

# Is the state saving, or sitting on, its open space funds?

BY JENNIFER WEEKS

Conservation advocates and the Romney administration agree on one fact: Development is consuming too much open space in Massachusetts. The Massachusetts Audubon Society estimates that, on average, 40 acres of undeveloped land are lost per day. But when it comes to doing something about that situation, a rift has opened where previous administrations and environmentalists formerly saw eye-to-eye. State officials contend that buying up land—a core strategy under previous governors—is too costly to be the main way of protecting open space from development. But land protection advocates say the administration’s alternative of steering new projects toward already-developed areas is insufficient. If land is not permanently protected, they argue, it remains vulnerable to future development.

“It’s not enough to just create growth policies or just do land purchasing. The state needs a strategy that does both,” says Nancy Goodman, vice president of the Environmental League of Massachusetts and chairman of the Massachusetts Smart Growth Alliance.

As of 2000, of the 5.2 million acres of land in Massachusetts, 1.1 million acres had been developed and about 1.1 million acres had been permanently protected as open space. According to Mass Audubon’s 2003 report *Losing Ground*, half of the protected lands are state-owned, and another quarter are controlled by cities and towns. Private owners and nonprofit organizations, such as conservation organizations and land trusts, hold just under 10 percent each, and federal agencies control about 5 percent. About 350,000 acres of protected lands are managed mainly for conservation, as opposed to functions such as recreation, agriculture, and maintaining water supplies; nonprofits and private owners play a larger role in this sphere, controlling 22 percent and 12 percent, respectively, of Massachusetts conservation lands. Roughly 60 percent of the state—3 million acres—remains up for grabs.

In 1998, a panel appointed by then-Gov. Paul Cellucci called for increasing protected lands in Massachusetts by 200,000 acres by 2010. Within two years, the state was halfway to this goal, and is now up to 188,000 additional acres in land

protected since this declaration, according to the Executive Office of Environmental Affairs. But since then, the conservation objective has gotten more ambitious. A statewide open space plan developed by a public/private task force under acting Gov. Jane Swift set a goal of protecting 1 million acres of the remaining undeveloped land within the next decade, and it identified key areas to target across the state.

Officially, the Romney administration is continuing the state’s commitment to open space preservation. The Office of Commonwealth Development’s “Sustainable Development Principles” call for increasing “the quantity, quality, and accessibility of open space.” However, state capital investments for land protection, which averaged nearly \$50 million annually from 1992 through 2002, have dropped to \$27 million per year since 2003, even though the Legislature approved an environmental bond in 2002 that included \$220 million for land and water conservation over three to five years. This has environmental groups crying foul.

“Governors Weld, Cellucci, and Swift made conservation of our irreplaceable natural heritage part of their legacies, but Gov. Romney has viewed land protection as an obstacle to achieving his campaign pledge to double housing production,” says Christopher Hardy, director of legislative affairs for Mass Audubon. “This administration has directed the Executive Office of Environmental Affairs to move away from acreage goals and use land policy to target conservation as a reward for communities that increase housing.”

The Romney administration says it is still preserving land, just by different, and more affordable, means. “The old

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strategy of buying up as much land as possible and locking it up for conservation is no longer feasible,” says Anthony Flint, director of smart-growth education in the Office of Commonwealth Development. Rather, the administration’s “smart growth” policies are trying to take pressure off the countryside by pushing development toward areas that are already developed. “With OCD looking at development much more comprehensively and by steering capital dollars toward smart-growth projects, we can inhibit sprawling projects that might otherwise bleed into open spaces,” says Flint.

Environmental organizations are not sold on this proposition. “Massachusetts must invest equally in appropriate development and appropriate conservation,” says Craig



*Bernie McHugh says the state is squeezing land trust groups.*

MacDonnell, state director of the Trust for Public Land. “As the state fiscal situation improves, the administration should proportionately increase land conservation spending.”

Flint maintains that total spending in Massachusetts for land protection has not declined but increased, because Executive Office of Environmental Affairs grants have leveraged federal, local, and private investments. “Private groups can do the job just as effectively, if not more so,” says Flint.

Some environmental groups see this explanation as a shell game. “Their so-called leveraging is just cost-shifting to municipalities and nonprofits,” says Hardy. “Private conservation groups are reaching deeper into their pockets, but partnerships are not an excuse for the state to walk away.”

In addition, weakened state support is making it harder for private organizations to preserve open space, according to Bernie McHugh, coordinator of the Massachusetts Land Trust Coalition. While land trusts own some 20 percent of the land restricted from development in Massachusetts for conservation, they also make bridge loans and purchases of land threatened by development, holding these properties until towns or the state—or, occasionally, federal agencies

—can secure funds to buy them. For example, the Sudbury Valley Trustees bought land for the Great Meadows National Wildlife Refuge, then resold it to the US Fish and Wildlife Service.

Trusts can’t always raise funds privately to broker these deals, so in many cases they need the state to help buy the land, either directly or by making conservation grants to cities and towns. But with land protection budgets falling, it’s not a sure bet that the state will step in. “Any real estate deal has to have a level of certainty to it, or it isn’t going to happen,” says McHugh.

Ironically, environmental groups see one of the state’s key smart-growth programs as undermining, rather than promoting, open space protection. Commonwealth Capital evaluates municipal applications to 22 state spending programs (including open space protection funds) based on whether towns’ zoning, development, conservation, and planning commitments square with the administration’s policies. While intended to give municipalities an incentive to bring their land-use policies into line with smart-growth principles, Commonwealth Capital downgrades the role of state environmental agencies in selecting lands for protection, environmental groups charge.

“I have great faith in decisions from the Department of Conservation and Recreation and the Department of Fish and Game, so I disagree with taking that authority out of their hands,” says McHugh. “I don’t see how we’re going to be able to identify and protect lands that are of statewide significance based solely on whether a municipality has made the cut under Commonwealth Capital.”

Mass Audubon’s Hardy predicts that space-gobbling low-density development will occur regardless of Commonwealth Capital’s focus on guiding investment into downtown areas. “Commonwealth Capital is a wonderful tool for things like transit-oriented development, but it has no impact whatsoever on forest protection,” says Hardy.

Robert O’Connor, director of EOE’s Office of Land and Forest Conservation Services, maintains that the administration is doing its best to preserve open space—stretching dollars by putting a growing share of investments into buying conservation easements (which leaves land in private hands but compensates owners for agreeing to permanently forfeit development rights) and less into purchasing lands outright.

“We’re not counting acres as much as we did in past administrations,” says O’Connor. “The focus is more on quality investments.” ■

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