

Testimony of
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H.R. 1907, Coastal and Estuarine Land Protection Act

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Madame Chairwoman, I want to thank you and Ranking Member Brown for the opportunity to appear before you today. I am Alan Front, Senior Vice President of The Trust for Public Land, a national nonprofit land conservation organization, and I am pleased to testify in that capacity to express my enthusiastic support for H.R. 1907, which would formally authorize the Coastal and Estuarine Land Conservation Program (CELCP). I also want to recognize the vision and leadership of Representatives Saxton and Capps in bringing this legislation forward, and to express my appreciation to the numerous other members of the Committee and the Subcommittee who have signed onto this important bill.

My perspective on H.R. 1907 -- and on the phenomenally successful CELCP program it addresses -- comes directly from The Trust for Public Land's work with coastal communities across America. TPL conserves land for people to enjoy as parks, community gardens, natural and scenic areas, historic sites, working landscapes, and other public assets. Since 1972, TPL has worked with willing landowners, community groups, and national, state, and local agencies to complete more than 3,000 land conservation projects that protect more than 2.2 million acres in 46 states and the territories. In recent years, TPL also has helped states and communities craft and pass over 330 ballot measures, generating almost \$25 billion in new conservation-related funding.

TPL invests its energies, funding, and staff in the places where the threats to open spaces are most urgent, and so not surprisingly many of these public/private conservation partnerships have focused on our nation's dwindling coastal open spaces. Even with the resources we and many others are bringing to the battle to save our most critical coastal ecosystems and our treasured shorelines, we continue to fall farther and farther behind in our efforts to help our state and local government partners protect the coastal open spaces on which their future depends. And in the face of rapidly escalating real estate markets and unprecedented demand for resource-damaging development along our coastlines, the need for prompt conservation action in these sensitive and challenged areas has only increased.

The intense, spiraling development pressures upon our nation's coastal zone are obvious and well documented. According to NOAA, coastal counties constitute only 17% of the nation's land area, but account for 53% of its population. And growth across the United States, including in its coastal areas, continues to surge. That exploding coastal population will continue to rely on the economic, recreational, and ecological resources of our irreplaceable coastal landscapes, and so will hoardes of inland residents who for various reasons also depend on these coastal lands. From the millions of permanent residents who enjoy the manifold attractions of coastal life to the millions more who simply seek a short-term respite, Americans continue to flock to our coastal towns, beaches, and waterfronts as the destination of choice. According to the U.S. Commission on Ocean Policy, "more than \$1 trillion, or one-tenth of the nation's annual gross domestic product, is generated within the relatively narrow strip of land immediately adjacent to the coast that we call the nearshore zone. When the economies throughout coastal watershed counties are considered, the contribution swells to over \$4.5 trillion, fully half of the nation's gross domestic product, accounting for some 60 million jobs." The health of our coasts is inextricably linked with the economic health of the nation.

Ironically, as more Americans answer the siren song of the coasts, we are more and more in danger of loving these sensitive landscapes to death. Rapid and often unplanned development has marred once-pristine viewsheds and substantially reduced public access to the coast. The resulting increase in impervious surfaces has correspondingly increased nonpoint source pollution and seriously degraded coastal and estuarine waters. The loss of coastal wetlands has drastically impaired estuaries, some of the most productive habitat on earth. Both the U.S. Commission on Ocean Policy and the Pew Oceans Commission reports have stressed the importance of land conservation as part of their broader recommendations to Congress and the nation.

In 2002, Congress stepped in to respond to that need and enhance the federal role within the federal-state coastal conservation partnership by creating the Coastal and Estuarine Land Conservation Program through the appropriations process. In FY 2002, its initial year, CELCP was funded at approximately \$15 million. That initial outlay has since grown to a total of \$198 million for 131 coastal conservation projects in 26 of the nation's 35 coastal states. The FY08 numbers are still pending, but Congress appears poised to continue its investment in CELCP in order to meet growing demand from states and localities across the nation. As important and gratifying as those figures are, though, CELCP is a story of places, not of numbers, and the responsiveness of Congress to this pressing need has resulted in a panoply of coastal protection successes.

CELCP was created to protect "those coastal and estuarine areas with significant conservation, recreation, ecological, historical or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses." Thus far, this program's investment has helped preserve some of America's greatest coastal treasures. Working with Congress, NOAA, and state and local governments to secure CELCP grants and leverage them for non-federal funding, TPL has conserved 55 distinct and vital landscapes along the Atlantic, Pacific, Gulf, and Great Lakes shorelines. In all cases,

CELCP dollars were matched by at least an equal amount –and sometimes a much greater amount -- from nonfederal sources.

