

PENNSYLVANIA LAND TRUST ASSOCIATION

**Conservation Easement
Assistance Program**

DESCRIPTION AND GUIDELINES

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INTRODUCTION

The Conservation Easement Assistance Program provides small grants to conservation organizations to help cover the costs of:

- Completing conservation and trail easement agreements
- Amending and restating older easements
- Establishing or updating baseline documentation
- Installing signs on eased properties.

The program seeks to:

- Increase the quantity of easements completed and special places protected; and
- Increase the quality and long-term viability of easements.

To accomplish this, the program requires that organizations do the job right and provides the financial means to do so.

The Program is administered by the Pennsylvania Land Trust Association (PALTA) and supported by grants from the Pennsylvania Department of Conservation and Natural Resources (DCNR) and the William Penn Foundation.

QUALIFY AN ORGANIZATION

To qualify for the program, organizations must first submit an organization qualification form. An organization must meet the following conditions:

- The organization is exempt from taxation pursuant to section 501 (c) (3) of the U.S. Internal Revenue Code of 1986.
- The organization is a charitable corporation whose stated purposes include acquiring conservation or (non-motorized) trail easements and protecting the natural, scenic, recreational or open space values of real property.
- The organization is registered with the Bureau of Charitable Organizations of the Pennsylvania Department of State. (Organizations not required to register with the Bureau must have a voluntary registration to qualify.)
- The organization's Board of Directors has adopted *Land Trust Standards and Practices* (published by the Land Trust Alliance and viewable at conserveland.org/lpr/category?lpr_category_id=34) and is striving to address any deficiencies as measured against Standards and Practices.

THE BASICS

Go to *conserveland.org*

Go to conserveland.org/ceap to reserve grant money, apply for a grant, check the status

of your application, and get program information.

Open Application Period

The program generally accepts applications at any time.

Note that while it has never happened, unanticipated demand could deplete program funds, causing the program to temporarily suspend grant making. You can check the availability of program funding by visiting the Conservation Easement Assistance Program area of *conserveland.org*.

Reimbursement Basis

Grants are made on a reimbursement basis. Grant monies are restricted to reimbursing the organization for expenses described in the application.

What Gets Funded?

Grant categories include the following:

- Completing conservation and trail easement agreements
- Amending and restating older easements
- Establishing or updating baseline documentation
- Installing signs on eased properties.

PALTA strives to fund all qualified projects (and historically has funded the vast majority of applications) but reserves the right to reject any project that it finds inadequate for whatever reason. Reasons for rejection include but are not limited to a poorly drafted easement, insufficient resources protected, inadequate stewardship funding or unacceptably high cost-benefit ratio. If a portion of a project is problematic, PALTA may choose to provide a partial grant.

GRANTS TO ACQUIRE A CONSERVATION OR TRAIL EASEMENT

Available Support

Up to \$6,000 per project.

Grant awards for easements not based on a PALTA model document are limited to \$3,000 for those recorded after 11/30/2007 and \$5,000 for those recorded prior to this date. Note that “based on” does not mean “identical to”. The PALTA models are published at conserveland.org/model_documents.

If two organizations are to co-hold an easement, they may receive a combined total of greater than \$6,000 for the project. (Contact PALTA to discuss.)

Project Expenses Eligible for Reimbursement

The program can reimburse expenses for the following types of expenses associated with an easement project:

- survey
- attorney
- title search and insurance
- baseline documentation
- environmental inspection
- appraisal
- professional fees related to the drafting of the easement
- settlement costs
- staff costs directly associated with the above activities.

Purchase price and stewardship endowment contributions are not eligible expenses.

