

ConserveLand

A Publication of the Pennsylvania Land Trust Association

Strategic Alliances

Mergers & Restructuring in Pennsylvania

Land trusts, like most nonprofits, have faced substantial challenges in fundraising due to the weak economy. Across the nation, land trusts, strongly motivated to advance their conservation work in spite of adversity, have sought creative and innovative solutions to maintaining sustainability. Many have pursued strategic alliances – mergers and organizational restructuring – with the goal of improving their conservation outcomes and advancing their missions. In just this past year, Pennsylvania land trusts established three new strategic alliances, each a unique solution for moving forward.

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Stewardship Funding Arrangements

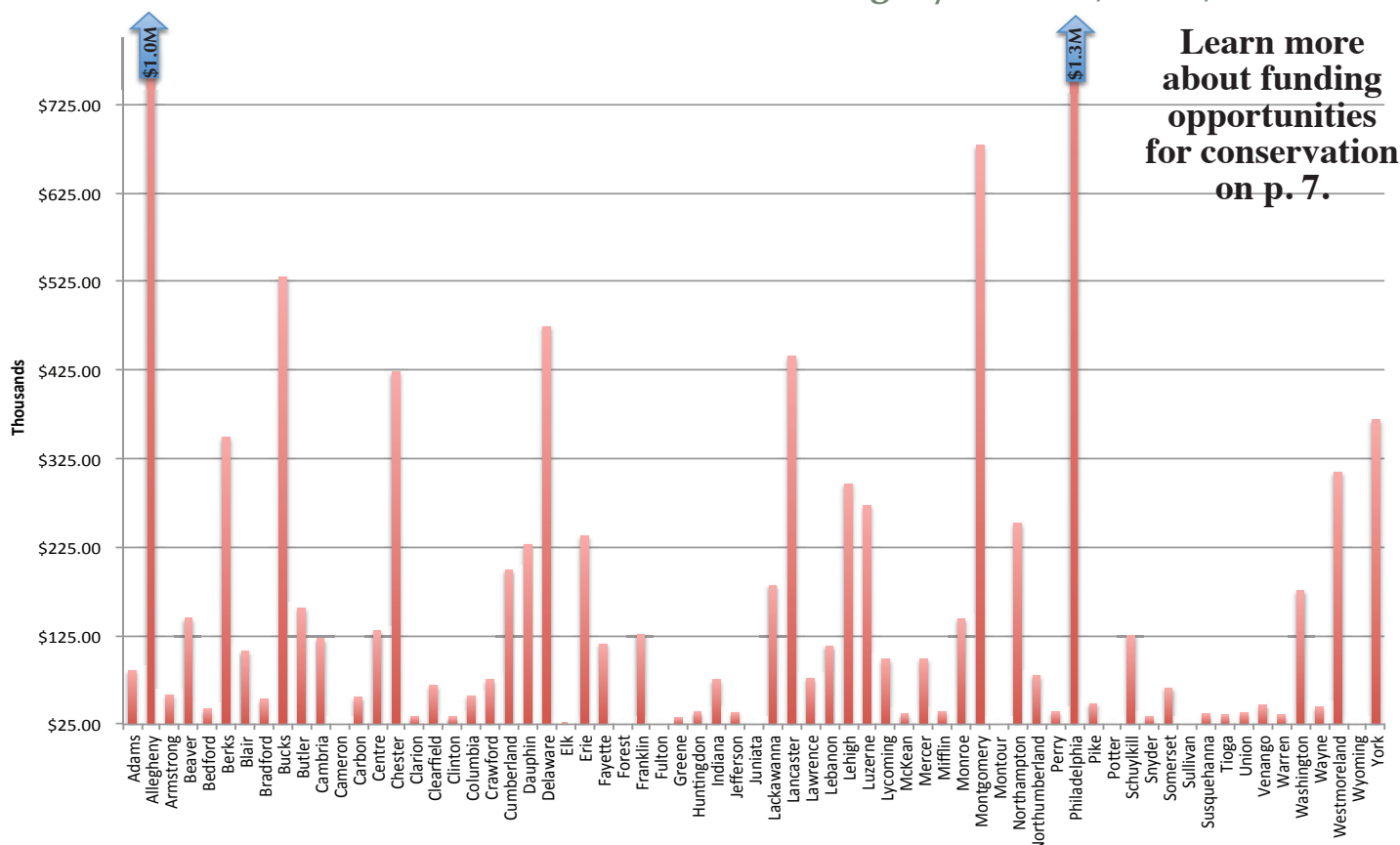
Ensuring Easements Stand the Test of Time

When landowners grant a conservation easement to a land trust, they empower the land trust to ensure that conservation is achieved. The land trust's exercise of this power – monitoring, reviews and enforcement actions – requires money.

