Advocating for Legislation to Support Conservation

Following an intense campaign by the Pennsylvania Land Trust Association and allies, Governor Tom Wolf signed HB 2468 into law as Act 45 of 2018 on June 24. The act creates a crucial conservation safeguard: school districts, county and local municipal governments, and utilities (excepting projects involving federal review) must now convince the county orphans’ court that there is no reasonable and prudent alternative
before taking a conservation easement. The act establishes Pennsylvania as the nation’s leader in protecting conservation easements from the irresponsible exercise of eminent domain.

PALTA delivered several core messages during the campaign:

- Respect the generous acts of civic-minded and generous donors.
- Uphold a conservative tool for conservation—a non-regulatory, property-rights-based tool that keeps land in private ownership.
- Adopt a fair and balanced approach. The legislation doesn’t block eminent domain if a reasonable and prudent alternative isn’t available.
- Don’t upend people’s expectations that their beloved conserved places are there for the long run.
- Especially given Pennsylvanians’ constitutional rights to the preservation of the environment, it’s only reasonable that governments should look for alternatives to taking easements established pursuant to public policy.

The Cumberland Valley School Board and the Lower Merion School District both subsequently dropped their pursuit of conserved properties. Read more at https://conserveland.org/blog/pennsylvania-general-assembly-protects-conservation-easements-from-irresponsible-exercise-of-eminent-domain/

PALTA thanks PA Representatives Marcy Toepel, Warren Kampf, and Kate Harper for their legislative leadership in bringing this new protection into law.

Protecting Those Who Open Their Land to the Public

The Pennsylvania Land Trust Association worked for a dozen years to protect land trusts, trail groups, local governments, and other landowners that open their land to the public from personal injury claims. After first thoroughly analyzing the state’s liability protections and identifying deficiencies in 2006, the Association worked continuously to redress the problems, testifying before committees of the General Assembly, writing letters, and making legislative visits.

These efforts culminated on October 24, 2018, when Governor Wolf signed Act 98 into law. Act 98 amends the Pennsylvania Recreation Use of Land and Water Act (RULWA) to better protect from liability those who open their properties to the public for recreation. Improvements to the law include:

1. Explicitly listing paths, paved and unpaved trails, fishing and boating structures, hunting blinds, parking, and other infrastructure associated with outdoor recreation as areas to which the liability protections of RULWA apply.
2. Clarifying the law to include within the meaning of recreation “exercise, sport, education, recreation, relaxation or pleasure.”
3. Enabling landowners to collect certain contributions—voluntary ones, in-kind (e.g., receiving a portion of deer meat hunted on the property), and those used exclusively to cover property taxes or liability insurance)—without losing liability protections.

(In 2019, the Association is updating its guides in the Managing Liability section of ConservationTools.org to reflect this change in Pennsylvania law.)
Defending Conservation in the Courts

The Pennsylvania Land Trust Association provides general guidance to organizations facing litigation and files *amicus curiae* briefs in court cases with broad implications for conservation.

In October 2018, PALTA submitted an *amicus curiae* brief in *French & Pickering Creeks v. Naylor*. The brief addresses the question of who should be responsible for interpreting whether a violation of a conservation easement has occurred. PALTA seeks to clarify that it is the easement holder who should interpret the easement document—not the landowner. The latter would amount to the fox guarding the henhouse! This isn’t so much an issue for easements established using the *Model Grant of Conservation Easement and Declaration of Covenants*, which explicitly provides the holder the right and duty of interpretation, but, if the court finds for the landowner, this could be a problem for easements based on other forms.

Thanks go to Steve Schiffman, Esq. for volunteering his time and energy to research the litigation as well as PennFuture and George Jugovic, Esq. for their assistance.

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 2018 to educate them generally on land conservation and the work of land trusts.

PALTA thanks land trust 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 land trusts and the Association when making decisions.

Growing Greener Coalition

In mid-2018, PALTA took on the responsibility of managing a reboot of the Growing Greener Coalition, which includes 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 rebooted coalition, which is completing a strategic planning process in 2019 even as it addresses current threats and opportunities to state conservation 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.
Triennial Review of Water Quality Standards
As part of the state’s Triennial Review of Water Quality Standards, the Pennsylvania Land Trust Association researched and analyzed the issues and submitted comments regarding the consideration of conservation easements in stream redesignations. Particular thanks go to Kelly Germann of Tinicum Conservancy for sharing her insights as PALTA prepared the comments. You can see the comments at https://conservationadvocate.org/2018/03/07/palta-comments-on-triennial-review-of-water-quality-standards/ or at the state’s website.

