

# Pennsylvania Land Trust Association

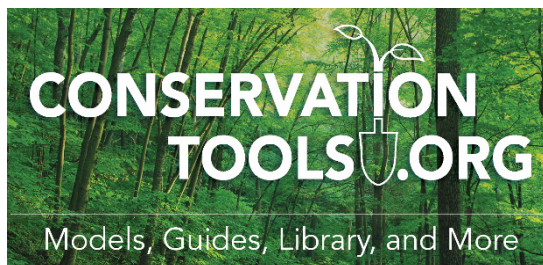
## Executive Director's Report on 2019 Activities

Building New and Improved Models for Conservation 1  
Creating New and Improved Guidance 2  
Connecting, Educating, and Inspiring People 6  
Directly Assisting Organizations and People 7  
Mapping and Analysis 8  
Making News and Information Easily Accessible 10  
Recognizing and Promoting Conservation Excellence 11  
Protecting \$78 Million in Environmental Investments! 11  
Laying the Foundation for Better Public Policy 11

### Building New and Improved Models for Conservation

In 2019, the Pennsylvania Land Trust Association:

- introduced a new model legal document
- produced for public review the draft of a new model
- released major new editions of two models



#### Model Release of Liability Form, 2<sup>nd</sup> edition

PALTA refreshed the [Model Release of Liability Form](#) (1<sup>st</sup> edition, 2014), adding three new provisions to the core protections provided to activity sponsors against claims of personal injury: (1) emergency first aid and medical release, (2) photo and video permission, and (3) protection from claims of personal property loss. The new edition also contains a few other miscellaneous improvements. Users are encouraged to adopt the new model immediately.

#### Model Amendment (public review draft)

If changes to a conservation easement granting document are necessary or desirable, the easement holder must decide whether to amend and restate the document in full or to amend without restatement. The [Model Amendment of Grant of Conservation Easement and Declaration of Covenants](#) is intended for use when the easement holder's decision is to amend without restatement.

PALTA posted a draft of the model and commentary for public review in December; finalization will occur in 2020.

#### Model Permission for Encroachment (new model)

PALTA published the [Model Permission for Encroachment](#) to provide organizations with a tool for permitting a neighbor to continue encroaching on their land without the organization risking loss of ownership through adverse possession or incurring

liability due to injuries or property loss. This short and simple document is two pages including signature lines.

## Model Access Easement for Environmental Stewardship (2<sup>nd</sup> edition)

PALTA published the second edition of the [Model Access Easement for Environmental Stewardship](#) after completing a public review process begun last fall. The first edition of the model (entitled *Water Quality Improvement Easement*) was completed in 2005 and developed solely for the purpose of securing long-term access to property for remediating the effects of abandoned mine drainage (AMD). The second edition retains AMD treatment as the project type directly addressed in the model. However, the model's provisions were modified to facilitate customizations of the model for other types of environmental stewardship projects. The model also was updated to reflect changes in state law and received a variety of miscellaneous improvements.

## Change to 6.04(a) of Model Grant of Conservation Easement and Declaration of Covenants

Tax court litigation caused PALTA to review the process set forth in the [Model Grant of Conservation Easement and Declaration of Covenants](#) regarding the easement holder's review of landowner proposals that are subject to review. After two rounds of public review, PALTA finalized a revision to section 6.04. PALTA also revised the commentary to 6.04 and expanded commentary regarding other subjects including tents and camping and addressing fossil fuel infrastructure.

## Creating New and Improved Guidance

### PALTA Produces 17 New Guides

PALTA published 17 new guides in 2019. Many of the guides are short as compared to guides of previous years, providing a carefully selected and organized set of links to useful resources on the guide's topic with additional information to help the reader make sense of the material. They represent a new ConservationTools.org on developing guides that increase the breadth of useful guidance at the site by pointing to and curating content that has already been done well elsewhere (and not reinventing it). A brief description of each guide's topic (also, in some cases, notes regarding the guide's development) is provided below.



### [Solar Energy Development and Land Conservation](#)

*An enormous boost in solar energy production is one of the actions needed to help stop the dramatic rise of carbon in the atmosphere and better ensure civilization's long-term prospects. This guide explores issues that conservationists may want to consider in order to both advance their land conservation work and support solar energy development. (5 pages)*

### [Purchase and Sale Agreements for Conservation Projects: Guidance and Sample Provisions](#)

*Acquisitions of land and easements for conservation purposes can involve issues different from other real estate transactions. This guide looks at purchase and sale agreements in general and*

*then reviews potential customizations that may be made to these agreements to specifically address conservation matters. (9 pages)*

### **Overview of Pennsylvania's Recreational Use of Land and Water Act**

*The Act limits the liability of property owners who open their land for public recreation, providing them protections against claims of personal injury and property loss.*

PALTA updated its expansive guide to the Act as noted below. It created this new guide as a concise, easily digestible introduction to the same topic.