While much can be done with volunteers and over-worked staff, particularly in a land trust's early years, one can't responsibly assume that volunteers or over-worked staff will always be at hand to monitor properties or appropriately manage easement violations in the decades and centuries to come. For an easement

(Continued on page 4)

1st Annual Distribution of Marcellus Legacy Fund (by County)



Note: Distributions were made according to county population; the minimum distribution was \$25,000.

"The soil is the great connector of our lives, the source and destination of all."

- Wendell Berry

Strategic Alliances (cont'd)

Natural Lands Trust and Montgomery County Lands Trust

Montgomery County Lands Trust (MCLT) and the Natural Lands Trust (NLT) have enjoyed a close working relationship for over ten years. The two organizations' long history of collaboration entered a new chapter in July, when MCLT and NLT, in order to advance their missions and better support the conservation needs of the region, joined forces through an affiliation agreement. As an affiliate of NLT, MCLT will continue its mission of protecting open space in Montgomery County.

Declining resources served as a major catalyst for moving the process forward. Over the past several years, as funding sources became scarce, Dulcie Flaherty, MCLT Executive Director, recognized the need to consider how best to continue the mission of MCLT. "MCLT found it very challenging to be vibrantly active with responsibilities for land preservation and educational programs," she explained. "Joining forces with NLT would give us the ability to blend our expertise with NLT's vast resources, thus continuing the much needed conservation work in Montgomery County."

The organizations agreed on an affiliation relationship in which MCLT became a 509(a)(3) supporting organization of NLT with MCLT dissolving its board and NLT's board becoming the overseer of the land trust. Two MCLT stakeholders, including one board member and one staff member, joined NLT's board. Under the affiliation agreement, a land preservation committee was established to focus on conservation efforts in Montgomery County.

Organizational leaders believe that the affiliation relationship will ultimately empower MCLT and NLT to be more effective in moving conservation forward and managing the challenges and issues of the region. Molly Morrison, President of NLT, acknowledges the challenges of absorbing the additional tasks and responsibilities to serve and manage the new affiliation but sees this new role as "an opportunity, not a burden".

"This has been a challenging experience but in the end, has fostered a rewarding relationship," explained Dulcie, "MCLT's last board meeting was bittersweet since it signified the end of a chapter in some ways; but it also means the beginning of a new chapter for MCLT



What's New at
**CONSERVATION
TOOLS.ORG**

- ❖ **MODEL:** Stewardship Funding Covenant and Commentary
- ❖ **MODEL:** Preliminary Agreement Regarding Conservation Easement Donation and Commentary
- ❖ **GUIDE:** Introduction to Stewardship Funding Arrangements: Alternatives for Landowners to Help Holders Meet Conservation Easement Obligations
- ❖ **GUIDE:** Mergers

Plus in-depth guidance on over 70 additional topics!

and there is great comfort in knowing the board effectively delivered their mission to the next generation of caretakers."

Delaware Highlands Conservancy and the Eagle Institute

Like the NLT and MCLT alliance, a collaborative relationship preceded the Delaware Highlands Conservancy (DHC) and Eagle Institute (EI) merger.

Since its founding in 1994, DHC has conserved more than 13,000 acres around the Upper Delaware River. EI formed in 1998 to support the return of the endangered eagle to the Upper Delaware River region. For years, the two organizations communicated regularly. This evolved into hosting joint educational and outreach programs and, most recently, working together on a large land conservation project.

