

Summer 2006

ConserveLand

A Publication by the Pennsylvania Land Trust Association



What's Inside!

Feature Articles

2006 PLCC Recap....[page 2](#)

Phoebe Driscoll Honored[page 2](#)

PALTA Honors Board Members
....[page 3](#)

In Their Own Words Coming
Soon[page 3](#)

One on One with DCNR Secretary
Michael DiBerardinis[page 4](#)

Land Trust S&P/Accreditation
Update[page 6](#)

2007 PA Land Conservation Con-
ference[page 8](#)

PA Model Documents Lead the Nation

Pennsylvania's land trusts and governments have a resource unrivaled anywhere in the nation: state-of-the-art model legal documents and accompanying guidance for doing conservation right.

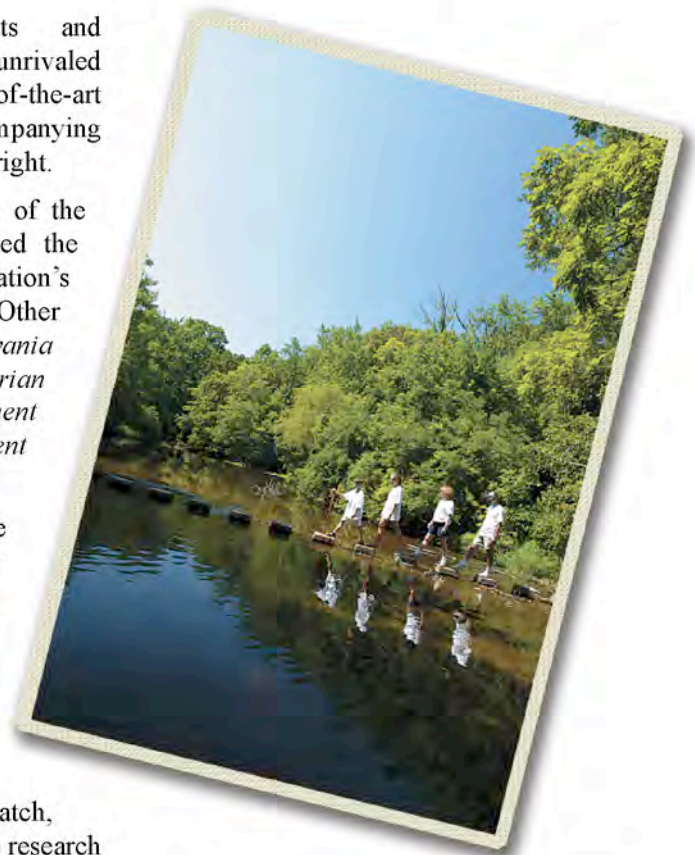
This spring, the *beta* edition of the *Trail Easement Agreement* joined the Pennsylvania Land Trust Association's library of model documents. Other models include the *Pennsylvania Conservation Easement*, the *Riparian Forest Buffer Protection Agreement* and the *Water Quality Improvement Easement*.

PALTA developed these models because: (1) poorly written easements equal poorly protected resources; and (2) bad and mediocre agreements were being executed in spite the lessons learned by land trusts over the years.

Each model was built from scratch, undergoing a process of intensive research and development. Steps included the analysis of templates in use, study of real-life experiences, many drafts and multiple rounds of review and criticism by practitioners.

An expansive commentary covering alternative and optional provisions and

the reasoning behind the various provisions accompanies each model. The models use plain language and careful formatting to improve readability. They are structured to help users avoid drafting errors when adapting them to their particular projects.



The first rule of
intelligent
tinkering is
to save all
the pieces.

-Aldo Leopold

Continued on Page 7

Join the ConserveLand Listserv!

A private listserv developed specifically for Pennsylvania land conservation professionals and volunteers. Users may post questions, provide expertise and exchange ideas.

Subscribe by visiting <http://conserveand.org/lists>.

2006 Land Conservation Conference Attracts 321 Attendees!

The 2006 Pennsylvania Land Conservation Conference was held on April 28-29, 2006 in State College.

This year's conference attracted 321 attendees from all across Pennsylvania, more than doubling last year's attendance.

