

# Conservation Organizations: What They Do and Why They Do It

October 24, 2005

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Published November 2005

This paper is part of a series of discussion papers written to provide background information on salient issues identified as important by participants at the *Saving Washington's Working Forest Land Base* forum in November 2004.

## **Abstract**

As development pressures increase throughout the United States, communities have recognized that land conservation is an important tool to manage growth and protect critical land and water resources. Across the country there is increasing recognition that land conservation efforts can help create healthier, more livable, and economically sound communities. And with this recognition the number of land conservation organizations and the acres of land that they protect have been on the rise. To date, conservation organizations in Washington have protected more than 725,000 acres of resource lands including working forests, farmlands, open space, wildlife habitat and other ecologically sensitive areas.

Conservation organizations with a land trust component to their work conserve land that is important to the communities and regions where they operate. They carry out or facilitate land transactions in which they implement and monitor land protection devices for individual pieces of property or for larger land areas, depending on the conservation organization's specific goals. In addition to doing the direct land conservation work, conservation organizations help communities strategize to achieve land conservation in a way that integrates growth with protection of natural resources. They work closely with local governmental and business leaders to achieve the complementary goals of environmental protection and economic sustainability. Three regional leaders in land conservation in Washington are The Nature Conservancy, The Trust for Public Land and Cascade Land Conservancy. These organizations have somewhat different approaches to land conservation and areas of focus in Washington, but they also work with one another on integrated approaches for regional land conservation.

Conservation organizations use a wide variety of methods to conserve land, primarily focused on market-based transactions and incentives to acquire the resources important to conservation. The most frequently used tools are: acquisition of fee simple ownership, acquisition of a conservation easement (CE), and acquisition and transfer of ownership (fee simple or CE) to another non-profit organization or government agency. Other approaches include securing funds and organizing stakeholders to purchase land, negotiating with conservation buyers, and facilitating negotiations for land to be acquired by another non-profit organization or a public agency. Conservation organizations partner with one another, businesses, private landowners, and public agencies to achieve land conservation goals on community and regional scales.

## **I. Introduction**

This paper provides an introduction to conservation organizations and their role in working with landowners, communities and public agencies to achieve land conservation. It gives an overview of legal and transactional strategies used by conservation organizations and examples of public and private partnerships that have conserved natural resource lands.

## **II. Conservation Organizations on the rise**

In a climate of accelerating land use change, the rapid growth, both in number and capacity, of conservation organizations has placed them at the forefront of the movement to preserve open space in the United States (Liegel and Duvernoy 2002). Between 1998 and 2003, land trusts set aside twice the number of acres that they had previously protected, at a rate of 800,000 acres per year (Land Trust Alliance 2004). At the same time, conservation organizations, including some land trusts, began developing sophisticated tools to achieve conservation of resource lands, including working forests and farms, ecologically sensitive lands and open space.

The growth in land trust activity and conservation organization expertise has been in anticipation and in response to the increased loss and fragmentation of resource lands around the nation. From 1992 through 2001 the rate of urbanization and development of rural land in the United States increased from 1.4 million to 2.2 million acres per year, with the bulk of development occurring on forest-land, cropland and pasture land (Natural Resource Conservation Service 2001). At the same time, private non-profit conservation organizations, many known as land trusts, were successfully helping local communities protect land from development at an unprecedented rate, and this trend continues unabated (LTA 2000).

According to the 2003 Land Trust Alliance Census, conservation organizations have collectively conserved more than 9.3 million acres throughout the United States. And in Washington, the 30-plus organizations involved in land conservation have protected more than 725,000 acres of working forests, agricultural land, open space, wildlife habitat and ecologically sensitive areas (LTA Census 2004, Brown 2005, Dykstra 2005).

