

# PENNSYLVANIA LAND TRUST ASSOCIATION

## Conservation Easement Assistance Program

### GUIDELINES

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## Introduction

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

- Completing conservation as well as trail and fishing access easements
- Amending and restating older easement documents
- Establishing or updating baseline documentation
- Installing signs on eased properties.

The program seeks to:

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

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

## Qualify an Organization

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To qualify for the program, organizations must first submit an organization [qualification form](#). An organization must meet one of two sets of conditions:

### **For private nonprofit entities**

- The organization is exempt from taxation pursuant to section 501(c)(3) of the U.S. Internal Revenue Code of 1986.
- The organization is a charitable corporation whose stated purposes are consistent with acquiring conservation or (non-motorized) trail easements and protecting the natural, scenic, recreational, or open space values of real property.
- The organization is currently registered with the Bureau of Charitable Organizations of the Pennsylvania Department of State. (Organizations not required to register with the Bureau must voluntarily register to qualify.)
- *To qualify for conservation easement-related grant support (as contrasted with trail easement grant support), the organization's board of directors has adopted [Land Trust Standards and Practices](#) and is addressing organizational deficiencies as indicated by them.*

### **For municipal authorities (which are eligible for trail—but not conservation—easement grant support)**

- The organization is a municipal authority incorporated under Pennsylvania's Municipal Authorities Act of 1945.
- The authority's articles of incorporation do not restrict the authority's ability to operate or manage park and recreation projects or facilities.

## The Basics

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Go to <https://conservationtools.org/ceap> to reserve grant money, apply for a grant, check the status of your application, and get program information.

### Open Application Period

The program generally accepts applications at any time.

While the program has run continuously since its inception in 2003, with no interruption of grant-making, there is always a risk that a future loss of program revenue could cause the program to suspend the award of grants. You can check the availability of program funding by visiting <https://conservationtools.org/ceap>.

### Reimbursement Basis

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

### What Gets Funded?

Project categories include the following:

- Completing conservation as well as trail and fishing access easements
- Amending and restating older easement documents
- Establishing or updating baseline documentation
- Installing signs on eased properties.

### What Won't Get Funded?

The Conservation Easement Assistance Program is intended to help with projects that are NOT otherwise receiving financial support from the Pennsylvania DCNR. As such, projects that include the use of DCNR acquisition grant monies are NOT eligible for a CEAP grant. However, easement *amendment* projects where the original easement was funded by DCNR are eligible.

PALTA strives to fund all qualified projects (and historically has funded the vast majority of applications) but reserves the right to reject any project that it finds inadequate for whatever reason. Reasons for rejection include but are not limited to:

- a poorly drafted easement document
- insufficient resources protected
- inadequate stewardship funding arranged
- an unacceptably high cost-benefit ratio.

If a portion of a project is problematic, PALTA may choose to provide a partial grant.

## Grants to Acquire a Conservation or Public Access Easement

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### Grant Amounts Available

Grants of up to \$7,500 will be awarded for easement acquisition projects utilizing a PALTA model easement document. The PALTA models are published at [ConservationTools.org](http://ConservationTools.org).

Grant awards for easements not based on a PALTA model are limited to \$1,500 for those recorded after 4/30/2013. Note that “based on” does not mean “identical to.” Contact PALTA staff in advance of completing a project if you wish to receive an early determination as to whether your proposed document will be viewed as being based on a model.

If two organizations are to co-hold an easement, they may receive a combined total of greater than \$7,500 for the project. (Contact PALTA staff to discuss.)

### Project Expenses Eligible for Reimbursement

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

- survey
- attorney
- title search and insurance
- baseline documentation
- environmental inspection
- establishing stewardship funding arrangements with the landowners (See the guide [Stewardship Funding Arrangements](#) at [ConservationTools.org](http://ConservationTools.org).)
- appraisal costs incurred for the easement holder’s benefit. Appraisal costs incurred by landowners for tax purposes are not eligible.
- professional fees related to the drafting of the easement
- settlement costs
- staff costs directly associated with the above activities.

*Purchase price and stewardship endowment contributions are not eligible expenses.*

### Certification and Statement of Assurances

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

1. The information contained in the application and in any attachment is true and correct.
2. The applicant’s governing body has authorized the acquisition of the easement.
3. An attorney drafted or reviewed the easement on behalf of and as counsel for the

applicant.

4. The applicant investigated the property title to ensure that it has dealt with the legal landowners and to uncover any liens, mortgages or other encumbrances that could affect the easement. The applicant found the title to be satisfactory.
5. The applicant understands that while PALTA strives to support every worthy application, it reserves the right to reject any project for whatever reason.
6. The applicant will provide additional documentation to further substantiate its request if requested by PALTA for auditing or other purposes.
7. If the acquisition is a conservation easement in character (rather than a public access easement), the applicant must additionally certify, represent and warrant that the applicant has completed baseline documentation and believes that the easement is written to meet the standards for conservation easements under the Pennsylvania Conservation and Preservation Easements Act (Act 29 of 2001).

