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WORKING FORESTS WITHIN CONSERVATION EASEMENTS:
IMPLICATIONS FOR POLICY AND CROSS-BOUNDARY COOPERATION

A Thesis in
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by
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ABSTRACT

Pennsylvania, like many Eastern states, faces unique challenges in retaining its working forest. Total population has changed relatively little in recent years, but a recent study at Penn State University found the state has at least 600,000 private forests owners who hold nearly 12 million acres of forest, an increase of 11 percent over previous contemporary estimates. The average tenure for these ownerships is nine years and as a result of changing ownerships and frequent parcelization, the potential to retain working forests, or meet landowner objectives, is threatened. Developing approaches to help private forest landowners cooperate across boundaries in watershed neighborhoods, sustain working forests, and improve forest management and conservation at the landscape level is important and challenging.

Sixteen interviews with private forest landowners who have conserved their properties with easements were conducted to evaluate the working forest reservations and restrictions within the conservation agreements and the owners' motivations for using this type of land protection. Focus groups and facilitated discussions were conducted with private forest landowners to assess their willingness to cooperate in watershed neighborhoods for working forest management goals and conservation easements. A literature review of Pennsylvania's land conservation laws was conducted to discover regulatory tools already in existence that may be used to encourage cross-boundary cooperation.

The conclusions from this study suggest that while encouraging landowner cooperation on a landscape level may be a lofty goal, there are potential mechanisms to begin the conversations and encourage conservation. Helping landowners recognize their shared values is important for future communication and cooperation, and lays the foundation for future cooperative efforts. Pennsylvania's Agriculture Security Area law has been used to help conserve agricultural properties. Forest properties qualify under some provisions of this program. Establishment of forested Agriculture Security Areas may be one method of bringing together property owners on a landscape level to begin the conservation conversation.
# TABLE OF CONTENTS

ACKNOWLEDGEMENTS ...................................................................................... v

Chapter 1 Introduction ..................................................................................... 1

Chapter 2 Literature Review ............................................................................ 4

    Pennsylvania Conservation Laws and Policies .............................................. 7

    Conservation Programs in Other Northeastern States ............................... 18

Chapter 3 Methods ......................................................................................... 27

    Case Studies .............................................................................................. 27

    Focus Groups ............................................................................................ 29

    Facilitated Discussion .............................................................................. 29

Chapter 4 Results and Discussion .................................................................. 32

    Understanding Current Use of Conservation Easements ....................... 33

    Evaluating Private Forest Landowner Cooperation .................................... 37

    Understanding Pennsylvania Conservation Policies and Laws ................ 41

Chapter 5 Conclusions and Implications ....................................................... 45

Literature Cited ............................................................................................... 49

Appendix A: Case Study Forms ...................................................................... 55

Appendix B: Case Study Stories ...................................................................... 60

Appendix C: Focus Group and Facilitated Discussion Documents .................. 81
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Chapter 1

Introduction

Conservation is a cause that has no end. There is no point at which we say ‘Our work is finished.’” – Rachel Carson

Pennsylvania is facing a crisis from the fragmentation of ownership of the working forests. Working forest is a term used by many researchers to describe different types of forest. This project is concerned with the forests of Pennsylvania that possess the potential to provide timber, firewood, or other forest products. The state, like many in eastern United States, faces challenges in ensuring the continuity its working forests. A recent study at Penn State University found the state has at least 600,000 private forest landowners (PFLs) who, together, hold nearly 12 million acres of forest (Metcalf, 2010). However, about 80 percent of the PFLs own less than 20 acres of forest and only 3 percent own more than 100 acres of forest (Metcalf, 2010). The average tenure for these ownerships is nine years (Metcalf, 2010). The relatively fast pace of ownership turnover and the frequent parcelization, often when ownership changes through estate sale or inheritance, threaten the potential to sustain and conserve Pennsylvania’s working forests. Developing approaches to help private forest landowners conserve working forests and improve management at the landscape level is both important and challenging.

The goal of this study was to develop tools to encourage cross-boundary cooperation within watershed neighborhoods for working forest management and conservation among Pennsylvania's PFLs. This project was funded through the American Forest Foundation and the USDA Forest Service Chesapeake Bay Working Group. Both funders are deeply concerned about the patchwork nature of current conservation easement efforts and its effect on the conservation of clean water resources and working forests.

This thesis had three objectives. The first objective was to understand the current use of conservation easements by Pennsylvania's PFLs. The second objective was to evaluate the willingness of private forest landowners to cooperate across boundaries within watershed neighborhoods to
conserve their forestlands using working forest management goals and possibly conservation easements. The third objective was to understand current Pennsylvania conservation policies and laws and evaluate whether there were tools within these laws and policies that could be used to encourage cross-boundary cooperation and conservation.

To understand the first objective, current use of conservation easements, a set of case studies was developed using in-depth interviews of PFLs who had conserved their forestland properties by establishing conservation easements. The interview questions addressed ideas about motivation for and experience with establishing these conservation easements and to learn if the agreements limited working forest management goals. This informed the researcher’s understanding of why people chose to place their land under a conservation easement, whether conservation easements allowed working forest management practices, and informed the development of initiatives that could encourage PFLs to conserve their properties.

The second objective, PFL willingness to cooperate, was addressed by conducting focus group interviews of PFLs within two watersheds in Fulton County to understand PFL's values, concerns, and future plans for their lands. Facilitated discussions with woodland owners associations were also conducted to understand PFL's values and future plans for their forestland. During both sets of group interviews the participants were asked to share any cross-boundary cooperation experiences. The woodland owners associations were asked to comment on a potential tool, the forestland Agriculture Security Area, for encouraging cross-boundary cooperation.

The third objective, discovering potential conservation tools, was addressed by conducting a literature search of Pennsylvania's historical and current open space conservation laws and policies to discover existing tools that could encourage cross-boundary cooperation and conservation on a landscape level among Pennsylvania's PFLs. Pennsylvania has a long and successful history as a national leader in farmland preservation and the possibility exists that those policies could be applied to the state's private forest landscape.
The challenge of sustaining Penn's Woods as healthy, productive working forests has been the subject of many studies over the last several decades. This thesis attempts to add another small piece to the puzzle.
Chapter 2

Literature Review

The goal of this thesis is to understand how private forest landowners in Pennsylvania might be encouraged to conserve their working forest properties on a landscape level. At the outset several terms and ideas need clarification. What is meant by a 'working forest' and how have conservation easements affected that idea? What is a conservation easement? Who are Pennsylvania's private forest landowners, why do they own forestland, and what do they do with that property? What is parcelization and fragmentation of forests? Finally, is there any evidence that private forest landowners work with their neighbors for conservation or management goals?

The idea of the working forest emerged in the literature in the early 1990s (Wolf and Klein 2007). The term can be used to describe forests as a workplace that provides jobs, forests that work for society by providing ecosystem services, or forests that are multifunctional (Wolf and Klein 2007). The USDA Forest Service (2010c) defines the working forest as actively managed using a stewardship plan or similar management guide. In this thesis, working forest is a term used to describe forested lands that could potentially produce timber, firewood, or other forest products, but that also meet societal needs for recreational and ecosystem services and are managed using generally accepted sustainable silvicultural treatments and harvest methods.

Pennsylvania landcover includes 16.6 million acres of forestland and private forest landowners (PFLs) own about 71 percent, about 12 million acres, of that area (Finley 2011). The number of PFLs has been increasing over the last several decades and now stands at about 600,000 (Metcalf 2010). As the number of landowners has increased, the average plot size owned has necessarily been reduced because the amount of forestland in Pennsylvania is relatively stable (McWilliams et al. 2004). The growing problems in Pennsylvania are the parcelization, division of the ownership of forestland, and fragmentation, dividing forest tracts by cover change driven by roads, well pads, housing developments or other non-forest uses. As previously stated, almost 80 percent of Pennsylvania's PFLs own less than 20 acres and only about 3 percent own more than 100 acres.
Metcalf 2010). Fifty percent of Pennsylvania's PFLs are 55 years or older and about 52 percent plan to will their property to more than one successor (Metcalf 2010). When these lands pass to the next generation they are often split into smaller parcels among different successors or the successors must sell all or part of the properties to pay the estate taxes (DeCoster 1998; Mehmood and Zhang 2001). This continual subdividing of properties in each generation is parcelization. Working forest management goals become very difficult when forest property acreage shrinks. This may be because management is not economically feasible on small holdings, small-scale PFLs may lack management knowledge, or the PFLs are not interested in managing for timber resources (Zhang et al. 2005; Best and Wayburn 2001).

A conservation easement, the most permanent method for conserving open space, is a surrender of one aspect of real property rights. Real property is defined as the land and anything permanent on the land (Cornell University Law School 2010), often referred to as realty or real estate. Conservation efforts that place limits on the use of land inevitably impinge on the concept of real property rights. Real property rights are often described as a bundle of rights that include three general concepts: the first is the right to determine how the property is used; the second is the right to the services of the property, i.e., rent, crops, or a place to live; and the third is the right to rent or sell any portion of the property or right of use of the property (Alchian 2008). In any peaceful society there are limits to these laws such as zoning restrictions, building codes, and nuisance ordinances, but the basic concept of self determination of the disposition of real property is enshrined in American law. A landowner who places a conservation easement on property by donation or for some compensation surrenders the right to change the use of the land, for example, from open space, agriculture, or forest to a residential development or commercial use. Conservation easements must be entered into voluntarily and the easement must be donated or sold to a governmental entity or a nonprofit organization (The Nature Conservancy 2011). The NGO or government entity maintains the conservation easement in perpetuity, usually by yearly property inspections to ensure landowner compliance with the terms of the easement. Conservation easements restrict the subdivision and
development of forestland, but do not change the landowner's prior use of the property. Conservation easements do not generally restrict working forest management practices, such as silviculture treatments or harvesting, unless specifically written into the document and agreed upon by the grantee and grantor (Mortimer et al. 2007; Morrisette 2001).

The landowner's motivations for conserving property with an easement must be understood before attempting to encourage landscape level conservation. There are some financial benefits to donating a conservation easement on forested property. Federal income tax laws allow the difference in value of the property before and after the easement is established to be considered a charitable contribution if the easement is donated (Gathering Waters Conservancy 2006). Conservation easements may also reduce estate taxes making inheritance by the next generation more likely financially possible (Pidot 2005). Several studies have concluded that a deep love of the land is a primary motivation for conserving private property in perpetuity (Bernstein and Mitchell 2005). For many landowners, the protection of natural resources, open space, or wildlife habitat is the strongest motivation (Ernst and Wallace 2008). Watching as forest and open space land within their watershed neighborhoods is permanently lost to development is a very strong conservation easement motivator for many landowners (Farmer et al. 2011a). Finally, one of the strongest motivations is a personal environmental ethic or personal values attached to the natural environment (Bernstein and Mitchell 2005; Farmer et al. 2011a; Farmer et al. 2011b)

The majority of PFLs in Pennsylvania are a somewhat homogenous group with similar reasons for owning forestland. The PFL demographics from the Pennsylvania Forest Owners Survey, part of a mixed methods study undertaken jointly by Pennsylvania State University and Pennsylvania's Department of Natural Resources Bureau of Forestry (Metcalf 2010), tell us that about 80 percent are male, about 51 percent are 55 years of age or older with a mean age of 57, 65 percent have at least some college education, 75 percent consider themselves politically moderate, 55 percent are employed full time with 35 percent retired, and only about 4 percent had household income levels below $15,000 per year (Metcalf 2010). Most Pennsylvania PFLs selected non-consumptive reasons for owning
forested land (such as solitude or enjoying wildlife and the forest) and only about 12 percent selected harvesting timber or investment as a reason for owning forestland. About 55 percent indicated they hunt on their land. Nearly half (49%) have harvested some trees from their land, but most of that harvest particularly on properties of less than 50 acres, is firewood cut for personal use. Only 3.6 percent of PFLs have a management or stewardship plan for their property (Metcalf 2010). The majority (63%) of forest landowners in Pennsylvania owns 10 acres or less and only 8 percent own more than 50 acres (Metcalf 2010).

Cross-boundary cooperation offers benefits to the small parcel forest landowner and to society in general. The PFLs' benefits include an improved economy of scale for timber harvest and other silvicultural treatments, minimized disturbance, greater access to information, and shared costs of management or stewardship plans (Kittredge 2005). Society benefits from improved wildlife habitat, clean water resources, and improved access to forest product resources (Kittredge 2005). Cooperation across boundaries does happen among PFLs, but not often (Rickenbach and Reed 2002); however, studies suggest that many forest landowners indicate an interest in cooperating for ecosystem conservation; but they usually desire information and some demonstration of the efficacy of the management concepts before participating (Finley et al. 2006). The Oregon experience with watershed councils established to protect salmon habitat identified three characteristics most cooperative landowners shared. Cooperating landowners had a personal stewardship ethic, they were concerned about the retention of private property rights, and they were willing to work toward a well-defined outcome (Rickenbach and Reed 2002). Recognition of shared values, problems, desire for information, and threats to their forest properties may be the keys to encouraging cross-boundary cooperation.

**Pennsylvania Conservation Laws and Policies**

The third objective of this thesis was to understand Pennsylvania’s historical and current conservation laws and policies. The intent was to discover or propose conservation policies and tools that could foster cross-boundary cooperation among PFLs. This section of the literature review addresses this objective.
Conservation of open space land is an issue that transcends state boundaries. The USDA Forest Service's Forest Legacy program and USDA Conservation Reserve Enhancement Program (CREP) and Conservation Reserve Program (CRP) are national examples of the desire to conserve our nation’s natural ecosystems. Preventing the loss of farmland and forestland to development, restoring wetlands, controlling erosion, restoring and enhancing the ability of the natural world to provide clean water resources, preserving open space in urban/suburban areas, providing nature recreation opportunities, and maintaining our working forests are all aspects of national efforts to conserve the natural landscape. Similarly, many programs have sought to conserve open space. Right-to-farm and right-to-practice-forestry laws, incentives reducing property taxes, programs placing acreage in reserve status, local zoning ordinances, and conservation easements have all demonstrated success conserving natural resources.

Why conserve open space? The federal government and all fifty states recognize the importance of conserving farmland and forests to provide economic benefits at local, state, and national scales. These lands produce food, plant fibers, and wood. Natural habitats provide ecosystem services like water retention and filtration, biodiversity maintenance, and carbon sequestration. Open space also provides economic benefits through tourism, hunting, and other recreational opportunities. People’s lives are enhanced through the simple pleasure of seeing the beautiful, open vistas of farm and forestlands.

Why is forest conservation so important in 2011? The USDA Forest Service’s Northeastern Area, comprised of twenty Northeast and Midwest states, contains one of the largest privately owned forests in the world. Forestland covers 41 percent of the region with 130 million privately owned acres in 170 million acres of forest (Northeastern Area State and Private Forestry 2007). These privately owned forests are economically and ecologically important because they provide ecosystem services such as clean water, clean air, carbon storage, wildlife habitat, renewable resources and jobs (Schaff & Broussard 2005). Within the Northeastern Area, forest-based employment is important, especially in
rural communities. The Northeastern Area is also the most densely populated region of the United States. Development pressures in the region result in the loss of about 350 acres of forest daily to development and this trend is expected to increase to 900 acres daily over the next thirty years (Northeastern Area State and Private Forestry 2007). Fragmentation, the division of forest tracts, and parcelization, the division of ownership, threaten the sustainability of productive forests. Between 1997 and 2007, the number of private forest landowners in the region increased by 30 percent while the amount of privately owned forest has remained nearly constant. As a result, the average parcel size has decreased from 33 acres to about 26 acres (Northeastern Area State and Private Forestry 2007). Reductions in the size of forest tracts reduce the amount of acreage actively managed for forest products and directly affect the flow of ecological and social benefits derived from intact forests.