America's coastal communities stand ready to assist Congress and NOAA's efforts to protect our vital shorelines, estuaries, beaches and wetlands for public benefit. Across the country, dozens of state and local governments each year vote to raise public funds in support of land conservation. From 1988 through the early part of this year, voters have passed 1,529 of 2,003 conservation-related ballot measures put before them. We have found that regardless of whether the economy is robust or weak, American voters have strongly supported conservation finance measures that preserve natural lands, create parks, and protect farmland. Much of this state and local funding is approved in anticipation of federal support and multi-agency leverage. Where the resources at risk are coastal, CELCP is an indispensable engine for that partnership.

Were it not for the CELCP program, thousands of acres of critical resource lands and waters would have been lost to inconsistent development. CELCP dollars invariably go to projects and communities where this investment of federal matching dollars makes all the difference. And while some of these projects might technically be eligible for other existing federal conservation programs, the simple fact is that CELCP offers the best (if not the only) hope for these projects and these communities. No other federal grant program -- not the stateside Land and Water Conservation Fund, nor the endangered species programs of the Fish and Wildlife Service, nor the clean water programs of EPA -- has the specific design and focus, or the available funding, to help communities conserve coastal open spaces in these unique and rapidly appreciating markets.

CELCP is thus an essential federal funding, leveraging and partnership program that allows state and local governments, and their private conservation partners, to respond effectively to coastal conservation needs. In addition, the process now being developed will bring a useful new measure of consistency and quality to individual projects and to their overall context. NOAA's guidelines now will require each coastal state to prepare a Coastal and Estuarine Land Conservation Plan. These plans will not only guide states in their CELCP funded acquisitions, but also will build on existing state plans and help states better coordinate their coastal conservation efforts. This will help ensure that both federal and non-federal dollars are smartly targeted and wisely spent.

The value of this program is best told through the many successes the program has fostered. By way of example, The Trust for Public Land's CELCP-supported efforts with local and federal partners to date include the following:

- **Jamestown, Virginia:** A recently protected 202-acre parcel – the Jamestown Campsites and Public Marina properties on the James River and Powhatan Creek – was renamed “Anniversary Park” and used as the center stage for "America's 400th Anniversary" this past May 2007 to commemorate the founding of Jamestown, the first permanent English settlement in the Americas. The Jamestown Campsites tract was a private campground with frontage on the James

River. The site was part of the Revolutionary War Battle of Green Spring, where troops torched the plantation of Sir William Berkeley, Royal governor of the Virginia colony. The Jamestown Public Marina serves as an important public amenity on Powhatan Creek, providing boating access to the James River and water tours of Jamestown Island. Acquisition ensured protection of on-site and nearby historic and archaeological resources and public access to the James River, as well as conserving marshland, that otherwise would likely have been converted to residential development. Both properties are now owned by James City County, and were purchased with a mixture of CELCP, state and county funds. This project was strongly supported by your late colleague, Congresswoman JoAnn Davis, and demonstrates well her strong commitment to conservation that serves the public good.

- **Potter Creek, Berkeley Township, New Jersey:** The 115-acre Potter Creek property in Berkeley Township, Ocean County – the state’s fastest growing county – was added to county’s open space network of protected lands. Proposed as the location for 130 homes – a move that would have a significant negative impact on adjacent wetlands and Barnegat Bay, the property is now conserved as public open space. This property is a Barnegat Bay “Century Plan” site. "The Century Plan: A Study of One Hundred Conservation Sites in the Barnegat Bay Watershed" was published in 1995 by TPL and describes 100 high-priority conservation and public-access sites in need of protection in the Barnegat Bay watershed. Funding for this project came from nine funding sources, including CELCP, state, county, town and private sources.
- **Piedras Blancas, California;** Piedras Blancas is one of a very few places along an 18-mile stretch of the famed Hearst coastline of southern California where visitors can safely pull off the highway, park in a lot, and walk down a paved path to the beach. For 50 years, Piedras Blancas was a privately owned resort including a motel, café, gift shop, and gas station. Located just seven miles north of Hearst Castle, it was the only facility serving visitors along the stretch of highway between Ragged Point and San Simeon. Now California State Parks has the opportunity to provide much needed public facilities including an interpretive center on the area's natural history and the elephant seals populating its beaches, improved restrooms and other public amenities, and potential for a youth hostel and camping. Piedras Blancas was conveyed into public ownership in 2007 using a CELCP grant as well as state funds, and will be managed by California State Parks for recreation, visitor education, wildlife habitat, and scenic resources.
- **Beaufort County, South Carolina:** With 30 miles along the Atlantic Ocean, including the major resort area of Hilton Head Island, Beaufort County is the fastest growing county in South Carolina. Realizing the need to protect the county’s landscape and high quality of life, the Beaufort County Rural & Critical Lands Program was created to provide a means by which rural and critical lands may be protected and enhanced as economic and environmental resources of major importance. The Beaufort County Rural & Critical Lands Program has

preserved over 9,300 acres throughout the county since 1998. Much of the funding for this program was funded via a \$40 million bond measure to purchase open space in the county that was passed overwhelmingly by voters. The funding is targeted for the purchase of properties that have high biological, cultural, or historical significance, or help to alleviate traffic congestion and sprawl. Many of the properties protected via this program would have been developed for condominiums or residential housing. This measure is the first significant, local greenspace program passed in South Carolina.

