

Pennsylvania Land Trust Association

Program Report 2016

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Advocating for Public Lands

PALTA keeps the “Public” in Public Parks

Government holds parks in trust for the public—not to use in whatever way politics, financial expediency, or whims dictate. We expect our parks to remain parks. This expectation is embodied in the Pennsylvania Constitution—in Article 1, Pennsylvania’s “Declaration of Rights,” akin to the U.S. Constitution’s Bill of Rights). Section 27’s latter two sentences state:

Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

PALTA seeks to uphold this core constitutional right, defending Pennsylvania parks both in the legislative process and the courts. 2016 saw substantial action on both of these fronts.

Amicus Curiae Brief for the Supreme Court

PALTA submitted on May 30 an *amicus curiae* brief for the Downingtown/Kardon Park litigation before the Pennsylvania Supreme Court. PALTA’s focus was not on the local dispute but rather on the large consequences the court ruling could have for public lands statewide.

Kurt Leitlholz, with assistance from George Jugovic, both attorneys with PennFuture, prepared the brief on PALTA’s behalf and at PALTA’s direction. The brief makes a compelling case for the safeguarding of our parklands and could prove pivotal in the court’s future treatment of environmental and public trust matters.

The brief is available at ConservationAdvocate.org. The Supreme Court’s decision is expected sometime in 2017.

(In 2009 and 2014, PALTA prepared *amicus curiae* briefs for the Erie Golf Course (PA Supreme Court) and the Downingtown (Commonwealth Court) cases, respectively, likewise with the goal of safeguarding public lands conserved in the public trust.)

Stopping Bill that Promoted Intensive Park Development

On June 28, 2016, the House voted 123 to 77 to defeat [House Bill 2013](#), which would have created a slippery slope for capital-intensive private development of Pennsylvania State Parks.

PALTA lobbied House members to oppose the bill in an uphill but ultimately successful effort. Excerpts from PALTA communications include:

Pennsylvania's land trusts, having donated or bargain-sold numerous parcels of land to the Commonwealth for the creation and expansion of State Parks, want the state to build on its award-winning track record of responsibly managing the State Park system. ...

If the bill called on DCNR to undertake a study of the needs of Pennsylvanians and how the state might better meet those needs considering the experiences of other states, then that would make sense as a way to boost focus on the issues. However, the bill doesn't do this; instead, it pursues a narrow agenda of promoting "hotels, inns, restaurants, amusement or water parks, outdoor sports facilities, golf courses," etc. ...

The bill's call for office buildings is not consistent with the Commonwealth's constitutional obligation to act as trustee of the Park. ...

Finally, this bill places the public sector in direct competition with the private sector, which already manages more than 100 resorts in the state. There is no reason that the public sector needs to play favorites—to provide select private entities with public lands for their development pursuits, public lands that other private entities have not needed to establish successful ventures—especially with so many quality private recreational facilities here in Pennsylvania. ...

The bill's co-sponsorship memo describes the bill as allowing DCNR "to enter in public-private partnerships to provide additional recreational activities in Pennsylvania state parks." All well and good, except **DCNR already responsibly pursues public-private partnerships, having 138 private concessionaires and working with more than 50 volunteer-based friends groups.** ...

Getting a Foot in the Door

PALTA Publishes Two New Legal Models

Model Grant of Right of First Offer

PALTA published the [Model Grant of Right of First Offer with Commentary](#). A draft released for public review in 2015 was revised and expanded for this first edition. The model provides a tool for a conservation organization to document a landowner commitment to turn first to that organization before looking elsewhere for a purchaser.

The holder of a right of first offer has the opportunity to purchase land at the landowners' asking price before any other prospective purchasers have an opportunity.

Model Grant of Right of First Refusal

PALTA also published the [Model Grant of Right of First Refusal with Commentary](#). A draft released for public review in 2015 was revised and expanded for this first edition.