When EI's founder and Executive Director, Lori McKean, felt the organization was at a crossroads, she decided to reach out to the Executive Director of DHC, Sue Currier, to discuss the possibilities of a merger. Af-

ter several meetings with Lori, Sue brought the matter to DHC's board president and financial committee, which expressed interest in exploring the concept.

After many meetings and an internal due diligence process, conducted by DHC's board, the conditions of the merger were established and approved by both boards. Per these terms, the institute would be dissolved and its assets transferred to the conservancy. In its place, DHC would form the Eagle Institute Committee to guide and perform the work of the institute.



Remembering a Conservation Hero

H. William "Bill" Sellers, 71, a deeply committed conservation professional and volunteer, died Nov. 9, at a hospice in West Chester. Bill, whose efforts have left both his home of Chester County and the nation a better place, received the Pennsylvania Land Trust Association's Lifetime Leadership Award in 2004.



As director of the Environmental Management Center of the Brandywine Conservancy (1975-1998), Bill pioneered the use of conservation easements and established a state-of-the-art consulting assistance program to protect the Brandywine River Valley and other landscapes of southeastern Pennsylvania.

To strengthen the work of land trusts and build their credibility, Bill advocated for professionalizing the land trust movement and organizing at national, state and local levels. He was a founder of the Land Trust Alliance and an early organizer of the Pennsylvania Land Trust Association.

"He helped to permanently protect 300 properties and over 25,000 acres in Southeastern Pennsylvania and northern Delaware," said Sherri Evans-Stanton, current director of the Environmental Management Center.

The organizations announced the merger in spring 2012. To celebrate, DHC worked with one of EI's partners, the Basha Kill Area Association, to hold two guided eagle tours.. The tours offered eagle enthusiasts an opportunity to experience and learn more about these majestic birds of prey and the conservation efforts in the region that help sustain the eagle population. The event helped to illustrate how the partnership will continue to grow and the efforts of the institute will move forward, through the support of DHC.

Sue Currier admits there is a lot to be done but the overall outlook moving forward is optimism and enthusiasm. "Coming together with the Eagle Institute means we're stronger. In these days of doing more with less, leveraging the resources of both organizations means those resources will go further."

With this in mind, Currier envisions future collaborations. "I can see the Conservancy looking to other organizations to explore opportunities to merge," she explains.

Lancaster County Conservancy and LIVE Green

In Lancaster County, it was a strategic planning objective and a funding shortfall that led to the synergistic alliance of two very different organizations.

(Continued on page 5)

Stewardship Funding (cont'd)

to stand the test of time, a land trust needs money.

Landowners continue to be the most reliable source of money for easement stewardship, but a land trust's financial reliance on landowners presents a conundrum: A stewardship contribution of sufficient size to adequately cover long-term stewardship costs is not affordable for many prospective donors. However, bringing the contribution down to an affordable level leaves a funding shortfall, impairing the land trust's ability to exercise its stewardship powers in the long run.

The key to achieving affordability for the landowners and adequacy for the land trust is to spread payments in support of stewardship over time. Rather than asking landowners to make a single up-front contribution, land trusts can present landowners with a menu of options, some that place all or a portion of the funding obligation on future owners of the land. Rather than increasing the burden on the landowners, the land trust provides a means for making stewardship both affordable and non-threatening while ensuring that there will be money adequate to meet stewardship needs in perpetuity.



stewardship funding arrangements so as to respect landowners while ensuring that the land trust will have the financial resources it needs for stewardship in perpetuity.

- *Stewardship Funding Arrangements* trifold brochure. This mock-up of a brochure illustrates how a land trust might communicate with owners concerning the need and options to fund the land trust's easement stewardship obligations.

Conservation is about how we treat the land through the ages. A conservation easement means little if we don't create the vehicles to ensure the financial means to monitor, review, enforce and otherwise meet stewardship obligations over time. Stewardship Funding Arrangements provide these vehicles. ☐



The Pennsylvania Land Trust Association has developed a suite of materials to assist land trusts in offering a menu of options to landowners and ensuring that they fully fund their stewardship needs. The materials are available to view and download at ConserveLand.org:

- *An Introduction to Stewardship Funding Arrangements: Alternatives for Landowners to Help Holders Meet Conservation Easement Obligations*, a 16-page guide.
- *Legal Considerations for Stewardship Funding Arrangements: Binding Present and Future Landowners to Present Promises*, a 19-page guide.
- *Model Stewardship Funding Covenant and Commentary*, which offers ten basic ways to structure



Continued from page 3

In its 2008 strategic plan, the Lancaster County Conservancy (LCC) recognized a need to actively engage the “urban and suburban population and landscape” in its conservation mission. In 2010, after experiencing massive budget cuts, LIVE Green an organization founded in 2004 to support urban greening initiatives, decided to reach out to community organizations to establish an alliance. After a few conversations, the two organizations realized the possibility for a partnership.

