

A Richer

Heritage

HISTORIC PRESERVATION IN THE TWENTY-FIRST CENTURY

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THE
RICHARD
HAMPTON
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SERIES IN
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AND THE
DECORATIVE
ARTS

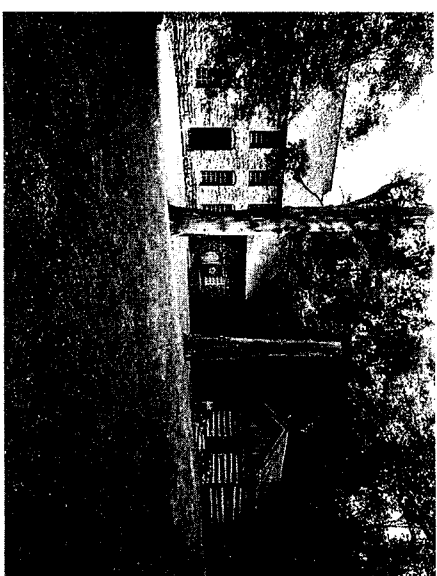
The Natural Environment

The eighteenth-century farm on which artist Andrew Wyeth painted more than a thousand scenes of southeastern Pennsylvania landscapes and rural life was acquired in late 1999 by the Brandywine River Conservancy, a private land trust, from its elderly owners through a creative estate-planning transaction. Other land conservation organizations across America have protected culturally significant rural and natural landscapes.

Recently, one of a few surviving historic covered bridges in North Carolina and its surrounding old-growth hardwood forest, mountain laurel, and stream, with remnant populations of rare aquatic species, were acquired, and the bridge was restored by two private land trusts. Other land trusts have protected many more historic landmarks and archaeological sites across the continent.

Thousands of acres of antebellum rice plantations and live oak-bordered historic roads near Charleston, South Carolina, with landscapes distinguished by maritime forests, salt marshes, and barrier island beaches, have been protected by the Low Country Open Land Trust. Likewise, other private land trusts have conserved many hundreds of historic farmsteads, plantations, ranches, and other features of America's cultural and natural heritage.

These are only a few of the many instances in which private land trusts have protected land enriched with both natural and cultural heritage resources. Hundreds of others could be cited: Native American archaeological sites; historic canals, mills, and industrial sites; battlefields; and historic roadways. Twenty-five years ago the boundaries between nonprofit historic preservation and land conservation organizations were clear. Now those lines are blurred and have often been eliminated completely. This chapter raises important issues about whether the agencies representing these closely related interests should engage and support one another in more formal ways, and how. However, any discussion of these issues must begin with a clear understanding of the history of the natural areas protection movement itself.



Braun Old Stone House, Rowan County, North Carolina. A donated conservation easement protects the 22-acre landscape of forest and meadow enveloping this 1766 farmstead. The historic landscape surrounding it was preserved by a permanent easement agreement between the local Rowan Museum and the Land Trust for Central North Carolina. (Staff photo, Land Trust for Central North Carolina)

Growth of Concern for Natural Environments

Public and private efforts to protect natural environments have vastly increased in the United States over the past thirty years. Since the original "Earth Day" public awakening in 1970, America has moved beyond placing full faith and primary reliance on government agencies to protect a relatively few and widely spaced, publicly owned, natural places such as parks and wildlife refuges. The advent of private land trusts and conservancies in America has seen the establishment of thousands of nature preserves and has fundamentally changed the natural resource conservation programs of government agencies at all levels. These private land conservation organizations are the products of an increased environmental consciousness and the widespread and deep financial support and activism of millions of people. The changes and accomplishments are the results of a pervasive shift in public awareness and concern for protecting natural environments.

In a span of less than ten years, beginning in the mid-1960s, landmark legislation for environmental protection marked an awakening comprehension by the general public and politicians that serious deterioration of environmental resources could be arrested only by fundamental changes in government policies and programs. That period saw the enactment by Congress of the first Na-

tional Wilderness Preservation System (1964), the Eastern Wilderness Act (1975), the Land and Water Conservation Fund to finance acquisition of public lands for conservation and recreation (1964), the Endangered Species Preservation Acts (1966 and 1973), the Wild and Scenic Rivers Act (1968), the National Environmental Policy Act (1970), the National Forests Management Act (1976), the Clean Water Act (1973), and the Clean Air Act (1970). The Environmental Protection Agency was created by executive branch reorganization (1970), and state legislatures followed by enacting similar laws and initiating environmental protection programs at the state and local levels.

Nongovernmental Organizations

Because of differences in the nature of the resource, it is important to understand what nongovernmental organizations do and how they do it. Their organizational structure, problems, and methods are similar to those of historic preservation organizations. But there is one important difference. The methods and purposes of natural resource conservation organizations are based on science rather than culture.

Nongovernmental organizations operating on the national and international scale are largely responsible for the American public's awareness of and sensitivity to the values and fragility of natural environments. Revolutionary changes in media techniques and technology have made clear that the country's natural environments are in jeopardy and that public action is required for environmental protection. That lesson has been underscored repeatedly by environmental disasters: urban development in the wrong places, elimination of rural landscapes and natural habitats, fouling of streams and other water bodies, deterioration of air quality, public health threats from pollution, plummeting populations of once-common wildlife, and accelerating rates of extinction among native plant and animal species.

There is a widely perceived crisis that natural areas and undeveloped rural areas in general are threatened by the development activities of mankind throughout America and worldwide. Between widespread habitat destruction and the threatened extinction of thousands of animal and plant species, the time has come to realize, and to accept at the political level, that time for maintaining the integrity and existence of nature is running out. Consequently, a sense of urgency to protect places of nature and beloved green spaces and the opportunity is lost forever.

As has been the case with the historic preservation movement, perhaps the most influential factor in the rise of modern land conservation efforts in America has been the loss and destruction of the resource itself. Just as we have lost thousands of historic buildings, structures, and archaeological resources, so have we also eliminated vast numbers of the continent's native plant and animal species. Virtually every species eliminated from the United States since the Ice Age has been pushed into extinction by humans. These include more than 100,000 species of plants and animals. Of the approximately 200,000 total species of plants and animals of all classes believed present in the United States, about 20,900 are vascular plants (15,990), vertebrate animals (2,497), or "higher" invertebrate animals (2,410). Of this total, about 32 percent are presently considered at risk of extinction and 1 percent are presumed extinct.¹

Whereas only 1 percent of America's flowering plants and vertebrate animal species vanished in the first three centuries of European occupation of the continent, now an estimated 16 percent (more than 4,500 species) are in immediate danger of extinction and another 15 percent are considered vulnerable to elimination. Altogether, one-third of the plant and animal species in the United States are now at risk.