This year's event offered 24 ninety-minute workshops on Saturday, four all-day seminars on Friday and a special introductory Conservation 101 seminar on Friday afternoon. The conference Keynote Address was delivered by nationally renowned land protection specialist, Stephen J. Small, Esq.

Attendees were very pleased with the overall selection of topics and caliber of speakers and gave the conference an overall rating of 4.5, with 5 scoring Excellent.

PALTA would like to thank all of our presenters for providing informative, well thought out presentations. Thank you to Central Pennsylvania Conservancy, Centre County Farmland Trust and ClearWater Conservancy for co-hosting the event and recruiting very competent and passionate volunteers, who were kind enough to dedicate their time.

Special thanks again to all our sponsors for helping to make this event possible. And thank you to our attendees for your continued commitment to protecting our special places. ☐



(Top) Andy Robinson prepares his class for a role-playing exercise that puts them in the driver's seat for requesting funding.

(Bottom) Speaker Stephen J. Small provides an easy to follow seminar on conservation tax strategies.

Phoebe Driscoll Honored with 2006 Lifetime Leadership Award



Phoebe and Lee Driscoll.

The Pennsylvania Land Trust Association (PALTA) is pleased to honor Phoebe Driscoll with the 2006 Lifetime Leadership Award. The award was presented to Phoebe at the 4th Annual Land Conservation Conference in the presence of Phoebe's colleagues and loved ones, including her husband, Lee Driscoll.

Each year, PALTA honors an indi-

vidual who has demonstrated decades of leadership and dedication in conserving our special places and landscapes. Phoebe Driscoll's hard work, lasting resolve and inspiring dedication to land conservation encapsulates precisely what this award represents.

On a personal, community and national level Phoebe Driscoll has committed her adult life to volunteer activism in protecting the land and environment. Tenacious commitment, unquestioned sincerity, boundless energy, and insightful leadership characterize her efforts as keystone board member or commission appointee. Described as "a dreamer and a doer", no challenge is too tough for this inspirational leader.

She dedicated her time to a number of organizations including the Wissahickon Valley Watershed Association (WVWA) and the Montgomery County Lands Trust (MCLT).

In March 2000, Phoebe's commitment to the land was expressed in a

very personal way. She and her husband, Lee, donated to WVWA a sixty-six acre conservation easement on their property in Lower Gwynedd Township. In making the donation Phoebe remarked, "We have loved this land and it has loved us back. We want future generations to have the same opportunity".

The award was presented by Dulcie Flaharty, MCLT Executive Director, and David Froehlich, WVWA President.

"Phoebe is truly a pollinator for land preservation", Flaharty explained during the award ceremony, "and we have all benefited from the fruits of her labor".

We thank Phoebe for her remarkable life of service to the environment and for being an exemplary contributor to land preservation efforts in Pennsylvania. ☐

Special Thanks to the 2006 Pennsylvania Land Conservation Conference Sponsors

Appalachian Land & Conservation
Services Co., LLC

Brandywine Conservancy

Centre County Community Foundation

The Conservation Fund

Hamer Foundation

David E. Hess, Former DEP Secretary

Institute for Conservation Leadership

Natural Lands Trust

The Nature Conservancy

Palmer Foundation

Pennsylvania League of Conservation Voters

Pregmon Law Offices

Resource Technologies Corporation

Saul Ewing LLP

Western Pennsylvania Conservancy

Western Pennsylvania Watershed Program

Wildlands Conservancy

PALTA Honors Departing Board Members & Welcomes New Members

PALTA recognized three "retiring" board members for their service and commitment to the organization.

Phil Wallis, PALTA President, presented engraved plaques to Renee Carey, Immediate Past President, John Conner, Treasurer, and Dulcie Flaharty, Secretary. The



(From left to right) John Conner, Renee Carey, and Dulcie Flaharty

awards were presented at the PA Land Conservation Conference in State College. The three served six years on the board and were term-limited off in June.

Andy Loza, Executive Director, commented, "Renee was a fantastic president. Pennsylvania's land trusts may never realize all her hard work. And Dulcie and John have been tremendous in moving forward Pennsylvania's conservation movement".