### **Permits for Events, Hunting, Camping, and Other Uses of Conserved Lands**

*Requiring permits for certain activities on conservation lands (such as events, hunting, and camping) helps land managers ensure that the activities do not negatively impact the land or others' enjoyment of it. The permit-application process can also serve to inform users of the rules for using the land.*

This guide pairs general guidance with links to a wealth of sample documents.

### **Encroachment: Permitting Continued Use Without Risking Loss of Ownership**

*What should you do if a neighboring landowner encroaches on your organization's property (e.g., builds a shed or extends their lawn) or otherwise uses the land without permission? Sometimes immediately booting them is the best answer; sometimes arriving at some accommodation that provides them with at least temporary permission makes more sense. Doing nothing invites trouble.*

This guide, like the *Model Permission for Encroachment*, grew out of a request for guidance on addressing an encroachment.

### **Green Burial**

*Green burials minimize negative environmental impacts by using biodegradable materials, avoiding toxic chemicals, and occurring on land maintained using good conservation practices.*

### **Prescribed Fire**

*A prescribed fire is a planned fire—sometimes called a controlled burn—used to manage certain types of landscapes. It reduces the chance of major wildfires and provides numerous other benefits for humans, plants, and wildlife.*

### **Volunteers: Guidance for Recruiting, Training, Managing, and Retaining Unpaid Workers**

*Effectively recruiting, training, managing, and retaining volunteers can play a crucial role in helping a nonprofit organization accomplish its goals.*

### **Hiring and Managing Interns**

*Interns can help nonprofit organizations to cost-effectively accomplish more. They also present a pathway for the organization to cultivate potential future employees and introduce new people to the field.*

### **Effective Nonprofit Newsletters**

*Effective email newsletters help nonprofits better publicize their work and connect with supporters.*

### [Nonprofit Name Change](#)

*Sometimes it makes sense for a nonprofit to change its name to better reflect its mission and work, distinguish itself from other organizations, or otherwise improve its marketing.*

### [Working with Nature to Manage Stormwater](#)

*The most effective tools to reduce the water pollution and flooding caused by stormwater runoff are green infrastructure, land conservation, and best management practices on farms.*

### [Succession Planning for Nonprofits](#)

*The unexpected departure of a nonprofit's leader can cause organizational chaos. A nonprofit may establish policies and procedures to guide leadership transitions—unplanned and planned—to prevent damage to the organization and its work.*

### [Community Gardens](#)

*This guide links to resources that: help people successfully start and manage community gardens; inform governments on how they can encourage gardens; and guide organizations on permanently protecting gardens.*

### [Planned Giving](#)

*Planned giving programs play an important role in charitable fundraising.*

### [Climate Change and Land Conservation](#)

*Land trusts and governments may tailor their land conservation work to help both reduce carbon in the atmosphere and mitigate the harm of climate change.*

### [Don't Regulate Rooftop Solar Without Compelling Cause](#)

*Regulating rooftop solar energy systems through municipal zoning ordinances results in fewer people powering their homes and businesses with clean, safe, renewable energy. Furthermore, common arguments for regulation do not hold water.*

## **PALTA Refreshes 17 Guides**

In 2019 PALTA updated 17 guides—twelve of which dated back a decade—to improve their utility and ensure they remain relevant. All of PALTA's guides originally completed in 2010 or earlier have now been refreshed (42) or retired (2). The titles of the newly updated guides are provided below, some accompanied with development notes.

### [Guide to Pennsylvania's Recreational Use of Land and Water Act: A Law Limiting the Liability of Those Who Open Their Land to the Public](#)

The General Assembly's 2018 amendment of the law necessitated the update, and the opportunity was taken to more thoroughly improve the guide.

### [Pre-Existing Mortgages in Easement Transactions: Using Non-Disturbance and Subordination Agreements to Prevent Extinguishment and Comply with Tax Law](#)

If you do conservation easement work and ever deal with pre-existing mortgages, **it's imperative** that you review this guide. Much guidance regarding mortgages and easements is... deficient.