Of the threats to survival of species, habitat destruction—not altogether unlike the destruction and loss of historic urban neighborhoods—is the most prevalent. It has attributed to the decline of at least 85 percent of all endangered plants and animals in the United States. The spread of nonnative or alien plant and animal species—again, comparable to the spread of corporate architecture to inappropriate locations—is a most serious threat. Other contributing disturbances to all populations, including our own human habitations, are air and water pollution from pesticides, fertilizers, overharvesting, and disease.

Three young sciences—conservation biology, landscape ecology, and restoration ecology—have provided new knowledge and perspectives that are dramatically changing efforts to protect and manage both natural and settled landscape areas. In the late 1980s through the 1990s, there was widespread realization that survival of rare and endangered species could not be accomplished simply by acquiring and saving relatively few and widely scattered nature preserves. We became aware of the consequences of ecological fragmentation. Instead, much more difficult and challenging design strategies had to be employed for protecting functioning natural ecosystems. Those strategies have to combine natural areas and areas of human habitation. Instead of setting aside relatively small or linear preserves, conservationists have shifted their approach to trying to protect and restore larger landscape areas that include both natural



Middleburg Plantation, Charleston, South Carolina. The Low Country Open Land Trust of Charleston protects this antebellum estate with a conservation easement that includes the oldest surviving plantation house in South Carolina (ca. 1699), a rice mill, commissary, stable, toll house, kitchen, slave cemetery, and historic rice fields along the Cooper River.

Staff photo by Cunningham, Low Country Open Land Trust)

communities and human settlements. As a sideline, one has to ask whether there are not parallels in the world of cultural resources?

Private Organizations Dedicated

Environmental Protection

An astounding array of private, but publicly supported, organizations have led a campaign to build greater awareness of environmental issues and rally public responses. They number in the dozens at the national level, and each one attempts to carve out a distinct role for itself. Among them are The Nature Conservancy (TNC), the Sierra Club, the National Wildlife Federation, the World Wildlife Fund, the National Audubon Society, the Environmental Defense Fund, the Natural Resource Defense Council, the Defenders of Wildlife, the National Parks and Conservation Association, and the American Farmland Trust. Other citizen groups focus on and target specific issues of protecting and restoring clean water and air, pesticide control, wildlife populations, and

hazardous waste control. Interestingly, the same proliferation of specialist groups has happened within the historic preservation movement.

Prior to the 1970s a few midwestern states, where native prairies and oak savannas had been nearly eliminated, pioneered some of the country's first state government-supported nature preserves programs. In New England numerous local townships had established land conservation committees and local nature preserves. Otherwise, efforts to save natural areas were primarily within the auspices of the National Park Service and state and occasional metropolitan park systems. A smattering of sanctuaries were owned and managed by local community groups, wildlife preservation organizations, universities, or private individual initiatives. Other public lands, such as recreational parks, wildlife refuges, and government-owned forests provided de facto conservation.

No single environmental organization has been more effective and influential in focusing public attention and rallying public support for the protection of America's ecological resources than The Nature Conservancy. That group rose to preeminence over the past thirty years, after creating an unparalleled alliance of scientists, business managers, and resource protection planners to build the world's most aggressive and accomplished land preservation program. TNC grew out of initiatives in 1951 by the Ecological Society of America to set aside remnant natural areas where ecological processes were as yet undisturbed. Under a new team of entrepreneurial administrators, TNC beginning in the early 1970s adopted land protection techniques first employed by private land conservancies in the New England states and launched an extraordinarily successful program to preserve the biological diversity of America.

TNC has engineered the protection of more than ten million acres of natural areas in North America and amassed a privately managed system of more than 1,400 nature sanctuaries across every state of the Union. Its programs are now financially supported by more than one million members. Over the 1990s TNC expanded its preservation programs to the full American hemisphere and, as the world's largest and most successful private land conservation organization, more recently moved into the Pacific and Asia.

TNC has emphasized land conservation as a science-based decision process, with its focus on preserving biological diversity and functioning natural ecosystems. Beginning in the mid-1970s, it began establishing biological resource inventories and protection planning programs on a state-by-state basis. Within fifteen years, every state in the United States, mostly funded by state governments, and many Canadian provinces and Latin American and Caribbean

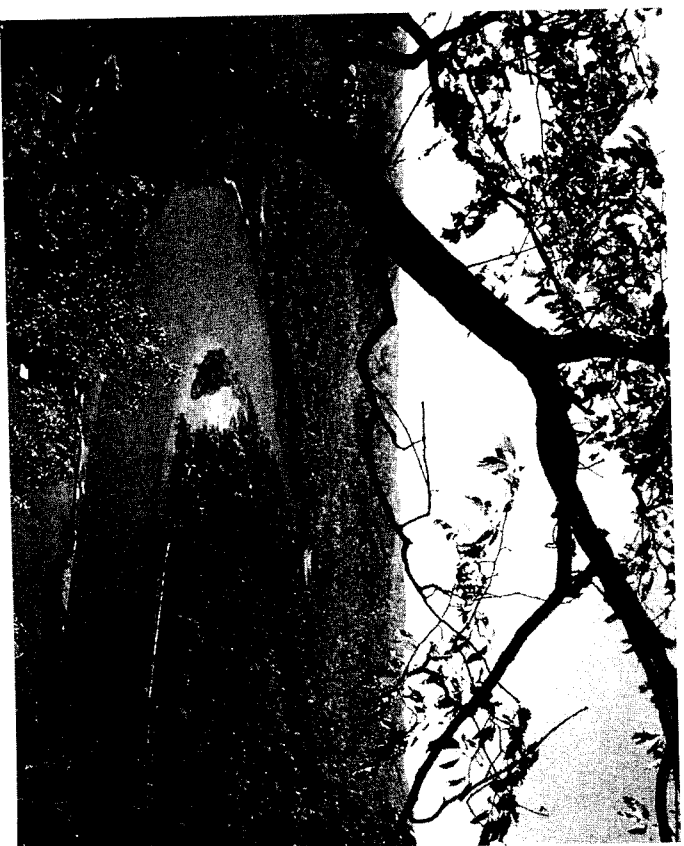
countries had instituted biological conservation data banks and natural heritage protection programs under TNC guidance.

Inventories of the biological diversity of each state have been "element"-based and specifically targeted at identifying and assessing each population of rare and endangered species on sites of wildlife concentrations and exemplary sites of natural community or ecosystem types. Each "element occurrence" of every vulnerable species and more than four thousand natural community types are recorded and periodically monitored. Cumulatively, tens of thousands of sites have been surveyed and monitored. In the 1980s TNC began building its own science capacity, stationing staff scientists in its own field offices throughout the country.