Certification and Statement of Assurances

In applying for a grant the applicant must certify, represent and warrant to the Pennsylvania Land Trust Association (PALTA) that:

1. The information contained in the application and in any attachment is true and correct.
2. The applicant's governing body has authorized the acquisition of the easement.
3. An attorney drafted or reviewed the easement on behalf of and as counsel for the applicant.
4. The applicant investigated the property title to ensure that it has dealt with the legal landowners and to uncover any liens, mortgages or other encumbrances that could affect the easement. The applicant found the title to be satisfactory.
5. The applicant understands and agrees that the easement acquired with the assistance of this grant will not be amended or transferred without the written consent of the Pa. Department of Conservation and Natural Resources.
6. The applicant understands that while PALTA strives to support every worthy application, it reserves the right to reject any project for whatever reason.
7. The applicant will provide additional documentation to further substantiate its request if requested by PALTA for auditing or other purposes.
8. If the acquisition is a conservation easement in character (rather than a trail easement), the applicant must additionally certify, represent and warrant that the applicant has completed baseline documentation and believes that the easement is written to meet the standards for conservation easements under the Pennsylvania Conservation and Preservation Easements Act (Act 29 of 2001).

Documentation Requirements

The following items must be provided by the applicant at the time of submission:

- Signed application form completed at *conserveland.org*.
- Copy of the recorded easement. (A copy of the easement and a receipt from the Recorder of Deeds showing that payment was made for recording the deed can be provided to meet the application deadline. However, grant payment will not be made prior to receipt of a copy of the *recorded* document.)
- Letter substantiating that the stage has been set for:
 - strong monitoring and enforcement *if a conservation easement*. (Organizations typically satisfy the requirement by pointing to a substantial new contribution restricted to stewardship as well as the size of the organization’s stewardship fund or endowment. Alternatively, this requirement could be met if the easement names a stronger organization—meaning one that has the financial means to provide long-term stewardship—as having a third-party right of enforcement, and the organization has recorded its acceptance of this right or duty with the Recorder of Deeds. (See Conservation and Preservation Easements Act, § 3 and § 4(c))) OR
 - trail development and public usage *if a trail easement*.
- Copies of invoices or receipts for every expense for which the applicant is seeking reimbursement. Staff expenses must be documented as described in the *General Limitations* section.
- Map showing boundaries of easement and with information sufficient to identify the easement’s location in Pennsylvania (such as a USGS Quad Map).

Other Requirements

- The easement must protect *significant conservation values* and clearly be in the public interest.
- The easement must be in perpetuity.
- Pennsylvania DCNR acquisition grant monies will not be used for the transaction.
- The easement does not preclude sustainable forestry and commercial timber production.

GRANTS TO AMEND AND RESTATE AN OLDER EASEMENT

Available Support

Up to \$6,000 per project.

Grant awards for easements not based on a PALTA model document are limited to \$3,000 for those recorded after 11/30/2007 and \$5,000 for those recorded prior to this date. Note that “based on” does not mean “identical to”. The PALTA models are published at conserveland.org/model_documents.

Eligible Projects and Requirements

These grants help organizations update easements executed prior to 6/22/01 to take advantage of the *Pennsylvania Conservation and Preservation Easements Act* and replace outmoded language with the state-of-the-art.

Amendments and restatements must be based on a PALTA model document or other high quality template *approved in advance* by PALTA.

Grants can reimburse the same types of expenses as those for new easements. Applications are also subject to the same requirements.

GRANTS TO ESTABLISH OR UPDATE BASELINE DOCUMENTATION

Available Support

Up to \$2,500 per project.

Eligible Project Expenses and Requirements

These grants are intended to help establish or update baseline documentation for an existing easement lacking or having grossly inadequate documentation.

Reimbursements are restricted to costs directly associated with establishing or updating the baseline documentation.

Certification and Statement of Assurances

In applying for a grant the applicant must certify, represent and warrant to the Pennsylvania Land Trust Association (PALTA) that:

1. The information contained in the application and in any attachment is true and correct.
2. The applicant is a holder of the subject easement.
3. The applicant is committed to monitoring the subject easement including an inspection of the grounds at least annually.
4. The applicant understands that while PALTA strives to support every worthy application, it reserves the right to reject any project for whatever reason.
5. The applicant will provide additional documentation to further substantiate its request if requested by PALTA for auditing or other purposes.