With community foundation support, a consulting firm was brought in to guide the two organizations through the process of establishing a conceptual agreement. Working groups were organized to address the primary areas of integration, including governance, development, financial and information systems, human resources and staffing, program, and communications.

In December 2011, merger documents were finalized and filed. LIVE Green was incorporated into LCC as a new program, with its program director hired by LCC to manage the program. LIVE Green was dissolved and its assets transferred to LCC. Live Green’s executive director, technically a paid consultant and not a staff member, was hired by LCC. Two members of the LIVE Green board were added to LCC’s board; in addition, LCC agreed to expand and diversify its board in the future to include urban stakeholders that would better complement LIVE Green’s mission.

“The Conservancy sees the merger with LIVE Green as a way to integrate land protection with water quality and stormwater management in urban areas of the county,” explains Ralph Goodno, LCC’s CEO and President. In addition, the integration of these organizations increases our visibility and expands our constituency. We are convinced that this merger will then extend our reach and influence and increase our donor and volunteer base.”

Merger restructurings are unique to each situation. What might work well in one circumstance may not in another. Trust, communication and cooperation are key no matter how a restructuring is approached. ☐

See *Mergers at ConservationTools.org* for guidance on land trust mergers and additional examples.

From the East Coast to the West Coast



No easement document in the nation has undergone greater public scrutiny and testing.

“PALTA’s model grant of conservation easement has been invaluable to our work. The acceptance of PALTA’s model by DCNR and by county and municipal open space programs has streamlined the completion of many easement transactions.” - Stephen Kuter, Conservation Easement Program Director | Natural Lands Trust

“The PALTA model has been a valuable tool enabling Chester County to provide assistance and funding to nonprofit partners while ensuring our interests are protected. Continual improvements and updates keep the language current while educational outreach and training offered by PALTA provide a solid foundation of common understanding from which productive partnerships continue to build.” - Bill Gladden, Director of Chester County (PA) Department of Open Space Preservation

“Using the model provides plenty of flexibility on the part of both the land owner and the land trusts... PALTA’s model will continue to hold a high standard for those engaging in conservation easement work.” - Rylan Coker, Land Protection & Stewardship Coordinator, North Branch Land Trust



Making the Case for Nature Play: An Interview with Ken Finch

Q. What do you think is needed to make a child's interaction with nature meaningful?

KF: For Green Hearts it is primarily about the formation of an emotional bond between the child and nature. Research tells us that human values and behaviors are driven more by emotion than intellect, so this suggests that the most powerful interactions with nature have more to do with a child's heart than his/her head. This is best served by authentic experiences with nature: direct, hands-on, sensory explorations.

In addition to this authentic interaction, children's experiences with nature are most powerful when they are child-directed. This way, they take ownership of the interaction more than if their outdoor activities are strictly directed and controlled by adults whose agendas – although undoubtedly well-intended – may not match up with the children's own desires and interests.

Frequency is also an important component of children's nature experiences. There is more bonding power to be found in daily and weekly nature explorations.

Q. What can land trusts bring to this movement; why are land trusts important?

KF: Land trusts are vital for the very core of their mission: the preservation of natural lands. But I use "preservation" in a broad sense, not in the restrictive ecological sense. To help foster child/nature connections, land trusts need to be more than preserves; they need to stress direct interaction between children and their natural areas. That means they have to provide spaces where kids can play, learn, and explore – and not just under the thumb of an adult leader.