Leadership and Advisory Roles
PALTA staff partnered with others and helped advance conservation issues of shared interest by serving on a variety of 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.

Building New and Improved Tools for Conservation
In 2018, the Pennsylvania Land Trust Association introduced a new model legal document (the nationally groundbreaking Model Declaration of Public Trust), published major new editions of three existing models, and updated the commentary and formatting of another (the Model Stewardship Funding Covenant).

Model Declaration of Public Trust
After months of public review and a final round of editing, PALTA published the first edition of the Model Declaration of Public Trust with Commentary Including an Optional Grant of Conservation Easement to help local governments formally dedicate lands to public purposes including providing public access for outdoor recreation and providing open space benefits.

After being briefed at LTA’s Conservation Defense Network at Rally, a number of participants expressed their enthusiasm for the approach and their intent to explore whether a similar tool might work in their states.

Model Trail Easement Documents
Upon completion of multiple revision and public review cycles, the PALTA published new editions of its long and short-form trail easement model documents:

- the Model Trail Easement Agreement with Commentary—an expansive easement instrument that details many issues to avoid potential misunderstandings
- the Model Grant of Trail Easement with Commentary—a one-page easement instrument for use where brevity is a paramount concern

In addition to a variety of improvements to the models, both commentaries were greatly expanded—54% and 41% expansions respectively. The models were last improved in 2010.

PALTA is the nation’s leader in providing trail easement guidance.
Model Consent, Non-Disturbance, and Subordination Agreement, 2nd edition

Originally entitled “Model Mortgage Subordination,” the Model Consent, Non-Disturbance, and Subordination Agreement with Commentary was substantially revised to address developments in tax law and make the tool:

- easily adaptable for projects not involving tax deductions; and
- readily usable for trail and other access easement acquisitions.

The latter changes are especially significant in that the needs of transactions not involving tax deductions, which may not require subordination, had largely been ignored in conservation forums. Likewise for trail and other types of easement transactions.

The model wasn’t scheduled for an overhaul in 2018, but the Rose Hill court ruling made an update imperative. The first edition was published in 2011.

Creating New and Improved Guides

PALTA Publishes 8 New Guides

PALTA published eight new guides in 2018. A brief description of each is provided below along with brief notes in italics.

Social Media Basics for Conservation Organizations

Organizations can enhance and expand their conservation impact by using social media to engage new and existing supporters.

This guide helps those who have not immersed themselves in today’s social media platforms and those looking for guidance in maximizing the utility of social media for their organizations.

Crowdfunding for Land Trusts

Crowdfunding is a web-based fundraising technique that can generate many small donations in support of an endeavor.

In addition to introducing a poorly understood fundraising technique, the guide reviews the experiences of three land trusts.
**Costs of Owning and Operating Preserves**
The costs incurred by a land trust in owning and operating a preserve vary greatly depending on the land trust’s plans for and activities on the land.

*This brief guide was created in response to a land trust inquiry.*

**Investment Guidance for Land Trusts**
Investments can be an important part of a land trust’s financial sustainability. Each section of this brief guide concludes with hyperlinks to useful guidance and articles.

*This brief guide was created in response to land trust inquiries on the topic.*

**Donation of Stock and Other Securities**
For both donors and donees, the donation of stock and other marketable securities can be more advantageous than a cash donation.

*This guide was developed to make more people aware of a relatively simple way for donors to increase their charitable giving at no additional cost to themselves.*

**Tax Deductibility of Conservation Easement Donations**
Some donations of conservation easements qualify for a federal income tax deduction; others do not.

**Endowments and More**
Endowments and quasi-endowments help organizations establish long-term financial stability. This guide explains the basics; provides links to resources that address creating, managing, and fundraising for these funds; and describes the practices of 10 land trusts.

*This guide grew out of a request by a land trust for assistance on the subject.*

**Optimizing Direct-Mail Fundraising Appeals: Letters, Envelopes, Follow-Up, and Digital Integration**
A collection of links to resources that can help organizations large and small raise more money from their appeal letters.

*Staff saw that many land trusts (and other organizations) could benefit from an easily navigable and comprehensible gateway to information available elsewhere on the web.*

**Six Guides Refreshed**
Of equal importance to developing new material is ensuring that PALTA’s growing body of guidance doesn’t grow stale. In 2018, PALTA refreshed six guides to improve readability and utility, address recent case law, and cover additional topics. The titles of the refreshed guides are listed below:

- Stewardship Funding Arrangements: Options for Financing the Obligations of Conservation Easement Holders
- Mortgage Subordination
- Donation Agreements
- Model Documents
- Conservation Easements: An Introduction for Private Landowners
- What Is a Land Trust?
Mapping

Comprehensive, Interactive Map of Protected Lands

PALTA launched the first-ever comprehensive, interactive GIS map of publicly and privately conserved lands in Pennsylvania. The map is accessible from the “Conserved Land” tile on the ConservationTools.org homepage. The map is already helping address various conservation-related planning and analysis needs and has inspired many individuals and organizations to share additional geographic information.