### [Release of Liability Form: A Tool to Reduce the Risk of Claims for Personal Injury or Property Loss](#)

User interest in adding bells and whistles to the first edition of the model form and the General Assembly's 2018 amendment to the Recreational Use of Land and Water Act motivated the update, and the opportunity was taken to much more thoroughly improve the guide.

### [Reducing Federal Estate Tax: A Conservation Easement Benefit for Large Estates](#)

### [Local Land Use Planning and Controls in Pennsylvania](#)

### [Street and Sidewalk Design](#)

### [Floristic Quality Assessment](#)

### [Sign Ordinance](#)

We judged the Montgomery County Planning Commission's 2015 sign ordinance work as superior in content and utility to PALTA's 2009 guide. Thus, we chose to discard PALTA's original guide and replace it with a guide focusing on links to quality resources including the Commission's.

### [Steep Slope Ordinance](#)

### [Land Trust Accreditation](#)

### [Community Visioning](#)

### [Elections and 501\(c\)\(3\) Organizations](#)

### [Conservation by Design](#)

### [Seller Take Back Financing](#)

### [Transfer of Development Rights](#)

### [Urban Growth Boundary](#)

The original 2009 guide was replaced in its entirety for this edition, which reflects in part that UGBs have not been terribly successful in PA. The rewrite also follows the principle of "less is more" — it's better to refer the reader to existing writings than create a lengthy but poor shadow of these works.

### [Zoning for Solar and Wind Energy Systems](#)

## **Research and Analysis**

Among the various matters investigated by PALTA in the past year was the possibility of land trusts and other NGOs playing a role in facilitating the development and implementation of conservation plans for farms. The results of the research and analysis were published in the report "[Pathways Toward Increased Land Trust Involvement in Agricultural Conservation Planning and Implementation.](#)"

## Connecting, Educating, and Inspiring People

### Greenways and Trails Summit

The PA Greenways & Trails Summit is Pennsylvania's premier event for those involved in trail and greenway development. In 2019, PALTA took responsibility for organizing and managing this biennial networking, training, and inspirational event.



#### 2019 Summit Highlights

**September 22-24 at Shippensburg University in Cumberland County**

262 individuals in total attended.

116 attended all three days.

Attendees rated the summit a 4.3 out of 5 overall.

### Pennsylvania Land Conservation Conference

The Pennsylvania Land Trust Association's annual Pennsylvania Land Conservation Conference is Pennsylvania's premier networking, training, and inspirational event for those involved with private and public land conservation. The three-day event brings together land trust professionals and volunteers; municipal officials; state agency staff; attorneys, planners, and other professionals from across Pennsylvania and beyond.



#### 2019 Conference Highlights

**May 16-18 at Skytop Lodge in the Poconos**

356 individuals in total attended.

141 were first-timers.

48 attended as part of the *Environmental Advisory Council Network Conference*.

The average participant attended for 1.8 days (a record high).

Attendees rated the conference a 4.4 out of 5 overall.

Instructors delivered 111.5 course hours in total.

### Other PALTA Events, Courses, and Presentations

Other PALTA organized or sponsored events in 2019 included but weren't limited to the following:

#### Land Trusts and Farmland Roundtable

43 individuals engaged in this [4.5-hour roundtable discussion](#) about farmland preservation and other farm-related work by land trusts. The event was held April 3 at the Brandywine Conservancy.

#### Pennsylvania Association of Environmental Educators Annual Conference

PALTA sponsored, exhibited, addressed the plenary session, and introduced the keynote speaker at this March 18 – 19 event.

### **Delaware River Watershed Land Protection Group**

PALTA led and facilitated three in-person gatherings of the Delaware River Watershed Land Protection Group in 2019 in February, July, and November. The group is made up of land protection and stewardship staff of organizations conserving land in the Delaware River Watershed.

## **Directly Assisting Organizations and People**

### **One-on-One Assistance**

During 2019, PALTA staff directly assisted dozens of organizations with their questions and problems via telephone and email as well as in person. Whether a matter took seconds, minutes, or days to resolve, no issue was left unaddressed.

### **Fostering Peer Relationships**

#### **Environmental Advisory Council Network**

PALTA continued its management of the EAC Network to support environmental advisory councils and those who seek to create new EACs. 2019's activities included managing the EAC Network Conference, starting a strategic planning updating PALTA's EAC database, and engaging in regional EAC events to keep abreast of EAC needs and issues.



#### **Land Stewardship Network**

PALTA facilitates the Land Stewardship Network—land trust staff and volunteers involved in land stewardship—to promote the sharing of ideas, experiences, and knowledge. PALTA provides the dozens of participants with an online platform to post questions and share resources and hosts calls to discuss specific topics.

