

# GEORGIA COMMUNITY GREENSPACE PROGRAM: DESCRIPTION AND USE FOR WATER PROTECTION

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**Abstract.** The Georgia Community Greenspace Program, administered by the Georgia Department of Natural Resources, establishes a framework within which developed and rapidly developing counties and their municipalities can preserve and protect community Greenspace. The Program provides appropriated state funds for grants to urban and fast-growing counties and to the cities within them. To obtain funds, an eligible county must prepare a greenspace program that will preserve at least 20 percent of its geographic area as connected and open greenspace. Approved local governments receive grant awards. Discretionary grants are also available on a competitive basis to any county or city in the State. All grant funds must be used to acquire greenspace lands and waters. Although any of these state grants could be used to establish or expand wetland mitigation banks, no grantee has reported using them for this purpose.

## ORIGIN AND PURPOSE OF THE PROGRAM

The General Assembly created the Georgia Community Greenspace Program (the Program) during the 2000 legislative session by enacting Senate Bill 399 (codified as *Official Code of Georgia Annotated Sec. 36-22-1 et seq.*). The Department of Natural Resources (the Department) administers the Program, which seeks to protect Georgia's economic competitiveness by protecting lands and waters that will keep the State attractive as a place to live, work, and recreate. Protecting quality of life will support the state's economy.

The Program establishes a framework within which developed and rapidly developing counties, and their municipalities, can preserve community greenspace. The statute promotes the adoption, by such counties and cities, of policies and rules that will enable each eligible county to preserve at least 20 percent of its area as connected and open greenspace that can be used for informal recreation and natural resource protection. It provides limited state funding to qualifying local governments, to help them acquire real-property

interests that will permanently protect greenspace. Five of the nine program goals encourage local governments to protect water resources.

## DEFINITIONS

Administrative rule defines the term "greenspace", in part, to mean "permanently protected land and water, including agricultural and forestry land whose development rights have been severed from the property, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals: (1) Water quality protection for rivers, streams, and lakes; (2) Flood protection; (3) Wetlands protection; (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks; (5) Protection of riparian buffers and other areas such as marsh hammocks that serve as natural habitat and corridors for native plant and animal species..." (Administrative Rule 391-1-4-.02(m); emphasis supplied). To count toward a local government's protection goal, such lands must be permanently protected (Administrative Rule 391-1-4-.02(t)). If owned by a local government, they may receive permanent protection through a conservation easement, a conservation covenant, or a contractual requirement that, if they are converted to non-greenspace uses, they be replaced with comparable lands. The greenspace grant award agreement contains such a requirement. Land that is acquired in whole or in part using state greenspace grant funds thus becomes permanently protected when the transaction closes, regardless of any requirements that apply to other sources of acquisition funding used for the project.

In these basic respects, the Program is compatible with the purposes of the federal Clean Water Act, in particular with the Section 404 permit mitigation element. A local government may be able to protect more wetlands using the two programs in tandem than using them separately. However, a county or city will need to time various elements of the acquisition

carefully in order to receive the greatest benefit from the programs combined.

### GEORGIA GREENSPACE COMMISSION

The statute creates a five-member Georgia Greenspace Commission (the Commission). It is administratively attached to the Department, which provides staff support. The Commission reviews and approves community greenspace programs submitted by eligible counties. It also establishes policy and recommends rules for the Program. However, it does not approve individual land acquisitions by grantees. Each grantee is responsible to identify and acquire land that is compatible with program requirements.

### GEORGIA GREENSPACE TRUST FUND

The statute creates a Georgia Greenspace Trust Fund (the Trust Fund), which may include appropriated state funds, federal funds, donated funds, and any interest income. These monies are reserved for grants to eligible counties and cities to defray the costs of acquiring real property or conservation easements that permanently protect greenspace. The funds cannot be used for other purposes, such as project administration or restoration activities.

The Commission awards appropriated funds to eligible and qualifying counties. The legislature appropriated \$30 million for grant awards in each of fiscal years 2001, 2002, and 2003 (FY-03). However, the funds for FY-03 may not be available for awards because of a significant state revenue shortfall. Governor Perdue has requested \$15 million to fund grant awards for FY-04, but as of this writing the legislature has not decided how much to appropriate.