The Nature Conservancy's scientific emphasis is on interpreting data for conservation purposes, including preserve planning, management, and monitoring. In coordination with eighty-five state-based natural heritage programs and conservation data centers in other countries of the American hemisphere, TNC tracks the individual populations of species of imperiled plants and animals and exemplary occurrences of natural communities.³ The advent of sophisticated computer systems and geographic information systems has provided the capacity to maintain these dynamic inventories. The power of this combined quantitative and qualitative inventory has a profound influence on public conservation actions. The large majority of natural area protection efforts are now based on rational decisions founded on scientific knowledge.

The influence of TNC and state natural heritage programs on the academic sector also has been far-reaching. Over the past thirty years the advent of "conservation science" has made it possible to incorporate better understanding of biological processes in the design of nature preserve systems, implementation of observation plans, and improvement of land management. Whole new scientific disciplines have come into play, such as fire ecology; control of exotic, invasive species; restoration ecology; and bihydrology. This innovative, applied conservation science has been accelerated by its application in nature reserves acquired by TNC. Concepts such as "ecological viability"—how big a population of a certain species must be for its survival over the long term—are used to the design of sustainable natural refuges.

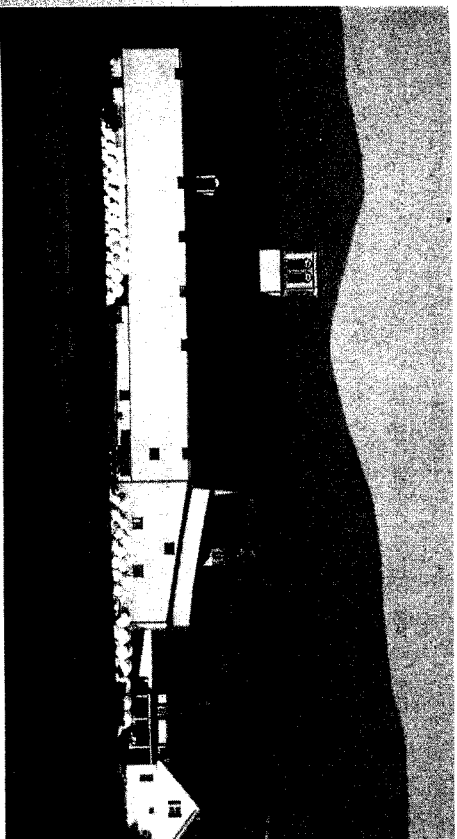
Though TNC has captured a public image focused on virtually all natural lands for the past two decades concentrated on more scientifically rigorous standards of preserving "biological diversity," most of its acquisitions are critical habitats for endangered species and larger landscape units con-



Tennessee River Gorge. The Tennessee River Gorge Trust is protecting 26 miles of the river gorge downstream from Chattanooga and includes the 450-acre Williams Island, site of rich archaeological remains of Native American occupation since 14,000 B.P. (Photo by Edward Schell, Tennessee Conservationists)

taining functional ecosystems. TNC owns and maintains more than 1,400 nature sanctuaries in the United States, exceeding 1,177,000 acres, but its preferred mode is to convince government agencies to acquire more land areas for parks, wildlife refuges, wilderness areas, and preserves. The conservancy has engineered the acquisition of more than 12 million acres for conveyance to government agencies.⁴

That trend in the United States has been augmented or reinforced by two other national groups—The Conservation Fund (TCF) and the Trust for Public Land (TPL)—each originating from TNC roots. Both of these organizations acquire parks and conservation land areas and transfer them into public ownership. However, TPL has assumed a more urban focus and encourages the integration of open spaces, outdoor recreational areas, and parks as integral parts of livable and healthy human communities. From 1972 to 2000 it helped protect more than 1.2 million acres in forty-five states—ranging from public recreational areas, to urban greenways, to urban neighborhood parks and gardens.



Sibley Farm, East Montpelier, Vermont. The Vermont Land Trust protected this historic farm by purchasing the nonfarm development rights. The Preservation Trust of Vermont furnished a historic rehabilitation preservation grant to repair the barn roof. (Vermont Land Trust, Mark McEathron)

TCF is more free lance in orientation and engages in a more eclectic range of land protection projects—again, almost always as a “land broker” for a public agency. Since 1985 TCF has been involved in protecting 3.2 million acres of land nationwide, ranging from river corridors, watersheds, and historic battlefields, to urban greenways, wildlife habitat areas, and managed forest lands. Both TCF and TPL attempt to integrate land conservation and economic development goals, such as nature-based tourism.⁵

The Rise of Land Trusts in the United States

Another national trend that has profoundly changed land conservation in America is the phenomenal increase in locally based land conservation groups, commonly referred to as “land trusts.” Land trusts are nonprofit, tax-exempt organizations that conserve land primarily by acquiring land or interests in it through purchase or gift. They operate in a manner similar to a local history house museum or complex, retaining ownership of the resource.

They are governed by local volunteer boards of directors, and most have relatively small professional staffs. They are financially supported by a cumulative total of an estimated one million individual members. Most are tax-exempt entities. Though many use the same conservation methods as TNC, they pri-

marily focus on the environmental resources of greatest importance to local communities and their surrounding regions.

The number of land trusts surged in the 1980s and 1990s, when close to two-thirds of the present number were formed. Their forerunners have existed for some decades, but only in limited numbers and concentrated in the New England. Interestingly, the Trustees of Reservations in Massachusetts, incorporated in 1891 at the beginning of the American City Beautiful and the National Parks and Monuments movements, served as the model for the British National Trust for Places of Historic Interest and Natural Beauty, that nation's largest integrated historic preservation *and* land conservation organization.⁶ Land trusts originating in the northeastern United States (where per capita income and threats to the relatively few remaining natural land areas were both high) were organized by the hundreds with private funds. They continue to play crucial roles in preserving natural areas and open space lands, and they have been copied in more recent years in other regions of the country.

The recent phenomenal growth of local, regional, and statewide land trusts represents an enthusiastic public response to perceived threats to environmental resources. Though only a few dozen existed prior to the 1970s, a 2000 survey by the Land Trust Alliance noted that more than 1,200 local and regional land trusts were then currently operating in every state, a number roughly comparable to local historic preservation organizations. Approximately two-thirds were formed as citizen initiatives between 1988 and 1998. Almost one million acres of the lands protected by land trusts were protected as public parks, greenways, and wildlife refuges through partnerships with public conservation agencies or conveyance of the land to government agencies.⁷

The large majority of America's land trusts are local in their coverage, but through economies of scale many of the most successful are regional or even statewide in scope. Land trusts covering states or large regions are the Montana Land Reliance, Iowa Natural Heritage Foundation, Colorado Open Lands, Chesapeake Bay Foundation, Society for Protection of New Hampshire Forests, Vermont Land Trust, Conservation Trust for North Carolina (CTNC), Minnesota Land Trust, New Jersey Conservation Foundation, and Virginia Outdoors Foundation. States with almost comprehensive coverage by local and regional land trusts include Connecticut, Maryland, Massachusetts, North Carolina, Pennsylvania, New Hampshire, and Vermont. That trend will grow elsewhere. The trend appears to parallel the growth in statewide historic preservation revolving funds.