If an owner intends to accept an offer for the purchase of his or her land, the holder of a right of first refusal has the opportunity to purchase the land at the price and terms offered by the prospective buyer. If the holder of the right declines to purchase on those exact terms, the owner is then free to sell to the prospective buyer.

Incorporating Science into Land Use Planning PALTA Improves Model Regulations to Protect Riparian Buffers

PALTA, in partnership with the Brandywine Conservancy, published the 2nd edition of the *Model Riparian Buffer Protection Overlay District: Proposed Regulations for Use in a Municipal Zoning Ordinance*. The model provides government officials with a tool they can adapt and adopt to achieve water quality and other health and safety goals in their locales.

Several townships in the Commonwealth previously incorporated into their land use ordinances all or part of the original model (published in 2014). These efforts helped inspire the various changes and improvements made for the second edition, including the addition of annotations and suggestions for alternative approaches.

The model is accompanied by a 5-page letter from Fronefield Crawford, Jr., attorney at law, attesting to the model's legal defensibility and reasonableness vis-à-vis private property rights:

In my opinion, subject to individual tailoring of the model ordinance for compatibility with the existing zoning regulations of a particular municipality, the model ordinance is a strong and technically defensible regulation (as needed, given the importance of riparian buffers to stream quality) and not unreasonably restrictive of private property rights.

Advancing Excellence in Easement Preparation PALTA Publishes 7th edition of Model Conservation Easement

The Pennsylvania Land Trust Association published the 7th edition of the [*Model Grant of Conservation Easement and Declaration of Covenants*](#) on December 1, 2016, five years after publication of the 6th edition. This was no small effort! With a large established user base, it was more important than ever to seek input and affirmation from users in making changes.

The model benefits from more real-world testing, user scrutiny, and cycles of peer review than any other easement document in the country. The [7th edition](#) takes advantage of the experiences and lessons learned by land trusts, governments, and landowners in the five years of regular use of the sixth edition.

Publication was the culmination of a year-and-a-half process involving multiple public listening sessions, a half dozen drafts posted for public review, and loads of internal discussions, writing, and editing. Thanks go to all who provided comments and contributed to building a stronger, more adaptable, and easier-to-read-and-use document.

The revised model, while quite consistent with previous editions, features a good number of improvements, which are documented at [ConservationTools.org](#) and highlighted at <http://conserveland.org/blog/palta-publishes-7th-edition-of-model-grant-of-conservation-easement-and-declaration-of-covenants/>.

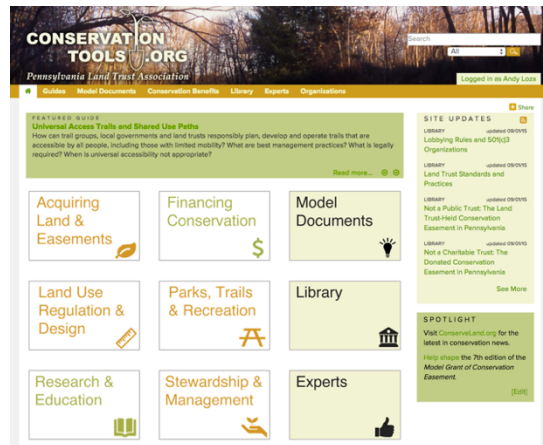
The commentary is substantially upgraded for the [7th edition](#), including a 42% expansion of the explanatory material and optional provisions.

DCNR has approved use of the 7th edition for DCNR-funded projects. Also, at PALTA’s request, the Land Trust Accreditation Commission reviewed an advanced draft of the new edition to ensure that any Commission concerns were addressed prior to land trusts using the model.

Providing Easily Accessible Guidance

ConservationTools.org Refreshes and Expands Offerings

[ConservationTools.org](#) helps local governments, land trusts, trail groups, and others easily identify and access practical land conservation, land use planning, outdoor recreation, and other guidance. It has become Pennsylvania’s central repository and gateway for such information. Much of the content is unique—specifically researched and developed to fill knowledge gaps identified by users.



