pressures on the federal budget, however, Congress limited the tax breaks to 2006 and 2007. State transferable tax credit programs have accelerated conservation in such places as Virginia and Colorado, but concerns in Colorado about abuses in the program highlight both their vulnerability and the need to more tightly target these programs to best defend the public benefit they offer. NMTCs, while attractive, are staggeringly complex, most likely limiting their potential to institutions with access to (and resources to pay for) high-level legal and accounting expertise. And although the 2007 Farm Bill reauthorization may prove an exciting opportunity for innovation in the area of ecosystem services payments, such payments have to date had only very limited application in the United States (the New York City water filtration avoidance case comes to mind; see, e.g., *http://books.nap.edu/html/watershed_mgmt/*).

The phenomenon of open-space ballot measures is one of the most important developments in land conservation over the last decade. Although new funding tools will no doubt be refined and put to use for conservation, state and local open-space ballot measures and other forms of direct public spending will continue to be the workhorse for wildlife habitat protection in the United States for the foreseeable future. Importantly, unlike any other tool for conservation, open-space ballot measures are put to the ultimate test a democracy can pose, a direct vote by the public. In the places where they pass, then, such measures are a powerful statement by the public that something must be done to conserve remaining open land.

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