Conservation in Pennsylvania in the second half of the Twentieth Century focused on farmland. During the 1960s, Pennsylvania’s legislature saw the accelerating loss of open space as a threat to the economy and ready access to agricultural and forest products. Currently, Pennsylvania’s 63,000 farms occupy 7.1 million acres (about 25% of the state’s land area) and annually produce $61 billion of farm-based income, making production agriculture and agribusiness the leading economic segment (Pennsylvania Department of Agriculture 2011). Between 1959 and 1992, about 55 percent of farmland in Pennsylvania was lost to development (Joint State Government Commission 1997). In 1959 there were 100,052 farms in Pennsylvania with 11,861,727 acres under cultivation; by 1992 the acreage amount had dropped to 7,189,541 (Joint State Government Commission 1997). Since about 1965 the state’s government has had a continuing effort to preserve agricultural lands from permanent loss to development. Some state laws instituted and amended to encourage the preservation of open space land are (Penn State Cooperative Extension, Luzerne County 2009):

- Act 515 of 1966 Covenant for Preservation
- Act 442 of 1968 Conservation and Development
- Act 319 of 1974, Farmland and Forestland Assessment Act, referred to as Clean and Green
- Act 100 of 1979 Agriculture Lands Condemnation Approval Board
- Act 43 of 1981 Agriculture Security Area Law
- Act 149 of 1988, Agriculture Conservation Easement Purchase Program, amended Act 43
Pennsylvania's farmland conservation approach depends on four protection strategies. The first and most widely used action is zoning (Daniels 1998). Zoning rules are set at the municipal or county government level. Agricultural zones are usually of two different types. Exclusive zones restrict properties to a particular use such as agricultural operations. This type of zoning can be controversial and very restrictive because it removes, without compensation, the right to develop land. The second more common type of zoning is minimum lot size ordinances. These set a minimum amount of land for a family dwelling lot, thereby limiting the number of homes on a property chosen for development and possibly reducing the profitability of conversion of agricultural land into developments. The advantages of zoning are that it is mandatory in real estate transactions, costs are less than purchasing easements, zoning for different land uses is a general practice in real estate markets, and it is usually an integral part of county or municipal land use plans (Joint State Government Commission 1997).

The second preservation method is preferential or differential tax assessment. The approach establishes reduced tax rates for farmland and forestland (Dodds-Weir and Dykstra 2003). The Farmland and Forestland Assessment Act, referred to as Clean and Green, provides tax relief by requiring counties with a program to assess all farm and forest properties at the agricultural use value and the fair market value. Landowners enrolled in the program pay property taxes based on the use value and agree to maintain the agricultural land use (McGuire 2008). Properties must be at least 10 acres, are enrolled continuously, and rollback taxes must be paid from the start date or the last seven years, whichever is shorter, when a landowner removes a property from the program or changes to a non-agricultural commercial or residential use.

The third incentive approach is the right-to-farm laws. Residential development in agricultural areas accelerated during the 1970s. Many new residents disliked normal farm smells and noises. Nuisance suits led to nuisance ordinances that limited normal agricultural practices. The pushback was the right-to-farm laws that provided farmers relief from regulations limiting normal agricultural
practices (Farm Foundation 2008). Act 43 of 1981, the Agriculture Security Area law, is Pennsylvania’s right-to-farm law.

The fourth incentive approach is a conservation easement which involves the transfer of development rights. This practice is the strongest form of conservation because it involves a permanent deed change such that the land may never be developed for commercial or residential use, but must remain as agricultural, forested, or open land space in perpetuity (Goldstein 2002).

One of the earliest laws to preserve Pennsylvania farmland was Act 515 of 1966 (Penn State Cooperative Extension, Luzerne County 2009). This law allowed counties to enter into five-year contracts with owners of farmland, forestland, water supply areas, or just open, undeveloped space to tax land at its use value instead of the real estate market value; however, the property had to have been designated as open space under a county or municipal land use plan. The law required a landowner who changed the land use designation to a residential or commercial purpose to repay the differential tax savings from the enrollment start date or for the previous five years, whichever was shorter. The landowner also paid a five percent interest on the tax payback. The tax differential depended on the real estate market in an area and the land's agricultural income producing value. Land in strong development markets with higher real estate market values could receive substantial reduction in tax burden. However, landowners in regions without development pressures could see little or no tax savings. The county set a minimum acreage to enroll in the program and contracts lasted five years. The law did not require counties to participate in the program and county commissioners had the discretion to decide which landowners, if any, received tax relief. The program was voluntary on the part of landowners. As of April 1997 only five counties had adopted this program (Joint State Government Commission 1997). The law, although not successful, led to the “Clean and Green” act of 1974.

The next legislative attempt to conserve Pennsylvania farmland was Act 442 of 1968 entitled the Conservation and Land Development Act (Penn State Cooperative Extension, Luzerne County
This law gave the state and counties the ability to acquire and hold land for open space, farmland, forests, or water resources preservation. The land could be acquired by the Department of Agriculture, the then Department of Forests and Waters, or counties by purchase, gift, condemnation (following the provisions of the Eminent Domain Code of Pennsylvania), or contract. Acquisition of property by Pennsylvania state agencies was subject to approval by the commissioners in any given county. The land had to be offered for resale to anyone within two years with a conservation easement in the deed protecting the open space use for which it was acquired. The biggest problem with Act 422 was a lack of funding to acquire land.

Pennsylvania’s Farmland and Forestland Assessment Act 319, better known as Clean and Green, was passed on December 19, 1974. Its passage required an amendment to Pennsylvania’s constitution; Article VIII of 1973 allowed for exceptions to tax uniformity (Penn State Cooperative Extension, Luzerne County 2009). Clean and Green clarified and expanded the concept of differential taxation of open space properties initiated by Act 515. Clean and Green was intended to encourage landowners to conserve farmland, forestland, and open space. The incentive was relief from all forms of real estate taxes (Joint State Government Commission 1997).

Clean and Green described three types of properties preferentially assessed under the program: agricultural use, agricultural reserve, and forest reserve. Agricultural Use requires that a property has produced an agricultural commodity or qualified for the Federal Soil Conservation Program for at least three years prior to enrollment in Clean and Green; the property must be either a minimum of ten contiguous acres or capable of producing a yearly income of at least $2,000 from an agricultural commodity. Agriculture Reserve properties are noncommercial open space lands available to the public for outdoor recreational use and must be at least ten contiguous acres of undeveloped open space land. The owner can limit activities on the property such as prohibiting vehicles or hunting, but may not charge an access fee. Forest Reserve properties must be at least ten contiguous acres, stocked
Properties enrolled in the Clean and Green program are assessed at land use value instead of fair market value. Land use value is based on the property’s income producing potential considering soil productivity and current use as cropland, pasture, or forest. Fair market value is derived by using comparable land sales for development in the market area. The resulting assessment determines tax rates for all real estate-based taxes assessed by school districts, municipalities, and counties. All capital assets (e.g. residences, barns, or other agricultural structures) are assessed at their fair market value. Only the open space land is differentially assessed. As with Act 515 of 1966, the applicability of Act 319 was most appropriate in areas with higher development pressures and hence higher real estate values (McGuire 2008).

Enrollment in the Clean and Green program is voluntary with the expectation it is permanent; however, unlike a conservation easement, the program does not permanently remove any ownership rights. Landowners may withdraw a property and develop the land; the program calls for repayment of tax savings and six percent simple interest assessed from the enrollment date or seven years prior to withdrawal, whichever is less. While enrollment is not permanent, repayment of tax savings and interest is an incentive to retain a property in Clean and Green. The tax savings can be substantial, especially on large tracts of open space land in counties experiencing development (McGuire 2008).

There are two significant problems with Clean and Green. Enrollment is not permanent and where development pressures are high, landowners and developers may consider the roll-back taxes and six percent interest a cost of doing business if the profit potential is great enough. The second problem stems from recording the enrollment as an addendum to the deed in a county assessment office and not as an official deed change. It is the seller’s responsibility to inform buyers of enrollment in Clean and Green and hence the obligation to pay roll-back taxes and interest if a land use change occurs. Instances have occurred where new property owners, unaware of the reduced tax assessment
status of the property, begin development and are subsequently reassessed at Fair Market Value and face roll-back and interest charges (Pennsylvania Center for Farmland Transitions 2009).

The Agriculture Security Area Law, Act 43 of 1981, protects Pennsylvania’s farmland from rural urban sprawl by encouraging farmers to enter into long-term conservation covenants. Called a right-to-farm law it protects farmers from nuisance lawsuits and public nuisance ordinances (Farm Foundation 2008). It was designed to address situations when residential developments encroach on agricultural areas and normal farm operations became the target of complaints from residential properties owners about smells, machinery noise, and animal noise, to name just a few examples. Normal farm operations were being termed nuisances and municipalities were passing ordinances designed to limit public nuisance effects on residential areas. These nuisance ordinances effectively forced farmers out of business, severely limited investments in farm improvements and expansion, and eventually led to the loss of agricultural lands to development. The Agriculture Security Area Law required municipalities to amend or eliminate public nuisance ordinances and refrain from restricting normal farm operations, practices, and structures (Dodds-Weir and Dykstra 2003).

The Pennsylvania Municipalities Planning Code, established in 1968, provides guidelines for land use and development. The code was amended in 1992, 1994, and 2000 to provide the “right-to-practice-forestry” (Jacobson et al. 2004). The code states that normal forestry practices must be permitted in all Pennsylvania municipalities (Jacobson et al. 2004).

Protection under the Agriculture Security Area (ASA) law requires the establishment of an Agriculture Security Area. These areas must contain a minimum of 250 acres of farm and/or forestland owned by a single individual with 250 or more acres or a group of landowners, each with a minimum of ten acres and 250 acres collectively. An individual landowner or group must petition the local municipality to establish an Agriculture Security Area. Once petitioned, the municipality evaluates the properties, determines their suitability as agricultural and/or forestlands, and establishes the ASA. The
municipality must reevaluate the ASA every seven years to assure it continues to meet the agricultural and/or forestlands criteria. Properties enrolled in an ASA may contain agricultural and forest land.

The benefits to farmers extend beyond relief from nuisance lawsuit and ordinance. The Agricultural Lands Condemnation Approval Board (ALCAB) was established by Act 100 of 1979. ALCAB is an independent administrative board with authority over all political subdivisions, agencies, and authorities regarding the condemnation of agricultural land for transportation projects. ALCAB does not have authority over condemnation of lands used for timber production nor for projects involving improvements to existing roadways. ALCAB approves condemnation for projects only when no reasonable and prudent alternative exists (Joint State Government Commission 1997).

Act 149 of 1988 amended Act 43 of 1981 and established the Agriculture Conservation Easement Purchase Program (ACEPP) which was a significant step toward conserving agricultural lands. This amendment authorized the state and counties to develop programs and secure funding to purchase development rights on any lands contained within any ASA containing a minimum of 500 acres (Daniels 2005). A conservation easement involves the voluntary sale by a landowner of the right to develop land for nonagricultural commercial or residential uses. The value of a conservation easement is less than the fee simple value of the property, though in areas with heavy development pressure the conservation easement value may represent the majority of the value (Maynard et al. 1998). The conservation easement is then held by the purchasing government body or may be subsequently transferred to a non-profit land trust or conservancy. This program is more effective than Act 319, because the conservation easement remains with the land in perpetuity. The property deed is changed to reflect the easement and must contain the specific easement restrictions verbatim (McGuire 2008).

To qualify for ACEPP properties must meet five eligibility requirements (Maynard et al. 1998): 1) be in an Agriculture Security Area of 500 acres or more; 2) be capable of producing $25,000 gross annual income; 3) at least 50 percent of the land must qualify as Natural Resource Conservation
Service soils classes I-IV; 4) at least 50 percent of the land must be in crops, pasture, or grazing; and 5) the annual crop yield per acre must equal or exceed the county’s average per acre yield for comparable cropland. The county Land Preservation Board may include other requirements. These eligibility requirements ensure prime agricultural land is conserved and the county’s limited easement purchase funds protect the best agricultural land available.

Farms considered for easement purchases are also rated on the use of agricultural best management practices and conservation strategies. Development pressure, measured by proximity to roads, sewer lines, power lines and other infrastructure is also considered when deciding which easements to purchase with public funds. Importantly, ACEPP does exclude forested lands. One of the provisions for purchase is that at least 50 percent of a property must be productive agricultural land. Both Clean and Green and ASA specifically include forested lands, but neither conserves forestland in perpetuity.

There are no constraints on how landowners use the funds from the sale of their development rights. Some farmers use the funds for capital improvements, to purchase additional agricultural land, or to pay down debt. Some farmers just seek peace of mind gained with the knowledge the land they love and care for will never be developed. Conservation easements are an important tool in estate planning as they reduce the fair market value and thus reduce estate taxes. Property taxes may also be reduced when the property’s assessed value is reduced.

The easement purchase program has been criticized because it does not require that preserved land will remain in agriculture (Maynard et al. 1998). Land placed under a conservation easement may be left to revert to woodlands or other successional stages without penalty. While this does not necessarily meet the goal of preserving agricultural land, it does prevent development and conserves the open space.
The easement purchase program has received funding in a variety of ways since 1987. The Pennsylvania Legislature provided $100 million for ACEPP purchases in 1987 (Daniels 2005) and in 1991 provided additional resources to ACEPP taxing cigarettes at two cents per pack (Joint State Government Commission 1997). In 2002, the legislature established a yearly appropriation of about $20.5 million to offset fluctuations in the cigarette tax. In 2005, ACEPP gained another source of funds through a 14.8 percent share of the Environmental Stewardship Fund which in 2008 provided $6.9 million for farmland preservation in 2008 (Governor’s Executive Budget 2010-2011). In 1994, the Legislature changed the way funding was allocated to counties; to receive these funds, counties had to have an approved conservation easement purchase program in place. Approval is granted by the State Agriculture Land Preservation Board each year on January 1. In 2008, 57 counties had approved programs and together appropriated $41.268 million in county funds for farm preservation. The state provided an additional $33 million for farm preservation and each of the 57 participating counties received a portion of those funds (Governor’s Executive Budget 2010-2011).

**Federal Forest Conservation Programs**

The USDA Forest Service is actively involved in forestland conservation through several programs including, the Forest Legacy Program, and Forest Stewardship Program. They are planning to establish a National Wood Product Utilization Strategy which will fund woody biomass infrastructure development and carbon credit markets. They are also proposing a Forest Ecosystem Services initiative for inclusion in the next Farm Bill (USDA Forest Service 2007). The Forest Stewardship Program partners the USDA Forest Service with state forestry agencies to provide assistance to private landowners in developing multiuse management plans (USDA Forest Service 2010b). The USDA Forest Service's Forest Legacy Program is a federal program begun in 1990 to respond to changes in land ownership patterns in the Northern Forest Area of Maine, New Hampshire, New York, and Vermont. Forested Lands that had been held and managed by large wood products companies, such as Diamond International, came up for sale as these companies sought to divest.
themselves of land ownership overhead. There were concerns that the transfer of these lands from forest industry would lead to poor forestry practices and increased residential and recreational development (Beliveau 1993). Congress responded by establishing the Forest Legacy program to provide federal funds to state agencies to purchase conservation easements on threatened forestlands. Pennsylvania entered the Forest Legacy Program in 2000. Governor Tom Ridge directed the DCNR Bureau of Forestry and the Forest Stewardship Steering Committee to supervise the program (Pennsylvania DCNR Forestry 2011b).

Conservation Programs in Other Northeastern States

As previously described, Pennsylvania includes forestland under its right-to-farm law, the Agriculture Security Area, and its property tax reduction law, Clean and Green. Pennsylvania also participates in the Forest Legacy Program, the Forestry for the Bay program, the American Tree Farm System, and the Forest Stewardship Program under which private forest landowners can receive assistance in developing a stewardship plan from their local Service Forester (Pennsylvania DCNR Forestry 2011).

The forest conservation programs of four states within the USDA Forest Service Northeastern Area were examined for comparison. This section focuses on forestland conservation efforts in Maine, Massachusetts, Indiana and Maryland. Each of these states faces conservation challenges and has innovative approaches for conserving and protecting forestlands. These states have economically important timber resources and dependent forest product industries. The conservation programs described for these states illustrate common types of conservation policies including: property tax reduction, conservation easements, educational programs, assistance to landowners for stewardship plans, habitat and stand improvement activities, and right-to-practice-forestry laws. These latter right-to-practice-forestry laws have evolved from the right-to-farm laws that emerged in the 1970s in response to suits and ordinances against normal farm operations (The Farmland Information Center
Today, all fifty states have right-to-farm laws (The Farmland Information Center 2002), though not all include forestland or silviculture in their definition of agriculture.

**Maine**

“Forests and the forest products industry define Maine. They are a significant part of what creates Maine’s character and special quality of place” (Maine Forest Service 2010, p1). Maine contains the largest unfragmented forest east of the Mississippi (Maine Forest Service 2010). Despite 200 years of harvest for wood products, it has the highest percentage of forested land in the nation, over 90 percent or about 17 million acres. The state has a long history of multiple use management on privately owned land and 95 percent of Maine’s forest is privately owned. The composition of Maine’s forests is diverse and they support a forest industry that provides about 55,000 jobs and produces 3.1 billion dollars in earnings each year (Forest Policy and Management Division 2010).

Maine is experiencing significant development pressures. From 1995-2007 the state lost almost 80,000 acres of forest to development and there has been increased private forestland parcelization in the central and southern regions. As forestland ownership is fragmented, good management for forest products becomes much more difficult (Forest Policy & Management Division 2010).