Sign Gallery

In 2016, PALTA added a new feature to ConservationTools.org: the [Sign Gallery](#), a collection of signs to serve as inspiration for people planning and designing signs.

The gallery includes: preserve welcome signs; signs denoting properties protected by conservation easements; interpretive and educational signs; signposts, waymarks, and trail signs providing accessibility information; and boundary signs.

To continually update and freshen this new resource, PALTA encourages people to post photos of their signs at the gallery.



Updates

PALTA updated several offerings at the site:

- PALTA updated its guide [Realty Transfer Tax: Exclusions for Conservation-Related Transactions in Pennsylvania](#) to address the substantial changes made in Pennsylvania transfer tax law in 2016. Many conservation-related property transactions are excluded from having to pay state and local realty transfer taxes in Pennsylvania. PALTA’s guide explains which ones are and which ones aren’t and how to take advantage of the exclusions.

- PALTA refreshed its [Guide to the Conservation and Preservation Easements Act: Pennsylvania Act 29 of 2001](#). The guide, originally published in 2001, was the first technical guidance prepared by PALTA.
- PALTA updated the guide [Pennsylvania Land Choices](#) to reflect changes in the Pennsylvania Bureau of State Parks' program in the past seven years.

Directly Assisting Organizations and Projects

One-on-One Assistance

PALTA staff helped dozens of organizations with their questions and problems via telephone and email as well as in person in 2016. 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. PALTA made 28 grants totaling \$112,587.69 in 2016 to provide organizations the means to use best practices in their easement projects. The projects included:

- 15 grants to complete new easement projects
- 4 grants to amend and restate older easement documents
- 9 grants to establish or improve baseline documentation.

Since 2004, CEAP has helped create 232 new easements protecting 20,110 acres in 35 counties. For these projects, landowners donated \$47.2 million in easement value and land trusts secured \$1.54 million for stewardship.

Technical Assistance Grant

PALTA provided a \$2,000 grant to the Chestnut Hill Conservancy to help the organization conduct an organizational assessment in advance of seeking renewal of its accreditation with the Land Trust Accreditation Commission.

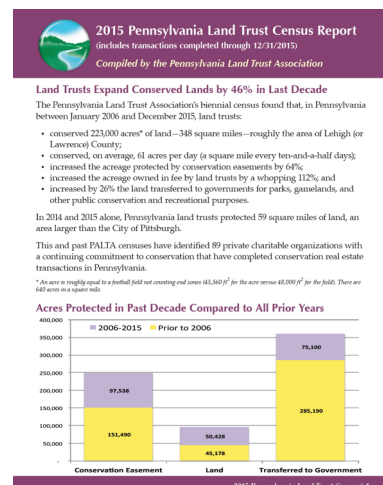
Communicating Conservation PALTA Makes News and Information Accessible

PA Land Trust Census Report

PALTA published its biennial PA land trust census report. It's available at http://conserveland.org/wp-content/uploads/2016/06/censusrpt_FINALweb.pdf.

Among the findings:

- 32% of all land conservation ever accomplished by Pennsylvania land trusts occurred in just the past decade—223,000 of 705,000 acres.



- In 2014 and 2015, Pennsylvania land trusts conserved 59 square miles of land, an area larger than the City of Pittsburgh.

