



PRELIMINARY DRAFT POSITION PAPER

Acquisition and Disposition of Land by the Forest Preserves of Cook County (FPCC)

Adopted by the Conservation and Policy Council on <date>

Draft Date: 5.27.20

Issue

How shall the Forest Preserves of Cook County expand and manage land acquisition, disposition and land use policies over the next 20 years to achieve the goals adopted in the Next Century Conservation Plan?

Background

Land protection by fee simple acquisition has been the hallmark activity of the Forest Preserves of Cook County for more than one hundred years. That investment has paid off wonderfully well, resulting in a world-class preserve system within a major metropolitan area, with species and natural communities of global conservation value. Well beyond supporting vibrant nature, these forest preserves contribute to essential clean air and water, elevate the quality of life for people in the region, improve stormwater mitigation, and reduce the urban heat island effect.

Building on the Forest Preserves extraordinary history, the Next Century Conservation Plan presents a goal of acquiring 21,000 acres over 25 years, which would result in the expansion of the forest preserves to approximately 90,000 acres. Accomplishment of this inspiring goal will provide the natural lands crucial for the health and wellbeing of the dense populations in Chicago and its suburbs.

Although 11 percent of Cook County is currently in forest preserves, *Cook County lags well behind neighboring counties* in the number of acres of open space per capita.

"A city that includes a tapestry of parks and natural habitats...is a city that honors nature, that recognizes the sense of inquiry and wonder that encounters with birds and butterflies and bats inspire...such a city honors its people too."

Wendy Paulson, "City Creatures"

Keeping the natural areas we are fortunate enough to have, enlarging our forest preserves, and embedding additional naturalized spaces throughout the larger landscape add up to fundamental gains for all, bringing multiple benefits to our region.

Success of the Forest Preserves' bold acquisition goal will address core needs, as outlined below.

The Needs

Connect, protect and enlarge existing preserves to enhance both their ecological and recreational value. Enlarging and connecting natural habitats will not only improve our trail system, but as demonstrated scientifically, also will improve the ecological quality and resilience of these areas and will enhance the protection of clean water.

Elevate the role of the preserves in *climate resilience*, an issue of global significance. Projections indicate that by 2050 the Midwest will gain more than a dozen "extreme heat" days annually (over 95F), as well as more extreme precipitation events, leading to flooding and combined sewer overflows. These impacts will be reduced significantly by increasing the amount of natural lands in Cook County, including forests, prairies, wetlands and green spaces with native vegetation. Such natural lands also pull carbon from the atmosphere. The Preserves can contribute significantly to addressing these challenges by securing open space.

"...the individual is a member of a community of interdependent parts. The land ethic simply enlarges the boundaries of the community to include soil, waters, plants and animals, or collectively the land."

Aldo Leopold

Address the *uneven and inequitable distribution* of the preserves throughout the county, which results in an adverse impact on the quality of life of people living in underserved communities. To address this issue, in 1997 the Forest Preserves co-founded and committed funds to support NeighborSpace, a partner organization that helps communities acquire small tracts of land for food gardens, nature trails or natural areas. A recent effort is the 2019 Southeast Cook County Land Acquisition Plan, which aims in part to advance efforts to improve equity. Carefully located land acquisition will result in a more balanced countywide distribution of forest preserves.

The Challenges

Timeliness in preserving the 21,000 acres – This aspirational goal of the Next Century Conservation Plan (NCCP) is drawn from the Forest Preserves 2012 land acquisition plan, [citation here]. As time passes, however, development continues to reduce the amount of available open land. Most of the land in the current Forest Preserves holdings was acquired before 1970.

Limited funds – The funds currently available at the Forest Preserves for fee simple acquisition of land would purchase only approximately 100 acres, based on the current \$50,000 per acre average acquisition cost. Further funds become available on a case-by-case basis from grants and other opportunities. However, the lack of a steady, dedicated source of funding limits and even precludes a strategy of acquiring individual pieces when available in anticipation of creating a larger preserve, because there can be no assumption of future funding to create a meaningful assemblage.

Current ecological value – The current ecological value of most remaining acquisition opportunities is relatively low compared to what was available for conservation in decades past. Today's assessment of ecological value largely depends on the *potential for future ecological value* through restoration. For example, a farm field with native soils, topography and restorable hydrology should have priority over a previously disturbed or built-on parcel with limited restoration potential. Other factors for consideration include adjacency and connections to current Forest Preserves property.

Lack of alternative preservation strategies – To date the Forest Preserves has protected natural habitats almost exclusively through fee simple acquisition of land. Alternative options, such as donations, partner purchases, easements and leases, have been very limited. Further exploration of these alternatives and of additional financing strategies is strongly recommended.

Disposition and functional disposition – Actual disposition works against a strategy for *adding* more land. The Forest Preserves must account for the countervailing *subtraction* of acres by sale or trade to other owners. In the same category is “functional disposition”—encroachment and misuse of Forest Preserves property, which takes away a large number of acres from mission-based public use.

Position Statement

To conserve 21,000 more acres by 2040 and to realize the inspirational goals for people and nature set forth in the Next Century Conservation Plan, the Forest Preserves of Cook County should *increase the amount of land conserved in Cook County both by acquiring more land and by influencing conservation by others*.