PALTA's 80 member organizations elected the following new members to the board:

Bill Kunze, Director, Pennsylvania Chapter of The Nature Conservancy

Jay Layman, Esq., President/CEO of Capital Associates

Sherri Evans-Stanton, Director of Brandywine Conservancy's Environmental Management Center. ☐

In Their Own Words

Families sharing their thoughts and
experiences in conserving their lands.

Coming in Fall 2006. . . a new outreach tool
for Pennsylvania's land trusts. . .
written for landowners by landowners.



One on One with DCNR Secretary



Governor Rendell appointed Michael DiBerardinis Secretary of the Pennsylvania Department of Conservation & Natural Resources (DCNR) in 2003.

PALTA: With the passage of Growing Greener II and its \$90 M for open space conservation, how have funding priorities changed?

MD: I don't think our priorities have changed. We've reviewed our specific program functions or program foci and then built 5-year budgets based on historical and future demand and relative need. These budgets are great planning tools and a wonderful way to guide the program priorities.

Growing Greener II along with remaining funds from the first Growing Greener initiative as well as the growing Keystone Fund really provides us with a special opportunity to work with local and county governments and non-profits across the state to meet their land conservation agenda needs, and continue protection of existing state parks and forests.

PALTA: PALTA (with DCNR's financial assistance) assists organizations and governments in achieving excellence by providing technical assistance, model documents, training and more. In what other ways is DCNR improving the quality of its conservation work?

MD: We're trying to work with other investors around the state to collaborate and leverage our dollars in a more focused way. We're using scientific approaches to be more strategic and thoughtful. . . and quality conservation work grows from that. We also can work more with local and county governments to assist with their specific planning efforts.

PALTA: How would you characterize DCNR's relationship with land trusts? Can we find more synergies?

MD: I always think we can do more - but when the relationship is good or very good, the harder it is to improve it. I am really open to hearing from the land trust community on what their ideas for DCNR are to improve our relationship - what DCNR can do better - and what programs could be improved on.

PALTA: Currently, what do you see as the top threats to our state's forests and landscapes?

MD: Deer are today's top threat to our forests, but I believe global warming is a major long-term threat. I am encouraged about deer management in the state and the Game Commission's recent actions in better understanding healthy forest habitat. Invasive species are certainly a threat. Also, over 70% of our forested lands are in private hands so we must work with landowners more cooperatively to become better stewards.

PALTA: What could land trusts be doing or doing more of?

MD: They can be more connected to local government not only in the protection and stewardship of land but as a resource for planning and building technical support.

Generally speaking, they can become more active on a more regional level. Individual land trusts can work together to focus on a larger landscape, watershed or ecosystem that extends their current boundary or programmatic impact. They can determine a more collaborative broader vision. I would also encourage them to be more focused and directed on what they want from their state government.

PALTA: What is your thinking on wind power generation and conserved land?

MD: We are currently studying whether or not it would be appropriate to lease some very small portion of state forest lands for limited commercial wind development, and whether that could be done in a way that upholds our historic stewardship mission. We're also asking the same questions with respect to conserved land acquired through our programs. I believe that with the looming threat of global warming and the air pollution and energy security problems

Michael DiBerardinis

associated with our current use of fossil fuels, that DCNR has an obligation to ask these questions. We're following a careful, science-based approach, and are consulting with state and federal environmental and wildlife agencies, conservation groups, and the wind industry. Any decision to move forward would have to meet very high environmental and stewardship standards.

PALTA: Governor Rendell has expanded the vision of DCNR to help stimulate economic growth in Pennsylvania - how does this change your work?

MD: This is not necessarily a new idea. DCNR historically played a role around sustainable use of natural resources and economic growth. For instance, our forests are a major supplier of hardwoods but harvested in a sustainable way. Our forests and parks are also an important player in our tourism industry. We invest in trails and recreational amenities that support residential and economic growth. Governor Rendell has encouraged DCNR to incorporate a policy that allows us to be strategic in protecting natural resources that might support economic development. We want to support projects that will attract people to that area and build stewardship ethic and strengthen their value of conservation.

