

# Public Access Policies and Practices for Land Trusts

## Survey Results in Pennsylvania



*The Pennsylvania Land Trust Association surveyed Pennsylvania land trusts regarding their organizational policies and practices as well as management issues encountered related to their fee-owned properties.*

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## Introduction

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The Pennsylvania Land Trust Association surveyed Pennsylvania land trusts in 2013 regarding their organizational policies and practices as well as management issues encountered related to their fee-owned properties. The Association directed the survey to those land trusts of which the Association

has record of land holdings. Of 69 land trusts with fee-owned properties, 55 (or 80% of) organizations participated in the survey. The survey was based on an online survey, which was supplemented by phone interviews and email communications to resolve ambiguities.

This guide reports the findings of the survey. To complement the guide, the Association has posted a [collection of land trust public access policies](#) at the [ConservationTools.org](#) library.

## General Public Access Rules

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### Public Access is the Norm

Ninety-three percent (93%) of land trusts surveyed permit public access on one or more of their fee-owned properties. The types of access permitted vary by the land trust and the specific property. Public access varies based on the property and the land trust; public access policies cover a wide spectrum, based on a variety of factors.

### Set Days

Forty-four percent (44%) of respondents indicated that their properties are open 365 days a year. (One respondent indicated that one of its preserves is closed December to March due to potential dangers arising from inclement weather.)

### Set Hours

Forty-two percent (42%) of respondents indicated that their preserves are open to the public from dawn to dusk. Presumably, those respondents that did not indicate set hours are open 24 hours a day. A few

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land trusts that currently have no set hours indicated that they are looking to adopt a dawn to dusk policy.

### Permission Required

Thirty-three percent (33%) of respondents that have properties open to the public require, depending on the circumstance, users to obtain permission prior to accessing one or more of their properties. Permission may be required for any use or only for a particular use. Land trusts requiring permission indicated the following circumstances for doing so:

- managing hunting
- protecting sensitive habitat or threatened species
- a land-locked property that requires permission from adjacent landowners for access
- a property in use by researchers for the study of wildlife and habitat

### Policies/Guidelines

Thirty-five percent (35%) of respondents have developed a general policy for public access. These policies typically contain general rules that govern public access to all properties owned by a land trust, including the types of activities permitted on the properties.

Thirty-six percent (36%) of land trusts have developed specific policies for one or more of its properties. For example, a land trust may allow camping on one property while dawn to dusk hours apply to all other properties.

### Limited or No Public Access

Forty-five percent (45%) of respondents own one or more properties that are closed to the public. The survey did not ask organizations how many or what percentage of properties limited public access. As indicated earlier, 93% of organizations allow access to one or more properties. Only four organizations have indicated all of their fee-owned properties are closed to the public.<sup>1</sup>

Organizations indicate a variety of reasons for closing these properties but the most common are:

- The land trust does not have right of way or proper access to the property.
- The property is not fit for public, being too dangerous and presenting liability issues.
- Public access would damage an environmentally sensitive area or harm wildlife.

### Member-Only

Three respondents<sup>2</sup> indicated that one or more of their fee-owned properties are open only to members. The three organizations responded to follow-up questions regarding their member-only policies:

- One organization has, since the acquisition of its preserves, held a member-only policy. The policy's purpose is to advance conservation goals for the property, including the protection of natural and cultural resources and scientific research. The organization admits that enforcement of this policy is difficult. Members are expected to carry their membership cards. The organization is exploring viable ways of enforcing this restriction, whether it be scan-able membership cards at entrance gates, staff or volunteers patrolling to check cards, etc.
- Another organization limits a portion of its preserve to members only and this access is only for educational programs.
- The third organization explained its member-only policy has always been in place, although the organization has made no efforts to enforce the policy. The organization fears that liability insurance would be more expensive if the properties were advertised to the public.

### Access Fees

One respondent indicated it charges a fee to all non-members to access its sanctuary. A staff person for the organization reports that charging fees has had no impact on its liability insurance<sup>3</sup> though notes that fees have been charged since the organization was established.

## Hunting

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### Most Land Trusts Allow Hunting

Sixty-nine percent (69%) of respondents indicated that they allow hunting on some or all of their lands. Land trust hunting policies vary in regards to accessibility, type of hunting permitted, and how the access is managed.

Of these organizations that allow hunting, 30% indicated that only deer hunting is permitted and 15% indicated that only archery hunting is permitted.