Other land trusts specialize in particular conservation themes or specific

natural resources. Examples are the Appalachian Trail Lands Trust, Civil War Trust, Southeastern Cave Conservancy, Rocky Mountain Elk Foundation, Ice Age Park and Trail Foundation, Save the Redwoods League, Pacific Forest Trust, and New England Forestry Foundation. Still others engage in land conservation actions of relatively wide scope but have a particular area of emphasis, such as the Scenic Hudson, Southern Appalachian Highlands Conservancy, Low Country Open Land Trust in South Carolina, Big Sur Land Trust, Maine Coast Heritage Trust, Potomac Conservancy, and Jackson Hole Land Trust.

Interestingly, an increasingly number of land trusts appear to concentrate on what they can do to affect the character of rural communities and countryside, protecting regional water quality and designing limited development with open space reservations, such as the Piedmont Environmental Council and Valley (Shenandoah) Conservation Council in Virginia, the Brandywine Conservancy and Natural Lands Trust in the greater Philadelphia region, the Peconic Land Trust on Long Island, and the Chesapeake Bay Foundation. It is in this area that there appears to be a complete overlap with the more recent interest expressed by the National Trust for Historic Preservation in Smart Growth.

The success of land trusts derives from Americans' willingness to donate dollars and land for environmental protection. Citizen activism and philanthropy are honored and encouraged in our culture, and it is no secret that Americans are great "joiners." Additionally, the philanthropic example set by wealthy citizens—most notably, John D. Rockefeller Jr., who acquired land for many units of the National Park System (as well as Williamsburg, Virginia) in the first half of the twentieth century—has broadened into widespread financial support by many Americans at all levels of giving.

Tools and Techniques

Aside from straightforward land purchases for preservation, the use of conservation easements—deed restrictions that specifically prohibit land uses detrimental to environmental resource protection in perpetuity—has become the most popular and effective method of protecting natural and open spaces. They are more widely used by land trusts than by government agencies or the national land conservancies. Of the almost 6.5 million acres protected by land trusts over time, nearly 2.6 million acres were protected by conservation easements. By the end of 2000 land trusts had secured more than 11,570 easement

agreements with landowners. The increased use of conservation easements continues to accelerate, encouraged by federal and state laws that provide substantial reductions in federal and state income and estate and inheritance taxes, and sometimes local property taxes. These benefits came about largely through the intense, widespread lobbying efforts of the national Land Trust Alliance, the Piedmont Environmental Council of Virginia, and others in the late 1990s. It is noteworthy that the use of easements for land protection purposes is no different, as a technique, than the use of easements (by whatever legal name, technically speaking) for historic preservation purposes. In both cases the primary advantage is the easement, which is far more advantageous taxwise and less expensive cashwise, than the acquisition of the full fee simple title.

Conservation easements have been honed by land trusts as an alternative to acquisition of full property titles; in this respect, they are often more attractive to private property owners and local governments. Although land affected by the restrictions against intensive development may qualify for present-use property taxation, properties encumbered by easements still contribute to the local tax base and remain in private ownership. However, many land trusts prefer to own a fee simple interest in property because it is easier and less complicated to monitor than land under easement. Ownership of land encumbered by easement agreements is essentially divided. The private owner continues to enjoy possession and restricted use of the property under easement, but the organization holding the easement has permanent responsibility for surveillance and enforcement of the restrictions. Few land trusts have raised sufficient funds to monitor and enforce easements adequately, and the rate of violations will likely increase as land ownership passes on to a new generation of occupants.

America's land trusts will continue to grow in number, geographic coverage, strength, and achievements over the next several decades. The land trust movement is where the action and soul of landscape conservation will reside in the United States. It is through this grassroots initiative that we will see the greatest land conservation accomplishments over the next thirty years, at both the local community and the regional levels.

The Overlap of Natural and Cultural Resource Preservation

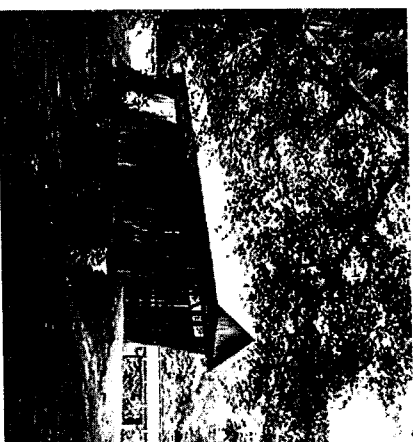
The land has shaped all of human culture, and people have shaped the land. In temperate North America, like most of the world, no land area has been un-



Ohio River/Erie Canal Towpath Trail. The Trust for Public Land has partnered with the nps by securing numerous purchase options to protect the towpath for the Cuyahoga Valley National Recreation Area. (Photo by Tom Jones, TPJ)

affected by centuries of use and impact by humans. All of America's landscapes hold the imprints of human occupation. Modern Americans are linked to their natural environments just as their historic predecessors were linked to the land before us. Consequently, all efforts to protect land areas, even when motivated by objectives to preserve pieces of the natural landscape and ecological resources, also serve to protect parts of our cultural heritage.

The ecologist and the amateur naturalist have both come to understand and to read the cultural history of the natural landscape. No natural area is so remote or so wild not to retain vestiges of human presence and change. *Every natural area that is preserved also saves a historic site.* Ecologists have largely disregarded the notion that there truly existed any "forest primeval" since the settlement of America by humans. Enormous areas of the continent's forests and grasslands were essentially cultural landscapes that were profoundly shaped by human actions ever since forests reestablished themselves northward behind retreating continental glaciers more than ten thousand years ago. The pre-European human population of America regularly set fire to millions of acres of grasslands and forest areas, and cleared other tens of thousands of acres for agriculture. The first European explorers and colonists found the remnants of a human-changed landscape everywhere, even though the pestilence and epidemics unleashed by that European invasion had already exterminated most of the Native Americans. Some ethnohistorians estimate that the Native American



Pisgah Covered Bridge, North Carolina. One of only two surviving covered bridges in North Carolina, this structure was preserved by the local Land Trust for Central North Carolina and the Piedmont Land Conservancy through a land donation conservation easement and restoration. Other partners in this project were the North Carolina Zoological Park, the North Carolina Department of Transportation, and the land donor. (Land Trust for Central North Carolina)

population of North America collapsed from as many as twelve to eighteen million in the year 1500 to fewer than one million by the late 1700s, when the first waves of European settlers expanded westward beyond the Appalachians,⁸ The European colonists found vast portions of America's forests and prairies that still retained the open conditions maintained by frequent burning conducted by the original human occupants. Over the course of the past five hundred years and under the impact of ever-increasing human populations and technologies, the effects of humans have so completely influenced the American landscape that essentially no land area lacks human-induced disturbances and evidence of use.