## **III. What are Conservation Organizations?**

Conservation organizations represent a unique blend of public and private efforts to conserve land (Cheever 1996). They differ from traditional environmental organizations because they shy away from advocacy and rely primarily on transactional approaches to achieve their conservation goals. Some conservation organizations, such as land trusts, are typically organized as private non-profit corporations recognized as public charities, which work to conserve land for the benefit of the public by acquiring and holding property interests and by assisting other organizations and agencies in land transactions (Liegel and Duvernoy 2002). Land trusts and conservation organizations that engage in land trust activities work to conserve land by undertaking or assisting in acquisition of fee, easement, or other interests in land and/or by stewardship of such interests (LTA 2003). Such organizations help protect natural, scenic,

recreational, agricultural, historic, or cultural property and conserve open land that is important to the communities and regions where they operate. Other conservation organizations assist in land conservation, not by holding easements or land, but by identifying land, raising and coordinating funds to conserve land, assisting in transactions, and conducting research and educational outreach to enhance conservation practices.

Conservation organizations are guided by their boards of directors who are in turn responsible for establishing the mission for their organization. Boards are composed of people with diverse skills, backgrounds and expertise who determine an organization's strategic direction by setting policies to carry out its mission. They also provide oversight of the organization's finances and operations. A land trust board of directors reviews and approves land and easement transactions and may delegate some decision making authority regarding transactions to the organization's officers or staff (LTA S&P 2004).

As private non-profit corporations, conservation organizations must adhere to the legal requirements governing non-profit tax-exempt organizations and comply with all applicable laws. Many conservation organizations that are in part land trusts adopt the code of ethical and technical guidelines set forth by the LTA's Land Trust Standards and Practices. In 2004, the revised standards and practices state that a land trust's ethical obligations extend from the land conservation community to donors, taxpayers, landowners, the land and the community at large. Some conservation organizations have opted to comply with the standards set forth by the Better Business Bureau's Wise Giving Alliance or other charity watchdog organizations (BBB 2005).

#### **IV. Conservation Organizations in Washington State**

More than 30 conservation organizations active in Washington have helped conserve over 725,000 acres (LTA Census 2004, Brown 2005, Dykstra 2005). These organizations range from local land trusts staffed by volunteers or a small staff to conservancies with professional staffs that work on a global scale. Their focus areas range from preserving open space for recreational trail corridors to ensuring the viability of working forests and farms to conserving the biodiversity of unique ecological areas. Among these organizations are regional leaders in conservation including The Nature Conservancy (TNC), The Trust for Public Land (TPL) and Cascade Land Conservancy (CLC). These three organizations have somewhat different approaches to land conservation and areas of focus in Washington, but they also work with one another on integrated approaches for regional land conservation.

##### **1. The Nature Conservancy**

The Nature Conservancy's mission is to preserve the plants, animals and natural communities that represent the diversity of life on earth by protecting lands and waters. Founded more than 50 years ago by a group of scientists and conservation biologists, the organization has maintained an unwavering focus on that mission, even while growing and changing significantly over the years.

In the mid-1990s, TNC embraced an ecoregional approach to conservation, a methodology known as *Conservation by Design* to capture the full range of diversity. This planning approach

organizes the world according to its ecoregions—vast areas of land or water defined by climate, geology, and vegetation. Washington comprises nine different ecoregions. The goal is to identify all representative biodiversity within an ecoregion—not just what is rare or endangered—and to develop a “portfolio” of places that when protected will help achieve long-term conservation of biodiversity. *Conservation by Design* compels the organization to work at large scales and to engage in productive relationships with a wide range of private and public sector partners.

TNC has chapters in all 50 states and works around the world. To date, TNC and its nearly one million members have been responsible for the protection of more than 12 million acres in the United States and have helped preserve more than 80 million acres in Latin America, the Caribbean, Asia, and the Pacific. In Washington, TNC has collaborated to conserve more than 500,000 acres of irreplaceable natural lands, including 50,000 acres owned by the organization. With the completion of a new five-year plan, the Washington chapter is poised to take that work to a new level, working with communities and civic leaders around the state to protect and restore tens of thousands of additional acres and the waters that tie them together.

## **2. The Trust for Public Land**

The Trust for Public Land is a national non-profit land conservation organization that conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come. Since 1972, TPL has worked with willing landowners, community groups, and national, state, and local agencies to complete more than 2,700 land conservation projects in 46 states, protecting nearly 2 million acres. Throughout its Northwest and Rocky Mountain Region, headquartered in Seattle, TPL has protected over 475,000 acres.