Group Finder

PALTA debuted the Group Finder page at ConservationTools.org. The page serves as a gateway for finding various types of organizations, identifying their service areas, and conducting geospatial analysis of how their service areas intersect with other service areas, watersheds, legislative districts, etc.

PALTA established comprehensive, interactive GIS maps of the service areas of land trusts, watershed associations, and environmental advisory councils.
Directly Assisting Organizations and People

One-on-One Assistance
During 2018, 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.

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 2018, PALTA made 15 grants totaling $86,825, providing land trusts the means to use best practices in their easement projects:

- 14 grants to complete new easement projects
- 1 grant to amend and restate older easement documents

Since 2004, CEAP has helped create 276 new easements protecting 23,079 acres in 35 counties. For these projects, landowners donated $53.8 million in easement value and land trusts secured $1.9 million for stewardship.

Fostering Peer Relationships

Environmental Advisory Councils
PALTA continued its management of the EAC Network to support Environmental Advisory Councils and those who seek to create new EACs. 2018’s activities included the production of the EAC Network Conference in Chester County.

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 hosted calls to discuss specific stewardship topics. The network developed a program for the 2018 Pennsylvania Land Conservation Conference that provided stewardship people the opportunity to discuss key topics and learn from others’ experiences.

Mentorship Program
PALTA continued its Conservation Professionals Mentorship Program (started in 2017) with three mentor-mentee pairs supported over the course of the year. People interested in mentoring or being mentored can reach out to nlotze@conserveland.org to facilitate connections at any time.
Connecting, Educating, and Inspiring People

Pennsylvania Land Conservation Conference

The Pennsylvania Land Trust Association’s annual Pennsylvania Land Conservation Conference is Pennsylvania’s premier training, networking, 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.

Quick facts about the April 12-14, 2018 conference in Chester County

473 individuals in total attended (a record high).
107 attended all three days (a record high)
171 were first-timers
53 attended as part of the EAC Network Conference (a record high).
The average participant attended for 1.7 days (a record high).
Attendees rated it a 4.6 out of 5 overall.
Instructors delivered 116.75 course hours in total.

Other PALTA Events, Courses, and Presentations

For the Trail, on the Trail

The Pennsylvania Land Trust Association again partnered with Penn Trails for this two-day training event, this time held September 14 – 15 at the Lancaster County Conservancy’s Climbers Run Nature Preserve. The 21 participants could pick sessions from two course tracks depending on their interests. Each session was rated a 4.0 out of 5 or higher by attendees.

Delaware River Watershed Land Protection Cooperative Group

PALTA led and facilitated four meetings of the Delaware River Watershed Land Protection Cooperative Group in 2018. The October meeting melded in the formerly freestanding DCNR SE Regional meeting.

Other Courses and Presentations

PALTA delivered courses and made presentations at a variety of events organized by others in 2018. These included the following:

- **Using Conservation Easements to Protect Local Lands.** Webinar for municipal officials delivered at the request of the Pennsylvania State Association of Township Supervisors.

- **Nailing Down Conservation Commitments: 12 Crucial Tools and Variations.** The 57 attendees of this four-hour Rally seminar gave the instructors scores of 4.95, 4.98, and 4.88 out of 5 for preparation, knowledge of the material, and helpfulness, respectively.

- **Smart Drafting to Reduce Cost; Maximize Enforceability.** Attendees rated this 90-minute Rally session a 4.56 out of 5.
• *Land Access Innovations Training.* Day-long session held in partnership with the National Young Farmers Coalition and others in Pittsburgh.

• *Easements: Securing Trail Corridors Without Owning the Land.* 75-minute workshop delivered at the Laurel Ridge Trail Summit.

• *Social Media Basics.* Hour-long workshop delivered at the September Get Outdoors PA Summit.

• *CNRAC.* Presentation on land conservation and PALTA delivered to the DCNR Citizens Conservation & Natural Resources Advisory Committee.

• *PA Recreation & Park Society Conference & Expo.* Co-presentation of a workshop on “How Permanent is Your Park?”

• *Pennsylvania Association of Environmental Educators annual conference.* PALTA exhibited and briefly presented.

• *New Jersey Land Conservation Rally.* PALTA exhibited on ConservationTools.org, and presented a workshop on “Tools to Firm Up Landowner Commitments.”