Indeed, there is controversy among land preservationists as to what is the appropriate "place in time" in which nature preserves should be maintained—a problem that finds its parallel in the restoration of historic buildings. Even if he often ubiquitous invasions of exotic species of plants and animals that were reported by humans could somehow be contained, how can dynamic natural ecosystems be "managed" back to some prehuman natural condition? What would be the "proper" vegetative composition? What would be the appropriate "natural" community type? What would be the truly "natural" condition and appearance if unaffected by human use and climate changes?

Managers of public lands and private nature preserves wrestle with these questions in their decisions for ecosystem management, as do historic preservationists, who are often confronted with the question of which earlier periods is the most important to preserve. In the real world, however, we must be content to arrest totally "unnatural" land uses and save those parts of the landscape that still exist in relatively natural conditions. The best that can be accomplished is to bring forests back within their historic range of conditions,

and even that is a daunting challenge. Philosophically, the concept is not that much of a departure from the "adaptive use" espoused by the historic preservation community.

There has been continuing and contentious public debate over the validity of publicly declared wilderness areas—large-scale preserves of wild land in which all human influence is eliminated. These uninhabited areas, from which all earlier human settlements have been removed, are a unique cultural concept: that of the "original" natural garden or "forest primeval," outside of human history and time, that largely forbids human uses.⁹ The concept of wilderness areas is one of inviolate natural areas as they might have appeared at the dawn of human civilization. But in reality, most wilderness areas bear some impacts of past human use and require substantial levels of human management to restore and maintain their natural ecosystems.¹⁰ Nevertheless, the national wilderness system does provide a land bank of large-scale reserves that permit both nature preservation and the recovery of largely natural ecosystems. Designated wilderness areas may best be appreciated as large and essentially wild places, but in the same continuum with the smallest natural areas and urban green spaces, where nature also finds a home.¹¹ Therein is the essential truth best articulated by Henry Thoreau in declaring that "in Wilderness is the preservation of the World," for *wildness* (as opposed to wilderness) can be found anywhere, even in a city.¹²

Another pioneering conservationist, Aldo Leopold, observed that the love for and sense of sacredness in nature can be found most readily in those common places with which we are most familiar. In those truths are rooted the efforts by land conservationists to protect natural places wherever they can survive.¹³ Is it, perhaps, the same underlying urge that tells us we must protect the original architectural and townscape set piece such as Williamsburg?

In most of the American landscape the legacy of human past lives on, both on land in the land around us. We are linked to the land—past, present, and future. A better understanding of those connections will make us better stewards of the land.

Cultural Resources in Natural Settings:

Common Ground

It is unlikely that there is a single "natural area" in North America that lacks some of human culture and human imprints. Even if the flossam and jetsam of

twentieth-century human occupation and visitation could be removed, there seldom exists a natural landscape of any size that does not have some signs of human use and manipulation. In "reading the landscape," ecologists become historians. Everywhere in the natural landscapes are signs of human habitation: roads and trails, canals and mills, building sites, wells and fences, forest clearings and old field succession, bridges and fords, cemeteries and shrines, ruins and vestiges. Ecologists proficient in "reading" the human influences of even the most mature forest communities recognize that the composition and structure of those ecosystems have been fundamentally affected by past human use.¹⁴ Like an autobiography, landscapes are a record of our human past. These landscapes and natural resources have been influenced by human settlement patterns, movements, economy, and leisure activities. Today they reflect both past and current values and activities, both good and bad.¹⁵

This is where the interests of private land trusts and historic preservationists converge. Until recently historic preservation efforts for the most part concentrated on protecting and restoring the built environment, principally the structures of human residence, commerce, and industry. Only in the 1980s did they begin to expand the concept of historic districts from urban to rural landscapes. Clearly, land trusts are protecting landscapes that are both naturally and culturally important. More often than not, protected natural areas and rural lands are part of the historic context for the human environment. Thus, rural historic districts are frequently the same kinds of landscapes that land trusts often focus on. As a result, land trusts are protecting cultural and historic resources in practically every one of their land protection projects.

Although the primary objectives of most land trusts are to preserve ecological resources and places of natural beauty, our projects extend to concurrently protecting the cultural resources present on the land. For example, the Conservation Trust for North Carolina has thus far protected more than 22,000 acres, primarily associated with its protection project for the Blue Ridge Parkway scenic and natural corridor. In every tract protected are the remnants of old homesteads and roads and trails. We find the ruins of homes and farms, evidence of past timbering operations, and traces of historic human uses everywhere. In many other places preserved by CTNC, functioning farmsteads and rural land uses are protected from being overwhelmed by modern urban and suburban development. The North Carolina Coastal Land Trust and the Low Country Open Land Trust in the Charleston, South Carolina, area are protecting natural areas and scenic country roadways associated with the historic plantations on the rivers and estuaries of the coastal region. The Research Triangle

and Piedmont Land Conservancies in North Carolina are protecting natural forests along streams, in which are found historic canals and abandoned iron foundries and gristmills of eighteenth- and nineteenth-century communities, and the occasional National Register historic country home. The Land Trust for Central North Carolina is purposefully acquiring permanent conservation easements over historic farmlands and plantations along the Yadkin and Pee Dee Rivers and their tributaries, frequently enveloping National Register houses and archaeological sites.

These blended interests in natural and cultural resource preservation are increasingly replicated by other land trusts across America. The New Mexico Heritage Preservation Alliance works with a variety of environmental, farm, ranch, and land trusts. The Maryland Historical Trust and the Maryland Environmental Trust coordinate their work on easements and solicit joint gifts of protective easements. A regional preservation group, Adirondack Architectural Heritage in New York, has recently received an award from the Adirondack Council, the chief conservation group for the Adirondack region. In Virginia, a dozen "Rural Heritage Districts" have been designated by the commonwealth's Board of Historic Resources. These areas are thought of as living landscapes that are both productive and culturally distinctive places. They vary from 1,100 to 25,000 acres. The rural character and beauty of all these districts derive from a blend of their natural and cultural landscape attributes. Their natural and pastoral scenes are at least as important as their historic structures to the character and beauty of the countryside.

Historically and culturally significant landscape areas are often nominated to the National Register of Historic Places out of combined conservation and preservation objectives. Some are very large landscapes; the Lake Landing historic district in northeastern North Carolina, for instance, exceeds thirty thousand acres.