The Commission may approve an award of non-appropriated funds to any county or city in the State. The current balance of non-appropriated funds is about \$2 million, all from interest earned on the appropriated funds that have been on deposit in the Trust Fund. However, currently pending House Bill 314 would require that these and any future interest earnings be paid to the state's general revenue fund.

### ELIGIBILITY FOR GRANT AWARDS

Counties become eligible to participate in the Program and to receive grants from the appropriated funds if they have (1) attained a population not less than 60,000 pursuant to the U.S. decennial census of 1990 or later or (2) experienced average population

growth of at least 800 persons per year since the most recent decennial census. A city is eligible to participate in a cooperative program if it lies within an eligible county. To date, 55 counties and 54 cities have shared \$60 million in appropriated fund awards. During FY-03, 59 counties are eligible to participate, and 54 have submitted program documents.

Discretionary grants may be made to any county or city in Georgia, on a competitive basis from non-appropriated funds, for the emergency acquisition of greenspace and for the acquisition of land for pedestrian trails and wildlife corridors.

### OBTAINING A GRANT AWARD

To obtain a state grant from appropriated funds, an eligible county must submit a program document that demonstrates how it will permanently protect greenspace that constitutes at least 20 percent of its geographic area. The Commission approves a community program when it finds that the program complies with all statutory and regulatory requirements and will advance the statutory purpose of setting aside at least 20 percent of the jurisdiction as greenspace. The Department then transfers appropriated monies from the Trust Fund to the county and any municipal grantees.

### GRANT AWARD SHARES

A county's share of the appropriated funds that are available in any year is proportional to the county's residential property-tax levy during the prior fiscal year. For FY-03, the individual county shares range from \$4.8 million (Fulton County) to \$14,000 (Long County). If one or more cities elect to participate with their host county, the total grant amount available to the county is shared with those cities proportionally to the population within each jurisdiction, or in some other way to which the county and the cities agree.

The appropriated funding is small, compared with the need for acquisition funding; it amounts to seed grants. A county will be unable to attain the 20% protection goal if it relies solely upon the state grant awards. It will need to seek other sources of funding, such as federal wetland mitigation funds, for specific types of acquisition.

### ACCOMPLISHMENTS

The State has awarded \$60 million to local governments to date. In all, 24 counties and 16

municipalities report having spent \$16.0 million of greenspace funds and leveraging \$8.8 million of other funds to protect permanently 2,998 acres. Much of this investment has protected stream corridors, wetlands, or other water-related lands. Fourteen counties and four cities report spending \$13.8 million of greenspace funds (86% of expenditures to date) and leveraging \$8.4 million of other funds (95% of leveraged funds) to acquire 1,676 acres of water-related lands (56% of acquired acreage). None has reported using greenspace funds to establish or expand a wetland mitigation bank.

## CONCLUSION

The Georgia Community Greenspace Program provides state grants to local governments to acquire and permanently protect greenspace. Local governments may use the funds to acquire certain jurisdictional wetlands that would become part of a local governmental wetlands mitigation bank. Most wetlands would qualify for acquisition using greenspace funds. However, wetlands that have been altered so far that they would not advance at least one of the statutory greenspace goals would be ineligible for acquisition with greenspace funds. Thus other sources of funds might be needed to assemble or expand a mitigation bank. It is currently unclear whether state funding will be available for greenspace acquisition grants to eligible counties and cities in Georgia during state fiscal years 2003 and 2004.

## LITERATURE CITED

- Community Green Space Advisory Committee, 1999, Georgia's community green space program—a report of the community green space advisory committee: Atlanta, Ga., Community Green Space Advisory Committee, 67 p.
- Georgia Department of Natural Resources, 2003, Georgia community greenspace program—report of progress for fiscal year 2003: Atlanta, Ga., Georgia Department of Natural Resources, 8 p.
- Georgia Department of Natural Resources, 2003, Grants & acquisitions tracking 030204 [unpublished database updated February 19, 2003]: Atlanta, Ga., Georgia Department of Natural Resources, 1 p.