• *Keystone Coldwater Conference.* PALTA served on a plenary panel for a discussion entitled “Effective Advocacy for Coldwater Resource Conservation.”

• *Green Ribbon Task Force on Forests: Conservation Working Group.* PALTA presented and walked DCNR staff and other group members through PALTA’s *Model Grant of Conservation Easement and Declaration of Covenants,* reviewing key decision points and areas for customization to address conservation of working forests.

### Getting the Word Out

**Making News and Information Easily Accessible**

*ConserveLand.org and GreenwaysAndTrails.org Deliver the News Every Weekday*

With updates made every weekday, the PALTA’s *ConserveLand.org* continued to be the place to go to find out what’s new in conservation in Pennsylvania. PALTA’s *GreenwaysAndTrails.org* does the same for trails.

**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 2018, PALTA had roughly 3,500 followers across the three platforms.

**E-Newsletters**

Whenever there was news to report of significant new tools or issues impacting conservation statewide, PALTA issued its ConserveLand Update emails.
In 2018, the Pennsylvania Land Trust Association introduced two new e-newsletters to address news of interest not covered by the ConserveLand Updates:

- Pennsylvania Greenway & Trail News—a digest of greenway and trail news from PALTA’s GreenwaysAndTrails.org website; and
- Project & People News—a digest from PALTA’s ConserveLand.org—which reports exclusively on specific land conservation projects and the people working and volunteering in conservation.

In addition, PALTA communicated regarding public policy advocacy via its Conservation Advocate emails as well as in coordination with the Growing Greener Coalition.

PALTA’s email frequency varies, governed primarily by the rate at which PALTA staff identify or develop news items worth reporting.

Send Nate Lotze (nlotze@conserveland.org) your organization’s e-newsletters and news releases to get them shared through PALTA’s web, email, and social media communications channels.

**PA Land Trust Census**


In 2016 and 2017, land trusts conserved 22,000 more acres of Pennsylvania.

**ConservationTools.org**

PALTA upgraded the ConservationTools.org homepage, landing pages, and navigation, retaining much of the site’s classic look while modernizing various features. PALTA also upgraded site security, moving it to “https” as had previously been done for PALTA’s other sites.

**Promoting Outdoor Recreation**

Get Outdoors PA markets the outdoor recreation programs taking place across Pennsylvania to better connect people with the outdoors and public spaces. As
a flagship partner, PALTA advances GOPA efforts in a variety of ways, including with communications, strategic marketing efforts, and education.

To help people better understand trail opportunities and learn from the trail projects of others, PALTA writes and researches content, designs, and edits Pennsylvania’s annual Trail Report released through DCNR’s Trail Advisory Committee.

Keystone Recreation, Park and Conservation Fund

Keystone Fund grants have provided crucial support for the acquisition of 162,000 acres of green space, 3,700 community park projects, 650 trail projects, hundreds of state park and forest improvements, 720 historic preservation projects, and 390 library development projects. Ten percent of Keystone Funding is dedicated to land trust projects.

With the Keystone Fund turning 25 in 2018, PALTA was more active than ever before in informing people of Keystone and its benefits. This educational work helps set the stage for another quarter century of Keystone success. PALTA’s efforts included:

- Expanding the stories of Keystone Fund-supported projects at KeystoneFund.org.
- Launching a comprehensive, geospatial database of Keystone Fund grant-supported projects, again at KeystoneFund.org.
- Developing eight stand-up banners to educate on the Keystone Recreation, Park and Conservation Fund. The banners were placed at various locations and events during the year.
Recognizing and Promoting Conservation Excellence

Lifetime Leadership Award
PALTA presented its 15th Lifetime Conservation Leadership Award to D. Andrew “Andy” Pitz. The award honors individuals for their decades of dedication and leadership in conserving Pennsylvania’s special places and landscapes. For more information, see https://conserveland.org/blog/andy-pitz-receives-lifetime-conservation-leadership-award/.

Government Leadership Award
PALTA presented its 2018 Government Conservation Leadership Award to Springfield Township, Bucks County. The award honors municipalities and counties that have demonstrated leadership in conserving their special places and landscapes. For more information, see https://conserveland.org/blog/springfield-township-receives-government-conservation-leadership-award/.

The Pennsylvania Land Trust Association is both effective and efficient.

$9 out of every $10 are spent on technical assistance, research, education, training, advocacy, and other programmatic work.

Only 10% of revenue is spent on management and fundraising.