Since political acceptance of land-use regulations based on the states' police power on any large scale in rural areas of the country is generally unlikely, to say the least, protection of the rural cultural and natural heritage can be accomplished in the long run only by employing long-term land-use management agreements with private property owners. That is precisely what conservation easements can do. Successful resource protection programs for large landscapes thus require a viable combination of economic incentives, public education, and voluntary conservation management agreements, along with such restrictions on incompatible development as are acceptable to the local communities. Clearly, long-term protection requires integrated, well-coordinated

efforts not only by historic preservation and land conservation organizations, but by public agencies and local communities as well.

Overlapping Interests:

A Problem and an Opportunity

With increasing frequency, land trusts arrange and accept conservation easements on environmentally important properties that also possess, by the accepted norms, "historical" significance. By the same token, nonprofit or government historic preservation organizations often accept preservation easements on historic properties that also contain important natural resources and open space or scenic landscapes. Typically these are highly valued by the local community as a whole, but by separate constituencies within it. To the extent that a kind of separatist approach still exists—and it is improving here and there—the problem is a critical one, especially in rural areas where both important historic and environmental attributes overlap on the same tract of land.

The extent of the problem is revealed by looking at the content of the covenants or restrictions used by each type of organization.¹⁶ Preservation organizations will normally provide very detailed restrictions regarding the use and treatment of historic buildings on the premises but deal only in a nominal way with respect to landscape values of a scenic or biotic character. The reverse will be true with respect to the typical conservation organization.

Without burdening the reader with too much legalese, the differences between the two types of protective agreements show up most sharply in the language of a 1979 North Carolina statute, the purpose of which was to do away legislatively with many of the old and complex common-law disabilities often employed by courts to invalidate restrictions on private property. In the statute, landscape and preservation restrictions are defined as:

[Those dealing with] land or water areas predominately in natural, scenic, or open condition or in agricultural, horticultural, farming or forest use, to forbid or limit any or all (a) construction or placing of buildings, roads, signs, billboards or other advertising; utilities or other structures on or above the ground; (b) dumping or placing soil or other substance or material as landfill, or dumping or placing of trash, waste, unsightly or offensive materials; (c) removal or destruction of trees, shrubs, or other vegetation; (d) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral

substance in such manner as to affect the surface; (e) surface use except for agricultural, farming, forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition; (f) activities detrimental to drainage, flood control, water conservation, erosion, control or soil conservation; or (g) other acts or uses detrimental to such retention of land or water areas.

In the statute, historic preservation restrictions are defined as:

[Those dealing with the] preservation of a structure or site historically significant for its architecture, archaeology, or historical associations, to forbid or limit any or all (a) alteration; (b) alterations in exterior or interior features of the structure; (c) changes in appearance or condition of the site; (d) uses not historically appropriate; or (e) other acts or uses supportive of or detrimental to appropriate preservation of the structure or site.¹⁷

The formats and legal implications of conservation and historic preservation easements can be, and often are, essentially the same. The substantive and procedural contents may also be the same. In fact, standard model easements were constructed and published as a cooperative project of the National Land Trust Alliance, the Trust for Public Land, and the National Trust for Historic Preservation.¹⁸ The ideal easement will combine objectives for permanent protection of environmental and historic resources in a single agreement, as well as list prohibited property uses expressly designed to safeguard both land and buildings. In all other content and substance, the easement agreement can be the same.

In some cases, a single easement can be constructed for an environmentally and historically significant property and be simultaneously held and enforced jointly by a conservation land trust and historic preservation organization according to procedures mutually agreeable to both parties. In other situations, two parallel easements might be simultaneously designed and executed—one held by the conservation land trust and targeted on maintaining and protecting the land's natural resources and open space characteristics, and the other held by the historic preservation organization and specifically designed to protect the built structures of historic interest.

Experience tells us that many existing easement agreements do not comprehensively identify or protect all environmental and historical resources on the properties. Too often existing conservation easements make only vague references to maintaining historic structures without any meaningful description or

prescription. Similarly, many historic preservation easements generally call for the maintenance of woodlands, pastures, and fields, or other natural areas, but with no specificity and no precise documentation of their location, extent, or character in the "baseline" inventories of a property's natural resources. The reality is that these vague and useless generalities will prove basically unmeasurable and unenforceable in the future. Of course, these situations can be corrected and opportunities maximized by amending existing easements or by overlaying new easements on those properties, but in real life this is not often done.

There is hope for improvement. It is possible that landowners will be encouraged to accept these changes and increased specificity of property restrictions by provisions of federal (and some state) tax laws that now reward them with greater income, estate, inheritance, and gift tax reductions for an amended or extended easement agreement that is more definitive in its enumeration of prohibited and allowable uses.¹⁹

Traditionally—and probably still in the majority of such cases—organizations with overlapping interests in the same property will each go their own way. However, some land conservation and historic preservation organizations are beginning to coordinate their efforts to protect individual properties more comprehensively. The Maryland Historical Trust and the Maryland Environmental Trust work closely together and try to obtain gift easements on a joint basis. The Adirondack Architectural Heritage organization has received an award from the Adirondack Council, the region's primary conservation organization, for the AAH's work in protecting the Adirondack Great Camps and fire towers. The New Jersey Conservation Foundation holds detailed historic preservation easements, and there are doubtless other examples. The coordination and integration of conservation and preservation objectives should increase in the future, and this kind of organizational coordination is to be encouraged. Success will largely depend on both personal and institutional determination at local and regional levels. As a practical matter, such a goal cannot be legislated.

The use of private restrictions is, of course, a highly specialized area, much of it derived from English common law; each state will exhibit its own peculiarities regarding how they are drafted, when they may be enforced, and who has "standing" to make a legal claim. Here we are concerned only with the larger area of overlapping conservation and preservation interests of law, and the need for improved personal and institutional coordination between interests that continue, too often, to act independently of one another.

Heritage Landscapes and Heritage Conservation: New Entrants in the Preservation Field

The initiation of a National Heritage Area program by the NPS in the 1980s represented an increased interest in urban cultural and industrial resource protection, and, in some instances, a convergence of interests between historic preservation and land conservation interests.

The first NHA designation came about almost by default, when the NPS resisted local, widespread political enthusiasm for designating the Illinois and Michigan Canal a unit of the National Park System. Instead, in 1984 Congress defined the industrial corridor along the canal as a National Heritage Corridor (NHC), a kind of hybrid park. Other similar designations followed: the Blackstone River Valley NHC (1986) and the Delaware and Lehigh Canal NHC (1988). The Southwestern Pennsylvania Heritage Commission, covering a nine-county region, was also identified in 1988. These first four designations spurred interest in other designations and caused the NPS to start thinking seriously about a formal NHA program backed by a rational designation process. By 1998 Congress had designated a total of seventeen NHAs, most recently the Automobile Heritage Area in Detroit.²⁰

In the private sector, a National Coalition for Heritage Areas was formed in the early 1990s. Its purpose was to advocate federal legislation for the promotion and designation of heritage areas, and to develop a systematic process for designating and protecting distinctive environmental, cultural, and scenic resources on a larger geographic scale. Primary impetus for the coalition came from the National Trust and the Countryside Institute; the NPS provided staff support. The general concept was that in those designated landscapes, greater public and private investments could be focused on education, tourism, recreation, and other economic opportunities. The blend of resources and interest was thought to encourage partnerships among public agencies and civic and nonprofit organizations. Regional coalitions were created to advocate the designation of NHAs in fifty or more areas.