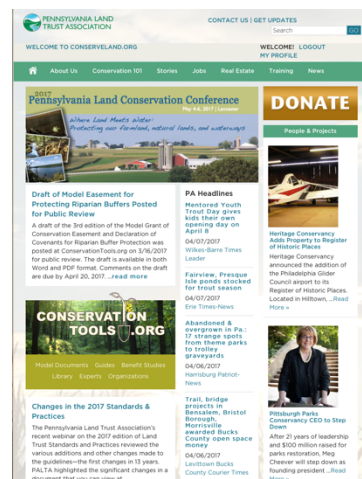
Keystone Recreation, Park and Conservation Fund

PALTA recruited 26 individuals from across the Commonwealth to tell, *in their own words*, stories about projects supported by Pennsylvania’s Keystone Recreation, Park and Conservation Fund. Rather than stories written by PALTA staff, these stories are written by people who experience the benefits of Keystone-funded projects in their communities during their everyday lives. PALTA is using these stories by educators, hikers, cyclists, dog walkers, parents, and others to tell the human story of conservation and the Keystone Fund.

PALTA also prepared the article, “Key Investments Make a Difference: Safeguarding Conservation and Recreation Funding,” for *Pennsylvania Recreation & Parks*.

ConserveLand.org Delivers the Latest News

ConserveLand.org continued its presentation of land conservation community news and announcements, conservation news headlines from around the state updated each weekday, conservation job openings, and more.



ConserveLand Updates

When there was significant news, tools, or issues impacting conservation to report (every week or two usually), PALTA emailed ConserveLand Updates. Target audiences include nonprofit leaders, staff, and volunteers, as well as those advancing conservation and good land use for local government.

Trail Annual Report

PALTA completed DCNR’s Annual Trails Report, which can be found at http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031736.pdf.

Connecting, Educating, and Inspiring People

Pennsylvania Land Conservation Conference

The 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 May 19-21, 2016 conference in Centre County
 Attendees rated it a 4.6 out of 5.
 Instructors delivered 100 course hours.
 360 attended.

Peer Networks

Land Stewardship Network

PALTA facilitated its Land Stewardship Network—a peer group of land trust staff and volunteers involved in land stewardship and organized—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 half-day program for the 2016 Pennsylvania Land Conservation Conference that provided stewardship people the opportunity to discuss key topics and learn from others' experiences.

Environmental Advisory Councils

PALTA completed its third year of management of the *EAC Network*. PALTA manages the EAC Network as a peer-to-peer operation, for example, facilitating EAC communications via an online discussion group. PALTA aims to provide meaningful support to Environmental Advisory Councils and those who seek to create new EACs within the constraint of limited funder interest in subsidizing the network.



Seminars, Roundtables, and Forums

PALTA organizes events both proactively and in response to expressed needs and requests. Anyone can suggest a program for a particular region.

Direct Mail for Non-Profits Seminars

PALTA held two seminars on direct mail strategies for land trusts, one at the Western Pennsylvania Conservancy's main office in Pittsburgh on September 7 and the other at the Heritage Conservancy's Aldie Mansion in Doylestown on September 8. Attendees rated their overall impression of the course as a 4.8 out of 5 at each of the events.

Trail Bed & Tread Workshop

This two-day trail workshop, held on April 18-19, drilled deep into trail bed and tread planning, layout, and construction for natural surface trails. The workshop included classroom instruction, field demonstration, and hands-on experience. PALTA held the training in partnership with Sewickley Heights Borough, which hosted the session at its Fern Hollow Nature Center. The attendees rated the event a 4.4 (out of 5).

Trail Management and Signage

PALTA held a seminar on "Trail Management and Signage" in Pittsburgh on March 15 with the Western Pennsylvania Conservancy hosting. The 32 attendees had an overall impression of the seminar of 4.1 (out of 5) and a 4.7 of the instructor.

Presentations at Events Organized by Others

PALTA staff also presented and co-presented webinars, workshops, and other programs at a variety of events organized by others (with or without co-hosting by PALTA). Examples:

- Co-presenting a half-day seminar at Rally: "Drafting Easement Documents to Minimize Stewardship Pain: 21 Crucial Decisions." The 57 attendees of the sold-out session gave it an overall score of 4.4 out of 5.