The governor has worked hard to demonstrate that the state's environmental and economic needs are closely aligned. Some parcels have important ecological value and are worthy of protection, but don't necessarily have a direct impact on economic development. But by conserving ecologically important sites, we're contributing to the state's quality of life, and through that, its competitiveness. We work within our traditional mission and combine a number of values that include economical and environmental benefits together, not one or the other.

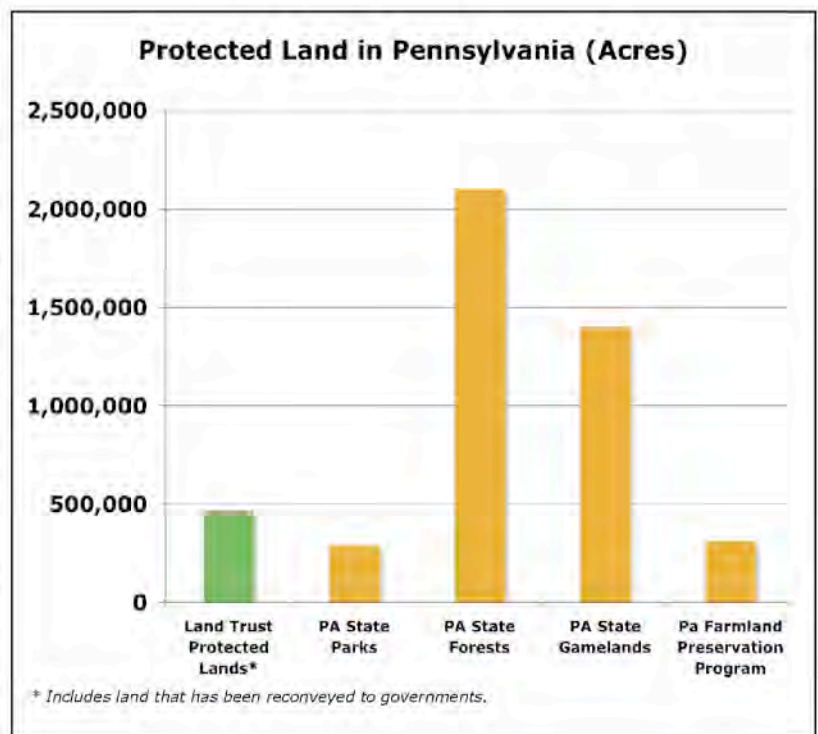
PALTA: How do you balance accessibility to DCNR lands with protection of wildlife habitat and biodiversity?

MD: It's definitely a balance. DCNR uses resource management plans that determine the usage of our facilities, including the extraction of natural resources and visitation. These plans are always managed based on the maintenance of our ecosystems. It is an ongoing practice, and

we are always trying to improve those management plans. Additional funds help with the management of these lands but a greater focus must be on implementing science-based best management practices. I see land trusts doing a great job in managing their lands.

PALTA: What role does technology (GPS, GIS) play in DCNR's efforts to protect natural resources?

MD: The big advances in mapping really have built the capacity of folks who are working in land management and conservation. These are very important tools in developing best management practices and establishing high quality priorities. The Pennsylvania Natural Diversity Inventory (available online through the Natural Heritage Program at www.naturalheritage.state.pa.us) is another amazing tool that provides a wealth of assistance to both the conservation and the business sector. DCNR is also leading the development of PAMAP, which is building a powerful digital map of the state that is publicly available and accessible, and that allows planners, local and county governments, and conservationists to work smarter and more effectively.



How to Survive the New Land Trust Standards & Practices

The Pennsylvania Land Trust Association (PALTA) is committed to helping land trusts comply with Land Trust Standards & Practices and prepare for the pending Land Trust Accreditation Program.

The Land Trust Standards & Practices are guidelines to better assist land trust organizations in operating sound conservation and stewardship programs in the public interest through ethical and legal means. These guidelines were developed by the Land Trust Alliance (LTA) in 1989 at the urging of land trusts, with the belief that a strong land trust community depends on the credibility and effectiveness of all its members. LTA revised these Standards & Practices in 2004.

