



## Ballot/Bond Initiatives

### Background

Ballot initiatives to fund land acquisition and easements for conservation and recreation have been a popular and fairly successful tool used by conservationists at the state and local community levels for many years. According to the Trust for Public Lands, there have been 41 successful statewide land conservation funding ballot measures since 2001 (this doesn't include legislative measures). Of those, 33 were bond measures, 2 were general sales tax measures and the rest had a variety of funding mechanisms, including lottery proceeds, offshore drilling revenues, and capturing a portion of tax proceeds from marijuana and sporting goods. Of the Mississippi River states, only Illinois, Mississippi, and Missouri allow ballot initiatives at the state level. However, all states allow county, city, and town-focused ballot initiatives and these have been a very common tool used across the country to create dedicated funding mechanisms for conservation.

The U.S. Supreme Court's recent [Sackett vs. EPA decision](#) has left many wetlands, and the critical functions they provide, at greater risk. As such, communities up and down the Mississippi River and throughout the country are likely to be impacted by increased flooding and water treatment costs, as well as decreased groundwater recharge and habitat for wetland-dependent wildlife species as previously protected wetland areas are drained and developed. In the absence of a regulatory framework to protect wetlands, communities at all levels will need to make plans for identifying and protecting their most important wetland resources needed to ensure continued flood control, water quality, and groundwater recharge. Executing such plans will require new sources of dedicated funding. Using a ballot initiative to develop such a funding mechanism puts the decision in the hands of the voters, while [bonds](#) can be initiated by either local governments (which will often require a vote of the public for approval), or initiated by the voters through the ballot process.

### Policy Proposal

We propose that the ballot initiative process be used to rally communities to help protect some of the most critical natural wetland infrastructure at risk in the wake of the U.S. Supreme Court's ruling in *Sackett*. Community groups should assess the practicability of initiating state or local ballot initiative campaigns to establish state or local trust funds to target easements on the wetlands most critical to protecting communities from flooding and ensuring source water quality.

Since state-wide ballot initiatives are viable in the Mississippi River states, outside of Illinois, Missouri, and Mississippi, most groups will want to concentrate on county, city or town initiatives with this tool, while advocating for legislative action at the state level where ballot initiatives are not allowed or not viable at the state level.

The ballot initiatives should ideally mandate that the government entity targeted undertake a mapping process to identify the most important wetlands needed to protect against flooding, and to protect source waters. They should then undertake a threat analysis for all the highest priority sites they identified. The established trust fund then could be targeted to the most critical wetlands at the highest risk of conversion. Alternatively, the entity, until they are able to accomplish a mapping project, could establish criteria for ranking properties for easement acquisition. Easements purchased by the trust could be held by the town as a simple “purchase of development rights” that prevent altering the wetland hydrology, or could be held by local land trusts and include additional conditions on the easement to protect biodiversity values. Additional funding could be used to purchase access to such sights for birdwatching, hiking, etc.

The source of funding for the trust fund should be chosen based on local political and opinion research to determine the best fit for the community. This is best assessed with the assistance of a group experienced in executing such campaigns (see resources section). There are three main funding mechanisms that could be employed: 1) general obligation bonds – issued by a local unit of government to enable them to borrow money at a low interest rate; 2) property tax increases; and 3) local sales tax increases. As mentioned above, some states have passed initiatives funded by dedicating portions of or all of other taxes or fees. A fee on polluters, or those damaging important wetland infrastructure might be considered. Additionally, another emerging mechanism to fund such initiatives is a green bond, or [environmental impact bond](#), which involves non-governmental investors.

Where possible, leveraging other state/local or federal funding could multiply the impact of the trust fund. For instance, using the trust fund to match federal funding by creating a [Conservation Reserve Enhancement Program](#) could multiply the reach of the effort. Post disaster, FEMA funding could also be leveraged to buy-out highly ranked wetland areas to help prevent future flooding.



## *Potential Hurdles and Political Considerations*

### Potential Hurdles

While wetland trust funds alone obviously cannot fully backstop the loss of federal regulatory protections for wetlands that are not adjacent to navigable waters, they could help stem the loss of some of the most critical areas of natural wetland infrastructure and serve as another tool in the conservation toolbox while helping to increase support for and raise awareness of the need for further legislative action at the state and national level.

While ballot initiatives for conservation have been successful in many locales, opposition to these as “tax increases” is growing. The key will be to make a case for the value proposition of preventing flooding and increased drinking water treatment, with co-benefits to open space preservation and wildlife habitat.

### Messaging

A sense of urgency around the critical wetlands functions at risk lends itself well to a successful ballot initiative campaign. Media stories regarding wetlands at risk and the role of natural infrastructure and opinion pieces from respected local voices should help to set the stage. Polling and focus groups consistently reveal water to be a top concern with the general public, with wildlife polling quite strongly as well. Undertaking polling and focus group research in advance of a ballot initiative campaign can help tailor messages to a local audience. Secondary messaging might include fiscal considerations (avoided flood and water treatment costs) and protecting communities (avoiding damaging floods).

### Existing Tools

There are several groups that can help groups assess the feasibility of pursuing a ballot initiative. These groups can assist with polling, focus groups, research, and drafting as well as assisting with strategic campaign support.

- [Trust For Public Land’s Conservation Finance Services](#)
- [Ballot Measures by the Conservation Finance Network](#)
- [2022 Ballot Initiatives followed by The Nature Conservancy](#)
- [Environmental Impact Bonds](#)
- [Green Bonds at The Nature Conservancy](#)
- [National Wildlife Federation’s Nature-Based Solutions Funding Database](#)