- **Pupukea-Paumalu, Oahu, Hawaii:** The acquisition of the 1,101-acre Pupukea-Paumalu property on the north shore of Oahu by the Hawaiian Department of Land and Natural Resources, protected a shorefront property critical to natural, cultural, and biological resources, that was under threat of being developed into a seaside resort area. Several rare and endangered plants have been recorded, both on and off the property. Intermittent streams harbor an indigenous fish, the O`opu Nopili, and the near shore waters host the endangered monk seal, humpback whale and green sea turtle in a State Marine Protected Area. Archeological resources on the property include features such as petroglyphs, quarry sites, burials, terraces, rock shelters, caves, house remnants and agricultural walls, mounds and enclosures. As many military activities are conducted in the area, the U.S. Army contributed funds through its Compatible Use Buffer Program for this project in addition to CELCP, state, county, and private funds to prevent the encroachment of development on its installations.
- **Tchefuncte Marsh, St. Tammany Parish, Louisiana:** Located near Mandeville, Tchefuncte Marsh is a viable marsh ecosystem that provides an important storm buffer for residents, prevents salt water intrusion into fresh water areas, forms significant habitat for wildlife, and filters water reducing non-point pollution. The 400-acre property protected with CELCP funds will allow Mandeville to improve flood control efforts and provide green space for residents. The protection of marshlands also is critical to protecting the larger watershed basin of Lake Pontchartrain, with its importance in storm control and Louisiana's seafood and recreation industries. St. Tammany Parish has seen an increase in residential development after Hurricane Katrina and this property was under threat of conversion.
- **Holly Grove Swamp, Berlin, Maryland:** In 2005, Worcester County, in cooperation with TPL and the Maryland Coastal Bays Program, protected the Golden Quarter Farm, a 156-acre tract of land located in the Holly Grove Swamp conservation area. The property, which includes about one-mile of shoreline along Ayres Creek, will be protected in perpetuity through a conservation easement. This project was the first in CELCP project in Maryland and only the second CELCP conservation easement nationwide. While the property will remain in private ownership, the easement will held by Worcester County for management as wildlife habitat for migrating songbirds and many species of reptiles and amphibians. The acquisition of this easement will not only protect this property

from residential development with proximity to Ocean City in one of the last large contiguous areas of wooded land left on the mainland, it will also help preserve water quality and the area's scenic beauty.

- **Houston Area Bayous, Texas:** Although these urban acquisitions are small – .13 acres and .18 acres – they make a tremendous impact on an inner city neighborhood in transition. The area along Brays Bayou in Houston has historically been a diverse and dynamic community. Just across the street from the Houston Ship Channel is an area mixed with industrial uses and an underserved neighborhood where undeveloped land is extremely limited. By eventually protecting a nearly one-mile stretch along Brays Bayou, TPL and the Houston Parks Board will create the opportunity for a trail, connecting the Houston Ship Channel to Mason Park, one of the few neighborhood parks in the area. Funding for these acquisitions and those to follow comes from a combination of federal CELCP dollars and funding from the Houston Endowment.

These examples briefly demonstrate the breadth of CELCP's successes and the versatility of the program. From pristine salmon runs to dense urban areas, the need to protect coastal open space for public benefit is only increasing.

Recognizing this specific and immediate need, the President for the first time ever placed CELCP among the Administration's budget priorities when he requested \$15 million for Fiscal Year 2008. We are gratified that Congress has provided higher levels of funding and is set to do the same this year. At the same time, even as the program continues to demonstrate its value to the public, we recognize the compelling need for H.R. 1907. CELCP was created as an informal response to a pressing need; this impressive ad hoc response to a critical conservation needs to be transformed into a more formal, lasting commitment. A formal authorization will give the program additional stature and stability, providing additional assurances to states, local communities and non-governmental partners that their own investment in coastal conservation will be appropriately matched. At the same time, enactment of H.R. 1907 will afford this Committee an appropriate avenue of Congressional input and oversight that we believe will only enhance the program's consistency and performance.

H.R. 1907 has our strongest support, and we would fully endorse its enactment. Based on our specific real-world experience with CELCP, we may seek a few minor changes that would perfect this legislation; other changes are more appropriately addressed in the regulatory process, and we applaud NOAA's decision to update the CELCP guidelines through a public notice and comment process.

Coming on the heels of NOAA's 200th Anniversary, and with the agency's proud tradition of sound management of our nation's coastal resources, we hope that this bipartisan federal-state partnership will continue and therefore encourage you to take up and enact H.R. 1907. Six years after its inception, it is time that this genuinely necessary

and successful program is formally authorized as part of NOAA's suite of coastal conservation tools.

Thank you for the opportunity to testify today, and for your consideration of this important bill.