Maine’s right-to-farm law excludes trees grown and harvested for timber (Maine State Legislature 2007); however, Maine does have an extensive forest conservation program that includes the Forest Legacy Program (Kingsley 2003).

In 1972, Maine passed the Maine Tree Growth Tax Law and has continued to update the law which reduces property taxes on forested land by assessing the land at its productivity value instead of fair market value. The property must be at least 10 acres, used primarily for growing trees, and have a management and harvest plan submitted every ten years. There are penalties for removing property
from the program. Maine also has both Farm Tax and Open Space Tax Laws that provide similar relief from property taxes (Maine Forest Service 2003).

Land for Maine’s Future is a state program begun in 1987 to provide funding to buy conservation easements and fee simple acquisition of properties important as recreational, ecological, working farms and forests, tourism areas, and waterfronts. Four bond issues passed in the past 20 years have provided $117 million and led to the acquisition of 510,000 acres including conservation easements on 247,000 acres (Maine State Planning Office 2006).

The Great Maine Forest Initiative is a program of the Maine Department of Conservation to conserve forests to protect biodiversity, maintain and enhance public recreation opportunities, preserve special ecologies, e.g., old growth forests, reduce Maine’s dependence on fossil fuels with the production of biofuels, maintain and increase carbon storage, and support the diverse forest products industry and associated jobs. The program brings together state and federal agencies, the forest products industry, private landowners, and land trusts to conserve Maine’s forests and forest industry. The program intends to operate at a landscape level and partner with private landowners through purchase of fee simple title, purchase of conservation easements, and provide incentives for sustainable forest management (Maine Forest Service 2010).

Maine and Pennsylvania have extensive forestlands that support many jobs and are important segments of the economies. Both states are focused on the conservation of working forests. The programs discussed above; Maine Tree Growth, tax reduction just for forestland; Land for Maine’s Future, conservation easement funds for forestland; and Great Maine Forest Initiative, multiple use conservation of forests demonstrate a deep commitment to forest conservation. Pennsylvania includes forestland in Clean and Green and ASA, but does not provide state funding for forestland conservation easements.
Indiana

Indiana's rural area is 25 percent forested and 86 percent of those forests are privately owned. The hardwood industry is the largest sector of the Indiana agricultural economy. There are 4.3 million acres of hardwood forests which are some of the world’s most productive; 3.8 million acres are privately owned (Indiana Department of Natural Resources 2011).

The sustainability of Indiana’s forest resource is threatened by several factors. Ownership parcelization is expected to increase because the majority of private forest landowners are aging, there is a lack of appropriate management, incentives to sustainably manage forests are inadequate, the public does not understand the economic importance of properly managed forestland, and there is a shortage of trained foresters. The state’s Department of Natural Resources 2008-2013 Strategic Plan sets goals and objectives to sustain the productive forests (The Indiana Department of Natural Resources 2011).

Indiana does have a right-to-farm law and it includes growing timber in the definition of an agricultural operation. The same statute includes sections protecting forestry operations in particular against nuisance suits and ordinances (Office of Code Revision Indiana Legislative Services Agency 2002). Indiana also has multiple tier agricultural districts zoning. Districts are designated for different types of agriculture to plan for residential growth while conserving open space land. Counties with significant forest cover may designate forestry districts which provide the same protections, zoning, and planning advantages as the agricultural districts (Indiana State Department of Agriculture 2011).

Indiana’s Department of Natural Resources promotes sustainable private forestry through several aspects of its Cooperative Forest Management Program. Forest Landowner Assistance provides advice from professional foresters on silviculture techniques, timber sales, cost share programs, and management plans. The Indiana Woodland Restoration Program offers guidance and some funding sources to plant new forests, enhance the health of existing stands, and encourage active
management to improve and protect working forests. Some of the funding for these programs comes from timber sales on State Forestlands. The Classified Forest and Wildlands program provides tax incentives and group certification under the American Tree Farm System to private forest landowners who agree to a long-term, written commitment to maintain the current use of their land and follow best management practices. Indiana also participates in the USDA Forest Service's Forest Legacy Program (Indiana Department of Natural Resources 2008).

Pennsylvania and Indiana include forestlands in right-to-farm laws and agriculture districts that protect forest landowners from nuisance lawsuits and ordinances. Indiana, though, provides PFLs funds for forest conservation work through the Indiana Woodland Restoration Program using money from state land timber sales.

Maryland

Maryland contains 2.6 million acres of forest that covers 41 percent of the land area, almost 68 percent is in sawlog stocked stands, and about 76 percent of the forest is owned by private forest landowners. A diverse forest-based economy supports a $2.2 billion industry that provides 14,000 jobs. The number of private forest landowners has increased from 35,000 in 1950 to 135,000 in 1999 and continues to increase while development pressure from growing suburbs, second homes, and other land conversion reduces the forests by about 7,000 acres per year (Maryland Department of Natural Resources Forest Service 2006).

Maryland does have a right-to-farm law and the law does include silviculture in the definition of agriculture. The law does not designate agricultural districts; rather the law is administered at the county level by the county government (Chomel 2005).

Maryland’s Forest Stewardship Program includes different programs to incentivize forest conservation. The Maryland Tree Farm Program, part of the American Forest Foundation and the American Tree Farm System, encourages sound working forest management for multiple uses,
including wood products, wildlife habitat, and watershed conservation. The woodlands must be protected from fire, insect pests and diseases. Landowners with 10 or more acres of woodland can enroll. Maryland has about 269,000 acres conserved on more than 1500 Tree Farms (Maryland Department of Natural Resources 2011).

The Forest Conservation and Management Program reduce property taxes for landowners who have at least five acres and agree to follow a management plan for a minimum of 15 years. Penalty taxes are assessed if the property is removed from the program or sold before the completion of the 15-year time period. New owners can avoid the penalty taxes by maintaining the current land use and following the existing management plan (Maryland Department of Natural Resources 2011).

Forestry Assistance to Landowners is a regional program offered by the DNR Forest Service with several types of assistance for establishing, protecting, planning, and managing forests. Maryland has four regions with programs tailored to each region (Maryland Department of Natural Resources 2011).

The Woodland Incentive Program provides financial assistance to private forest landowners. The property must be between 5 and 1,000 acres and the owner must maintain the current property use for 15 years. The program will pay 65 percent of management costs, up to $5,000 per year or $15,000 over three years. Woodland owners may receive funds to pay for reforestation of abandoned farmland or harvested woodlands, silvicultural treatments such as prescribed burning, improvement cuts, or thinning, and for stewardship plan preparation (Maryland Department of Natural Resources 2011).

The Maryland Income Tax Modification for Reforestation and Timber Stand Improvement program provides state income tax reduction for woodland landowners who own or lease between 10 and 500 acres that can produce at least 20 cubic feet of wood per acre per year. The landowner can deduct twice the cost of timber stand improvements or reforestation from their adjusted gross income, but the landowner is limited to claiming the costs for up to 100 acres in any one tax year. The costs for
more than 100 acres must be claimed in subsequent tax years in 100 acre increments. The timber management plan must remain in effect for 15 years. There are penalty taxes for property that does not remain in the program for the requisite 15 years (Maryland Department of Natural Resources 2011).

Pennsylvania and Maryland both include silviculture in their right-to-farm laws, but Maryland does not have agriculture districts. The law is administered by county governments. Maryland allows reduction of property taxes on 5 acre properties instead of Pennsylvania’s 10 acres, but Maryland requires a management plan for 15 years. Pennsylvania’s Clean and Green program is continuous and requires 7 years tax savings repayment if land use is changed. Maryland does not require tax savings repayment after the 15 years. Maryland encourages forest conservation by providing PFLs the financial incentives described above.

Massachusetts

Massachusetts is one of the most densely populated states and one of the smallest, yet has the eighth largest percentage of forested land (de la Cretaz et al. 2010). Forest cover increased in the early 20th century as farming and harvesting declined, but conversion to residential, commercial, and industrial uses increased in the 1960s and 1970s. Today, private forest landowners hold about 2,244,000 acres or about 70 percent of Massachusetts forested land (de la Cretaz et al. 2010). There are about 212,000 private forest landowners, but only 47,000 own more than 10 acres. Development takes 22 acres of forestland each day (Taylor 2010). The Massachusetts Department of Conservation and Recreation is committed to conserving the working forest landscape (Taylor 2010). Massachusetts does have a right-to-farm law (Massachusetts State Legislature 2011a) and that law does include the growing and harvesting of forest products in the definition of agriculture (Massachusetts State Legislature 2011b). The law does not establish agricultural districts, but provides a model ordinance that towns and municipalities may use to write local right-to-farm ordinances (Massachusetts Department of Agricultural Resources 2011).
The Massachusetts Forest Cutting Practices Act is a permitting process that protects, for the public benefit, the ecosystem services provided by forests. All commercial timber harvests of more than 25,000 board feet or 50 cords, on public or private land, requires the filing of a Forest Cutting Plan with the Department of Conservation and Recreation and the local conservation commission. The law also requires the landowner to prepare a Notice of Intent to Abutters form and deliver it to all landowners whose property boundaries are within 200 feet of the planned harvested. The other landowners cannot oppose the harvest operation, but can determine if boundaries are properly marked. The local Service Forester examines the plan and approves, asks for additional information, or disapproves the plan (Massachusetts Department of Conservation and Recreation 2011a).

The Massachusetts Current Use Forest Tax Program sets property taxes on forestland at the potential productive value instead of the fair market or development value. A landowner must have at least 10 contiguous acres and an approved forest management plan. Withdrawal from the plan and a land use change to residential, commercial, or industrial requires repayment of the difference in taxes for the previous five years plus interest (Massachusetts Department of Conservation and Recreation 2011b).

The Forest Stewardship Program is an educational and management program that helps private forest landowners conserve the ecosystem service benefits of their properties. The landowner hires a licensed consulting forester to develop a 10-year forest management plan based on their goals for the property. Landowners with properties between 10 and 1,000 acres are eligible for some reimbursement of the costs associated with the writing of the management plan (Massachusetts Department of Conservation and Recreation 2011c).

Pennsylvania and Massachusetts both offer right-to-farm protection and property tax reduction on forestland. Unlike Pennsylvania, Massachusetts requires permits and plans for commercial harvests, but provides working forest conservation financial incentive by reimbursing part of the costs of developing a management plan through the Forest Stewardship Program.
Forest conservation is critically important in the 21st century. The United States loses 6,000 acres of open space to development every day (USDA Forest Service 2007). The renewable timber resources, wood products industry, production of biofuels, and emerging carbon markets are all important parts of America’s economy and the Nation’s response to the coming global warming crisis. The five states considered in this literature review have similarities and differences in their approaches to conservation of forestland, but all have a strong commitment, along with the USDA Forest Service, to conserve the renewable resource that is America’s forests.
Chapter 3

Methods

The goal of this study was to develop tools to encourage cross-boundary cooperation within forest neighborhoods to conserve Pennsylvania's working forests. The three objectives were to understand: 1) the current use of conservation easements to conserve working forests, 2) PFL willingness to cooperate with their neighbors, and 3) existing conservation tools within Pennsylvania's conservation policies and laws. Completing the three objectives involved collecting three sets of interview data. The first was a series of case studies focusing on landowners who had conserved their properties with easements. We particularly wanted to know if the conservation easements restricted working forest management practices. The second set involved focus groups with forest landowners within two watersheds in Fulton County, part of the Chesapeake Bay Watershed. The USDA Forest Service Chesapeake Bay Working Group sponsored this study with an interest in informing landscape level cross-boundary cooperation for working forest conservation within the Bay's watershed. The original intent was to invite these focus group attendees back for a facilitated discussion, the third data set, to share a presentation on landowner conservation experiences and forestland conservation tools to elicit feedback and possibly encourage cooperative behaviors. However, most of the focus group participants were unwilling to attend another meeting. Therefore, three woodlands owners groups agreed to host facilitated discussion meetings with their members.

Case Studies: Methods

The sixteen case studies of private forest landowners who had placed their properties under a conservation easement were conducted using semi-structured interviews (Denzin and Lincoln 2000). The goals for these interviews were the effect of conservation easements on working forest management activities, the assessment of motivations for establishing the easement, and the interviewee's experience with the process of establishing the conservation easement. An interview guide containing a set of short-answer questions was used to ensure that basic information about the
property and the conservation easement was gathered. Interviewees were also asked to complete a demographic survey. Appendix A contains both of these documents.

Interview subjects were located by contacting conservancies active in Pennsylvania. The conservancies were asked to recommend landowners who might have an interest in helping with this research. All of the conservancies contacted were willing to assist and, after first contacting their clients to be sure of their willingness to participate, provided email addresses and/or phone numbers for their contacts. The conservancies that provided interview contacts and the counties where the properties are located are listed below.

- Clearwater Conservancy: Centre and Huntington
- Natural Lands Trust: Bucks/Montgomery
- North Central Pa Conservancy: Lycoming and Tioga
- Brandywine Conservancy: Chester
- Central Pa Conservancy: Dauphin, Mifflin, and Huntingdon
- Lancaster Conservancy: Lancaster
- Delaware Highlands Conservancy: Pike and Wayne
- Forest Legacy Program: Bedford

During the interviews, which usually took place on their property or in their home, these landowners were asked to talk about three concepts: 1) their motivation for entering into the conservation easement; 2) the process of establishing a conservation easement; and 3) if they would change anything in their conservation easement. They were asked to tell their story about establishing a conservation easement in as much detail as they chose. The interviews were recorded and then coded and evaluated for common themes. A rich story was written about each interviewee's experience of establishing their conservation easement. The stories of the sixteen interviews are included in Appendix C. The anonymity of the interviewees was protected by removing all identifying information, including interview dates and county of residence, and using pseudonyms in the stories. IRB approved consent forms were collected for all interviewees and are included in Appendix A. All of the stories, except one who could not be contacted, were vetted by the interviewees.

Interviewee responses to each of the questions were coded and evaluated for common themes (Denzin and Lincoln 2000; Weiss 1994). A synopsis of the thematic responses was written and shared.
with all the interviewees when their stories were sent for approval. Some of the interviewees made very helpful suggestions on to improve the synopsis.

**Focus Groups: Methods**

Two focus groups were conducted in Fulton County, Pennsylvania to evaluate the willingness of PFLs to cooperate with their neighbors within watersheds for conservation and management objectives. Focus group participants were woodland owners in two small watersheds in Fulton County. All owners with more than 10 acres of forested land were identified and received a mailed invitation to participate in one of the two focus groups. The watershed-based sampling approach was used because of the link between forests and water quality. ArcMap was used to combine the tax parcel information layer with a Streams of Pennsylvania layer. Public and forest industry forest landowners were identified through this process and excluded from the sample. Ninety-six private forest landowners from the Patterson Run watershed were invited to the first focus group and thirty-six were invited for the second group from the Spring Run watershed. Seventeen people attended the Patterson Run group and three people attended the Spring Run group.

The interviewer initiated the discussion by asking three questions sequentially and eliciting feedback and discussion after each question. The three questions were: 1) what do you value about your property; 2) what are your concerns about your land; and 3) what are your hopes and desires for your land after your tenure? Because the intent was to elicit naïve and personal answers to the questions, no information was presented at the beginning of the discussion. The researcher attempted, unsuccessfully at times, to resist supplying any information and to limit his comments to encouraging further discussion on the part of the participants. Field notes of the discussions were recorded and later coded and evaluated for common themes (Denzin and Lincoln 2000).

**Facilitated Discussions: Methods**

The initial intent for the facilitated discussions was to invite those landowners who had attended the focus groups along with some landowners in the two watersheds who had not attended either focus group, but who had expressed interest in the study, back for a presentation of preliminary
study results. During that meeting the discussion would have provided feedback on methods and tools to encourage cross-boundary cooperation. A letter was sent to this list of potential participants and the meeting was advertised in The Fulton County News (see Appendix C), but only three people responded with an RSVP. The meeting was canceled and an alternative approach for conducting facilitated discussions was established.

The facilitated discussions were conducted with the Woodland Owners of Centre County, the Tioga Woodland Owners Association, and the Woodland Owners of the Southern Alleghenies. The Woodland Owners of Centre County group was chosen because of its proximity to Penn State University and the personal involvement of the thesis researcher's advisor facilitated scheduling the meeting. The Tioga Woodland Owners Association was chosen because of a high level of interest in cooperation due to the impact of the Marcellus gas drilling activity in that county. The Woodland Owners of the Southern Alleghenies was chosen because this group's activity covers Fulton and Bedford Counties, which were named in the initial proposal of this study. Again, the thesis advisors and one of the case study interviewees are involved with this group and these relationships were instrumental in convincing the group to participate in this part of the study. Michael Knoop of the Western Pennsylvania Conservancy sent invitation letters to the members of the Woodland Owners of the Southern Alleghenies, chaired the meeting, and purchased food and beverages for the meeting.