#### **Mentorship Program**

PALTA continued its Conservation Professionals Mentorship Program (started in 2017) with four mentor-mentee pairs supported over the course of the year. People interested in mentoring or being mentored can reach out to [info@conserveland.org](mailto:info@conserveland.org) to facilitate connections at any time.

### **Conservation Easement Assistance Program**

The Conservation Easement Assistance Program (CEAP) seeks to increase the quantity of special places protected as well as increase the quality and long-term viability of easements. In 2019, PALTA made 18 grants totaling \$106,302.17, providing organizations the means to use best practices in their easement projects:

- 15 grants to complete new easement projects
- 1 grant to amend and restate older easement documents
- 1 grant to upgrade baseline documentation
- 1 grant for the signs on eased properties

PALTA made the following CEAP grant awards in 2019:

<i>Land Trust</i>	<i>Project Name</i>	<i>County</i>	<i>Award Date</i>	<i>Amount (\$)</i>
Lebanon Valley Conservancy	[Multiple sign projects]	Lebanon	12/13/19	3,605.14
Central Pennsylvania Conservancy	Pines Conservation Easement	Perry	11/20/19	5,537.24
Farm and Natural Lands Trust	Kaufman Property	York	10/23/19	7,500.00
Central Pennsylvania Conservancy	Hall Easement Restatement	Dauphin	8/28/19	6000.00
Manada Conservancy	Everly CE	Dauphin	8/21/19	7049.50
Berks Nature	Gerlach Easement	Berks	7/29/19	5691.25
Delaware Highlands Conservancy	Green Valley Preserve	Pike	7/23/19	2283.17
Land Conservancy of Adams County	Frost Mount Hope property	Adams	7/15/19	3663.36
Lebanon Valley Conservancy	Nye/Shuey Easement	Lebanon	7/10/19	4909.16
Land Conservancy of Adams County	Sauble/Weaver Woodland	Adams	3/31/19	3857.35
Land Conservancy of Adams County	Frost Creekside Property	Adams	2/13/19	6,557.25
Farm and Natural Lands Trust	DLK Davidson Farm	York	2/11/19	7,500.00
Allegheny Land Trust	Thornburg Conservation Park	Allegheny	1/15/19	7,500.00
Wildlands Conservancy	Lilly Conservation Easement	Northampton	1/9/19	7,500.00
Manada Conservancy	Town and Country CE	Dauphin	1/9/19	3,998.75
Tinicum Conservancy	Kwartnik-Santina CE	Bucks	1/9/19	7,500.00
Tinicum Conservancy	Keller Conservation Easement	Bucks	1/9/19	7,500.00
Farm and Natural Lands Trust	Redding - Lake Club Property	York	1/9/19	7,500.00

Since 2004, CEAP has helped create 283 new easements protecting 23495 acres in 35 counties. For these projects, landowners donated \$54.4 million in easement value and land trusts secured \$1.99 million for stewardship.

## Trail and Greenway Grants

The Pennsylvania Land Trust Association awarded grants to the following organizations to deliver educational programming and training in regards to trails and greenways during 2019. 381 individuals participated in the grant-supported events:

PA Interscholastic Cycling Association	\$4,000.00
Steffey Trail Connections	\$750.00
Schuylkill Center for Environmental Education	\$4,000.00
Pennsylvania Environmental Council	\$4,000.00
Hollow Oak Land Trust	\$ 2,500.00
Nittany Mountain Biking Association	\$4,000.00

The Pennsylvania Land Trust Association also awarded a \$9,437.99 grant to support the trail work of the Mid-State Trail Association in association with the selection of the Mid-State Trail as the trail of the year for 2019.

The trail-related grants are made possible through funds provided to DCNR by the Federal Highway Administration.