Today, the National Coalition has been replaced by an Alliance for National Heritage Areas, comprised of the NHAs that have been designated to date, and efforts to create a permanent program and system of National Heritage Areas continues. No legislation for such a system has yet been accepted by Congress. The most recent legislative effort (as of August 2002) is a National Heritage Areas Policy Act, introduced by Representative Lynn Herley (R.-Colo.), which would establish NHAs as a continuing program of the federal government

within the NPS. There are also bills pending in the House and Senate that would designate an additional thirty NHAs, in addition to eight proposed by the NPS awaiting action.²¹

The creation of such a permanent program would be a major step forward in an area of growing importance in historic preservation and the conservation of natural areas. Heritage areas, heritage tourism, and heritage resource development provide economic benefits to local communities while enhancing the historic qualities of the area.²²

Interestingly, the concept is fairly similar to one put into effect by the Carter administration through the creation of a Heritage Conservation and Recreation Service, based on a programmatic arrangement said to have worked well in Georgia. Under it, these same programs were brought administratively and politically under one roof separate from the NPS. But the program was poorly administered, and the old order of things was reestablished by the Reagan administration. Georgia, of course, has enacted legislation that formally establishes processes for defining regionally important and geographically large-scale natural and historic areas, and these are incorporated into state-mandated comprehensive land-use planning.

Heritage areas have also been designated in various parts of the country by the states without benefit of federal designations. An emerging example is the initiative by the Uwharrie Lakes regional coalition of public agencies and private organizations in the western central piedmont region of North Carolina. Its purpose is to promote public awareness that protecting the region's environmental resources and natural beauty is critical to the local economy, especially that based on ecotourism. The cluster of national and state forests, wildlife refuges, historic sites, a state zoo, and a heavily forested corridor along the Yadkin-Pee Dee Rivers is now popularly seen as the state's "Central Park," bounded by the rapidly urbanizing Charlotte-Greensboro-Raleigh "Piedmont Crescent," which is expected to become the nation's fourth largest metropolitan area within the next fifteen years.

A related initiative of the NPS, also begun in the early 1990s, was encouragement for nominating rural historic landscapes to the National Register, discussed in greater detail in Chapters 2 and 6. Rural historic landscapes are broadly defined as geographic areas that have been used, or modified, by people and that possess distinctive combinations of cultural and environmental resources. Examples of historic landscapes include continuously used trails and roadways, battlefields, lumbering and mining communities, land areas used or



Brandy Station, Virginia. In 2000 the Civil War Preservation Trust acquired a 258-acre parcel that, when added to 500 acres acquired previously, preserves the core of the Brandy Station battlefield—the site of the largest cavalry battle ever fought in America. In the same year the trust added a 136-acre tract to the Manassas National Battlefield Park and a 245-acre farm in the core of the Malvern Hill area of the Richmond National battlefield. (Photo by Eric Long, courtesy of the NPS)

recovered by Native Americans, public recreational and scenic parks, and agricultural rural communities.²³

Registers of Natural Areas

In 1962 the NPS initiated, but soon “mothballed,” a National Register of Natural Landmarks as an intended parallel to the National Register of Historic Places, basing its authority to do so on the Historic Sites Act of 1935. Unlike the National Register of Historic Places, the register of natural areas had no specific basis in law. For a short period, natural landmark areas were designated by an edict of the secretary of the interior under guidelines issued in 1963. But these areas were already protected for the most part by state and federal agencies.

The process of designating natural landmark areas began with an internal determination that a site met criteria as a nationally significant natural area and was therefore eligible for registration. However, like National Historic Landmarks, the only consequence of designation was the formality of a letter to the owner requesting that he or she sign an agreement to preserve the important natural values. Signature of the voluntary agreement constituted the final registry of the natural landmark.²⁴ The program atrophied in the late

1970s, when funding for its small staff ended, and it was effectively forgotten by the 1980s. Lack of congressional authorization and support was largely responsible for its failure.

Many states created their own programs for registering and dedicating important natural areas. This movement began in the Midwest in the mid-1960s and was adopted by other states in the 1970s and 1980s. Generally authorized by state legislatures through nature preserves acts, these programs created a two-tiered system of designating outstanding natural areas. They were based either on voluntary agreements and pledges between the states and private and public landowners, or on the creation of more restricted nature preserves protected by legally binding conservation agreements. Most of these state programs now appear to be moribund, but a few thrive—notably in Illinois and North Carolina, whose natural areas registry and nature preserve programs each include many hundreds of registered sites and preserves.²⁵

Special Dilemmas in Preserving Nature

Private land trusts are engaged in protecting a wide variety of significant land resources. These include not only special natural areas and wildlife habitats, but also areas possessing outstanding scenic views, historic landscapes and sites, outdoor recreational areas, wetlands and watersheds, working farms, and forest lands. Land trusts also have to assess the practical feasibility of their objectives. The Nature Conservancy did this in the 1990s. After assessing the risks of acquiring and maintaining fragmented and dysfunctional natural ecosystems, it shifted its emphasis away from acquiring relatively small, remnant natural areas in favor of preserving whole landscape units of functioning natural ecosystems. Indeed, TNC transferred many of its previously acquired preserves to local and regional land trusts when it concluded that some preserves were too small and isolated to maintain the populations of the native species for which the land was acquired and thus did not serve its “global” biological preservation mission. Although those natural resources may have been of great importance at the local level, they no longer fit TNC’s primary aim of preserving the best and most unique biological diverse resources from a global perspective. In some cases, smaller natural areas may be better utilized for preserving green spaces for the use and enjoyment of people, and for habitation by common resident and migratory wildlife, than as refuges for endangered species.