The facilitated discussions were not intended as naïve discussions, but rather as sessions to provide informed opinions on the methods and tools being developed to encourage cross-boundary cooperation. A PowerPoint® presentation was developed to include the preliminary results from the case study and the focus group interviews. After the presentation the presenter elicited opinions and led a discussion using three questions similar to those asked during from the focus group sessions. The three questions were: 1) what do you value about your land, 2) how do the activities of your neighbors affect what you value about your land, and 3) what are your plans for your land after your tenure? The participants were also asked to comment on the feasibility of using the ASA program as an organizing tool to encourage cross-boundary cooperation. The discussion was recorded and field notes were taken.
by additional researchers. The recordings of these discussions were coded and evaluated, along with the field notes, for common themes (Denzin and Lincoln 2000).
Chapter 4

Results and Discussion

Landscape level conservation is essential for sustaining ecosystem services and resources (McKinney et al. 2010). Cross-boundary cooperation between PFLs and governance agencies is essential to landscape level conservation (McKinney et al. 2010). Much has been written about cooperation between federal, state, and non-governmental agencies (McKinney and Johnson 2009; Wondolleck and Yaffee 2000). This study attempts to add information about ways to encourage PFLs to cooperate across their property boundaries within their watershed neighborhoods to ensure the continuity of Pennsylvania's working forest. The three objectives: 1) understanding conservation easements, 2) evaluating PFL willingness to cooperate, and 3) understanding Pennsylvania's existing conservation laws and policies, informed the goal of developing tools to encourage PFL cross-boundary cooperation within neighborhoods.

The functional parts of this study (i.e., the sixteen conservation easement interviews, two focus groups, three facilitated discussions, and the conservation laws and policies literature search) provided a hierarchy of information to inform the project goals. The case studies helped the researcher understand how PFLs might be motivated to establish conservation easements on their forestlands. The focus groups informed an understanding of PFL values and concerns about their forestland, some insights into future plans, and provided a few examples of cross-boundary cooperation. The facilitated discussions increased our understanding of PFL values, provided some examples of future plans, and provided two personal examples of PFLs affecting cross-boundary cooperation. The participants in the facilitated discussions also provided feedback on a tool discovered in the conservation laws and policies literature search (i.e., ASAs) that may encourage future cross-boundary cooperation.
Deciding to place a forested property under a conservation easement is a complex process for landowners and conservancies. Landowners must decide their motive for conserving their land, work through the financial rewards and losses, determine the wants and needs of their successors, and decide on the reservations (terms and conditions or retained rights) and restrictions to be included in the easement. The benefits in tax relief may be substantial for the landowner, but the loss of the right to change land use is permanent. The conservancy or land trust must decide if the property fits their concept of a place worthy of conservation, whether they require a stewardship or monitoring donation for the administration of the easement, and what restrictions they will require of the current and future landowners to meet the conservation goals. Conservancies usually take time to work through the process of establishing easements to assure that the landowner understands and agrees to the reservations and restrictions.

A primary motivation for conserving land in all sixteen landowner interviews was a love of the rural environment and open space. All of the interviewees expressed a deep love of nature. Almost all expressed a dislike for subdivision and development and said they want their land to remain as open space forever. Some talked of growing up in families where an environmental ethic was taught. Additional motivations were the federal income tax deduction for the donated easement value, possible reduction in property taxes, and the reduction in estate taxes value which may ease inheritance issues.

The motives for establishing a conservation easement expressed by the case study subjects in this study are in line with those motivations cited in the literature (Bernstein and Mitchell 2005; Ernst and Wallace 2008; Farmer et al. 2011a; Farmer et al. 2011b). The participants talked about their love of the land, how they enjoyed watching wildlife and being near nature, how much they disliked the development they witnessed, and that they wanted their land to be conserved as open space forever. One lady said about her and her husband’s property: "...the land speaks to you so beautifully everyday
and its miracles here that put you in touch with nature...we are the stewards of this land." Another couple who was interviewed together expressed their motivation: "I think we both share a love of the, not primitive, but natural environment and not wanting everything in the world developed. We're both motivated that way, environmentally conscious ... and we feel good during our time alive knowing that this place will stay like this."

The landowner's perception of the process of establishing a conservation easement was varied. Some said it was easy and "marvelous" while others were very frustrated by the process. Some of the frustration was linked to particular and unique issues with a property, caused by end-of-year tax deadlines, or involved the landowner's lack of familiarity with the conservation easements. Conservation easements take time to establish. Some landowners believed the conservancy was "dragging its feet," but most expressed an understanding that the time spent working on the language of the easement allowed new issues to arise, decisions about reservations and restrictions to be thoroughly discussed, and a good agreement to be reached. Taking the time to get things right is extremely important in easements because they are a legal document that cannot be easily changed and exists in perpetuity.

Another important aspect of the first objective was to understand the use of restrictions against working forest management practices within conservation easements. Of the sixteen case study interviews, fourteen allowed timber harvesting and other working forest management practices, such as thinning, with an approved stewardship plan. One landowner restricted all harvesting on the woodlot, but there were only eleven acres of wooded land and that area was a wetland with several seeps that are the headwaters of a first order stream. The landowner decided to completely protect that small wooded area to favor the water resource and the conservancy agreed because the primary conservational value of this relatively small property was the water resource. The second landowner restricted harvesting on a 52 acre tract because of personal ethic. The landowner believes the area should be left to nature. A quick observation of the woodlot after the interview revealed an overstory
of mature hardwoods with an understory dominated by a mix of honeysuckle and autumn olive. An in-depth examination of the property may yield information that supports the need for management to maintain a healthy forest ecosystem.

None of the landowners expressed regret about establishing their easements. It did not change their prior use of their properties. A few had situations after establishing the easement that required a discussion or negotiation of an issue with the conservancy, but none regretted their decisions. Most expressed the importance of the careful process of writing the language of the terms and conditions of the easement to assure satisfaction. Specifically, with the third question, we tried to understand if conservation easements prevented the implementation of working forest practices on conserved forestland. This was not found to be the case. Of sixteen conservation easements, only two placed limits on timber harvests and those restrictions were written by the landowners, not the conservancies. The other fourteen cases tell the story that conservancies recognize the need to manage Pennsylvania forestlands and the general restriction is that timber harvest can occur on conserved land as long as a forester has written a management or stewardship plan for the property and the conservancy has examined and approved the plan. The sixteen case study stories are included in Appendix B.

Conservation easements appear to be an excellent approach for conserving the working forest landscapes of Pennsylvania. However, there is one issue that seems to be in the background of several conversations I had with PFLs during the focus groups, the facilitated discussions, and one-on-one after these discussions. I believe PFLs often misunderstand how a conservation easement changes land ownership rights. Some people think the land can't be sold, that most of the value is lost, that the land must stay in the family, or that it can't be harvested. Generally, the only change is the land use may not be changed to commercial or residential development. These misconceptions may prevent people from considering conserving their properties or even seeking out more information about the easements. Education and outreach is the solution to this problem.
Another issue that one landowner discussed is that, because the primary motivation seems to be a deeply ingrained conservation ethic and love of open spaces, the pool of landowners motivated to conserve their properties in perpetuity may be relatively small. PFLs own forestland for many reasons (Metcalf 2010) and have many reasons for selling forestland (Gruver 2010). Some participants in the group interviews stated that they believed they could not establish a conservation easement on their land because of the possibility of future financial needs and, as stated above, many PFLs perceive a large loss in land value is a consequence of a conservation easement. Without a complete understanding of the results and consequences of establishing a conservation easement, many PFLs may believe that conserving their land in perpetuity is too great a sacrifice and would put the financial well-being of their families at risk.

One participant discussed two ideas that may increase the number of easements in the future. One is that many landowners shy away from easements because of the issue of perpetuity. Many people who may want to conserve the current use of the land and protect it from development believe that locking up the land in perpetuity is irresponsible or that they don't have the right to set the land aside forever. They believe that some owner in the future may have a need that cannot be predicted and therefore should have the right to make decisions based on their personal situation. For many people the idea of forever is too long. Easements that expire after ninety-nine years or some other fixed time frame might change that perception and encourage more conservation on a landscape scale by making easements more amenable to those for whom “forever” is too permanent. A second idea is that for many elderly landowners the federal income tax deductions that are usually spread over sixteen years are not a great incentive to conserve their properties. One interviewee suggested a change in the federal tax laws that involved tax deduction transfer technology that would incentivize conservation. In this approach, a third party with an income structure that could benefit from the tax deduction would pay a cash settlement to the elderly landowner who would establish a conservation easement on their property and the tax deductions would be transferred to the third party. The process would be net neutral to the federal government because the only value taken is the inherent easement...
value, but it may create an incentive for easements on more properties and increase the conservation of Pennsylvania's working forests.

**Evaluating Private Forest Landowner Cooperation:**

The three questions asked during the focus groups and facilitated discussions were similar. Combining the results and discussion of the participant’s responses simplifies and clarifies the presentation of the information gathered.

**Landowner values:**

This section starts with a review of what is important to the participants about their land from across the focus groups and the facilitated discussions. The first question asked in both types of group interviews, "what do you value about your land," elicited responses that reflected the literature on why people own forested land (Jones et al. 1995; Butler and Leatherberry 2004; Bengston et al. 2010; Metcalf 2010). Most group participants talked about the non-consumptive reasons for owning forests: solitude, a slower pace of life in the country culture, privacy, watching wildlife, and sharing the outdoors with grandchildren. Some participants gave reasons that demonstrated a conservation ethic: trying to live off the land as much as possible, satisfaction from improving the forest, the potential to rehabilitate overused and degraded land, and owning something beautiful that can be passed on intact. Within both group processes people talked about using the resource of the forest to supply firewood to heat their home, but no one talked about owning the land primarily as a financial investment. Some had harvested timber, but that was done to improve the quality of the forest stand.

**Landowner concerns and outside impacts:**

The second questions in the focus group and the facilitated discussion attempted to encourage participants to think about issues of concern because perception of threats to the land and their livelihoods can often bring people together. We hoped to assist them in finding commonality in their
concerns and to encourage thinking about ways to pool resources to meet those threats. The second question in the focus groups was "what are your concerns about your land?" Erosion, both from streams and on forest roads, was mentioned. Deer was a big topic, both regeneration and tree damage from too many deer as well as unwanted incursions on private property during deer hunting seasons. Some cooperation did occur to spray for gypsy moths and road repair, but a concern mentioned was the lack of gypsy moth control on Pennsylvania Game Commission land and the transferred effect to private forestland. Though Fulton County is not yet affected much by the Marcellus gas drilling, the attendees did voice some concern about how that would affect their area in the future. Several people mentioned protecting the county from future residential development. Finally, some participants talked about a lack of knowledge about stewardship and working forest management. The Pennsylvania Service Forester who attended both sessions offered his assistance with that issue.

The second question in the facilitated discussions was similar to the focus groups' question: "how do the activities of landowners in your neighborhood affect what you value about your land?" White-tailed deer management in Pennsylvania was a big issue in these sessions. Some participants were concerned about how the lack of deer management on neighboring properties would affect their forest regeneration, the increase in trespass posting on some properties was seen to add to the problem of too many deer, and the overall controversy between those hunting groups that wanted more deer and those groups advocating for more limited deer herds was seen as a negative factor when considering cross-boundary cooperation. Some talked about how neighbors can be jealous of a successful landowner and how they can't even talk to their neighbors, but others talked about neighbors who "look over the fence," see a successful project, and implement similar treatments on their own properties. One very important point was that people who buy property and move into a community may be treated as outsiders by residents from multigenerational families even after decades in the community. This attitude can make it hard to get to know neighbors and have a positive effect on the conservation in an area.
During one of the facilitated discussions an additional question was asked: "how do you bring people to the table, or, how do you move the management and conservation conversation across the landscape?" A strong response centered on the idea that money gets people involved and economics is often more motivational than an environmental ethic. The long-term nature of responsible working forest management can be a hard sell and people must first take care of the necessities of life. The participants agreed that most people who live in the country have a love for the land and at least some environmental ethic, but that economics encourage and pay for that ethic. One said handing out advice about how to care for the land can be perceived negatively as preaching, but inviting neighbors to a field day on one's property to demonstrate the effectiveness of fencing out deer on regeneration, or setting a good management example for those neighbors who like to look over the fence, can be a highly effective means of having a positive effect on landscape management and conservation.

Planning for the future:

The third question asked in the focus groups was: "what are your hopes and dreams for your property?" The question yielded many hopes and dreams, but not many had actually made any plans for passing their properties on to successors. The discussion tended to drift away from plans for inheritance into other topics and the question was repeated a few times to attempt to elicit a real response. The most frequent response was they hoped the property would stay in the family and not be sold. One participant had willed his property to a relative, but most did not respond to the question or said they had not yet begun estate planning.

"What are your plans for your land after your tenure?" was the more direct third question asked during the facilitated discussions. Several participants in the woodland owners groups had actually made plans for the next generation of ownership of their land. This may be a result of attendance at educational seminars as a part of the woodland owners groups or just because having enough interest in management to join a group led to more awareness of pertinent issues. Some participants talked about having the next generation attend stewardship training so they were educated
and prepared for the task of forest management. One man had already deeded the land to the next generation and others talked about limited family partnerships or irrevocable trusts that had been established to facilitate a smooth transition of ownership. The Marcellus gas drilling was credited with increasing the interest among some successors in Tioga County. However, several talked about how difficult it can be to even begin the estate planning conversation with the next generation.

Reactions to tools to bring people together:

The final question asked in the facilitated discussions was: "what are your thoughts on the use of the Agriculture Security Areas as a tool to encourage cross-boundary cooperation, or are there other tools you could suggest?" The answers were not very encouraging. The ASA is well-known in farming communities where it was established to protect normal farming practices. It is not seen as an aid to environmental conservation. It may take an educational effort to inform landowners that forestland ASAs are possible and that protection of normal forestry practices would be a benefit. The perception of the need for those protections is a necessary element of the usefulness of the ASA for conservation.

Cross-boundary cooperation:

A. Finley and his colleagues (2006) describe four groups of private forest landowners, the non-cooperators, the general cooperators, the conservation cooperators, and the neutralists. The conservation cooperators and general cooperators are defined by their interest in at least some forms of cross-boundary cooperation. The neutralists are described as ambivalent toward cooperation and the non-cooperators are described as disinterested in cooperation. Most of the focus group and the facilitated discussion attendees seemed to belong to the general and conservation cooperators, if for no other reason than that they were willing to attend the meetings. The facilitated discussions in particular were conducted with woodland owners groups, and the participants who attended were interested enough in cooperation to have joined an organized group and also agreed to attend a meeting aimed at research. The participants in these group interviews were generally not very positive or optimistic.
about the possibilities of expanding cross-boundary cooperation in their neighborhoods. They had stories about cooperation with their neighbors and a few were very positive, but much of the discussion involved the difficulty of getting to know neighbors, disputes over hunting, or treading very lightly when attempting to aid conservation in their neighborhoods or provide information to their neighbors.

Cross-boundary cooperation may be difficult to foster, but cooperation does happen under certain circumstances. Some participants shared cooperation that occurred in response to a problem, i.e., washed-out culverts on a shared road, gypsy moth infestations, or when there were threats to what landowners’ value on their property. People who own forestland may have an environmental ethic and a love for the land that they may not talk or think about on the surface, but they generally want to protect their land. However, they may not be interested in the permanent conservation or do not understand that conservation easements do not change their use of the land.

The facilitated discussions occurred with woodlands owners groups and so was a little like preaching to the choir when discussing working forest management practices and conservation. The goal of the ASA idea for forestland is to find a way to involve the non-joiners, those landowners that Finley et al. (2006) termed non-cooperators and neutralists. Finding a way to motivate those landowners to get involved with their neighbors requires making it valuable to them to cooperate across the boundaries. Most people don't seem to be motivated by a simple ethical position, but they do get involved when they perceive a threat to their chosen way of life or the aspects of their woodlands that they value.

Two ideas evolved from these group interviews. The first is the idea of "looking over the fence" and the second is the idea of the "local champion." Looking over the fence is a metaphor for setting an example. The landowner who set forth this concept talked about how neighbors don't like to be told what to do on their land; they don't really want direct advice. However, when he did some treatment to his property that worked well and looked good, the next year or so he would begin to see
the same concepts applied on his neighbor's land. Looking over the fence is what the neighbors were doing when they followed his example. He felt this was the most effective way for him to disseminate conservation concepts and practices. The concrete example he gave was improving the plant cover in riparian zones on his agricultural property. Another participant talked about promoting conservation or best management practices within her neighborhood by holding Field Days on her properties. Neighbors were invited over to see practices used to improve the property and to share their ideas.

