Historic Preservationists and Environmentalists
Separately, and often in opposition, historic preservationists and environmentalists work to better our environment in order to improve our quality of life. It seems it would be easier for them to work together for this important common goal. Integrating the issues of both interests in the rehabilitation of buildings would be one step toward creating a better environment.

Common Problems

There are many issues environmentalists and preservationists deal with separately that, if faced together, they could resolve more successfully. If they come together on the situations they do share, it may be easier to be more sensitive and understanding about the issues they do not have in common. A few examples of issues they share are:

- takings law (explained below)
- lack of awareness/education
- brown fields
- transportation
- tourism
- rural countryside destruction
- greenways and heritage corridors

Takings Law

One area where the goals of historic preservationists and environmentalists have indirectly come together is in the legal battles over the just compensation clause of the Fifth Amendment, or the takings law. A demonstration of how they have worked together for this is the source of much of the information presented here: "Takings Law In Plain English." The publication was produced for the American Resource Information Network which is governed by a committee including the following organizations:

- American Planning Association
- Chesapeake Bay Foundation
- Izaak Walton League of America
- National Audubon Society
- National Trust for Historic Preservation
The law involves the entire environment, allowing the government to take any property for public use as long as the owner is justly compensated. The complication of the law comes from the definition of what constitutes a property being "taken."

A property is considered "taken" if the owner cannot use it so as to make a reasonable return on his/her investment. In other words, the property must, in result of a law, be a financial burden. If the owner can make money, the property is not "taken." Recent cases have shown that the law regulates the use of property for the benefit of a community. Cases have included pollution prevention, resource protection, historic preservation, design controls, and scenic view protection. However, the cases usually involve one issue or another, so preservationists and environmentalists are not usually working directly together. They have worked together indirectly to ensure that the law remain on the side of the community rather than the individual.

One famous example of a case involving this law is Penn Central Transportation Company versus New York City in 1978. This case was extremely important for the historic preservation movement in particular. The courts upheld the decision that an owner must lose all reasonable use of his/her property in order for a taking to occur. The owners had wanted to build an office skyscraper above Penn Central, but their proposals were determined to be harmful to the integrity of the landmark by the Landmarks Commission of New York City. But, they admitted that they gained a reasonable return on the investment they made in the station. The case went all the way to the Supreme Court. Five important aspects of the law were established:

1. Preservation of landmarks is a legitimate governmental objective.

2. Private owners are not entitled to demolish a landmark simply because another use may yield many times its existing value.
3. Landmark owners are entitled to a minimum reasonable economic use of their property.

4. Judicial inquiry should focus on the use of the entire landmark parcel, not just on that portion restricted from economic exploitation.

5. Transfer-of-development-rights programs may help meet the economic use requirement, by allowing landmark owners to transfer unused air rights above landmarks to other properties.  

The five issues developed because of this case set the standard for the use of the takings law in general.

During the Supreme Court case the following statement was made recognizing the goals of local preservation ordinances:

Over the past fifty years, all fifty States and over five hundred municipalities have enacted laws to encourage or require the preservation of buildings and areas with historic or aesthetic importance. These nationwide legislative efforts have been precipitated by two concerns. The first is recognition that, in recent years, large numbers of historic structures, landmarks, and areas have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the destroyed properties for use in economically productive ways. The second is a widely shared belief that structures with special historic, cultural, or architectural significance enhance the quality of life for all. Not only do these buildings and their workmanship represent the lessons of the past and embody precious features of our heritage, they serve as examples of quality for today. Historic conservation is but one aspect of the much larger problem, basically an environmental one, of enhancing—or perhaps developing for the first time—the quality of life for people.

In particular the last line holds great importance here, showing a case where the government has formally recognized the importance of the environment in providing a good quality of life for people. So, the actions of historic preservation aided the cause of what the court considered the bigger problem, an "environmental one." Although the intention of preservationists was not specifically to help environmentalism, indirectly they did. The Penn Central Case still sets the precedent for the Takings Law today. In this particular case preservationists in particular have been successful. However, they are not always so fortunate.
Conflicts

Traditionally the practitioners of historic preservation and environmentalism concern themselves with their cause and do not have the time, money, or energy to consider other causes. Often because of their dedication to what they have decided to defend blinds them to what may be the best decision in the end. Also, sometimes there is no right decision to be made; it just is not that simple. The following example demonstrates the type of conflicts that preservationists and environmentalists sometimes face.

Cumberland Island, Georgia

Preservationists and environmentalists battle over the destiny of a historic mansion on Cumberland Island in Georgia, one of the only undeveloped islands in the country. A part-time resident of the island wants to renovate her family's dilapidated mansion into an artists' colony. This would add another thirty people to the island, almost doubling the current population of only thirty-five. The National Park Service, which is presently maintaining the structure, does not have the funds to keep the mansion, so will gladly turn it over to someone else. Preservationists want to save a great old mansion built by the family who originally owned ninety percent of the island. On the other side the environmentalists do not want the island's ecosystem to be damaged or destroyed by the extra population. If an environmental impact study is required, the project will probably not be able to continue, because of the extra expense of the study. The built and natural environmental preservationists should come together on maintaining this entire island, mansion, and ecosystem. As stated by the author of an article about this problem, as budget cuts continue to include these groups, battles such as this one can be expected to become common.
Summary

The previous information was presented to demonstrate the situations historic preservation and environmentalism share, not just buildings. There are problems they both need to manage and conflicts that may never be easy to resolve. At the base of all this lies the objectives of both groups greatly overlapped. The individuals involved seem to realize our environment is not a group of separate things, but one large system where the separate elements need to be in harmony. Unfortunately, environmentalists and historic preservationists have not yet come together in the practice of rehabilitating buildings. The following chapters will discuss how and why this should occur.

Notes

2 unless otherwise noted all information in this section was taken from the following: Christopher J. Duerksen and Richard J. Roddewig, "Taking Law In Plain English," Washington, D. C.: American Resources Information Network. 1994.
4 Kayden.