The Association’s audited financial statements are available upon request.
PALTA’s Mission
The Pennsylvania Land Trust Association helps people conserve the lands needed for healthy, prosperous, and secure communities—the forests, farms, parks, urban gardens, and other green places that safeguard our drinking water, prevent flooding, protect wildlife, provide recreational and economic opportunities, and preserve scenic beauty and community treasures. The Association accomplishes this by helping nonprofits and local governments improve their effectiveness and efficiency in acquiring and stewarding land and easements, advancing sustainable land use practices, and connecting people to the outdoors; the Association also fosters public understanding of conservation, advocates for sound governmental policy, and leads state and national endeavors to achieve far-reaching advancements in conservation.

PALTA’s Strategies
Build tools that facilitate the pursuit of excellence in the accomplishment of effective and efficient conservation acquisitions, land stewardship, land use planning, and organizational operations.

Train, deliver technical assistance, and foster stronger communications and relationships to empower and inspire people to achieve more in their conservation work.

Change and improve the systems in which conservationists operate to achieve better conservation outcomes and keep conservation and land trusts vital in a changing world.

Advocate for better public policies impacting land conservation and water resource protection.

PALTA’s Strategic Plan
The Pennsylvania Land Trust Association’s strategic plan is available at ConserveLand.org.

PALTA’s Websites
ConserveLand.org  ConservationTools.org
GreenwaysAndTrails.org  EACnetwork.org  KeystoneFund.org  GrowingGreener.info
ConservationAdvocate.org  GetOutdoorsPA.org  PAlandchoices.org
Pennsylvania Land Trust Association

Board of Directors
Reneé Carey, president
Kim Murphy, vice president
John Conner, treasurer
Tom Saunders, secretary
Chris Beichner
Ellen Ferretti
Jeffrey Marshall (thru June)
Karen Martynick
Molly Morrison
D. Andrew Pitz
Steven Schiffman
Kyle Shenk
Phillip Wenger

Staff
Andrew M. Loza
executive director
Nicole D. Faraguna
dir. of outreach & education
Carolyn Grayshaw
project & office coordinator
Nate Lotze
communications specialist
Joshua VanBrakle
gis specialist

Policy Advisory Committee*
Kevin Abbey
George Asimos
Oliver Bass
Cynthia Carrow
Brenda Costa
Jim Engel
Jim Finley
Bill Gladden
Brian Gallagher
John Goodall
Kathie Gonick
Dawn Gorham
Sean Kenny
Kristine Kern
Chris Kocher
Jeff Marshall
Deb Nardone
Pat Pregmon
Ron Ramsey
Diane Rosencrance
Jeff Swinehart
Sally Zaino
* at-large members as of 12/31/18

Voting Member Organizations
French and Pickering Creeks Conservation Trust
French Creek Valley Conservancy
Glade Run Lake Conservancy
Hawk Mountain Sanctuary Association
Heritage Conservancy
Hollow Oak Land Trust
Independence Conservancy
Lacawac Sanctuary Foundation
Lackawanna Valley Conservancy
Lancaster County Conservancy
Lancaster Farmland Trust
Land Conservancy for Southern Chester County
Land Conservancy of Adams County
Land Trust of Bucks County
Lebanon Valley Conservancy
London Britain Land Trust
Lower Merion Conservancy
Manada Conservancy
Merrill Linn Land & Waterways Conservancy
Mid-Atlantic Karst Conservancy
Mokoma Conservancy
Montour Trail Council
Natural Lands
The Nature Conservancy
Neighborhood Gardens Trust
North American Land Trust
North Branch Land Trust
Northcentral Pennsylvania Conservancy
Open Land Conservancy of Chester County
Pennbury Land Trust
Pennsylvania Recreation & Park Society
Pennypack Ecological Restoration Trust
Pine Creek Land Conservation Trust
Pine Creek Valley Watershed Association
Pocono Heritage Land Trust
The Radnor Conservancy
Regional Trail Corporation
Schuylkill County Conservancy
Schuylkill River Greenways National Heritage Area
Somerset County Conservancy
Tinicum Conservancy
The Wallace Trust
Western Pennsylvania Conservancy
Westmoreland Conservancy
Westmoreland Land Trust
West Pikeland Land Trust
Wild Waterways Conservancy Inc.
Wildlands Conservancy
Willistown Conservation Trust
Wissahickon Valley Watershed Association
The board of directors and staff of the Pennsylvania Land Trust Association thank PALTA’s member organizations, individual contributors, and other supporters for making the Association’s work possible. Your support is appreciated and vital to PALTA’s continued success.

This report describes some of last year’s successes.

You can contribute to a successful 2019 today by calling your state senator and representative and urging them to greatly boost state investments in protecting water, conserving land, and improving communities.

For more information, see PaGrowingGreener.org.