The local champion or neighborhood organizer idea was demonstrated by another landowner at one of these discussions. His goal was the conservation of the entire small watershed where his property is located. He was a unique individual with a very unique story. He had managed to get all of the private landowners within the small watershed, part of the watershed is Pennsylvania Gamelands, to attend meetings, discuss the future disposition of the watershed, and actually have everyone agree that they wanted to ensure that the watershed was never subdivided and developed. He talked about how much effort he put into the organizing over a period of years. He described himself as a little different and talked how he delivered fastnachts (a type of doughnut) to all his neighbors on Fastnacht Day, took fruit and goodies around on Christmas and other holidays, and spent a good deal of time "holding hands" to get his neighbors through the process of consensus building. He is an example of probably the most successful organizational strategy, but the difficulty is finding the right person willing to go to the effort to pull it off.

Encouraging cooperation is difficult, but not impossible. Several participants in the focus groups and facilitated discussions talked about the difficulty of getting to know their neighbors, cooperating on projects with neighbors, or even setting an example for those looking over the fence and the literature supports these observations (Rickenbach and Reed 2002). However, others spoke of some successes working with neighbors on cross-boundary timber harvests or spraying for gypsy moths. A big hurdle to cooperation may be the divide between those who purchase land in the country and those who inherit, those who are "newcomers" even after decades in a community and those from
multigenerational families. Working with or taking direction or advice from newcomers may be difficult for old-timers. Another issue may be that many private forest landowners describe solitude as a top reason for owning land. Disturbing that solitude may not be an effective means of fostering cooperation.

**Understanding Pennsylvania Conservation Policies and Laws**

Pennsylvania has a long history of laws and policies to conserve open space and agricultural land, from the early attempts in the 1960s to Clean and Green in 1974 and the Farmland Preservation Program of 2008. The ASA law of 1981 was one of the early right-to-farm laws (Farm Foundation 2008). During the decade of the 1970s, rural areas experienced migration from urban areas into new residential developments. These ex-urban newly rural residents often took offense at the normal sights, sounds, and particularly smell of normal farm life and attempted to limit the intrusion into their idyllic settings with legal actions. The law enabled the establishment of farming areas within which normal farm operations were protected from nuisance lawsuits and local regulation that sought to limit those practices. The interesting information that pertains to this thesis is that the law includes timber and other wood products in the definition of crops and silviculture under the definition of normal farm operations (The Pennsylvania Code 2004). An interview with the Pennsylvania Department of Agriculture administrative officer for the ASA program was conducted in January of 2010. The administrative officer was asked if a forestland ASA was allowed under the current law. She replied that it was permissible under current law, but that she had never heard of any county establishing that type of ASA. She also said that a private forest landowner could join an already established ASA in their county if the property met the requirements of the law. The establishment of a forestland ASA or private forest landowners joining already established ASAs within their counties may be a tool to encourage cross-boundary cooperation.

The reception to the idea of a forestland ASA as a catalyst for cross-boundary cooperation was lukewarm, possibly because the ASA has long been thought of as a strictly farm focused. An
educational effort for woodland owners associations to teach the benefits of a forestland ASA and encourage those conservation cooperators to establish or join existing ASAs will promote the idea of the ASA as a tool to encourage cross-boundary cooperation.
Chapter 5

Conclusions and Implications

The conclusions of this study suggest that while encouraging landowner cooperation on a landscape level may be a lofty goal, there are possible mechanisms to begin the conversations and encourage conservation. Helping landowners recognize the values and problems they share with their neighbors will enable future communication and cooperation efforts. Efforts to inform landowners of the financial benefits and limited consequences of conservation easements, i.e., easements generally do not change the present land use and most property rights still are held by the landowner, may encourage easement establishment. The Agriculture Security Area law may be effective as a catalyst to encourage cross-boundary cooperation.

Determining the effect of conservation easement restrictions on working forest management practices was a thesis proposal objective. The literature search did not yield any indication of generally applied restrictions on management practices and only two of the sixteen case study conservation easements contained restrictions on harvesting trees. The literature suggests that current conservation easements generally include a management or stewardship plan. This may be an interesting area for further research. A suggested approach would be to interview several landowners with conservation easements that were established decades ago and interview conservancy personnel with many years of experience writing conservation easements. Two of the conservation easements discussed in this thesis date from about 1980 and the interviewees were second generation owners, but both conservation easements contained stewardship plans as a part of the original documents.

The case study of landowners with conservation easements was an effective methodology to understand easement motivations and experiences. However, the methodology used to understand cooperation was flawed. Time and budget constraints limited the number of focus groups attempted and limited the population of participants willing to return for facilitated discussions. A future study focused on understanding current PFL attitudes on cross-boundary cooperation might be able to
conduct focus group interviews from several watersheds in Fulton and Bedford Counties, develop an in-depth understanding of current attitudes, and conduct facilitated discussions with returning participants. The facilitated discussions could yield effective strategies, suggested by the participants, to encourage cross-boundary cooperation. Key informant interviews with DCNR Bureau of Forestry Service Foresters, county planners, and consulting foresters may also yield cooperation examples and strategies.

I believe this project’s most important idea is that local champions can affect working forest management and conservation in their neighborhoods. The three champions discussed influenced their neighborhoods in different ways, but all three talked about the need to be trusted by their neighbors. The man who set an example for those “looking over the fence” and the woman who invited neighbors to field days on her property both talked about the importance of not preaching to neighbors and not giving advice unasked, but to set an example of effective best management and conservation practices. The man who handed out fastnachts and fruits to his neighbor established trust with years of generous, neighborly actions and patience persistence while developing a conservation consensus among his neighbors.

A suggestion for conservancy personnel working in conservation easement outreach is to seek out the local champions and encourage them to share their successes with neighbors. Sponsoring a field day on a property to demonstrate conservation or management practices may be effective. Presentations of their problems and appropriate solutions may develop recognition of shared values, challenges, and opportunities for improvement treatments financed by timber harvests. The recognition of shared values and threats is a strong motivator of cross-boundary cooperation (Kittredge 2005).

Identifying the landowner willing and able to take on the role of local champion may be the tough part. The Pennsylvania Forest Stewards Program is grounded in the idea of training willing landowners to understand and be able to apply forestry best management practices and then work within their neighborhoods to teach and encourage other landowners to manage and conserve
woodlands. Another set of environmentally educated and motivated landowners are people who join woodland owners associations. Both groups may be sources of knowledgeable and motivated people to act as local champions within their neighborhoods. Pennsylvania's Service Foresters as well may encourage cross-boundary cooperation by encouraging landowners they assist in developing management plans to share harvest intentions with their contiguous neighbors. Harvesting across boundaries may be an effective means of bringing the small acreage forest patches into the greater working forest (Kittredge 2005).

I also suggest that conservancies may want to pursue two ideas about conservation easements discussed by one of the case study interviewees. Both of these ideas require changes to the deductions for charitable donations sections of the federal tax code and may be very challenging to accomplish, but both may encourage an increase in conservation easements. The first is the problem of perpetuity. Some PFLs who were part of the group interviews expressed their reluctance to consider conservation easements because they believed that making a decision that limited the uses of land forever was irresponsible. Limiting a conservation easement to 99 years would protect forestland from development for at least three generations, but eliminating the word “forever” may make the easement more acceptable to many landowners. The second idea is tax deduction transfer technology. Many elderly PFLs do not have an income large enough to capture the benefits of the donated easement value income tax deduction, or the 10-15 years it can take to capture all of the income tax benefit is too long. Tax deduction transfer technology would allow a third party with enough income to capture the tax benefits to pay a PFL an immediate cash payment of some percentage of the tax benefit, the PFL would establish a conservation easement on their property, and the third party would use the income tax reduction benefit. These two changes may incentivize conservation easements that would otherwise not occur.

Pennsylvania's ASA law has been used to great effect to help conserve agricultural properties and forestland properties. The individuals who join Pennsylvania's woodland owners associations and are involved in the Pennsylvania Forest Stewardship program seem to be the General and
Conservation Cooperators among Pennsylvania's private forest landowners (Finley et al. 2006). The next step may be to encourage and train landowners already involved in working forest management on their own properties to be the local champions and attempt to establish forestland ASAs within their watershed neighborhood or add their forestland properties to existing ASAs. Those landowners who have their properties in the Clean and Green program have already committed to some conservation actions and may be the group to contact first. Communicating the advantages and benefits a forestland ASA may bring the Neutralists and Non-Cooperators (Finley et al. 2006) to the table, inform them about management issues, and begin the landscape conservation conversation.
Literature Cited


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“As mentioned on the phone, we’re doing an interview-based research study on how forest landowners are using and working within conservation easements on their forestland. We are going to be tape recording this interview so that we can capture your words adequately and make sure we hear what you have to say. Are you still okay with being tape recorded?”

Yes  No

If no, “Okay. Well thank you for your time. I wish you well.” <Leave>

If yes, “Great. Thank you. I have a consent form that I’d like for you to read over and sign – two copies. I’ll give you a signed copy for your records and I’ll take the other one with me.”

Give the interviewee time to read and sign the consent form.

“If it’s okay, I’m going to start the recording so that we both can just forget about it.”

“This interview is fairly open-ended. I’m going to ask you a question to start off with and then I’ll be asking some clarifying questions to help me better understand your story. We’ll go in the conversation where you’d like to go. I won’t try to guide you too much.”

“The question I’d like to start off with is: Tell me about your conservation easement. I’d like to learn about how you chose to get an easement, what the process was like for you, and how you are able to act under that easement now that it is in place.”

Example Clarifying Questions (used as necessary to understand the participants’ story):

“You mentioned __________ (something that “struck” you as interesting); could you say more about ______? ”
“What happened then?”
“How did that make you feel?”
“How did you react to _________? ”

Interview lasts until the interviewee decides he/she has exhausted the story.

Then go through the short answer questions to ensure eliciting some basic information.

Ask interviewee to fill out the social demographics question sheet.
Short Answer Questions

1) How many acres are included in the conservation easement?
   __________________________

2) How many acres is the total property? ____________________

3) Does the property and/or the easement include any agricultural land? Percentage of ag land?
   __________________________________________________________________________

4) How long has the interviewee (or family) owned the property?
   __________________________

5) What year was the easement placed on the property?
   __________________________

6) Are there any restrictions, besides development, placed on the land in the easement?
   __________________________________________________________________________

7) What are the goals for the land under the easement?
   __________________________________________________________________________

8) What types of activities are being undertaken on the land under easement? (e.g., invasive removal, cutting firewood)
   __________________________________________________________________________

9) Are you satisfied with the outcomes and consequences of the terms of the easement? Y/N
   If no, ask interviewee to elaborate. ____________________________________________
   __________________________________________________________________________

Thank the interviewee; ask if they have any questions about the research.

Stop the tape and wish them well as you leave.
Working Forests within Conservation Easements: Demographic Survey

Interview Number: __________ Place: __________________ Date: __________

1) In what year were you born? __________

2) What is your current employment status?

   Please check one:
   A. ___ Full time  E. ___ Homemaker
   B. ___ Part time  F. ___ Non-employed (looking for
   C. ___ Retired    work/laid off)
   D. ___ Student

3) What was the highest grade of school you completed?

   Please check one:
   A. ___ None  E. ___ Some college/technical
   B. ___ Grade school  school/beyond high school
   C. ___ Some high school  F. ___ Completed college
   D. ___ Completed high school  G. ___ Graduate/professional
   school

4) What is your current marital status?

   A. _____ Never married
   B. _____ Married/Living with a partner
   C. _____ Divorced/Separated
   D. _____ Widowed

5a) How many children do you have? _________
5b) How many are 18 years or younger? _______
5c) How many are 19-59 years old? _______
5d) How many are 60 years or older? _______

6) How long have you lived in your present community? ________ number of years

7) Which of the following are current sources of income in your household?

   A. _____ Wages and/or salary  G. _____ Social Security payments
   B. _____ Income from business  H. _____ Retirement pension
   C. _____ Interest and/or investments  I. _____ Unemployment
   D. _____ Income from rental properties  J. _____ Food stamps
   E. _____ Supplemental security income  K. _____ Public assistance/welfare
   F. _____ Other disability benefits  L. _____ Other, please specify:

8) What was the total income in your household (before taxes) last year?

   A. ___ Less than $15,000  E. ___ $50,000 to $74,999
   B. ___ $15,000 to $24,999  F. ___ $75,000 to $99,999
   C. ___ $25,000 to $34,999  G. ___ $100,000 to $149,999
   D. ___ $35,000 to $49,999  H. ___ $150,000 or more
Informed Consent Form for Social Science Research

The Pennsylvania State University

Title of Project: Working Forests within Conservation Easements

Principal Investigators:
Richard Hill   Allyson Muth    Jim Finley
University Park, PA 16802 University Park, PA 16802   University Park, PA 16802
rdh170@psu.edu     abm173@psu.edu    fj4@psu.edu
814-863-3591   814-865-3208    814-863-0402

Purpose of the Study: The purpose of this research is to understand the use of land management restrictions under conservation easements currently held by Pennsylvania forest landowners. Conservation easements are one tool to help maintain working forests in the Commonwealth. Understanding the use of conservation tools helps inform policies directed towards larger scale conservation efforts, namely the creation of a policy to create Forest Security Areas (similar to Agricultural Security Areas) wherein there is state and local support for landowners to conserve their working forest.

Procedures to be followed: As a participant in this study, you will be asked to engage in conversation with the investigators to examine your own experiences with conservation easements and your forest. This information will be used to compile case studies of private forest landowners and their efforts to maintain working forests in the Commonwealth. These interviews will be tape recorded and then transcribed and compiled as a case study collection.

Statement of Confidentiality: Your participation in this research is confidential. Only the principal investigators will know your identity. Any and all information you provide will be confidential. Neither your name nor any identifying information will be used in any reports, although your words may be used to support the interpretation and analysis. At no time will your words be linked or traceable to you. The data collected through the recorded interviews will be transcribed and compiled as a case study collection (academic year 2009-2010). The principal investigators will be responsible for transcribing the audio tapes. No one else will have access to the tapes. The tapes will then be destroyed (by June 2010). The transcriptions will receive a numerical identification (and/or pseudonym). Only the principal investigators will be able to link you to your identification number or pseudonym. The data collected will be stored and secured in a locked file cabinet in room 4 Forest Resources Building, Penn State, University Park. After three years, these data will be destroyed by shredding. In the event of a publication or presentation resulting from the research, no personally identifiable information will be shared.

Right to Ask Questions: You can ask questions about this research. Contact Richard Hill at 814-863-3591, Jim Finley at 814-863-0402, or Allyson Muth 814-865-3208 if you have questions about this research.

Voluntary Participation: Your decision to be in this research is voluntary. You can stop at any time. You do not have to answer any questions you do not want to answer. Refusal to take part in or withdrawing from this study will involve no penalty or loss of benefits you would receive otherwise.

You must be 18 years of age or older. If you agree to participate, please sign and date below. You will be given a copy of this consent form to keep.

<table>
<thead>
<tr>
<th>Participant Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Person Obtaining Consent</th>
<th>Date</th>
</tr>
</thead>
</table>
Working Forests within Conservation Easements

Telephone Script
Private Forest Landowners with Conservation Easements

“Hello, my name is ______________________. I’m calling from the Penn State School of Forest Resources about an interview-based research study we’re doing to understand how forest landowners are using and working within conservation easements on their property.”

“We got your name from the __________________ land trust/conservancy as someone who might be willing to talk with us about their experiences with conservation easements.”

“We would like to conduct this visit face-to-face so that we can gain a deeper understanding of people’s experiences with conservation easements. Would you be willing to visit with us about your conservation easement?”

Yes  No

If no, “Thank you for your time. Have a nice day.” <Hang Up>

If yes, “Thank you. That would be wonderful.”

“We would like to tape record the conversation so that we capture things that are said more accurately. Would you be willing to be tape recorded?”

Yes  No

If no, “Well thank you for your willingness to listen. I hope you have a nice day.” <Hang Up>

“We would like to conduct this visit face-to-face so that we can gain a deeper understanding of people’s experiences with conservation easements. Would you be willing to visit with us about your conservation easement?”

Yes  No

If yes, “Thank you. That would be wonderful.”

“We would like to tape record the conversation so that we capture things that are said more accurately. Would you be willing to be tape recorded?”

Yes  No

If no, “Well thank you for your willingness to listen. I hope you have a nice day.” <Hang Up>

“Thank you so much for your willingness to participate. We look forward to meeting with you. We’ll call and confirm things as we get closer. Do you have any questions for us right now?”