Twelve standards in all guide the various aspects of operating a land trust, including organizational management, fundraising, land transactions and stewardship.

PALTA strongly encourages all organizations that acquire land or easements for conservation purposes to use the Standards & Practices as their guiding principles and work towards bringing their operations into accord with them.

Help with Standards & Practices

PALTA will assist land trusts in achieving compliance with the Standards & Practices by providing training and technical assistance.

PALTA is partnering with LTA to deliver a comprehensive curriculum. These courses, developed by LTA, will focus on each component of the new standards and practices. PALTA will deliver these courses in seminar and roundtable discussion formats as the curriculum becomes available over the next few years. The first seminar from this curriculum, *Ethics & Conflicts of Interests*, was test piloted at the 2006 Pennsylvania Land Conservation Conference.

Through its Technical Assistance Program, PALTA will assist land trusts in prioritizing organizational needs and taking the steps to implement some or all of the Land Trust Standards & Practices. PALTA will work with organizations individually to assess needs and to determine an appropriate course of action.

Visit conserveLand.org to find additional information and resources on complying with Standards & Practices.



Discussing course materials during LTA's Ethics & Conflicts of Interest Seminar are (from left to right) Jean Weiss, Joe St. Georges, and Megan D'Arcy.

Land Trust Accreditation

LTA is finalizing the development of a voluntary accreditation program to recognize excellence and enhance the credibility of the land trust movement.

An Accreditation Commission has been formed and met for the first time this past May. Although the Commission will not accept applications until 2008, it is not too soon to begin reviewing your organization's needs and goals. Accreditation will be offered to land trust organizations that have been incorporated for at least two years and have completed at least two conservation projects. Accreditation will require the compliance with only those Land Trust Standards & Practices that are relevant to the current work of your organization.


Although LTA intends for accreditation to be voluntary, there are reasonable fears that funders will make it a requirement. While PALTA can't control the choices of funders, PALTA can reasonably argue the inequity of making accreditation a requirement at least until all land trusts have had a reasonable opportunity to go through the accreditation process. The reality is it will take many years - most likely 2012 or beyond - for the Commission to process accreditation applications of those initially interested.

PALTA will provide support through its Technical Assistance Program to those land trusts preparing for accreditation. ☐

Model Documents (cont'd)

PALTA views the models as living documents – to be revised annually based on practitioner feedback and new developments in the field. With continued input from users, the models will continue to provide Pennsylvanians with the state-of-the-art for many years to come.

Future plans include development of a model fishing access easement as well as accessory model documents such as a sales/donation agreement (both for fee and easement transactions). A web-based document assembly program will eventually enable users to automatically generate customized easements by answering a series of questions at conserveland.org.

The models can be downloaded for free at conserveland.org. 

Why Model Documents?

- A well-drafted document is critical to protecting resources for the long run.
- Everyone benefits from lessons learned and gets access to the state-of-the-art at no cost.
- Avoids legal counsel costs for re-inventing the wheel, focusing legal time instead on adapting to a specific project.
- Facilitates people helping one another.
- Adds credibility when negotiating transactions.
- Increases funder comfort.
- Sets stage for easier enforcement.

Officers

Philip S. Wallis, President
Jackie S. Kramer, Vice President
Thomas J. Kerr, Treasurer
Molly Morrison, Secretary
John Conner, Assistant Treasurer
Andrew Loza, Assistant Secretary

Directors

Karen Martynick
Patricia L. Pregmon, Esq.
David Rupert
Jennifer W. Shuey
Jay Layman, Esq.
Sherri Evans-Stanton
Bill Kunze