In Washington alone, TPL has completed over 220 projects protecting more than 51,000 acres from the cities on Puget Sound to the forested lands of the Olympic Peninsula and the Cascades. In addition to its conservation real estate work, TPL has helped states and communities across the U.S. craft and pass 192 ballot measures, generating over \$35 billion in new conservation-related funding. TPL works to acquire property interests, from fee simple to lesser rights, to protect threatened open space areas, conserve working lands for forest and farm uses, enhance and restore wildlife habitat, and provide recreation or other opportunities for the public. TPL eventually conveys those interests to public agencies or private land trusts for permanent stewardship and management.

## **3. Cascade Land Conservancy**

Cascade Land Conservancy is an entrepreneurial non-profit land conservation organization that preserves natural and open space lands in urban and rural communities, along rivers and streams, and in the foothills of the Cascade mountain range. Since 1989, CLC has protected more than 110,000 acres of land in King, Kittitas, Pierce, and Snohomish counties in Washington – valued at over \$100 million – and currently is negotiating to protect many thousands more. With the merger of previously independent conservancies in four Central Cascades counties, CLC has become a regional conservation leader. Recently, the organization unveiled *The Cascade Agenda*, a regional vision to conserve more than 1.26 million acres in the Central Cascades while fostering wise development and maintaining a strong economy. The Agenda partnership includes

TNC, TPL, as well as regional leaders from the business, public agency, natural resource and environmental communities.

CLC uses a variety of innovative conservation methods, including mitigation banking, conservation development, and transfer of development rights programs to finance and achieve conservation goals. The organization works strategically to conserve and steward critical landscapes that span its service area – from headwaters to estuaries, and foothills forests to urban centers. CLC maximizes the impact of conservation and restoration efforts by targeting properties with ecological functions and benefits that extend beyond their boundaries.

#### **4. Local Land Trusts**

There are more than 28 local land trusts active in Washington (CommEn Space 2004, LTA Census 2004). These land trusts are tax-exempt organizations and are typically funded through membership dues and donations from individuals, businesses and foundations. They accept donations of properties, buy land, or help landowners establish legal restrictions that limit harmful use and development. They provide permanent and direct protection to land that has natural, recreation, scenic, historic or productive value. Local land trusts use a variety of flexible and creative methods to achieve conservation goals while meeting the specific needs of the communities and landowners with whom they work. Their missions range from protecting the farmland of Skagit Valley (Skagitians to Preserve Farmland) to conserving the Nisqually River Basin (Nisqually Land Trust) and to maintaining the scenic, recreational and historic values of an interstate corridor (Mountains to Sound Greenway Trust). Other land trusts, such as Columbia Land Trust and Inland Northwest Land Trust achieve similar objectives and span state boundaries.

#### **V. The Need for Conservation Organizations**

As development pressures increase throughout the United States, communities have recognized that land conservation is an important tool to manage growth and protect critical land and water resources. Across the country there is increasing recognition that land conservation efforts can help create healthier, more livable, and economically sound communities (TPL/NACo 2002). Moreover, communities appreciate the need to achieve all of these goals through tools other than regulation.

From 1990 to 2000 Washington's population grew by 21 percent (PSRC 2001). And as the Puget Sound region and the rest of the state continue to experience growth, development pressures will increase. And as more people seek the quality of life that Washington has to offer, there will be greater need to conserve the land. Communities, businesses and public agencies can partner with conservation organizations to conserve natural resource lands that support a diverse economy, ensure recreational opportunities and protect biologically sensitive areas that provide a host of ecological services.

Over the past 30 years, Washington has lost 2 million acres of timber land (Washington State Department of Natural Resources 1998), the equivalent of a forest slightly smaller than King and

Pierce counties combined, through conversion to low-density residential development or other use. This conversion often transforms large contiguous areas of forest to patches of smaller, less commercially viable holdings. For instance, in King county's rural forest district, where small landowners are encouraged to manage family lots amidst very low density development, average parcel size has dropped from 16 to 14 acres in four years (Wadsworth 1999). Despite the loss of resource lands and open space, Washington's conservation organizations have helped conserve more than 725,000 acres (LTA Census 2004, Brown 2005, Dykstra 2005) while partnering with state agencies, local governments and private land owners to conserve working forests and farmlands.