Questions: ________________________________________________________________

Answer as best you can

“We look forward to meeting with you. See you soon. Have a nice day.” <Hang Up>
Appendix B

Case Study Stories

Case Study #1
Date: March 16, 2010

Mr. Robert Adams, a retired professional, talked about his life-long interest in advocacy environmentalism. Robert has been a member of The Nature Conservancy for many years and he expresses a great love for the natural environment.

Robert's property was purchased in 1973. He has never lived there, but after he retired in 1994 he began to spend much more time there and contracted with a neighbor to build a cabin from wood cut on site. Robert attended the Penn State Stewardship training in 1993 which led him to think seriously about the future of his property. He saw the fragmenting development going on in the area and realized his property might become a green island in a sea of lawns. He believed there are two ways to conserve land; it may be inherited by successors trusted to conserve or a conservation easement can be placed on the property. He believed his successors would sell the land to a developer because they were not interested in the property so, in 1996, he began the process of placing a conservation easement on the property.

Robert's land was the first Pennsylvania property conserved through the U.S. Forest Service’s Forest Legacy Program administered in Pennsylvania by DCNR. He began the process of placing the land under a conservation easement by calling the Western Pennsylvania Conservancy. The conservancy did not believe the land had any special features making it important to conserve, but were willing to establish the conservation easement if he was willing to provide a substantial donation to cover the administrative and annual inspection costs. He was willing, but while in the process of evaluating his ability to afford the easement in about 2003, he attended a wildlife and forestry conference. At the conference a representative from Western Pennsylvania Conservancy talked about the U.S. Forest Service Forest Legacy Program. Robert discussed his situation with that representative and decided to pursue a Forest Legacy conservation easement.

The process of placing the conservation easement on his land was frustrating at times because it dragged on for three years without much progress. Robert was advised to be patient; but, when he discovered that the IRS tax deduction for the donated value of a conservation easement was due to expire at the end of 2007, he decided to move the process forward quickly. He pushed hard for a meeting in Harrisburg with DCNR lawyers to finalize the conservation easement. There were questions about minerals rights from a deed search right at the end of the process, but through persistent effort the conservation easement was filed on December 23, 2007. The conservation easement with the Forest Legacy Program did not require him to provide funds for the administrative
and annual inspection costs. The conservation easement is held and administered by the Pennsylvania Bureau of Forestry and because the property is conserved through the Forest Legacy Program, a DCNR service forester may write a stewardship plan for the land.

Robert has a succession plan for his land in place. He intends to “do what is necessary” to ensure that a neighbor will be able to buy the land. The neighbor grew up on the adjoining property, lives on that land, helps Robert with the management tasks on the conserved property, and built the cabin. The neighbor understands the conservation easement and shares the owner's love for the natural environment. Robert said some other neighbors believe the two of them are crazy because they planted trees on the riparian area of an agricultural portion of the property.

The restrictions in the conservation easement are not very complex. There are two building zones, one for the cabin and another for the farm buildings. The 314 acres is mostly forested with about 45 acres of cleared agricultural fields and of this about 20 acres in the CREP program. The neighbor raises some beef cattle on the remaining 25 acres. Only one residence is allowed on the property, but additions may be built onto the cabin or it may be torn down and replaced on the same footprint. The agricultural zone may have additional farm structures constructed, but the total footprint is limited by the conservation easement. Hunting is encouraged on the property and the owner is doing some invasive plant removal work.

Robert expressed satisfaction with the terms of the conservation easement. He is able to continue all of the stewardship and management practices he pursued before its implementation and he gained a substantial IRS tax savings. Most importantly the reduction in the value below the original fair market value will enable the next owner to purchase the property.

**Case Study #2**

Date: March 17, 2010

Mrs. Jane Bailey's involvement with land use issues began in 1978 when she worked with a group of local people to conserve an area of open space near their neighborhood. The property was to be developed commercially, but through the efforts of many people most of the property became a local park. Jane began to understand conservation philosophy and that a group of determined people could make a difference. She had been exposed to an environmental ethic as a child by an aunt and uncle who were involved in an early environmental movement on Staten Island, NY. Jane credits those folks with setting an example of environmental awareness.

Luke and Jane Bailey lived in a residential neighborhood near the property on which the park was established, but moved to their present farm property in 1989. Jane immediately became involved in a land use issue adjacent to their property pertaining to a limestone mine. She attended many township meetings and some court hearings addressing the environmental impacts and zoning issues.
The issue is still unresolved, but the limestone mine has not yet opened. The experience of preserving open space as a park taught Jane to take a long term approach to land use issues. She understood what can happen to a precious piece of land if it is not protected.

Luke and Jane began the process of placing a conservation easement on the property. Jane expressed her love for the land by saying “living here on the farm … the land speaks to you so beautifully everyday”. She talked about being in touch with nature, seeing herons and bear from her front porch, and the beauty of the trees and sky. The property was also at risk of development because it is located in a desirable school district with increasing residential construction occurring near the farm.

The process of establishing the conservation easement took several years. Both partners had to agree to the conservation easement and that can take awhile. This was not a case where the easement was to be sold. A donation of money to administer the easement in perpetuity was needed and it took time to sort out the financial aspects. Jane knew the easement was going to be a complicated document and contacted a conservancy that was highly recommended while working with a local conservancy. Jane insisted that someone from the conservancy come and visit the farm because of the complexity of the process. She was convinced of the importance of conserving the property because of the archeological, environmental, and recreational values.

One problem encountered early in the process was that mineral rights ownership was unclear. The property deeds went back before 1790 through several exchanges of ownership and there may have been several possible claimants on the mineral rights. Jane first met with the mining company that owned the adjacent land to clarify the mineral rights. Later, she was told if she could get a professional geologist to certify that accessing the underground minerals was not economically feasible, the question of mineral rights could be better addressed and the conservation easement could go forward. Luke and Jane paid for a geological survey and the issue was resolved.

A second challenge was providing alternative land uses for future owners. Working with the conservancy Jane realized that setting aside a few parcels on which limited building could occur provided flexibility for a family of future owners. A landscape architect was hired to make the residence parcels fit into the land as unobtrusively as possible, using the one existing road into the property, protecting the wetlands and agricultural land, and retaining the current viewscape.

Another issue was an abandoned railroad right-of-way that crossed the property. The county government and other parties were interested in making the right-of-way a bicycle path with public access. Because of its proximity to their residence, Luke and Jane were concerned about the intrusion on their and future owner's privacy. They instead offered, through the easement, the option of the location of a hiking path near the township road on the edge of the property.
Jane expressed satisfaction with the language of the terms and conditions of the conservation easement. She worked with two different conservancies and several professionals addressing all of the details. Luke and Jane had discussed inheritance issues with the next generation, though those issues were not completely resolved at the time of the interview. Their goal for the land was to conserve the open space, environmental and historical values of the property while allowing future owners to farm, keep horses and maintain the recreational values. The conservation easement guarantees Luke and Jane's goal will be met.

Case Study #3
Date: March 18, 2010

Dan and Debra Carter purchased their 100 acre wooded property about fifteen years ago and placed the property under a conservation easement about ten years ago. The property was originally six different parcels. A twenty acre parcel with the residence and other buildings was not placed under easement to allow a new house to be built at some time in the future. The other five parcels are under easement. The line between Bucks county and Montgomery county passes through the property.

Dan and Debra had many reasons for pursuing a conservation easement on their land. The property was originally purchased not as a development investment, but because “we always enjoyed this type of land so the main objective was to be able to live here happily ever after”. They also felt there was enough residential developments in the area and did not want their property to be subdivided and developed. Dan also believed their land was an important local watershed resource because it contained many wetland areas and small streams. Finally, Dan and Debra believed that selling the development rights was a means of extracting some monetary value from the land while maintaining the integrity of the natural environment.

Dan did not begin the process of placing a conservation easement on the property immediately after purchase. He was aware of easements placed on agricultural land, but there was no money available to purchase easements on forest land at the time. Dan was concerned because he believed that forested properties provided more environmental services to a community, especially in terms of water resources, than agricultural lands. About five years after the property was purchased some funding for woodland conservation easements became available and Dan contacted the Natural Lands Trust to begin the process of selling the development rights on the property. There was considerable negotiation over the restrictions in the easement between Dan and Natural Lands Trust. The property was a certified tree farm and Dan wanted to continue to harvest wood products from the land, but he believed the Natural Lands Trust required more severe restrictions on purchased conservation easements than donated easements. Natural Lands Trust wanted to limit firewood harvest to ten cords per year for personal use, but he wanted to harvest more through stand improvement activities and sell
the firewood. Harvesting firewood was part of the sustainable forestry stewardship plan that had been written for the property before the start of the easement process. A compromise was reached.

A second issue during the process was that some of the original funding for the easement purchase came from DCNR and one of the requirements of that funding was that a property must have some public access; usually a trail around the perimeter of the property. Halfway through the process, the Natural Lands Trust informed Dan that DCNR had changed those requirements and the entire property was required to be open to the public in at least some limited fashion. Dan felt this amounted to making their property into a public park, but with the liability issues of private land, and so refused to proceed with the DCNR funding of the easement. Fortunately, Natural Lands Trust received an anonymous donation earmarked to purchase easements on high quality upland watershed lands and a portion of that funding was assigned to purchase the easement on Dan and Debra's property allowing the process to be completed.

Dan did not desire any changes to the terms of the conservation easement because he was careful during the negotiating and writing stages. He insisted on allowing the implementation of the tree farm sustainable forestry stewardship plan, included other restrictions on the use of ATV’s and horseback riding on the public trail, and insisted hunting always be allowed on the property to control the deer population. Dan did suggest that careful attention needs to be paid to the delineation of the timeline of steps that must be completed before the conservation easement is finalized and money changes hands. There was a problem with the boundary lines of Dan and Debra's property that did not come to light until after the easement had been finalized and has still not been fully resolved. Dan suggested that it is very important that a boundary survey and property title search be completed before settlement of the easement.

Dan and Debra's goal for their property was that it will remain woodland on which sustainable forestry practices are permitted. They envision future owners may make the property a public park or nature preserve, but the conservation easement assures it will never lose the woodland character they love so much.

Case Study #4
Date: March 23, 2010

John and Kim Derr have been interested in environmental issues most of their lives. They have been members of the Audubon Society and the Sierra Club for decades, John is a falconer, and Kim is a gardener. John states “I think we both share a love of the, not primitive, but natural environment and not wanting everything in the world developed”.

John and Kim purchased their property in 1966. Their interest in a conservation easement began in the late 1990’s when Kim read about conservation easements in the Nature Conservancy
Magazine. The process to conserve their land began with a visit to the Clearwater Conservancy to discuss the definition and application of a conservation easement. John and Kim did not have children who might one day need an inheritance, they did not need or want to make a lot of money from the land, and they particularly did not want their land to be subdivided into building lots. They also share their property with bird watching groups, hiking groups, and two falconry clubs. There are two blinds on the property that are used to trap hawks during the migrations and the right to the perpetual use of those blinds by the falconry clubs is written into the conservation easement.

The process of negotiating the terms of the conservation easement with the conservancy was slow and at times frustrating, but allowed time for a lot of thought to go into the restrictions placed on the owners and the reserved rights of the owners. Kim said that new questions and issues arose during the negotiations and though the slow process may be frustrating at times, all issues must be discussed and negotiated and all parties come to agreement before the easement is finalized because easements are permanent covenants on the land.

John and Kim do not desire any changes to the easement. They have lived on the property for forty years, their use of the land is set, and the conservation easement does not change their use or their goals for the property.

**Case Study #5**

Date: April 20, 2010

Mr. George Evans grew up on part of the property that he and Gail, his wife, now own. They own 145 acres, 55 acres from his family and 90 acres from her family. George's father was born on the property in 1900, but he is unsure of the year the land was purchased. Gail's grandparents were married in 1902 and farmed the second property, but again George is unsure of when the original purchase occurred. The 90 acre parcel is completely forested and the 55 acre parcel is half agricultural land with 14 acres enrolled in the CRP program and 2.9 acres of riparian buffer established under the Chesapeake Bay Conservation Reserve Enhancement program.

George placed a conservation easement on the 145 acres in 1991. His primary motivation was to prevent the subdivision and development of the property. George watched the changes in the area and said that fifty percent of the hunting lands and open space was lost in his lifetime. George said “farmers will start selling lots for houses and all the open space tends to disappear in the development”. His personnel experience illustrates the role family sometimes played in the fragmentation and loss of open space. George said “It’s kind of difficult to say no to your relatives when they want a little piece of your farm, want a house. I didn’t want to deal with that because I’m a soft-hearted guy and hate to say no. So I thought this is a good way to get out of that. I’ll just go talk to
the conservancy, give them a donation, and put that as one of my easements. No development, no subdivision, period”. George also wanted to protect a native brook trout stream on the 90 acre parcel.

George described the process of placing the conservation easement as not difficult. He had to obtain two appraisals to establish the value of the easement donation for tax purposes, reserved the right to harvest timber with a conservancy approved stewardship plan written by a certified forester, restricted all mineral extraction activity on the 90 acre parcel to protect the native brook trout stream, and allowed only one half acre of mineral extraction disturbance on the 55 acre parcel. The primary restriction in the conservation easement is the ban on all subdivision and development.

George would not change anything in his conservation easement. It allows him all of the same uses of the land he had prior to the easement.

**Case Study # 6**

Date: April 22, 2010

Mr. Henry Frost shared his family's story of conservation easements on a six hundred acre property owned by the family since 1952. Henry's father originally purchased the property because he was an avid hunter and fisherman and wanted to live in the country. The father died in 1976 and his mother assumed ownership and management of the property. She decided to place the first conservation easement on the property in 1981. About 400 acres of wetland and woodland were included in the initial easement with about 200 acres of agricultural land excluded. Henry said the main reason for donating the conservation easement was for federal tax benefits, but he also talked about how much the family enjoyed the open space aspects of the property. During the 1980’s the property ownership was transferred from the mother to the three brothers. The oldest brother was not interested in the property so the other two bought his share. Income from the family business decreased significantly in the mid-nineteen nineties and the two brothers decided to sell the development rights of the remaining 200 acres of agricultural land to generate some cash to help offset some of the maintenance costs of the farm. The two brothers established a limited family partnership five years ago to allow ownership of the property to pass to their five children, one brother has two and the other has three, without a large tax burden.

The only restriction on the entire 600 acres is the limitation on subdivision and development. There is a 10 acre parcel with two houses that is not under the easement and one more house may be built may be built on that parcel. The easement allows timber sales with a stewardship plan approved by the conservancy. Henry even hosts a semi-annual dirt bike motorcycle race on the property with great care taken to protect the fragile wetlands. The land is used by several people to train bird hunting dogs and about twenty hunters are members of the hunting club sponsored by the limited family partnership with the intention of controlling the deer herd.
The family has accessed the financial rewards of conservation easements, but that was not been their only motivation. Henry spoke of his parent’s love of the outdoors and open space and he and his brother continue to pass that love of the outdoors, conservation traditions, and recreational opportunities on to the next generation. Henry said the intent of the limited family partnership is to “preserve the property intact” for the future.

Henry has no desire to change any aspect of the conservation easements. The easements have not changed the family's use of the land.

**Case Study #7**

Date: April 22, 2010

Ms. Diane Grand's property was purchased by her parents in 1951. Diane and her brother grew up on the property and lived there as adults until the brother passed away. Diane still resides on the property.

The property is 96 acres with 52 acres of mostly wooded area under a conservation easement and about 44 acres of agricultural land not under easement. Some of the agricultural land is rented for farming.

The family discussed their goals for the land before the parents passed and the family wanted to make the property a wildlife refuge. Diane contacted the conservancy and realized a conservation easement was the closest thing to a wildlife refuge. Diane expressed a strong dislike of the kind of residential development occurring in the area and the loss of open space. She and her family had enjoyed the open space of their property. Her father raised and trained bird dogs and Diane said “My mother was into wildflowers when everybody else thought they were weeds”. Diane said of the wooded area bordered by a creek “It is beautiful down there. You can go down there and sit on a rock in the creek and feel like you were 500 miles from anywhere. Even the guy who came out from the conservancy said it’s a little piece of heaven down there”. The 44 acres of agricultural land are not under easement and she is not sure what will become of that part of the property. Diane's brother had some severe health problems before he died and she was concerned she may need “a bunch of money” someday.

The conservation easement contains several restrictions that Diane chose to include. Logging is not permitted on the 52 acres conservation easement. No standing trees are allowed to be cut for any reason. Paths may not be wider than ten feet and no roads are permitted. Hunting is allowed, but only by three chosen hunters who assume the responsibility to post the land and keep others from intruding on the property. Diane has had problems with uninvited hunters entering the property in the past. No subdivision is allowed and the only building allowed would be a small nature center on a designated small field in the 52 acre parcel. The conservancy that holds the easement was interested in the
property because it is a steep slope the drops down to a creek that is part of the water supply for Elkton, Maryland and eventually flows into the Chesapeake Bay. The easement restrictions help protect the creek, the water supply, and the bay.