Voting Members

Allegheny Land Trust
Allegheny Valley Conservancy
Allegheny Valley Land Trust
Armstrong Cty. Cons. Charitable Trust
Bedminster Land Conservancy
Berks County Conservancy
Bradford Woods Conservancy
Branchville Conservancy
Buck Hill Conservation Foundation
Central Pennsylvania Conservancy
Centre County Farmland Trust
Chartiers Nature Conservancy
Chesapeake Bay Foundation
Chestnut Hill Historical Society
Clearwater Conservancy
Conservancy of Montgomery County
The Conservation Fund, Pa. Office
Cooks Creek Conservancy
Countryside Conservancy
Delaware Highlands Conservancy
Earth Conservancy
East Nantmeal Land Trust
Eden Hill Conservancy
Edward L. Rose Conservancy
Farm & Natural Lands Trust of York Cty.
Fox Chapel Land Conservation Trust
French & Pickering Creeks Cons. Trust
French Creek Valley Conservancy
Hawk Mountain Sanctuary Association
Heritage Conservancy
Hollow Oak Land Trust
Independence Marsh Foundation
Kennett Township Land Trust
Keystone Conservation Trust
Keystone Trail Association
Lacawac Sanctuary Foundation
Lackawanna Valley Conservancy
Lancaster County Conservancy
Lancaster Farmland Trust
Land Conservancy of Adams County
Lebanon Valley Conservancy
Lower Merion Conservancy
Manada Conservancy
Merrill W. Linn Land & Waterways Cons.
Mid-Atlantic Karst Conservancy
Mokoma Conservancy
Montgomery County Lands Trust
Montour Trail Council
Mount Nittany Conservancy
Natural Lands Trust
The Nature Conservancy, Pa. Chapter
Neighborhood Gardens Association
North American Land Trust
North Branch Land Trust
Northcentral Pa. Conservancy
Open Land Conservancy of Chester Cty.
Pennsbury Land Trust
Pennsylvania Environmental Council
Pa. Recreation and Park Society
Perryville Ecological Restoration Trust
Pine Creek Land Conservation Trust
Pine Creek Valley Watershed Assn.
Pocono Heritage Land Trust
Potomac Conservancy
The Radnor Conservancy
Rails-to-Trails Conservancy
Regional Trail Corporation
Schuylkill County Conservancy
Solebury Twp. Land Preserv. Comm.
Somerset County Conservancy
Tincum Conservancy
Tri-County Rails-to-Trails
The Trust for Public Land
The Wallace Trust
Western Pennsylvania Conservancy
West Pikeland Land Trust
Wild Waterways Conservancy
Wildlands Conservancy
Willstown Conservation Trust
Wissahickon Valley Watershed Assn.

Model Documents Available at conserveland.org

Pennsylvania Conservation Easement

The second edition was published in April 2006. It couples rock solid administrative provisions and structure with easy adaptability to varying resource protection goals. Fifty pages of commentary accompany the model. Over time, the model's generic set of easement goals and restrictions will be supplemented with a series of modules providing various alternatives for dealing with forestry, agriculture and other resource protection issues.

Riparian Forest Buffer Protection Agreement

This single-purpose document is designed for protecting a narrow ribbon of land along a waterway. The model could be used in combination with or independent of the Conservation Reserve Enhancement Program (CREP).

Trail Easement

This model is trail-focused. It is not a traditional conservation easement with public access appended to it. Since the law governing trail easements is more settled than that of conservation easements, the trail easement model is relatively short. (If a trail is only a part of a bigger effort to protect many conservation values across a property, the Pennsylvania Conservation Easement might be the better model.) Look for a revised edition in the fall.

Water Quality Improvement Easement

This document helps organizations secure long-term access through and to property for the purpose of remediating the effects of abandoned mine drainage.





105 Locust Street, Suite 300
Harrisburg, PA 17101-1453

ConserveLand Editor, Nicole Faraguna
nfaraguna@conserveland.org

We envision a prosperous Pennsylvania, where every person and community knows that their treasured green places will endure. We envision a Commonwealth where the lands that guarantee our water quality are safeguarded; where every child and adult can safely play at a nearby park; where our productive farmland and forests are protected, securing our food and timber supply; and where wild places are preserved for wildlife.

Eighty conservation organizations make up the Pennsylvania Land Trust Association.

**PRSR STD
US POSTAGE
PAID**
Harrisburg, PA
Permit No. 583

*Mark Your
Calendars!*

2007 Pennsylvania Land Conservation Conference

May 11-12, 2007

Penn Stater Conference Center, State College