3. How could land trusts and other organizations better foster connection between children and nature?

KF: First, land conservation groups of all kinds need to



carefully think through their priorities. Most land-holding organizations subscribe to a version of the hippocratic oath, "First, do no harm." This is absolutely understandable, but perhaps not a good long-term strategy. To form strong, lasting bonds with the natural world, children need to play in it. Research studies have repeatedly found that the greatest single influence on life-long conserva-

tion values is frequent childhood play in natural areas. Sadly, research is also clear that these sorts of experiences are rapidly disappearing from modern childhood. Without these experiences, it becomes much less likely that future generations will carry on our work.

Land trusts need to think carefully about their rules and their emphases. Obviously, places with legitimately endangered populations need to be protected, but less sensitive parcels can be great places for nature play – if children are invited in, and encouraged to explore. I'd suggest that land trusts develop formal policies about nature play on their properties: how they value it, where it can be allowed, how it can be fostered. Land trusts can also develop or expand "programming" for children that aims more for their hearts than their heads. Both are important, but the critical sequence is heart first, then head.

Read the full interview at [ConserveLand.org](https://www.conserveLand.org). 

2013 Pennsylvania Land Conservation Conference Keynote

Ken Finch is the founder and President of Green Hearts Institute for Nature in Childhood, an organization focused on restoring the bonds between children and nature. Ken speaks, teaches, writes, and consults about nature play and nature-based preschools. Green Hearts is based in Omaha, but works nationally and internationally.



Recognize Leaders in Conservation

The Pennsylvania Land Trust Association honors individuals and governmental entities that have demonstrated leadership and success in conservation efforts.

Pennsylvania Lifetime Conservation Leadership Award

Honors individuals for decades of leadership and dedication in conserving our special places and landscapes. Download the nomination form at ConserveLand.org and submit a one-page narrative explaining why the individual has been nominated.

Deadline: December 28, 2012.

Pennsylvania Land Conservation Government Leadership Award

Honors Pennsylvania municipalities and counties that have demonstrated leadership and success in the conservation of our special places and landscapes. Download the form at ConserveLand.org and follow the instructions. The nomination form must include a signature from a member of the governing body that is being nominated. **Deadline:**

February 4, 2013.

Tapping New Dollars Through Marcellus Legacy Fund

Counties and municipalities received some welcome checks in mid-October through the first distribution of impact fee revenue, per Act 13 of 2012. These new revenue sources may offer a new opportunity for land trusts, local governments and trail groups to fund conservation efforts.

The Marcellus Legacy Fund receives 40% of the total revenue (after state agency distributions) from the impact fee, of which 15% is distributed to counties for "Environmental Initiatives", specifically for the "planning, acquisition, development rehabilitation and repair of greenways, recreational trails, open space, natural areas, community conservation and beautification projects, community and heritage parks and water resource management."¹

Counties may spend the money as they choose as long as they comply with the description above.

Counties received a total of \$10.9 million

through the Legacy Fund in October. Funds are distributed in one lump annually (see table on p. 1 for county totals). The overall amount distributed each year is determined by the number of active wells and well production.

Now is the time to seize the moment and propose strong projects to county leaders. As the Legacy Fund will be distributed annually, it is also important to build strong relationships with county decision makers.

The remaining 60% of impact fee revenues are designated as "Local Government Initiatives" for *impacted* counties and municipalities which enacted the impact fee. These funds can support a variety of services, including infrastructure, emergency services, social services, training, planning, water protections, etc. ☐

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Tricounty Rails to Trails
The Wallace Trust
West Pikeland Land Trust
Western Pennsylvania Conservancy
Westmoreland Land Trust
Wild Waterways Conservancy Inc.
Wildlands Conservancy
Willstown Conservation Trust
Wissahickon Valley Watershed Association

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¹ "Summary of Marcellus Shale Impact Fee Legislation", PA Senate, GOP. Online at <http://www.pasenategop.com/PDF/2012/summary-3.pdf>.



105 Locust Street, Suite 300
Harrisburg, PA 17101-1453
ConserveLand.org

Nicole Faraguna, Editor
nfaraguna@conserveLand.org

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^{11th Annual} Pennsylvania Land Conservation Conference

April 4-6, 2013 | Penn Stater Conference Center (State College)



Look for Registration
Materials in January.

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