Diane has no regrets about the restrictions in the easement and said she would not choose to change anything in the easement. She said “If a tree falls let it rot and feed something else”. The easement is somewhat preservationist in philosophy, but the area is small and the goal of the conservancy was water supply protection in an area that has seen much development in the past and still is under relatively high development pressure.

Case Study #8
Date: May 4, 2010

Judy and Jeff Hanson purchased their property in 1953. They farmed part of the property and raised a few beef cattle. They loved the land and it became their “cocoon”, a respite from stressful jobs. Jeff was an outdoorsman, an avid hunter and fisherman, and Judy loved to watch the animals that came to the pond visible from their residence. Jeff passed away about ten years ago (2000) just as they began the process of placing the property under a conservation easement.

The property is 150 acres with about 75 acres of woodland and the rest in farm fields. The agricultural acres have not been actively farmed for 20-25 years. A neighbor that hunts on the land planted some fields in deer feed crops a few years ago. The fields are not currently in CRP or any other reserve program and are not being mowed on any regular schedule. There is no current management plan for the wooded areas or the agricultural areas and so the agricultural land might revert to wooded land. Judy said there are a few neighbors who have expressed an interest in purchasing the land, but the land will be sold after Judy passes with the proceeds going to charity. The disposition of the agricultural land will fall to the next owner.

Judy and Jeff's motivation for the easement was their love of the land and their desire to prevent the subdivision and development of the property. Judy said she “could not see it all cut down for a development of houses”. The preserved farm was to be their legacy with the goal that the land remain as open space forever.

The process of placing the property under a conservation easement has been long and difficult for Judy. She is not sure that the easement has even been completely settled yet. Judy has not been happy with a lot of the language in the description of the restrictions and reserved rights of the easement. She complained that she discusses clauses she wants in the easement with conservancy representatives, but when the document comes to her for approval it is written in “legalese” and is difficult to understand. Judy is concerned that if the restrictions and rights in the easement are not written in easy-to-understand language, prospective buyers may lose interest in purchasing the
property. Another concern is that she works with one representative from the conservancy for a time, but then that person moves to another job, is replaced by a different representative, and Judy must begin again to make her desires for the easement known.

The easement contains some unique restrictions. No more than twelve hoofed animals may be raised on the property at one time, i.e., no feed lots, a small section of woodlands near the residence may never be harvested, only one residence is allowed though the present house may be torn down and replaced on the same footprint, and the remainder of the woodlands may be timbered by a future owner. Hunting is allowed on the property and Judy has an agreement with a neighbor who supervises the hunters and they work together to fill Judy's woodshed with firewood each year.

Case Study #9
Date: May 5, 2010

Mr. David Ingram grew up in Philadelphia without a great deal of exposure to open space lands, but when he began working at a boarding school with a large farm component it was love at first sight. David and his wife Donna began looking for an open space property of their own in 1990 and in 1992 they purchased 18 acres in Chester County. They spent two years renovating the 200 year old residence on the property and moved in 1994. They raised sheep on the agricultural fields, gardened, cut firewood, and fell in love with the land.

David knew about the Lancaster Farmland Trust through his work at the boarding school and had contributed to that organization through the 1980’s. He knew the concept of a conservation easement from the Lancaster Farmland Trust, but did not know all of the details. David and Donna, while living on the property, slowly realized that they wanted to preserve the property and prevent it from ever being developed. There is a 125 acre farm south of their property with a conservation easement and David thought his property would be a good candidate for a conservation easement because it is contiguous to the conserved farm. He applied to the Chester County Pennsylvania Agricultural Preservation Board for the conservation easement, but was turned down because the soils on the 18 acres did not meet the minimum criteria and David and Donna did not produce any farm income from the property. Their intention had always been to donate the conservation easement because financial gain was not their motivation, but their eighteen acres was not a good fit for an agricultural easement. David and Donna attended a seminar at the Brandywine Museum and while there he talked to someone about their desire to conserve their property. A representative from the Brandywine Conservancy called David, provided the initial information about a conservation easement, and they began the process of conserving the land.

The process of establishing a conservation easement on their property took about 10-11 months. There were several inspection walks through the property with conservancy representatives
and negotiations for the restrictions and reserved rights. The conservancy was very interested in this conservation easement because the wooded area contains several seeps that are head waters for the Brandywine Creek. The conservancy decided to waive the administrative and environmental evaluation fees because of the high conservation value of the clean water resource.

David described two situations that arose after the easement had been finalized when asked if he had any regrets about placing his property under easement. David and Donna wanted to add two different small structures on the property, but the conservancy disallowed the initial placements. They did eventually build both structures after negotiating the placements with the conservancy. David was careful to point out that the two situations did not cause either of them to regret the easement nor was the negotiation with the conservancy contentious in any way, but the experiences did emphasize the fact that their use of their land was restricted by the easement and they could no longer do anything they pleased to the land. David praised the conservancy for their diligence in protecting the land and expressed his hope that diligence would continue into the future. David said he was glad he had established the conservation easement now instead of waiting until nearer the end of his tenure on the property when he might not have the time to complete the process. He stated that the knowledge that the property is protected from development forever is worth the compromises in personal control of the land. When asked what his goal for the land was after his tenure David replied, “I don’t have one, I never thought about it much other than the vague idea of someone living here and using it, treating it as we do”.

David and Donna placed some of their own restrictions and reserved rights on the property. They set aside a small area where a second residence may be built in case a future owner did not want to live in the rather small and older residence. The agricultural fields may be farmed and some animals such as sheep, goats, or chickens are allowed, but concentrated animal feeding operations, a tree nursery, or a Christmas tree farm are not allowed. They also included a restriction that the ten acres of wooded land may never be logged, the only trees that may be cut are those that “present a danger or hazard”, and even blow downs and standing dead must be left in the woods. David expressed the concern that the continued removal of biomass from the small wooded area, even for firewood, would eventually deplete the area’s soils of necessary nutrients and there are so many seeps and wet areas that any logging operation would negatively impact the clean water resource seeps for the Brandywine Creek.

Case Study #10
Date: May 6, 2010

Ms. Lisa Jonson has been involved in environmental causes for decades. She was involved in the establishment of the Luzerne County Tubs Nature Preserve, she was on the first board of The
Nature Conservancy's Pennsylvania Chapter, and she was a member of the Federal Commission that established the Delaware and Lehigh National Heritage Corridor. Lisa became familiar with conservation easements working with The Nature Conservancy during the 1970’s and 1980’s. She lived in a city at the time and did not own any open space land, but she had the dream of one day owning a piece of land that could be placed under conservation easement. Lisa finally got the opportunity in 1989 to buy a 150 acre farm in Tioga County. The property was not very desirable because the agricultural acreage soils were not of high value and the residence had a life estate provision in the deed. The husband of the couple that placed the life estate had passed, but the wife was still living in the residence with a granddaughter and her family. The property had been sold to a family from New Jersey that had planned to build several residences on the property, but that family had difficulty obtaining perk permits for the necessary septic systems and put the property back on the market. Lisa purchased the property in 1989, placed the conservation easement in 1998, and finally moved into the residence in 2005 after the life estate expired.

Lisa did not have a difficult time placing an easement on the property. She understood easements and knew what reserved rights and restrictions she wanted to include. The restrictions include a limitation on impervious surfaces (driveways for the barn and the house are not paved), the only additional buildings allowed would be agricultural buildings, no subdivision is allowed, the residence may be replaced with an equal footprint, hunting in season is allowed, and harvesting of the wooded acres is permitted with a management plan written and overseen by a certified forester and approval of the conservancy. Lisa has no regrets regarding her conservation easement. She worked with conservancies and understood the concept of a conservation easement for years before the opportunity arose to conserve her own property. Lisa designed the easement and is very happy knowing her land will be protected.

**Case Study #11**
Date: May 11, 2010

Mr. Edward Kelly's family settled in Mifflin County in the 1780’s. Eight generations of his family have lived there. He was raised on a farm in the valley below his woodland properties. Edward was taught at a young age conservation values related to the water resources provided by the forested mountain land, the value of timber as a building material and fuel source, and the animals that live in the forest. Edward learned a conservational attitude toward hunting from his mother who taught him to not shoot animals with young or young animals. His family still builds furniture from the wood grown on the land. Edward selects one premium tree each year, it is sawn into boards that are seasoned for at least four years, and then the boards are used to make furniture.
Edward owns seven parcels of woodland on a mountain totaling about 300 acres. Some parcels are contiguous and some are separated by parcels owned by neighbors. He has conserved five parcels of about 220 acres in two conservation easements and intends to conserve the remaining two parcels in a third conservation easement.

Edward learned about conservation easements through a friend who had conserved some land in the Poconos. Edward saw the development and destructive logging occurring on properties near his land and decided his property would not be ruined. Edward called the Central Pennsylvania Conservancy and discussed his conservation options. The representative inspected the property and decided the conservancy was interested in conserving the property and explained the tax advantages. Edward decided this was the perfect solution to prevent the destruction of his beloved property and the tax incentives also helped his bottom line.

The process of placing a conservation easement was easy for Edward. He felt the conservancy staff was very competent, knowledgeable, and worked well with him. He was interested in the legal aspects of the easement so he wrote much of the document himself and then had the conservancy lawyer review and approved the document.

Edward added several restrictions to the conservation easement beyond the standard development restriction. Logging must be done with a plan developed by a certified forester and all roads may only be one lane wide. The first conservation easement area is two parcels containing about 92 acres and is designated a wildlife refuge with no hunting allowed. There are two buildings already on this area and no more are allowed. The second conservation easement area is three parcels of about 120 acres. This area may be hunted, but bear hunting, doe hunting, raccoon hunting, steel traps, tree stands, and random shooting are all prohibited. One building may be built on each parcel of about 40 acres, but no buildings may be near any of the springs or seeps. No drilling rigs are allowed on any of the properties.

When asked if he would change anything after living with the conservation easement for fifteen years Edward said, “I wouldn’t change anything. I got what I wanted. My goal is to preserve it along with the animals, the plants, and the trees for the future generations and I hope those future generations are my family members”.

Case Study # 12
Date: May 13, 2010

Mr. James Lucas has lived on his property for thirty years. He practiced sustainable forestry with a forest stewardship plan for several years before he learned of conservation easements. James attended an information session for forest land owners and a representative from one of the conservancies in Pennsylvania’s northern tier talked about conservation easements. The idea hit home
for James because he did not want his property developed and he decided to pursue a conservation
easement. He called the representative that gave the presentation and she recommended James talk to a
conservancy closer to Huntington County. He initially worked with the Western Pennsylvanian
Conservancy. They did a lot of research on his property including maps, reports on the vegetation, and
discovered the ridge top was on an important bird migration flyway. James had completed an
amphibian and reptile survey several years before beginning the conservation process. The Western Pa
Conservancy suggested James contact the Central Pennsylvania Conservancy because it is closer to
Huntington County and could expedite the easement.

The Central Pennsylvania Conservancy informed James that his property was qualified for a
conservation easement and that they were interested in working with him. The process began, but then
James felt like he got “put on hold”. There was little communication and no progress on the easement
for the next year and he felt ready to “pull the plug” and contact a different conservancy. But then a
different person began to work on his case, things fell into place, the agreement was worked out, and
the property was placed under an easement.

James did not include many restrictions or reservations in his conservation easement. He did
include the right to build an additional storage shed near the residence. He allows hunting with
permission, encourages doe hunting, and maintains posters on the boundaries. James said, “Like to see
some of the deer killed off, they are really hard on the forest regeneration.” He may harvest timber on
the property, but timber harvest requires a plan developed by a consulting forester with approval by
the conservancy.

James did have one situation of miscommunication with the conservancy. He used an
herbicide spray to control striped maple and tree-of-heaven and the conservancy was concerned
because he had refused to allow spraying on the power lines crossing his property. However, he did
not want the power line spraying because the drift from that spraying might kill desirable tree and
herbaceous species whereas his spraying was either basal bark spray or stump treatments for invasive
or undesired competitive species. The conservancy was cooperative when they realized James was
actually attempting to control competition with desired crop tree species.

James’s greatest concern for his land was what would happen to the property after his tenure.
He said, “I just didn’t want to see it tore up”. He had tried several years before he started the
conservation easement process to deed his property over to some conservation groups, but they had
discouraged the idea of a conservation easement. James had the impression those groups were actually
seeking the money from the sale of the property and that was not his goal. Even after he had placed the
property under easement, he was concerned the next owner would continue to care for the land with an
appropriate stewardship management plan. He finally decided to will the property to a couple friends
that he believed will continue to care for the forest as he has done.
James is satisfied with the easement and would not change anything. The easement allows all of his desired uses of the land and he also believes the easement has enhanced the value of the property because it guarantees the land is managed as a sustainable forest.

**Case Study # 13**

Date: May 17, 2010

Mr. Jack McCoy’s property was purchased by his father in 1959. Jack was a high school sophomore at the time and the family lived in Lititz, Pa. Jack's father was deer hunting that year, got lost and stumbled upon the old farm property. His father had wanted to buy a wooded property for hunting and recreation so his father contacted the owner and asked if the property was for sale. The owners agreed to sell and the family purchased the property. The property was farmland during the first half of the twentieth century and the house was a shambles with no electricity and no well. Over the next few years the family torn down and rebuilt most of the house, tore down the old barn and relocated a new barn and garage, planted a grove of Christmas trees in 1960, and added a large pond in 1964. The property became a family retreat and Jack, his sister, and their friends used the property often. Jack said, “We loved the woods, loved the outdoors”. His parents retired from Lititz in 1972 and moved into the house permanently. The property continued to be the center of family recreation through Jack's college years and when he married and raised three children.

The property is 64 acres with about 10 acres of land that could still be considered agricultural land. Jack planted about 4,000 more Christmas trees in 1987 and ran a small commercial operation for a few years. That eventually proved to be not worth the effort financially and the conifer groves were allowed to revert to a hardwood forest of yellow poplar, black locust, and maple.

Jack and his sister assumed ownership of the property in 1987 when their parents moved into a retirement community in Lititz. Not long afterward Jack and his sister decided they wanted to conserve the property. Jack said,” We wanted to preserve it (the land) and not ever let it get into development; it’s the passion for open space”. They made a commitment to place the entire 64 acre property under a conservation easement. Jack said the largest living chestnut oak in Pennsylvania is located on the property and is specifically protected in the conservation easement.

Jack said the process of placing the property under easement was simple and easy. Jack and his sister had an attorney draw up the documents and set up the easement with the conservancy. Appraisals were done to determine the value of the property before and after the easement, though the difference was not great. The township zoning for this part of the county restricts housing developments to one dwelling on 20 acres of land. Jack and his sister shared the federal income tax savings. Despite the restrictive township zoning Jack felt the conservation easement was an important
method of preserving the property because zoning can be changed at any time by local politics or a variance sought by a future owner and the easement protected the land permanently.

Jack and his sister are now in the process of turning the property over to the next generation. They will likely change the deed ownership to a limited liability company in which all family members own shares. This will allow the older generation to gift their shares to the next generation of owners over time to avoid the cost of inheritance taxes. The property remains intact as a unit under the easement and can be easily passed on to subsequent generations.

Jack said he would not change any aspect of the conservation easement. The restrictions and reserved rights allow one more dwelling to be built on the property, any normal farm business operations may be operated on the property, hunting in accordance with the Pennsylvania Game Commission regulations is allowed, timber harvesting with a stewardship plan written by a registered forester is allowed, and a future owner may even operate a bed-and-breakfast type of business. The main restrictions are no subdivision for development and no commercial businesses other than normal farming operations. Jack and his sister are pleased that the land that they grew to love as teenagers will remain intact and hopefully in the family for many generations to come.

Case Study # 14
Date: May 29, 2010

Mr. Paul Neidig's property was purchased in 1940 by his parents. The property is 151 acres and almost completely forested. Today the property is jointly owned by Paul and his two sisters. The story of this property is the most unique of these interviews and one of the most interesting.

Paul's parents met at a church summer camp that was started by his paternal grandparents. There was a multigenerational community of friends and family that came together every summer at the camp. Two years after his parents were married his father and uncle decided they wanted to purchase some land near the camp. Paul's father and uncle approached the woman that owned the acreage north of the camp and asked if they could purchase some of the land. The woman was willing to sell the 145 acre property, but she refused to divide it and she insisted that they promise they would never divide the property and that they would never cut down all the trees: quite an enlightened conservational attitude for 1940. Paul's father and uncle made those promises and borrowed money from friends and relatives to meet the purchase price. A few years later Paul's father bought out his uncle, possibly because the uncle was a Navy chaplain and was called away with the beginning of World War II.

