



# HIGHLANDS LAND LINES

Fall 2009

*A Guide to the Stewardship of Lands Protected by Conservation Easements with the Delaware Highlands Conservancy*

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## The Gas Drilling Challenge

As you are no doubt aware, the push is on by natural gas companies who want to greatly expand drilling for natural gas in the Marcellus Shale formation located deep beneath the surface of our region. Drilling for natural gas has long been permitted under New York and Pennsylvania law. However, drilling presents a significant conservation challenge for the Conservancy and our landowners.

In our efforts to conserve the natural landscape, we work with individuals who love their land and want to protect it in a state that maintains its ecological health and natural beauty. We work with landowners who want to maintain the ability to sign into gas leases, as well as those who do not. We welcome possible every opportunity to conserve land, *provided we can find solutions dedicated to conserving the natural values of the lands we are entrusted to protect.*

We know that our landowners fully intend to abide by the terms of their easements. But, at times there might be confusion or questions regarding easement terms, especially for landowners who have purchased properties with easements put in place by prior owners. The simple solution is to contact the Conservancy before signing any lease. We can provide you with clarity regarding the terms of your easement.

If your easement prohibits mineral extraction activity, then you should **not** enter into an oil or gas lease. If there is a breach of any of the legal obligations of an easement, the Conservancy is compelled to take legal action if necessary to protect the easement. In addition, violating easement terms when easements have been leveraged for tax deductions leads to difficulties with the IRS.

However, if the easement on your property executed by you or by previous owners permits mineral extraction – typically sub-surface only – we believe that the highest standards of environmental safeguards must apply to all activities taking place on protected lands. All due precautions must be taken to ensure that exploration and extraction activities are conducted in such a way as to meet the terms of the easement and to assure that environ-

mental damage does not occur during extraction or after extraction operations cease

**IMPORTANT: If your conservation easement allows for some form of mineral extraction, then you MUST contact the Conservancy before signing a lease.** If your easement does allow for exploration and extraction, we can help you find information that can guide you to sign the best lease for you and for your land.

**Remember,** gas companies focus on increasing their profits, not on protecting your interests or your land. If your easement allows a lease, the Conservancy wants to assist you in making sure that any lease you sign prioritizes your safety and your economic needs *and* the ecological and economic health of your land. Before taking this serious and irreversible step, we advise you to educate yourself. Research the company with whom you are contemplating signing a gas lease. Consult your attorney to have any lease reviewed. Work with neighbors to negotiate block leases that give you all more leverage with gas companies. And take your time. Do not be pressured by gas company representatives to sign a document that has not been fully vetted by professionals looking out for *your* interests.

The Conservancy's mission is based on conservation and stewardship; the terms of your easements reflect these priorities. People are part of the land they live on. We are all engaged with the land in meeting our physical, economical, recreational and spiritual needs, and these needs vary from person to person and community to community. The Conservancy asks you as landowners who have taken the important step of protecting your land to join us in taking the most respectful and responsible path to protection of the land that supports us.



\*\* This information is for informational purposes only and should not be construed as legal advice. We strongly encourage landowners to work with their lawyer and financial planner.

### Tips for Choosing Professionals:

1. Review the list of professionals, in your geographical area, with others who may have used these professionals and have goals for their forestland similar to yours.
2. When contacting professionals, ask for their credentials, professional philosophy and references.
3. When you first meet the professional, discuss his fees, availability and time frame to complete the job.



### Where to find Forestry Professionals?

- ◆ Contact your local DCNR Service Forester for a list of private foresters and consulting wildlife biologists for your county.
- ◆ Check the *Shop Local Save Land guide to Wood Products, Professionals and Resources*. Copies available at Conservancy or online at [shoplocalsaveland.com](http://shoplocalsaveland.com)
- ◆ Association of Consulting Foresters: [www.acf-foresters.org](http://www.acf-foresters.org)
- ◆ Society of American Foresters: [www.eforester.org/certifiedforester](http://www.eforester.org/certifiedforester)
- ◆ PSU Forest Stewardship publications downloadable online at: [rnrext.cas.psu.edu/FS/FSeries.htm](http://rnrext.cas.psu.edu/FS/FSeries.htm)



## A Healthy Forest is no Accident

Did you know that private, non-industrial forest landowners in PA own almost 70% of the forest land and in the Catskill region of New York the private, non-industrial landowners own about 90% of the forest land?

You already made the important choice of conserving your land. Now it's time to be sure you are caring for the forestlands on your property. Whether you own five acres or five hundred acres— forestlands need particular attention to thrive and remain healthy and productive.