## Mapping and Analysis

### Open Space Referenda Analysis

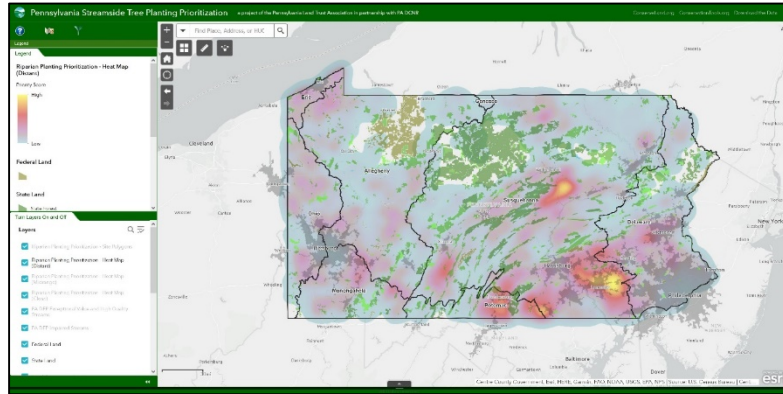
PALTA used its Conserved Land data and GIS to investigate the quantity of open space—protected and unprotected—in municipalities that have passed of open space



referenda in Pennsylvania. The resulting report was received with great interest by land protection staff working in eastern Pennsylvania and is available upon request.

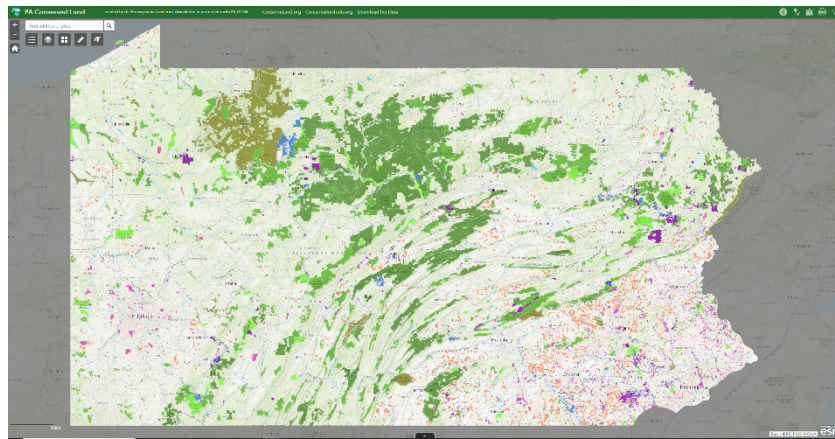
## Prioritizing Sites for Riparian Forest Plantings

PALTA used GIS to identify and rank potential riparian planting sites in Pennsylvania on their ability to improve water quality. The aim was to figure out the most cost-effective locations for planting trees to maximize water quality gains. ESRI published an [article](#) on PALTA's work in the Fall 2019 issue of *ArcUser*.



## Comprehensive, Interactive Map of Protected Lands

PALTA assembled an incredible mass of data and with it launched Pennsylvania's first-ever comprehensive, interactive GIS [map of publicly and privately conserved lands](#) in 2018. The map is accessible from the "Maps & GIS" tile on the [ConservationTools.org](https://www.conservations.org) homepage.



In 2019, PALTA made substantial updates and refinements to the newly established database, respecting the original project goal of keeping the data fresh and of maximum utility over time. This work will continue into 2020 and beyond.

The conserved land database has been rapidly adopted by government agencies, nonprofits, and businesses across the Commonwealth. The state GeoBoard has recognized it as Pennsylvania's official basemap of protected land. Among its uses, the dataset is now integrated into PNDI's Conservation Explorer tool and has helped solar companies avoid conserved land when siting solar farms.

## Analyzing Pennsylvanians' Access to the Outdoors

PALTA contracted with the Trust for Public Land to determine 10-minute walk and drive "service areas" for parks, publicly accessible open space, and land/water trail access points in Pennsylvania. The analysis when appropriately applied helps identify who in Pennsylvania lacks sufficient access to outdoor recreational opportunities. The results provide a core component of the pending new edition of the Commonwealth's Statewide Comprehensive Outdoor Recreation Plan.

## Finding Land Trusts, Watershed Associations, EACs, and Trail Groups

PALTA expanded, refreshed, and refined the content supporting the [Group Finder](#) page at [ConservationTools.org](#). The page serves as a gateway for finding more than 500 organizations across Pennsylvania, identifying their service areas, and conducting geospatial analysis of how their service areas intersect with other service areas, watersheds, legislative districts, etc.



The improvements included a new, basic [tool for finding trail groups](#) across Pennsylvania. The tool's purpose is to help people connect with trail groups (as contrasted with sites designed to help the public find trails to use).

## New Dataset: Stream Order

The National Hydrography Dataset (NHD) is a nationwide, high resolution model of streams. PALTA expanded Pennsylvania's portion of the NHD by adding Strahler stream order as an attribute. The new streams dataset includes unique identifiers for streams to allow joins with other stream datasets built off the NHD, such as the PA DEP's attaining and non-attaining streams. The new dataset is available for download by visiting [pasda.psu.edu](#) and selecting "Pennsylvania Land Trust Association" under "Search by Data Provider."

