



Garden State Preservation Trust

MYTHS ABOUT LAND CONSERVATION

This handout is intended to address myths, errors and misconceptions about land conservation that pop up from time to time. This revises an Oct.22 document that had some errors. For more detail, view the other HANDOUTS, download the resources provided under the REPORTS menu or send an email to Garden State Preservation Trust executive director Ralph Siegel: ralph.siegel@treas.state.nj.us

Myth: Land preservation means State Government use of eminent domain

FACT: No it doesn't. In fact, it is specifically barred. The Garden State Preservation Trust Act, PL 1999 Ch. 152, prohibits the State of New Jersey from using eminent domain in land acquisition. Period. All State acquisitions are from willing sellers. Public Question #3 on the Nov. 6 ballot proposes to follow the provisions of the 1999 GSPT Act so this prohibition against condemnation will continue.

Myth: Conservation in New Jersey is pointless because "build-out" is inevitable

FACT: Presently land is being conserved at a rate two to three times faster than it is being converted for development. With consistent funding this trend can continue. New Jersey in future decades will be preserving significantly more acreage than it "loses" to development.

Myth: There is no program to fund or to rehabilitate playgrounds and sports fields

FACT: The Green Acres program using Garden State Preservation Trust grants is the major funding source for community park development. Green Acres has provided tens of millions of dollars in grants to assist towns, counties and nonprofit organizations as they create or renovate local parks. These parks become community assets with beautiful picnic areas, convenient playgrounds and safe sports facilities.

Myth: Conservation of bits and pieces of land has accomplished too little

FACT: State forests, conserved parks and refuges, preserved farms and other conservation projects completed or underway combine for a total of 1.5 million acres – larger than the land mass of Grand Canyon National Park. That is about a third of New Jersey's dry land mass. But more than 2 million acres of open land remains at risk. Land will be needed for residential and economic development, but conservation, expansion and development of recreational facilities and the preservation of farms must continue as well.

Myth: Land preservation agencies want to take away my property rights

FACT: Land preservation programs do not "take" anything. Land preservation through the Garden State Preservation Trust involves payments to owners to buy their land or payments for easements to limit the use of the land. All such deals are always voluntary; all landowners are paid.

Myth: Government buys vast tracts of wild land that are of no use to anyone

FACT: Natural land resources are crucial for all. The vast majority of public lands are open for recreation. Land has many valuable uses aside from economic or residential development. Forests, wetlands and farmlands control, recharge and filter the water, clean the air, dissipate heat. As a society Americans have decided it is good to save endangered wildlife. This requires preserved habitat.

Myth: Government should not be in the business of buying and running farms.

FACT: Agreed. When the Farmland Preservation Program saves a farm, we acquire only the development rights on the land. It remains private property as a commercial farm. Farmers are free to farm, to pass it to their heirs or to sell it to another farmer. In cases where we buy farms outright, development restrictions are imposed and then the land is resold at auction for private agricultural use.

Myth: Farmland preservation easements can be sold later to allow houses to go up elsewhere

FACT: Once farmland preservation easements are bought and put into place the development rights are permanently retired. The "purchase of development rights" is not reversible and it is not transferable.

An innovative program does exist called "Transfer of Development Rights." It provides an alternative way to pay for conservation by using funds from commercial builders, who may then apply the development rights they purchase at other locations. These transfers only occur on farmland that has not yet been preserved.