Paul's parents built a vacation cabin on the property and invited friends and family from the adjoining church camp to build cabins or tent camp. The first cabin built eventually burned down, but
one cabin does survive from 1940. Eventually fourteen cabins and a community common building were built and the community of family and friends evolved into the Pike's Peak Cabin Association. Electricity came into the property in 1951 and a common well was dug in 1955.

Paul and his two sisters inherited the property from their parents and established a covenant agreement between the cabin owners and themselves as the land owners. The cabins are individually owned by the families, but they do not own the land beneath the cabins. The cabins are passed on to the family successors, but the cabins must be maintained in an insurable condition. The families are not allowed to expand a cabin without permission from the community and there is a fee structure set up to pay property taxes and maintain the roads. Today the community shares the large common room where community meals are prepared and served, a bathhouse with a sauna room, two showers, and three toilets, and a small swimming pool. Twenty years ago a small field in front of Paul's cabin, owned by the church camp, was taken out of grazing and began to grow up into trees. The communities mountain viewshed would have been lost if the field was allowed to grow into mature trees so Paul and his sisters purchased the acreage from the camp and that brought the property to its current 151.2 acres. That field is now gardens and playing fields.

Paul and his sisters received a "tremendous" conservation education from their parents during their early years on the property. The property was one of the first family tree farms certified under the American Tree Farm System. Paul's parents were friends with Arthur Meyer of PSU's School of Forest Resources and learned much about tree species, soils, and the art of forest management from Dr. Meyer. Paul's father had a forest stewardship plan and a wildlife diversity plan for the property, was president of the Pennsylvania Forestry Association for a time, and annual meetings of the Pennsylvania Forestry Association were held on the property during his tenure as president. Paul and his sisters grew up knowing that that the only trees that should be cut were trees marked by a forester and that the long term health of a forest depended on careful management.

Paul's parents never posted the property with "no trespassing" signs. The property had traditionally been open to area folks for hunting and fishing and Paul's parents felt they should continue that tradition when they purchased the property in 1940. That decision has yielded some very good consequences. Through the years the deer population on the property has been kept in check and allowed a sustainable amount of regeneration to occur. Also, the property is watched over by neighborhood people when the cabins are unoccupied. That tradition of allowing hunters access to the property continues today.

The process of establishing a conservation easement on the property took about three years. Paul and his sisters learned of the federal income tax provisions from friends that had conserved a property. Paul and his sisters decided to pursue the idea to make permanent the promise their father had made to the previous owner in 1940 and because they wanted to remove any possibility that the
property would ever be subdivided. Paul and his sisters began working with a Pennsylvania conservancy in 2007, but the process was slowed by the distances between the conservancy's office, the county were the property is located, and Paul's home in New Jersey. The effort could not be completed by the end of 2007 and the federal income tax law expired at the end of 2007. Paul learned of another conservancy in located closer to the property in 2008 and with the renewal of the federal income tax provisions he renewed his effort to establish the conservation easement. The second conservancy was very creative and very flexible in the drafting of the reservations and restrictions for the easement on this very unique property. Most conservation easements allow for some acreage set aside for home or farm buildings, but this property was unique because there were fourteen cabins and the common room, bathhouse, and pool that each needed a one acre minimum easement. The Pike's Peak Cabin Association community of friends celebrated the idea of the conservation easement when Paul and his sisters proposed it, but the association members were concerned that it would bring strangers onto the property. However, the conservation easement did not open the property to the public and the conservancy agreed that the easement would not be listed on their website. The easement had three levels of conservation; a maximum area on a stream riparian buffer, a standard area for most of the property, and a minimum area of about 22 acres that provided one acre for structure and about five acres for the garden and sports field.

The next issue for Paul and his sisters is to change the ownership structure of the property to become multigenerational. This will allow ownership to pass easily through the coming generations. They are working with lawyers to develop an appropriate model of ownership. The next generation has been educated in the conservation ethic and the need to manage the working forest just as Paul and his sisters were educated by their parents.

Paul's dream for the property and the neighboring properties is that the entire watershed of the stream that crosses the property may one day be under conservation easements. He has good relationships with his neighbors, but there are some potential issues with some nearby farms that allow cows in the creek. The pollution levels have not been bad so far, but Paul hopes that with conservation easements on the properties, the stream will remain pristine. He hopes to begin that conversation with his neighbors in the near future.

Case Study # 15

Date: June 2, 2010

Mr. Donald Olsen owns 1400 acres of forested land. His family lives on the property and has owned the property for thirty years. The property is all wooded except for a small pond and the grounds around the residence. Donald placed a conservation easement on about 200 acres of the property in 2006.
Donald had two reasons for placing an easement on the 200 acre parcel. The first reason was the federal income tax advantages and the reduction in estate taxes. The second reason involved a utility right-of-way corridor on the 200 acre parcel that already contained a gas pipeline. Donald's concern was that the utility companies may have plans to expand that utility corridor with more gas pipelines because of the Marcellus gas play or that the utilities may build a high-tension electric power line through the property. Donald placed the area under a conservation easement because that added a layer of protection against the expansion of the utility corridor. The utility companies must deal with the conservancy restrictions and goals for the property as well as the landowner's opposition to expansion of the utility corridor.

Donald found most of the process of placing the easement very straight forward. The biggest hurdle was getting the differential appraisal accomplished in a timely fashion to meet the end of year tax deadlines. The government guidelines for the appraisals have grown more detailed and restrictive and the county, because of its rural nature, has only one certified appraiser that is qualified to do the differential tax appraisal.

The conservation easement has few restrictions other than no commercial activity or buildings and the land under easement may not be divided. There is an allowance for one small private structure and timber products may be harvested under the supervision of a certified forester and with conservancy approval.

Donald shared two concerns with the structure of conservation easements under the federal income tax laws. The first is the problem with the perpetual nature of conservation easements. Lawyers generally learn that there is a rule against perpetuity in legal systems because no man is wise enough to decide any question forever. Some research (Gruver 2010) points to the idea that many landowners hesitate to place their property under an easement because they are uncomfortable with the idea of perpetuity. Donald suggests that a period of 99 years would be a better concept for the conservation easement. The property would be protected from development for the next few generations of owners, but the perception of an easement is different. Also, that may allow some future owner to reinstate the easement and recapture the value of the easement.

Donald's second concern is that there is a limited amount of motivation for land owners to place an easement on a property. This study has demonstrated that some landowners are motivated a conservation ethic they acquired growing up in a family steeped in that tradition, but many forest landowners do not share that same experience. Again, some research (Gruver 2010) indicates that many landowners view their property as an asset that must be held against future financial needs and a conservation easement, in their view, locks up that value. Donald suggests that there should be some form of tax benefit transfer technology. A third party that can benefit from the federal tax reduction pays a cash settlement to the landowner, who then places their property under a conservation easement.
easement, and then the third party receives the income tax deduction. An example of how this might motivate a conservation easement is the situation of elderly landowner, with a limited income, for whom the federal tax deduction benefit, spread over sixteen years, has little or no incentive. However, if a third party, who can benefit from the federal income tax deduction, offered a cash settlement to the elderly owners and then was able to capture that tax benefits, both parties would benefit. The situation would be net neutral to the IRS because only the value embedded within the property is accessed, but a motivation to place more properties under conservation easements is created. The biggest problem with this scenario is effecting change is the federal tax laws. Conservancies across the country would have to lobby for the changes, but the potential motivation for landscape level systems of conservation easements would be worth the effort.

Another idea that may aid in the establishment of landscape conservation easements is the purchase of marginal forest land with the intent of capturing the income tax reduction benefit through conservation easements. A party that is able to use the tax reduction purchases a property, captures the easements value through tax deductions and then resells the land at the reduced value to a conservancy or other interested buyer.

Donald would not change anything in his easement. Donald does volunteer work with a conservancy and he offered an interesting observation about landowner's satisfaction with conservation easements. The landowner that places an easement on a property is very rarely dissatisfied with the terms of the easement. The process is slow enough and interactive enough that the landowner should completely understand the terms of the easement. Problems sometimes arise when the property is sold and a second generation of owners comes up against the terms of an easement they did not chose to put in place or that they did not fully understand when they purchased the property.

**Case Study # 16**

Date: June 2, 2010

Chuck and Tina Parker own about 167 acres purchased as four different tracts. They placed two tracts, about 135 acres, under two conservation easements in 2007 and 2008 with a conservancy.

Chuck grew up in a city in Indiana but always enjoyed the surrounding outdoors and open space. Tina grew up in New York City, but quickly learned to love the outdoors in northeast Pennsylvania. They lived in suburban New York at the beginning of Chuck's career and soon began looking for a country spot to spend weekends. They found that spot in a cabin on a lake in Wayne County. Chuck and Tina got to know the area well, spending weekends and vacation time in the country, and when Chuck retired they decided to settle in Wayne County. They began looking for property a few years before retirement and eventually purchased four contiguous properties for a total of about 167 acres. They built a retirement home on one parcel of about 25 acres.
Chuck and Tina were motivated to place some of their property under easement because they "love the land and the flora and fauna and everything" and did not want to see the land change. They were both active on the township affairs and had watched as a developer tried to build a 1500 housing unit planned community and a golf course nearby on a 1000 acre parcel. That development did not happen, but it made Chuck and Tina realize the possibility of that kind of change occurring. Chuck attended a presentation by a conservancy on water quality issues in the county and subsequently coordinated two ground water presentations in the Township. The conservancy also made a presentation to the Township regarding their mission to conserve land. Chuck and Tina were impressed with that conservancy's mission statement and representatives and began a discussion with the conservancy about a placing a conservation easement on part of their property. The first easement was placed on a 112 acre parcel in 2007. Chuck and Tina were unsure at that point about family issues with children, grandchildren, and the inheritance of their properties and did not want to place all of the property under easement. They eventually discussed the future of the land with their successors and the second easement was placed on a 23 acre parcel in 2008. The 25 acre parcel with Chuck and Tina's retirement residence has not yet been placed under easement, but they are confident that their successors will not divide or develop the property and may decide to grant an easement on that part of the property in the future. The final 6.5 acre section has been reserved for one successor to build a residence in the next few years.

Chuck and Tina said that the process of placing the easements on the properties with the conservancy was "easy and marvelous, no problems". The conservancy allowed a lot of flexibility and options in the easement. One of their successors is interested in keeping horses some day and provisions for that were included in the easement language. The conservancy put them in touch with experienced lawyers and appraisers that made the process easy. When asked if they would change anything in the easements Chuck said "not at this point in time, I don't know of anything I'd change. We got into the easement what we wanted and that still holds."
Forest landowners are diverse group of people. Some have forestland as the back woodlot of their active farmland; others enjoy spending lots of time in the woods and watching the seasons change. The one commonality among all Pennsylvania’s forest landowners is that they have the land and they have had experiences on their forest land that determine how they think about forests in general and their own spot in particular.

These lands are under immense pressure from outside forces – from invasive plants and insects to housing developments – and many landowners struggle with how to keep their forest in forest and enjoy all its associated values. As extension foresters in the Penn State School of Forest Resources, we want to learn about landowner willingness to cooperate across boundaries to ensure that their working forest stays forested.

We have identified you through the Fulton County’s tax records as owning forested property in the Patterson Run watershed and would like to ask you to participate in a focus group discussion around your forestland. This work is part of a larger research study undertaken by the Penn State School of Forest Resources to understand options available to landowners to ensure the conservation of their working forests. A few weeks after the focus group, we may invite the attendees back for a presentation and facilitated discussion about the issues raised by the focus group.

We would like to invite you to a dinner and discussion on Monday, September 27. We’ll meet at the Buchanan District Forest Office, 440 Buchanan Trail, McConnellsburg, Pa. at 5:30; dinner is on us; and then we hope you’ll share some of your passions and concerns about your forestland so that we can learn from you. Please RSVP to Richard (contact information is below) as soon as possible as we can only accommodate the first twenty respondents.

We look forward to learning more about how Pennsylvania’s forest landowners care for their forestland and their willingness to cooperate across boundaries. Please contact Richard if you have questions (rdh170@psu.edu, 814-863-3591, or 1-800-235-9473) or if we can help you in any other way.

Sincerely,

Richard Hill
Masters Student
PSU SFR

Jim Finley
Professor
PSU SFR

Allyson Muth
Forest Stewardship Program Associate
PSU SFR
The focus groups held on September 27 and 28 were a great success. We learned much about the concerns and hopes of some forest landowners in Fulton County, from deer and gypsy moth to changing development in the region, and we heard a lot of questions about resources needed to care well for properties. We promised a second meeting to try and address some of those concerns; this letter is an invitation to join us in a facilitated discussion. We do not have all the answers, but we do have some ideas about how forest landowners can work together to solve some common problems. And if you know of friends, neighbors, or other forest landowners who might like to come contribute to the conversation and learn with us, please invite them to join us.

We have scheduled a conversation for Monday, November 8 at 7:00 pm in the F&M Bank’s Fulton Theater located at 100 Lincoln Way, McConnellsburg. We’ll provide snacks and drinks and anticipate taking about an hour and a half of your time. I will do a short presentation on what we learned from the focus group discussions and results from other Penn State School of Forest Resource’s research about Pennsylvania’s private forest landowners, as well as some ideas about tools that you can use to care for your wooded property. We will then break into discussion groups to elicit feedback from you and other landowners about reactions to this information and possible tools and resources that would help you tend your land.

We hope you will be able to attend this meeting. Please invite other forest landowners, your neighbors, or anyone who may be interested in promoting care and use of the woodlands within neighborhoods. Even if you can not attend please pass this invitation to someone who may have an interest in the topic. We do ask that you send an RSVP email or phone call so we have enough coffee, tea, hot chocolate, and cookies on hand.

I look forward to seeing you again, or meeting you for the first time, and learning more about how Pennsylvania’s forest landowners deal with issues about forestland and their willingness to promote working forests within forest neighborhoods. Please contact me if you have questions (rdh170@psu.edu, 814-863-3591, or 1-800-235-9473), or if we can help you in any other way.

Sincerely,

Richard Hill
Masters Student
PSU School of Forest Resources
Press Release: Woodland Owners of Centre County Facilitated Discussion Invitation

November 1, 2010
For Immediate Release
Title: Facilitated Discussion about Private Forestland Issues and Landowner Cooperation

Penn State School of Forest Resources invites you to a short presentation and facilitated discussions about some concerns and hopes of forest landowners and resources available to care well for forest land properties. The presentation will share information gathered during focus group discussions with private forest landowners, results from other Penn State School of Forest Resource’s research about Pennsylvania’s private forest landowners, and some ideas about tools that forest landowners can use to care for their wooded property. Discussion groups to elicit feedback about this information and cooperative efforts among forest landowners will follow the presentation. We do not have all the answers, but we do have some ideas about how forest landowners can work together to solve some common problems. Please invite friends, neighbors, or other forest landowners who might like to come, contribute to the conversation, and learn with us.

The meeting is scheduled for Monday, November 8 at 7:00 pm in the F&M Bank’s Fulton Theater located at 100 Lincoln Way, McConnellsburg. Please RSVP by email or a phone call so there will be enough coffee, tea, hot chocolate, and cookies on hand. Please contact Richard Hill at rdh170@psu.edu, 814-863-3591, or 1-800-235-9473.

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February 28, 2011

«Full_Name»
«MAIL»
«POSTOFFICE», «STATE» «ZIP»

Dear «Full_Name»:

Richard Hill, advised by Dr. Jim Finley and Dr. Allyson Muth, has been working on a project to evaluate the willingness of forest land owners to cooperate across boundaries with their neighbors for working forest stewardship goals and conservation easements. We do not have all the answers, but we do have some ideas about how forest landowners can work together to solve some common problems. I will do a short presentation on what I have learned and some ideas about resources that you can use to care for your wooded property. We will then break into discussion groups to elicit feedback from you and other landowners about reactions to the information and resources.

The meeting is scheduled for Tuesday, March 8 at 7:00 PM at the Central Pennsylvania Institute of Science and Technology, 540 North Harrison Road, Pleasant Gap, PA 16823.

We hope you will be able to attend this meeting. Please invite other forest landowners, your neighbors, or anyone who may be interested in promoting care and use of woodlands within neighborhoods. Even if you can not attend, please pass this invitation to someone who may have an interest in the topic. I look forward to meeting you and learning more about how Pennsylvania’s forest landowners deal with forestland issues and their willingness to promote working forests within forest neighborhoods. Please contact me if you have questions (rdh170@psu.edu, 814-863-3591, or 1-800-235-9473), or if we can help you in any other way.

Sincerely,

Richard Hill
Masters Student
PSU School of Forest Resources