The remaining 55% likely allow all hunting though there may be organizations that simply did not specify their hunting restrictions while completing the survey.

A handful of land trusts indicated that properties, open to the public for hunting, are closed for other uses—for safety purposes—during the appropriate hunting seasons.

A few organizations did not respond to this question and therefore it is unclear how they manage hunting on their properties.

Of those land trusts indicating no hunting policies:

- two noted that they do not actively post or monitor their properties
- five noted that the property(s) were not suitable for hunting (e.g., too small, located too close to residential areas)
- two land trusts noted that they were considering opening one or more properties for hunting in the future

### Pennsylvania Game Commission

#### Cooperative Agreements

Five respondents indicated they have a cooperative agreement with the Pennsylvania Game Commission (PGC) through its [Hunter Access Program](#). (The survey did not ask about PGC agreements; thus, the actual number of respondents with such arrangements may be much higher than five.) This program encourages landowners, with 500 acres or more, to

open land for hunting. In return, participating landowners are provided:

- enhanced property protection and all-year round enforcement
- habitat management and improvements
- added liability protections, through signage and other documentation

### Hunting/Sportsmen Clubs Agreements

Four respondents reported having a cooperative agreement with private hunting clubs in which hunting is permissible to those members of the club. (The survey did not ask about arrangements with private hunting clubs; thus again, the actual number of respondents with such arrangements may be higher.) The agreement may pertain to a single property or all of the land owned by the organization. In most cases, the hunting club is responsible for issuing permits and monitoring hunting activity. One statewide land trust stated that it requires an annual deer kill report from the hunting club for deer killed on the organization's preserves.

### Permit/Land Trust Permission

Twenty-seven percent (27%) of respondents require prospective hunters to acquire permission, or in some cases, a permit from the land trust to gain access to particular properties. In some cases, the land trusts also have signed a cooperative agreement with the Pennsylvania Game Commission or a hunting club. Through a cooperative agreement, the land trust may have a hunting club handle the permitting process.

## Sensitive Areas

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Forty-seven percent (47%) of respondents indicated that at least a portion of a fee-owned property consisted of some type of sensitive natural area or critical habitat. Of these organizations, 62% indicated that the organization was taking additional measures to protect the natural resource, including one or more of the following:

- using trails to divert visitors away from sensitive areas

- providing no or limited access to the property
- requiring special permission to access the property
- not advertising the property to the public

## Accessibility for People with Disabilities

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Survey participants were asked how their organization addressed accessibility for those with physical disabilities on their lands.

- Twenty-five percent (25%) of respondents indicated they have improved conditions related to accessibility. Of these organizations, 50% specified that the work was focused on trail accessibility issues. In addition, two land trusts indicated improvements to parking; one improved a pedestrian bridge and one made ramp improvements.
- Eighteen percent (18%) indicated they planned to make improvements related to accessibility issues, half of which plan to improve trail accessibility in particular.
- Thirty-one percent (31%) indicated no action or plans for action on accessibility issues.

## Trails

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The survey asked no questions specifically about trails. However, based on information volunteered during the survey and web searches by the author, at least forty-eight land trusts have established or maintain trails. Some of these trails existed prior to the organization's purchase of the property. As noted above, a number of organizations have or plan to complete work regarding trail accessibility.

## Managing Risk

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Twenty-four percent (24%) of respondents indicated partaking in some level of risk analysis, in which the organization's leadership discussed and reviewed potential liability issues related to public access. The

vast majority indicated the analysis was conducted internally, in what many described as an informal process.

Based on the survey, 93-100% of land trusts hold liability insurance. Every organization that responded to this question of whether they hold liability insurance, answered yes. Several respondents left the question blank.

Thirty-eight percent (38%) of surveyed organizations utilize waivers to some capacity. Several respondents specifically indicated that waivers are used for participants of events and volunteers.

Fifty-six percent (56%) of survey respondents indicated the use of signage to warn visitors of potential dangers on publicly accessible properties.

## Events/Educational Programming

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Seventy-one percent (71%) of land trusts hold at least one event on their fee-owned properties each year. Of these organizations, 90% hold public events and 59% hold private or invitation-only events for members or special donors.

Collectively, Pennsylvania land trusts hold over 1,700 events annually on fee-owned properties and the number of these events held by individual land trust range from 1 to 500, each year. Over 1,000 of these events are open to the public while approximately 700 are limited to members and/or invited guests.