Documentation Requirements

The following items must be provided by the applicant at the time of submission:

- Signed application form completed at *conserveland.org*.
- Copy of the recorded easement.
- Copies of invoices or receipts for every expense for which the applicant is seeking reimbursement. Staff expenses must be documented as described in the *General Limitations* section.
- Letter stating the file location(s) of the baseline documentation.

GRANTS TO INSTALL SIGNS ON AN EASED PROPERTY

Available Support

Up to \$700 per project.

Eligible Project Expenses and Requirements

These grants are intended to help notify people of a property's conserved status. The grant can be used to create and install a single large sign visible from a public right-of-way and/or multiple small signs along the easement boundary.

This support is in addition to the \$6,000 available for new and restated easements.

The easement must *grant the organization* the right to install a sign(s). A reserved right for the landowner to have signs is not sufficient.

Certification and Statement of Assurances

In applying for a grant the applicant must certify, represent and warrant to the Pennsylvania Land Trust Association (PALTA) that:

1. The information contained in the application and in any attachment is true and correct.
2. The applicant is a holder of the subject easement.
3. The applicant is committed to monitoring the subject easement including an inspection of the grounds at least annually.
4. The applicant understands that while PALTA strives to support every worthy application, it reserves the right to reject any project for whatever reason.
5. The applicant will provide additional documentation to further substantiate its request if requested by PALTA for auditing or other purposes.

Documentation

The following items must be provided by the applicant at the time of submission:

- Signed application form completed at *conserveland.org*.
- Copy of the recorded easement with the provision(s) granting the holder the right

- to install signs highlighted.
- Copies of invoices or receipts for every expense for which the applicant is seeking reimbursement. Staff expenses must be documented as described in the *General Limitations* section.
 - Photograph(s) of the installed signs.

GENERAL LIMITATIONS

Limit per Organization

An organization may receive up to \$30,000/year under the various grant categories.

Staff Costs

Staff costs are limited to actual salary and benefit expense. No overhead or administration may be added. Documentation of staff costs must include name and position of staff person, hourly rate *based solely on salary and benefits*, dates and hours worked on the project, total hours and resulting total reimbursable expense.

Ineligible Projects

Easements conveyed to satisfy government conditions for development approval are generally ineligible for funding.

Projects that appear to offer little public benefit or that appear to allow too much development relative to the conservation values being protected will be rejected.

Easements focused primarily on promoting agricultural production are not eligible. Instead, organizations should use the Pa. Bureau of Farmland Preservation's Land Trust Reimbursement Grant Program.

THE GRANT RESERVATION AND APPLICATION PROCESS

Step 1

Reserve funding

You may reserve funding for your project by going to conserveland.org/ceap and submitting a simple online reservation form. A reservation expires after 120 days. Before the end of the reservation period and as appropriate to the project type, the easement should be recorded, the baseline documentation completed, or the signage installed.

After recording the easement, completing the baseline or installing signs, as the case may be, you will have 90 days to submit the grant application requesting reimbursement for

your expenses.

Try not to reserve funding too early. If your easement is not recorded (or baseline or signage work is not completed) during the reservation period, you must inform PALTA if you wish to renew your reservation. Reservations made by others after your initial reservation will take priority over your renewal.

Please note that reserving funds guarantees the availability of program money (subject to PALTA's receipt of funds from its funders) but does not guarantee grant approval. Funding decisions are based on the grant application (see below).

Before reserving funding, you should review the applicable program description and guidelines to ensure that you will clearly meet all of the program requirements.

Step 2

Complete the Project

Organizations applying for the first time for a particular type of project should contact PALTA to review their project before completing it so as to minimize the possibility of rejection. Organizations should also contact PALTA in advance if there is any question as to whether the project will meet program requirements.

Step 3

Submit grant application

Grant applications should be completed online after the project is completed (i.e., the easement is recorded, the signs are installed or the baseline is completed). Applications must be submitted after completion but no later than 90 days after completion. Late applications generally will not be considered.

PALTA will promptly review applications and notify applicants of approval or disapproval.

The Program is financed by grants from the Pennsylvania Department of Conservation and Natural Resources Bureau of Recreation and Conservation's Growing Greener Program and the William Penn Foundation.