## **VI. The Role of Conservation Organizations**

Conservation organizations with a land trust component to their work conserve land that is important to the communities and regions where they operate. They carry out or facilitate land transactions in which they implement and monitor land protection devices for individual pieces of property or for larger land areas, depending on the conservation organization's specific goals. Sometimes their land protection efforts are in cooperation with other conservation organizations, but their major objective is the conservation of the land itself so that it may continue to be a resource for future generations. Conservation organizations often are formed to protect particular land-related resources: forests, farmland, open space, wetlands, or historic districts (Schear and Blaine 2005).

In addition to doing the direct land conservation work, conservation organizations help communities strategize to achieve land conservation in a way that integrates growth with protection of natural resources. Conservation organizations work closely with local governmental and business leaders to achieve the complementary goals of environmental protection and economic sustainability (TPL/NACo, 2002). Conservation organization work to build and revitalize strong communities from the urban to the rural landscape. Finally, conservation organizations are intimately involved in helping to raise the public and private funds necessary to achieve the multiple objectives of land conservation.

## **VII. The Conservation Tool Box**

Conservation organizations use a wide variety of methods to conserve land, primarily focusing on market-based transactions and incentives. The most frequently used tools are: acquisition of fee simple ownership, acquisition of a conservation easement, and acquisition and transfer of ownership (fee simple or CE) to another non-profit organization or government agency (LTA 2000). Other approaches include securing funds and organizing stakeholders to purchase land, negotiating with conservation buyers, and facilitating negotiations for land to be acquired by another non-profit organization or a public agency (LTA 2004). These incentives allow conservation organizations to work with private landowners who are willing sellers, motivated to protect land voluntarily for its own sake or by rewards such as tax relief (Warren 1995).

## **1. Fee Simple Acquisition**

A fee simple acquisition transfers the full ownership of the property to the land trust, other conservation organization or agency holding title to the property. According to the Standards and Practices set out by the Land Trust Alliance (2004), the circumstances that favor fee ownership include such factors as the property contains highly sensitive resources, such as endangered or threatened species; where public use is a significant conservation objective; when the resource requires extensive management; and where surrounding lands are owned in fee by a land trust, other conservation organization or agency.

Non-profit organizations typically require grants or member donations in order to complete a fair market value purchase. In most cases, a conservation organization will assume a leadership role in identifying and seeking out the grants necessary to fund a land conservation project. A landowner offering a bargain sale (less than fair market value) increases the possibility that sufficient funding can be obtained for the transaction. A bargain sale also offers potential tax benefits to the seller because the difference between the appraised fair market value and the sale price may be considered a tax-deductible charitable contribution. In this way, tax savings realized by the seller may partially offset the apparent financial sacrifice of a bargain sale.

An outright donation of land can provide an uncomplicated transfer of property title in a single transaction (Warren 1995). Donating land releases the landowner from the responsibility of managing the land and can provide substantial income through tax deductions and estate tax benefits while avoiding any capital gains taxes that would have resulted from selling the property.

## **2. Conservation Easements**

Conservation easements (CE's) are often the tool of choice for conservation organizations. According to the LTA's 2003 census, state and local land trusts had protected almost twice as many acres through conservation easements than they had through outright ownership. In 2003, the nation's land trusts held more than 17,847 easements, protecting more than 5 million acres. The Nature Conservancy alone held easements over 1,820,722 acres that same year (Byers and Marchetti Ponte 2005).

Easements are an immensely popular land conservation tool because they allow conservation organizations to protect land without having to own it and take on direct land management responsibilities (Byers and Marchetti Ponte 2005). Furthermore, the upfront costs of acquiring a CE can be significantly less than that of a fee-simple acquisition.