## Making News and Information Easily Accessible

### PALTA Websites Deliver the News Every Weekday

With updates made every weekday, PALTA's [ConserveLand.org](#) and [GreenwaysAndTrails.org](#) continued to be the places to go to find land conservation and trail news respectively in Pennsylvania.

### E-Newsletters

The frequency and timing of PALTA's e-newsletters, which each reach 2,500 to 3,000 people, varies, governed primarily by the rate at which PALTA staff identify or develop items worth reporting.

PALTA's *ConserveLand Updates* report on matters impacting conservation statewide.



PALTA's *Pennsylvania Greenway & Trail News* reports what's happening regarding greenways and trails in Pennsylvania.

PALTA's *Project & People News* reports on land conservation projects and the people working and volunteering in conservation.



### Social Media

PALTA continued posting regularly on social media, sharing conservation-related news and resources while steadily growing the size of its audience on Facebook, Twitter, and Instagram. At the end of 2019, PALTA had roughly 4,600 followers across the three platforms, a 31% increase over the prior year.

## Recognizing and Promoting Conservation Excellence

### Lifetime Leadership Award

PALTA presented its [16<sup>th</sup> Lifetime Conservation Leadership Award](#) to **Troy Firth**, the founder of the Foundation for Sustainable Forests and leader in sustainable forestry.



### Government Leadership Award

PALTA presented its [2019 Government Conservation Leadership Award](#) to **Stroud Township, Monroe County**.

## Protecting \$78 Million in Environmental Investments!

In 2019, PALTA successfully led Growing Greener Coalition efforts to push back proposals in Harrisburg to slash \$78 million from state investments in open space protection and other environmental projects. The hard work and tenacity of PALTA and its allies over many months resulted in the elimination and reversal of the cuts before year's end. The impact of the successful campaign is huge. Harrisburg will inject \$78 million more into projects that conserve land, protect water, and achieve other environmental benefits than otherwise would have occurred in the absence of PALTA-led efforts.

## Laying the Foundation for Better Public Policy

### Outreach to Public Officials

As part of its ongoing, proactive outreach—*above and beyond lobbying for specific legislative actions*—PALTA staff held several dozen meetings with legislators in 2019 to educate them generally on land conservation and the work of land trusts.

PALTA thanks conservation leaders who took the time to meet with their local legislators, either in their districts or with PALTA staff in Harrisburg. Helping policy

makers understand conservation matters and the people advocating for conservation greatly improves the likelihood that, when a legislative issue arises, they will pay attention to the concerns and requests of conservationists when making decisions.

## Growing Greener Coalition

In mid-2018, PALTA took on the responsibility of managing a reboot of the Growing Greener Coalition. The reboot, which was completed in 2019, included a thorough reworking of the coalition's structure, composition, principles, and operating rules, as well as its strategies and



approaches to increasing state conservation investments. The mission of the renewed coalition, which is looking at a multi-year campaign for boosting state conservation investment as it addresses current threats and opportunities to state investments is:

to ensure the health, prosperity, and security of people everywhere in the Commonwealth by advocating for public investment in cost-effective, nature-based solutions for safeguarding our drinking water, cleaning up our rivers and streams, and reducing flooding; conserving the lands necessary for protecting wildlife, sustaining farm economies, and supporting other community needs; and providing for outdoor recreation.

## Charitable Conservation Easement Program Integrity Act

The [Express-Times \(lehighvalleylive.com\)](http://lehighvalleylive.com) published a PALTA op-ed in November that advocates for preventing investors from excessively profiting off the tax code and potentially defrauding the U.S. when investing in conservation projects that use conservation easements. The *Citizens' Voice* (Wilkes-Barre) published [a slightly different version](#) of this piece as a letter to the editor.

## Leadership and Advisory Roles

PALTA staff partnered with others and advanced conservation issues of shared interest by serving on leadership and advisory bodies ranging from the national Land Trust Leadership Council to the State Outdoor Recreation Plan Advisory Committee and Governor's Green Ribbon Task Force on Forest Products, Conservation and Jobs.

## Other Outreach

During 2019, PALTA engaged in a multitude of outreach and education efforts to promote conservation—from displaying banners highlighting the numerous benefits of the Keystone Recreation, Park and Conservation Fund at the Capitol to developing editorial cartoons. An example of the latter closes out this report. Happy new year!