## Documentation Requirements

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

- Signed application form completed at <https://conservationtools.org/ceap>.
  - Copy of the recorded easement. (A copy of the easement and a receipt from the Recorder of Deeds showing that payment was made for recording the deed can be provided to meet the application deadline. However, grant payment will not be made prior to receipt of a copy of the *recorded* document.)
  - If the applicant is seeking reimbursement for an appraisal, the appraisal invoice is required along with the page of the appraisal that states the purpose of the appraisal (e.g., for land trust to determine value of the easement).
  - Letter substantiating that the stage has been set for:
    - strong monitoring and enforcement *if a conservation easement*.  
(Organizations typically satisfy the requirement by pointing to a substantial new contribution or enforceable pledge restricted to stewardship as well as the size of the organization's stewardship fund or endowment. Alternatively, this requirement could be met if the easement names a stronger organization—meaning one that has the financial means to provide long-term stewardship—as having a third-party right of enforcement, and the organization has recorded its acceptance of this right or duty with the Recorder of Deeds. (See Conservation and Preservation Easements Act, § 3 and § 4(c)))
- OR
- public usage *if a public access easement*.
  - Copies of invoices or receipts for every expense for which the applicant is seeking reimbursement. Staff expenses must be documented as described in the *General Limitations* section.
  - A GIS-based electronic file (e.g., SHP file) or map showing the boundaries of the easement and with information sufficient to identify the easement's location in Pennsylvania.

## **Other Requirements**

- The easement must be in the public interest, protecting significant conservation values or providing meaningful public access to recreational resources.
- The easement must be in perpetuity.
- Pennsylvania DCNR acquisition grant monies will not be used for the transaction.

## **Environmental Stewardship Fund Requirement**

CEAP grants may be supported from time to time by grants out of the Environmental Stewardship Fund (often called Growing Greener). The Environmental Stewardship Fund's enabling act (Act 68 of 1999) explicitly states in Section 6105 (F) that:

*No moneys made available through the Fund shall be used for any purpose which, directly or indirectly, precludes access to or use of any forested land for the practice of sustainable forestry and commercial production timber or other forest products. This subsection shall not apply to funds used by the Department of Conservation and Natural Resources, counties or municipalities, for the purchase or improvement of park land to be used for public recreation.*

Consequently, to the extent that a CEAP grant is to be supported by the Environmental Stewardship Fund, the project must conform with the above requirement to be eligible.

You may check with PALTA staff to determine whether your pending project would likely be subject to the Environmental Stewardship Fund requirement. (As of 2020, the Environmental Stewardship Fund has not been a funding source for CEAP projects for at least seven years.)

## **Grants to Amend and Restate an Older Easement**

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### **Grant Amounts Available**

Grants of up to \$7,500 will be awarded for easement amendment projects that utilize a PALTA model easement document. The PALTA models are published at [ConservationTools.org](http://ConservationTools.org).

Grant awards for easement amendments not based on a PALTA model are limited to \$1,500. Note that "based on" does not mean "identical to." Contact PALTA staff in advance of completing a project if you wish to receive an early determination as to whether your proposed document will be viewed as being based on a model.

### **Eligible Projects and Requirements**

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

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

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

## **Grants to Establish or Update Baseline Documentation**

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### **Grant Amounts Available**

Grants of up to \$2,500 per baseline documentation established or updated will be awarded.

### **Eligible Project Expenses and Requirements**

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

These grants are NOT intended to assist with baseline documentation in association with the completion of a new easement project. (If such support is desired, applicants should apply under the completing a conservation or public access easement project category.)

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

### **Certification and Statement of Assurances**

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

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

### **Documentation Requirements**

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

- Signed application form completed at <https://conservationtools.org/ceap>.
- Copy of the recorded easement.

- Copies of invoices or receipts for every expense for which the applicant is seeking reimbursement. Staff expenses must be documented as described in the *General Limitations* section.
- Letter stating the file location(s) of the baseline documentation.

## Grants to Install Signs on an Eased Property

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### Grant Amounts Available

Grants of up to \$700 per eased property will be awarded. Applicants may bundle signage projects together with the total not exceeding \$6,000.

### Eligible Project Expenses and Requirements

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

This support is in addition to the \$7,500 available for new and restated easements.

The easement must *grant the organization the right to install* a sign(s). A separate grant of easement from the landowner to the land trust to provide for signage is an acceptable substitute.

### Certification and Statement of Assurances

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

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

### Documentation

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

- Signed application form completed at <https://conservationtools.org/ceap>.
- Copy of the recorded easement with the provision(s) granting the holder the right

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

## General Limitations

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### Limit per Organization

An organization may receive up to \$22,500 to \$30,000/year under the various grant categories, this maximum determined by demand in any particular year.

### Staff Costs

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

### Ineligible Projects

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

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

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

## The Grant Reservation and Application Process

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### Step 1

#### Reserve funding

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

After recording the easement, completing the baseline or installing signs, as the case may

be, you will have 90 days to submit the grant application requesting reimbursement for your expenses.

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

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

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

## **Step 2**

### **Complete the Project**

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

## **Step 3**

### **Submit grant application**

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

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

**The Conservation Easement Assistance Program**  
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**Pennsylvania Department of Conservation and Natural Resources**  
**Bureau of Recreation and Conservation**  
**Community Conservation Partnerships Program.**