A CE is a voluntary legal agreement that restricts the development and future use of a piece of property in order to protect its conservation values (Green 2005). As a legal agreement between a landowner and a qualified conservation organization or government agency, a CE permanently limits land uses in order to protect conservation values. Certain rights, which a landowner holds by owning a property, are granted to the qualified conservation organization or agency through the CE (Byers and Marchetti Ponte 2005).

One of the benefits of a CE is that the landowner and future easement holder can structure an easement in a number of ways to take into account a specific landowner's needs. The specific rights a property owner gives up and retains when granting a CE are spelled out in each easement document. The owner and the prospective easement holder first identify the conservation values of the property and then decided which uses and activities need to be restricted to protect these values (Byers and Marchetti Ponte 2005). Conservation easements can serve a variety of purposes including protection of working forests, farmlands, wetlands, endangered species habitat and beaches, or preservation of scenic and historic areas and buildings.

### **3. Negotiating Transactions between Stakeholders**

Conservation organizations may facilitate negotiations between stakeholders to achieve conservation outcomes. In some instances, the conservation organization may be at the bargaining table to help private landowners and public agencies move forward on a deal that otherwise would not have a conservation solution. Involving conservation organizations in negotiating can benefit both private landowners and public agencies in strategic ways. Conservation organizations can help landowners, businesses, community, and environmental groups and other stakeholders resolve conflicts over land use or property valuation and bring together public agencies that do not agree on conservation priorities. Conservation organizations can assume risks in conservation transactions that neither private landowners nor public agencies can bear.

### **4. Financing Land Conservation through Select Development or Timber Revenue**

When appropriate, a conservation organization may work with interested parties to finance land conservation through such means as conservation development or selective timber harvest on working forest lands. In such instances, land may be at a high risk of conversion to other uses. But a conservation organization might work with the landowner to develop a smaller portion of property in exchange for a purchase of a conservation easement on the undeveloped portion of the property by the organization or public agency. This device minimizes the ecological footprint of the development and ensures the conservation of the rest of the land. Selective timber harvest on lands managed by conservation organizations can help those organizations finance acquisition or pay holding costs, allowing the working forest land to remain in active forestry instead of being at risk to conversion to non-forest uses.

### **5. Financing through Purchase or Land Donations**

Many conservation organizations sell or donate conservation land to state or federal agencies rather than manage it themselves (Brewer 2003). As private organizations, they are able to respond quickly and leverage funds for conservation. Often, conservation organizations are a key element in transactions to secure public lands. Government agencies may lack the funds to complete a deal in time with the landowner's expectations. In these situations a conservation organization can fashion a deal in which the landowner can sell the land at below-market value to the conservation organization and claim a charitable income tax deduction for the difference. When an agency's funding becomes available, the conservation organization can resell the land to the agency (Brewer 2003).

## **VIII. Partnerships to Conserve Working Landscapes**

Increasing development pressure on large landscapes and the need to bring together diverse interests and skills to carry out complex land protection projects has created a surge in partnerships (Byers and Marchetti Ponte 2005). Conservation organizations partner with one another, businesses, private landowners and public agencies to achieve land conservation goals on community and regional scales.

### **1. How Conservation Organizations Work Together**

More and more organizations are coming to realize that partnering with other conservation organizations, public agencies or other entities has benefits. Greater transaction expertise, more organizational capacity, increased funding opportunities, credibility, opportunities for long-term partnerships, positive publicity, and increased overall land protection are some of the many benefits that successful collaborations can offer (Bates 2005).

The range of partnerships between conservation organizations is diverse. Conservation organizations in overlapping service areas may choose to share information about the types of projects they are currently working on or form alliances for special initiatives such as a bond campaign or regional planning effort. Cooperation on land protection projects is perhaps the most common form of collaboration, ranging from single project joint ventures to more complex multi-party projects and large-scale landscape initiatives involving many partners (Bates 2005).

### **2. Conservation Organizations Work with Businesses**

Conservation organizations partner with businesses and owners of commercial resource lands to help compensate landowners for managing their land for conservation purposes. In such partnerships, conservation organizations may take on conservation or stewardship easements to ensure that the land is maintained for such specific practices as sustainable timber harvests. In turn, these easements may reduce the property taxes for the landowner.