- Co-presenting at Rally the 90-minute workshop “Land Trust Standards and Practices 2017: What’s New?” (rated a 4.5 out of 5) and other shorter sessions on Standards and Practices.
- Presenting on the *Model Grant of Conservation Easement and Declaration of Covenants* and moderating a session on forest stewardship and water resource protection at the Delaware River Watershed Forum.
- Leading a workshop at the New Jersey Rally on Standards and Practices.
- Presenting on “Land Conservation in Pennsylvania” to the Lewisburg Rotary.

Recognizing and Promoting Conservation Excellence Conservation Leadership Awards

Lifetime Leadership Award

The *Lifetime Conservation Leadership Award* honors individuals for their decades of dedication and leadership in conserving Pennsylvania's special places and landscapes. It also serves to inspire others to seize the conservation opportunities that lie before them. Each year, PALTA solicits nominations from across the Commonwealth and the awards committee reviews the submissions. In 2016, the committee selected **John Oliver**, former president of the Western Pennsylvania Conservancy and the first secretary of DCNR, as the 13th individual to receive the award. The award was presented at the Pennsylvania Land Conservation Conference. Thanks go to committee members Oliver Bass, Cynthia Carrow, Jim Engel, Debra Wolf Goldstein, and Jeffrey Marshall for their time and effort in reviewing the nominations.



From left to right: Tom Saunders, Western PA Conservancy; PALTA Executive Director Andy Loza; John Oliver; René' Carey, Northcentral PA Conservancy; and PALTA President Jeff Marshall

Government Leadership Award

The *Government Conservation Leadership Award* honors municipalities and counties that have demonstrated leadership in conserving their special places and landscapes. The government awards committee selected **West Lampeter Township** (in Lancaster County) to receive the 2016 award, which was presented at the Pennsylvania Land Conservation Conference. Thanks go to committee members Drew Gilchrist of PA Department of Conservation and Natural Resources, Kris Kern of Heritage Conservancy, Roy Kraynyk of Allegheny Land Trust, Teddy Price of Brandywine Conservancy, Denny Puko of DCED, and Jeff Swinehart of Lancaster Farmland Trust for their time and effort in reviewing nominations.



From left to right: PALTA President Jeff Marshall; PALTA Executive Director Andy Loza; DeeDee McGuire, West Lampeter Township Manager; and Jeff Swinehart, Lancaster Farmland Trust

Land Trust Standards and Practices

During 2016, the Land Trust Alliance conducted a public review and comment process as part of its effort to revise the 2004 edition of *Land Trust Standards and Practices*. PALTA analyzed the various drafts, submitted comments, and encouraged land trusts to do likewise. PALTA executive director Andy Loza served on the 14-member Standards Advisory Team, which helped in collecting public feedback and deliberated at length on potential changes. More information is available at <http://conservationtools.org/guides/14>.

Leadership in Advancing Conservation Law

At its annual policy dinner, the Pennsylvania Land Trust Association recognized **Jay Layman** for his dedication to getting Pennsylvania's Conservation and Preservation Easements Act enacted. Layman, a lobbyist with Capital Associates, worked from 1989 to 2001 to convince the General Assembly to pass the legislation. The bill was an impetus for PALTA's creation and its passage a huge victory for PALTA and conservation. "Jay's unwavering commitment to the passage of a quality bill was crucial to our success," explained PALTA executive director Andy Loza. For information about how the Act supports conservation easements, see PALTA's [Guide to the Conservation and Preservation Easements Act: Pennsylvania Act 29 of 2001](#) at ConservationTools.org. For a brief history of the effort to establish the Act, see <http://conserveland.org/blog/celebrating-pas-conservation-and-preservation-easements-act/>.



Connecting People to the Outdoors and Conservation Get Outdoors PA

Get Outdoors PA markets the outdoor recreation programs taking place across Pennsylvania in order to connect people with outdoor recreation activities and increase their appreciation and active use of parks, forests, and public spaces.