“Constant and incessant demand is made upon the Board of Forest Preserve Commissioners for uses of the preserves contrary to the intent of the law and which, if permitted, would eventually destroy their real significance.” ~ 1929

Report of General
Superintendent Cap Sauers

In alignment with its mission, the Forest Preserves should expand existing strategies, including taking a lead role in identifying opportunities for collaborative land conservation.

Meanwhile, the disposition of Forest Preserves land by sale or other conveyance should be completely halted through a moratorium, until principles are agreed upon that make land disposition possible solely in rare and extreme instances. The functional disposition of land through the approval or tolerance of inappropriate land uses on Forest Preserves land should be forbidden, with robust efforts undertaken to reverse this practice.

Recommendations

1. Find creative ways to continue to buy more land.

Acknowledging the various degrees of the ecological quality of land that is available for purchase, the Council encourages the Forest Preserves to be more aggressive in acquiring land with available funds. The Forest Preserves has identified and prioritized lands for potential acquisition based on its own research, the Chicago Wilderness Green Infrastructure Vision, the Chicago Metropolitan Agency for Planning maps, and analyses of habitat corridors [citations here].

- 1.1.** Explore aggressively the potential to secure funding for land acquisition through a voter referendum, a tax levy increase and other alternative strategies.

- 1.2. Review and revise the Forest Preserves' current land acquisition prioritization process, including determining whether different strategies would be needed for potentially varying annual budgets.

2. Expand conservation of sites by methods new for the Forest Preserves, incorporating models that do not include ownership.

The Forest Preserves mission is to acquire, restore and manage lands for the purpose of protecting and preserving public open space. Because of 21st century limitations on available land, the Forest Preserves should widen its mission beyond its own property to achieve its larger goal of ensuring adequate natural open space in Cook County.

2.1. Explore aggressively alternative land acquisition strategies such as land banks, easements, and partnerships with other government agencies, park districts, non-profits, and other strategic partners not traditionally involved with land conservation.

2.2 Influence land conservation by others via tools such as site easements, strategic partnerships with private and public entities for collaborative land conservation, advocacy, and social media.

3. Ensure that Forest Preserves' current land remains in the Forest Preserves and is maintained in accordance with its mission, including recreation that is compatible with nature.

3.1 Place a moratorium on disposition of land and empower a body led by the Conservation and Policy Council to review and develop a final disposition policy that make land disposition possible only in rare and extreme instances.

3.2 Clarify, rewrite, and improve both the current Land Use Policy of the Forest Preserves and the corresponding State Code provisions for consistency and clarity, including the creation of a comprehensive executive summary that reflects the material operative provisions.

3.3 Use existing knowledge of encroachment and misuse to design an aggressive plan to reclaim public land for the public good.

3.4 Coordinate approaches that are in line with the Council's Compatible Recreation Paper.

4. Continue to consider equity and access among the key factors when determining where to acquire land

Because the preserves are not distributed evenly or equitably throughout the county, more emphasis should be placed on equity in the land acquisition prioritization process.

4.1 Coordinate approaches that are in line with the Council's Racial Equity, Diversity and Inclusion (REDI) position paper.

5. Build public support for robust successful land conservation.

- 5.1 Clarify the Forest Preserves' intentions as part of acquisition process and clearly communicate the possibilities and timeframe for investment in each acquired parcel.
- 5.2 Create a Community of Support for the forest preserves by building awareness of the value of the preserves to the quality of life of our region. The success of all recommendations above depends on this.

This position paper is one of four published in xxxx by the Conservation and Policy Council of the Forest Preserves of Cook County (Forest Preserves). Each of these documents outlines a set of principles and recommendations about key issues that face the Forest Preserves today and in the foreseeable future. It is our intention that these papers will set clear guidelines for the actions and direction of the Forest Preserves staff, its Board of Commissioners, and its partners and supporters.

These position papers continue an important legacy of civic leadership related to the Forest Preserves. While natural areas no longer remain in many Midwestern counties, in Cook County, natural communities have survived because of the vision of civic leaders. From the beginning, the Forest Preserves has struggled to uphold its mission and protect its land. Earlier Advisory Committees provided published reports in 1929, 1952 and 1959 to guide land acquisition, development plans, protection, operation and public use of lands, and methods of finance. These early advisory reports provide an important foundation to build on. The 1959 Advisory Committee, for example, wrote, "The Board has kept in mind the fact that the great holdings of the District are the property of all the citizens of Cook County and has refused to dissipate them for community, municipal or other purposes not in the interest of the general public," and that it takes "vigilance, effort and courage" to sustain and enforce these policies with firmness and resolution.

The Council thanks the following for their assistance developing this paper: Laurel Ross (Council Member and LAAD Committee Co-chair), Mark Templeton (Council Vice-Chair and LAAD Committee Co-chair), Alan Bell (Council Member), Chris Adas (FPCC), Delio Calzolari (FPCC), Cathy Geraghty (FPCC), Dave Kircher (FPCC), Bob Megquier (Openlands), Chris Slattery (FPCC).