In addition to hosting events, thirty-eight organizations indicated they utilize one or more techniques on their properties to educate the public regarding conservation, nature, etc. Of those indicating the use of such techniques:

- 25% offer educational programming or events.
- 49% offer some form of guided tour(s).
- 49% use various types of signage, including interpretive signage.
- 23% have kiosks or displays on fee-owned properties.

- 23% offer visitors one or more of the following: maps, trail guides, brochures and/or flyers.
- 8% have education or nature centers.

## Issues Relates to Public Access

The survey asked participants to describe issues encountered due to public access to their fee-owned properties and the management of these lands. These issues were divided into two categories in the survey – issues related directly to adjacent landowners and issues related to general public access.

### General Issues

Survey respondents were asked to describe any significant problems they have experienced due to public access to their fee-owned properties; and to explain if *and* how these issues were resolved. Twenty-two land trusts indicated they had experienced issues. Nineteen organizations reported no issues.

The survey asked that land trusts exclude improper use of the property in their responses; regardless, the predominant issue reported by land trusts is the improper access of preserves by motorized vehicles such as ATVs and snowmobiles.

The following issues were also reported:

- dumping and littering on preserves;
- encroachment issues – building hunting structures, timbering, etc.
- trespassing
- vandalism
- off leash dogs

### Adjacent Landowner Issues

Thirty-two organizations noted having one or more issues with adjacent landowners while eleven land trusts indicated having no problems. Issues that were reported by five organizations or more are listed below (although the first three issues may directly relate to public access, the others do not but are included nonetheless):

- landowner general concerns or objections to a specific project or activity on land trust land, e.g., trail, hunting, abandoned mine drainage project
- landowner concerned about encroachment or perceived encroachment by the public onto their property
- parking or right of way access issues
- dumping, (based on comments, primarily grass clippings and leaves)
- encroachment by an adjacent landowner or boundary dispute

One land trust indicated it had to take legal action due to an industrial access road built on one of its preserves. The road, which was constructed without authorization of the land trust, has since been mitigated and the area reclaimed.

### Management Solutions

Seventeen land trusts noted success in resolving certain land management issues related to both adjacent landowners and general public access—a few examples:

- holding meetings of adjacent landowners to air out issues and concerns
- cooperative agreement with the PGC to eliminate illegal poaching
- signage to notify trail users that they are approaching private property or safety zone signs that notify hunters of nearby residences
- engaging adjacent landowners as “gatekeepers” or stewards of the land to help patrol and care for the land
- barricades and barriers have been constructed to prevent ATVs and motorized traffic, though not always effective
- signage that discourages improper use (e.g., no dumping, no motorized vehicles)
- letters to adjacent landowners introducing the organization, its mission and its intentions

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- encouraging active trail use has reduced illegal or improper use
- more rigorous enforcement by the land trust
- partnering with cleanup groups to remove trash and debris
- use of surveillance cameras

## Related Resources at ConservationTools.org

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### Library Categories

[Education and Communication](#)

[Land Trust Public Access Policies](#)

[Liability Associated with Recreational Use](#)

[Outreach Programs](#)

### Featured Library Items

(see Land Trust Public Access Policies)

### Related Guides

[Outdoor Access & Programming: A Primer for Land Trusts Connecting Children, Families and Adults to Nature.](#)

[Recreational Use of Land & Water Act \(RULWA\)](#)

[Reducing Liability Associated with Public Access](#)

[Trail Accessibility for People with Disabilities](#)

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## Submit Comments and Suggestions

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*The Pennsylvania Land Trust Association would like to know your thoughts about this guide: Do any subjects need clarification or expansion? Other concerns? Please contact*

*Andy Loza at 717-230-8560 or [aloza@conserveland.org](mailto:aloza@conserveland.org) with your thoughts. Thank you.*

## Acknowledgements

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<sup>1</sup> Of these four organizations, one organization indicated the only property it owns is land-locked so therefore not accessible to the public; the remaining three organizations only open fee-owned properties to their membership.

<sup>2</sup> These organizations include Brandywine Conservancy, Countryside Conservancy and the Pennypack Ecological Restoration Trust.

<sup>3</sup> If an admission fee is charged, a landowner loses the protections of Pennsylvania's [Recreational Use of Land and Water Act](#).