### **3. Conservation Organizations Work in the Public Arena**

As independent non-profits, conservation organizations can work in the marketplace in ways that public agencies often cannot. Conservation organizations can identify and assemble private and public funding sources for land protection and work with partners to craft local bond measures, conduct polling, and run successful campaigns to fund open space and parks.

For example, through its Conservation Finance Program, TPL has been particularly active nationwide in working with local communities to successfully raise public funds for conservation. Between 1996 and 2002 TPL helped pass numerous local and state measures that set aside more than \$25 billion for land conservation efforts. (Hopper and Cook 2005). To further expand conservation funding efforts, TPL created The Conservation Campaign in 2002, which is a 501(c)(4) nonpartisan lobbying affiliate that is able to lobby for government funds

without limit and to directly support local campaign activities. Through these two programs, TPL helps local communities research, design, and pass local, voter-approved conservation finance measures.

#### **4. Conservation Organizations Work with Government Agencies**

Public agencies are increasingly aware that the professionals working for conservation organizations have different and complementary skills and knowledge. Conservation organizations can serve as an advisor-consultant to county and city governments by providing a range of services, including landowner outreach, land planning, easement negotiations and stewardship expertise (Byers and Marchetti Ponte 2005). Conservation organizations can also partner with state and county agencies to create regional conservation initiatives that extend beyond the jurisdictional boundaries of one county or another.

In such an instance, Cascade Land Conservancy and The Trust for Public Land embarked on the Cascade Foothills Initiative with Washington DNR and the executive directors of King, Pierce and Snohomish Counties. The non-binding agreement signed in 2004 set out the goal to prevent development of 600,000 acres of working forests owned by private individuals and corporations in the lowlands of the western Cascades and help sustain Washington's timber-economy. CLC and TPL have already partnered with timber companies and local and federal agencies to conserve more than 100,000 acres of these foothills forests.

Conservation organizations also partner with public agencies to enhance the ecological functionality of resource lands through restoration and stewardship opportunities on lands that span jurisdictional boundaries. In Southwestern Washington's Willapa hills The Nature Conservancy has purchased and conserved more than 7,000 acres of forest-lands, including the entire 5,000-acre Ellsworth Creek watershed. The watershed includes 300 acres of old-growth forest and 350 acres of healthy estuarine wetland at the mouth of the Ellsworth Creek. TNC's lands are part of a larger mosaic of conservation-oriented ownership, including the neighboring Willapa National Wildlife Refuge and more than 13,000 acres of publicly-owned forests, wetlands, and estuaries.

TNC is now undertaking a program of forest restoration and scientific research to recover the Willapa hills preserve and adjacent forest-lands on the national wildlife refuge. TNC has begun work with other public land managers in the area, including Washington DNR, which manages several Natural Resource Conservation Areas in the Willapa hills. Over time it is anticipated that private landowners will also become interested in what is being learned at Ellsworth Creek. Working closely with TNC on all of this is a science advisory board, comprised of some of the leading thinkers in forest and freshwater health from public and private sectors.

## **IX. The Continued Role of Conservation Organizations**

As urbanization and development of rural land throughout the nation and Washington continues, conservation organizations will fill a unique role. They have tasked themselves to conserve working forests and farms, open space for recreational opportunities and biologically sensitive areas so these lands can continue to be a resource for future generations. To conserve these lands they will continue to partner with communities, private landowners, businesses, public agencies and other conservation organizations to help create healthier, livable and economically sound communities. As the need for land conservation continues to surpass the public funding available, these innovative organizations will use a variety of tools and finance mechanisms to help fairly compensate landowners and achieve conservation goals for the greater benefit of the communities they serve.

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## Acknowledgments

The Northwest Environmental Forum and the author appreciate the comments by **Gene Duvernoy**, *President*, Cascade Land Conservancy, **Peter Dykstra**, *Project Manager*, The Trust for Public Land, and **David Weekes**, *State Director*, The Nature Conservancy of Washington, provided during the preparation of this material.