The first step in caring for your forests is to identify your goals. Ask yourself the questions: What do I value most about my forest? What elements of my forest do I want to remain intact now and for the future? Think back to the reasons you had for placing a conservation easement on your property in the first place. Here are some particular questions that might help you to further define your answers:

- ◆ Do I want my forests to generate income currently and in the future?
- ◆ Do I want my forests purely for aesthetic beauty?
- ◆ Do I want to further enhance the wildlife habitats in my forests?
- ◆ Do I want to grow better quality trees?
- ◆ Do I want my forests to increase the sale value of my land?

Knowing the specific answers to these questions will guide you to creating a plan for your forestlands. According to Penn State's College of Agricultural Sciences *Forest Stewardship* publication "Planning for Your Forest's Future," "a forest stewardship plan (FSP) is a roadmap to responsible forestry" and will help you achieve the goals and objectives you have for your forestland. FSPs take into account water, soils, wildlife, wetlands, outdoor recreation and aesthetics.

To develop a comprehensive forest plan, consult a forestland professional. For example, if your easement allows for timber harvesting, it states that you must have a forest management plan written by a professional forester familiar with the county in which your forestland is located, and the plan must be approved by the Conservancy. Laying out your goals and pursuing them through a forest management plan, created in consultation with a professional forester means your forests will be healthy, beautiful, and productive in the present and for generations to come.

**PROGRAM NOTE:** Learn about chainsaw safety and harvesting your wood for fuel. Attend **Chainsaw Safety and Fuel Wood Harvesting** at the Milford Experimental Forest, October 24th, 8:30 a.m-12:30p.m. Pre-registration is required. Call the Conservancy for reservations. 570-226-3164



# Community Contributors: The Neighborly Benefits of Conservation Easements

Conservation easement holders make good neighbors. What you do for yourself, your family, and your land when you place an easement on your property, you do for the whole neighborhood. Because placing an easement on your land means protecting it from uses that would damage its ecological health, placing an easement on your land means you are making a contribution to the overall health of your community.

As you are aware, what one person puts in his water upstream effects what 100 people drink downstream. Protecting streams, ponds, and groundwater resources on your own property through meeting the terms of your easement, inevitably means you are protecting the quality of your neighbors' water.

Maintaining the meadow, woodland, and wildlife habitats on your property has myriad other benefits for your community as well. Trees and vegetation act as carbon sinks for harmful CO<sub>2</sub> gases released by our burning of fossil fuels, and they produce the oxygen that improves overall air quality for everyone.

Protecting these habitats also naturally means protecting the health and diversity of the wildlife that live there. Wildlife health and diversity is essential to a region's good ecological health.



Giving the wildlife on your protected property a good and safe home means contributing to overall ecological health of the Upper Delaware River Watershed.

Our region thrives on the enjoyment residents and tourists get from fishing, bird watching, hiking, boating, and other outdoor activities related to healthy forests, meadows, farms and waters. We need these resources for stress relief and spiritual sustenance, *and* they are imperative to the strength of our local economy that relies so heavily on the recreation and tourism industries.

Agricultural lands are also an important part of our cultural and environmental heritage. Our lush farmlands contribute to the scenic rural character of our region and provide important sources of fresh, locally grown foods. Protecting our farmlands means preventing development that might detract from the beauty of our region, and it means maintaining a consistent source of good nutrition for all of us.

When you protect your own acreage with a conservation easement, you contribute to the health of our bodies, the health of our spirits, and the health of our pocketbooks.

Thank you! Please encourage your friends and neighbors to become *community contributors* as well!

## UPCOMING EVENTS

### **Oct 17– Annual General Meeting, PPL Environmental Learning Center, PA 10:00 a.m**

Interested in learning more about the Conservancy? Attend our Annual General Meeting. This is an excellent opportunity to hear about our progress, vote for members of the Board of Directors, ask questions of the Treasurer, learn about our future plans, and meet your fellow members.

### **Oct 24 – Pike-Monroe Woodland Owners and Women and Their Woods Program, Fuelwood Harvesting and Chainsaw Safety, Milford Experimental Forest, 8:30am - 12:30pm**

Join woodland owners for a hands-on look at harvesting fuel wood from your property. \*Women and their Woods participants should bring a bag lunch and plan to stay for additional programming regarding developing plans for 2010. Pre-registration is required. Please call the Conservancy to reserve your spot and get directions.

### **Oct 28– Financial Benefits of Land Conservation, Town Hall in Jeffersonville, NY; 7-9pm**

Landowners will learn how to keep cherished lands in the family and protect the landscape in perpetuity. Delaware Highlands Conservancy Executive Director, Sue Currier, will discuss how conservation and agricultural easements are key tools.

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