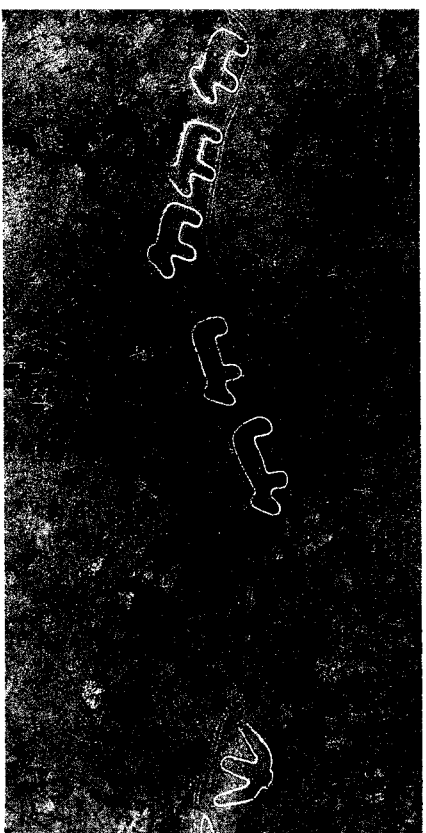
As a result of this philosophy, TNC has had to concentrate on preserving the earth's biological diversity and thus must frequently operate on a huge landscape scale and assemble multiple tract preserves. Many local and regional land trusts also engage in large-scale land protection projects, but they also are concerned about protecting a wide variety of land resources for public use and value. With increasing frequency, joint efforts are being undertaken by local land trusts and national conservation organizations to accomplish large-scale and complex protection projects. At the same time, land trusts often pursue smaller-scale land protection projects for a variety of reasons. Probably the majority of locally protected land resources are most often the places that people simply love and appreciate. They may not necessarily be "pristine" or "untouched." They are often more familiar and accessible to people, and often as much valued for their cultural benefits as they are for their natural or ecological attributes.

Are the functions of land trusts called into question by the new scientific rationale propounded by ecologists and conservation biologists that only large natural areas are truly functional and stable enough to maintain viable populations of native species and ecosystems? In that case, are land trusts more likely to save remnants of green space than ecologically functioning natural areas? If TNC's shift of focus is appropriate, does that indict the efforts of many land trusts as meaningless?

That dilemma has been considered by environmental historian William Cronon, who has observed that because nature is dynamic and changes just as human cultures do, no tract of land can be completely protected from the flow of time or from history and human interference. So the task of conserving nature is one of conserving "nature in time."²⁶

A Question of Values

This returns the argument to the relationship between land valued for its natural and ecological importance and land valued for its cultural attributes. Like the historic preservation community, the natural preservation community faces basic issues related to significance, integrity, periodicity, and the like. Just as the preservation community must always confront the basic issue of which period of building is to be returned to when it is being preserved or restored, the conservation community must face comparable issues. Do we try to return land



Effigy Mounds National Monument, Harper's Ferry, Iowa. The Iowa Natural Heritage Foundation has acquired more than 1,000 acres for addition to this monument and an adjacent state forest. Human heritage resources are frequently protected by private land trusts. (Photo by Al Zarling, Iowa Natural Heritage Foundation)

treas to their character and presumed appearance before the Native Americans were here? Or should we attempt to restore natural landscapes as they appeared when first encountered by European settlers? Do we try to create active human manipulation, such as regularly set fires that contributed to the open forests and grasslands that characterized much of temperate North America for millennia? What exactly is "natural" and how do we conserve and maintain "natural areas?" How far back should we go in restoring or preserving an old building or an entire neighborhood?

The role of land trusts is validated when we understand that we cannot stop the flow of history and the influence of humans on any part of our landscapes. Nature preserves must be designed and managed to accommodate the extremely dynamic human and natural systems of which they are a part. Neither and conservancies nor public agencies can simply purchase entire functional ecosystems, such as whole river valleys or mountain ranges or places like the Greater Yellowstone ecosystem. If we are going to protect entire functioning landscapes, we necessarily need to concern ourselves with human and cultural history as well as natural history. People will continue to live around and affect nature preserves. Historical and cultural forces will shape the way people use and manipulate those lands.



Notley's Landing, California. In 2001 the Big Sur Land Trust acquired the historic Notley's Landing along the renowned Big Sur coast. The property straddles scenic Highway 1 on the rugged coast about 11 miles south of Carmel and includes the site of the nineteenth-century Redwood timber shipping port and village. (Big Sur Land Trust)

Conservation and Preservation in the Real World

The land that makes up entire rural and natural landscapes will be owned by many: private individuals, corporations, government agencies, and land trusts. People will always be part of the natural systems and landscapes. Conservation on a larger, more comprehensive scale will require new and innovative strategies firmly based on an acknowledged ethic and a sense of responsibility toward living in some degree in a sustainable balance with nature. In addition, the behavior of landowners and human occupants will be shaped by a complex blend of regulations, ordinances, covenants and easements, cultural traditions, and sensitivity and goodwill. Landscape conservation will be impossible without new coalitions that recognize, in a balanced way, the importance of scientifically based natural and ecological principles and those that are culturally and historically determined.

Over the next decades land conservation programs will expand, in exciting and challenging ways, to influence land uses in and around nature preserves, as well as to save prime farmlands, working forest lands, watersheds and water

supplies, and places of public recreation, scenic and natural beauty, and historic and cultural value. Success will require new and complex coalitions, new and blended methods, refinement and manipulation of real estate and tax laws, political and civic involvement, and legal tactics. New and flexible techniques—perhaps methods not even currently contemplated—will be needed. The critical question is how best can we bring such closely related interests together so that the efforts of each adds up to more than the sum of the parts?

Land conservationists, like historic preservationists, are being forced to move beyond the comparatively safe and nonconfrontational strategies of simply buying choice tracts of land to save it, whether as pristine natural landscapes or historic house museums. There is simply not enough money, public or private, for that approach to sustain itself. We will be contending with finding practical ways to influence human relationships with the land that are environmentally sustainable, culturally aware, and historically responsible. If we hope to influence human behavior on regional landscape scales, we have to base our strategies on what will affect people's behavior and what will motivate them to act responsibly toward the land and its nonhuman inhabitants. If in conserving whole landscapes with natural and culturally important resources, we can find ways to organize human communities and economies to protect the natural systems, historic sites, and places we hold dear, then we will have made profound advances in conserving both nature and people.

Again, as observed by Cronon, success in protecting the natural and human environment can be derived only by fostering a sense of love and respect for the land. That is a mission that local land trusts can best accomplish by using nature preserves to educate and remind the public of the special truths of their interconnections with the land. Out of that sense of love and respect for land as "home," which is best derived from firsthand familiarity, will come ever-greater public support for the work of land conservation and the preservation of cultural resources. The ultimate success of land trusts will be in sustaining and fostering human love for the land.²⁷

Just as clearly, the interests of the land conservation movement and the historic preservation movement have at long last begun to converge—and, in some places, recognize that convergence and have begun to build on it. Though it may demand much of human nature to do so, it seems both important and timely to suggest that the executive and trustee custodians of national, state, and local historic preservation and conservation organizations should begin—however informally—to explore the ways in which their organizations can

provide mutual support and reinforcement for one another's programs. Especially is this enhanced institutional collaboration needed as society at large, and, in turn, its legislative and judicial leadership, move toward increasingly conservative postures in which threats to both natural and cultural resources are on the rise.

Chapter 7

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