PALTA co-administers GOPA with the PA Recreation & Park Society and coordinates with DCNR and other Flagship Partners. This involves diverse tasks: preparing outreach pieces, organizing summits for organizations providing outdoor programming, marketing, and more.

In 2016, PALTA led the development and distribution 37,000 Lyme Disease/Tick Awareness brochures. The brochure has been extremely popular, leading to a second printing.

PALTA led the planning of three Get Outdoors PA regional summits of outdoor programming providers. PALTA also helped coordinate the Southcentral PA Walking Summit involving stakeholders from conservation, recreation, health, and other organizations.

PALTA also managed the Pathfinder and Partner News emails which go out to Get Outdoors PA partners and stakeholders on a monthly basis.

Working for Better Public Policy Other PALTA Education and Advocacy Endeavors

PALTA staff engaged in a variety of public policy education and advocacy efforts in 2016. Activities included:

- introducing land conservation activities, benefits, and concerns to freshmen legislators and policy makers in leadership positions;
- researching public policy issues and possible legislative, regulatory, and executive actions;
- lobbying officials on specific bills.

Some of PALTA's activities are described in more detail below.

Delaware River Basin Conservation Act

PALTA joined many other organizations advocating for passage of the Delaware River Basin Conservation Act by the United States Senate and House.

Green Ribbon Task Force on Forests

PALTA served on the Governor's Green Ribbon Task Force on Forest Products, Conservation and Jobs. The task force's final report together with various supporting materials, can be found at:

<http://www.dcnr.state.pa.us/councils/Greenribbontaskforce/index.htm>

Key conservation recommendations of the Task Force's report include (1) the creation and funding of a forest conservation easement program and (2) the creation of a forest bank that would facilitate the tapping of carbon credits and other revenue sources in support of good forest management. (For the most part, we can't expect these or other report recommendations to be implemented without substantial investment of time and energy by those private parties most interested in the recommendations.)

Conservation Network

For a second year, PALTA organized and hosted meetings of the Pennsylvania Conservation Network in Harrisburg. Conservation Network meetings, which have a public policy focus, are open to representatives of Pennsylvania 501(c)3 and 501(c)4 organizations that seek to protect and improve Pennsylvania's environment. Such gatherings had occurred in the past but faded away a dozen years ago. PALTA and other organizations reconstituted the Conservation Network in 2015.

Ensuring Continuation of State Conservation Investments

PALTA continued to educate on the benefits of state conservation investments, including the Keystone Recreation, Park and Conservation Fund and Growing Greener, and worked with the Growing Greener Coalition to design proposals to renew Growing Greener.

Legislative Visits

As part of PALTA's ongoing, proactive outreach about the benefits of conservation, PALTA met with dozens of legislators and their staff over the course of 2016—bringing in local land trust leaders whenever possible. 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.

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 including the national Land Trust Leadership Council, the State Outdoor Recreation Plan Advisory Committee, Get Outdoors PA, committees of the Growing Greener Coalition, and the PA Recreation & Park Society governmental affairs committee.

The Pennsylvania Land Trust Association is both effective and efficient.

\$9 out of every \$10 are spent on technical assistance, education, training, policy development, and other program work.

The Association spends only 10% of revenue on management and fundraising.

The Association’s audited financial statements are available upon request.

Pennsylvania Land Trust Association 2016-17

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* at-large members
 as of 12/31/16

The board of directors and staff of the Pennsylvania Land Trust Association thank PALTA’s generous contributors for making the Association’s conservation work possible. Your support is appreciated and vital to PALTA’s continued success.



PENNSYLVANIA
LAND TRUST
ASSOCIATION

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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.

The Pennsylvania Land Trust Association's five-year strategic plan is available at ConserveLand.org.

Association Websites

ConserveLand.org ConservationTools.org ConservationAdvocate.org
EACnetwork.org KeystoneFund.org GrowingGreener.info GetOutdoorsPA.org PALandchoices.org