

Winter 2016

Common Ground

Protecting our rural character and natural resources through community-based land conservation.



Can the removal of oil and gas leases in our area lead to more conservation successes that look like this? See page 5 to read about how this part of Tinicum has reached 1,165 contiguously preserved acres—and counting! Photograph by Bruce Wallace.

FLAME OUT: EXTINGUISHING OIL AND GAS LEASES

A new Conservancy program simultaneously clears property titles—and the way for conservation.

Successes at the Tinicum Conservancy come in many forms—conservation easements, environmental stewardship, and educational outreach, to name a few. We're excited to report a land preservation success in an entirely new area.

The Tinicum Conservancy has developed and implemented a strategy that is not just a first for us, but for Pennsylvania: We are working successfully with landowners to extinguish unwanted oil and gas drilling leases on their properties.

Individuals have had some success extinguishing leases, but this is the first comprehensive strategy put in place to remove multiple leases over a large area.

Though active drilling hasn't taken place in Upper Bucks, oil and gas exploration and its infrastructure—like pipelines—do affect us and have caused concern for many residents.

There are 360 gas leases in Nockamixon, Tinicum, and Bridgeton; many are in and around ecologically important areas

and watersheds, including the Upper Tinicum Creek. Landowners signed these leases for a variety of reasons and under a variety of circumstances, and their opinions on fossil fuel energy and infrastructure may vary. However, current economic, political, and geologic issues make it unlikely that we will see gas drilling in our area in the foreseeable future.

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Kelly Germann, *Resource Protection Mgr.*
Maria Fell, *Office Manager*

NEWSLETTER

Tom Casola
Hellyn Sher

Tinicum Conservancy
965 River Road
P.O. Box 206
Erwinna, PA 18920

610-294-1077
610-294-2906 (fax)
tinicumconserv@epix.net
www.tinicumconservancy.org



The Tinicum Conservancy is a 501(c)(3) non-profit organization. Donations are tax deductible as allowed by law.

Message from the President

“On anyone’s map—national, regional, county, river, or local—Tinicum is set aside as a treasure to be protected, preserved, conserved. It, and its immediate neighbors to the north and west are the lungs of the county. As goes the greenery of Tinicum, so goes the health of the rest of Bucks County.”

That statement is from the Introduction to Tinicum Township’s Comprehensive Plan. The “Comp Plan” is a written distillation of community goals and attributes, and of its needs, concerns, and long-term priorities.

On a perfect day this past fall, I was lucky to be a passenger in a small aircraft and view the riches of our community—its waterways, its forests, its farmland, its historic hamlets—from an extraordinary vantage point, all laid out beneath me. I naturally assume all residents cherish these attributes. But you needn’t take my word for it. Tinicum Township conducted a “Resident Survey” that proves it. Designed by the Township Planning Commission in partnership with the Bucks County Planning Commission, it was sent to every household in the township to gather information to help update the Comp Plan. The survey sought to find out:

- what residents like best about the township
- what are the most disturbing changes in Tinicum
- what are the township’s most important resources
- what are the most important resources to preserve
- how residents feel about open space preservation
- how residents feel about the expenditure of tax revenues in the township

More than 400 completed surveys were received, representing about 10% of the population. Perhaps you filled one out? Whether your answer is yes or

no, the results ought to be of interest.

Residents rated natural features such as hills, woodlands, and streams as the things they like best about the township. Things they like least are the loss of farmland and open space and the increase in traffic that results from development. A resounding 50% (49.9% to be exact) of respondents said the resource most important to them is groundwater. Drinking water quality

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and quantity was rated “very important” by 91.9%, with woodlands, streams and stream valleys coming in highly valued as well. It makes sense then, that those same resources (along with the Delaware River and River Road) were rated “most important to preserve.” And 81% of respondents agreed that the township should actively seek preservation of open space—even if it costs tax dollars.

For those of us at the Conservancy it is galvanizing to have hard data proving residents feel strongly about land preservation and resource protection, and that the larger community’s goals dovetail precisely with our mission to protect and preserve our natural resources and rural character.

How fortunate we are to have a resident population, a township government, and a local land trust whose objectives are aligned!

P.S. The full Comp Plan is available on the township’s website at tinicumbucks.org

ALBUM: THE CONSERVANCY IN 2015



The barn at Bob Hanley’s Black Sheep Farm was the beautiful venue for September’s Membership Celebration.



Many hands made quick work at the October River Road Cleanup, the fourth and last of the year.



Membership Celebration host Bob Hanley (right), with Tim Philpot.



TC President Boyce Budd “entertains” the crowd with Executive Director Jim Engel at right.



Nancy Bousam running the Conservancy booth at the Arts Festival in July.



Conserved Property Walks in 2015, from left to right: John Nystedt talks to a group about to walk his preserved farm, taking a sample from the pond for a water quality test at Norm MacArthur and Bill Novak’s Jugtown Hill Farm, John Nystedt of the Delaware Riverkeeper led a group over the Nockamixon property of Michael Moss and Ellen Chapman in May.

Photographs by Bill Cahill, Vicki Jenkins, Louanne McConnell and Maureen Santina.

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That means owners of properties with gas leases may never see the economic benefits promised years ago. Further, a gas lease attached to a deed may devalue a property or make it difficult to sell. Leases can also prevent landowners from signing conservation easements that protect the land from development. Easements often bring tax benefits and cash compensation to landowners, but these benefits are not available for properties with existing leases under township, county, or state funding rules.

Sugie and Marty Weiss weren't interested in selling their Bucks County property, which lies in Tinicum and Nockamixon. And they already had a conservation easement on it. But they did want to make some home improvements and found that the gas lease was a big impediment to getting a loan. In 2013, Sugie attempted to deal directly with the gas company, an experience that was like "going down the rabbit hole over and over and over again. I was getting nowhere," she says.

In spring 2015, Executive Director Jim Engel approached the Weisses about being a test case for the developing strategy. "We were delighted," says Sugie. "We really didn't know what was going to happen," but by then the Weisses were not only frustrated by their experience in 2013, they regretted ever having signed in the first place and felt that "ultimately, it was a very bad decision. Its removal has brought enormous relief."

Jim also reached out to Mary and Don Woodruff, Nockamixon residents with a lease who were deeply concerned that energy exploration might mean their family and property would be, once again, "touched by terrible pollution," as Mary put it. The long history of their family's concern for the land and water goes back to the '60s when Mary's mother and father "became wild-eyed" at the ravages of the Revere Chemical Co., and helped bring to light "effluent oozing into fields, the killing of acres and acres and acres of field and trees, and Rapp Creek turning various colors," as Mary recently recollected. (The 113 acres along Rte. 611 ultimately became an EPA Superfund site.) The Woodruffs report they are thrilled to have gotten the lease lifted. Mary inherited the property from her parents and as she begins to think about passing it on to her own children, she says she is grateful they won't be encumbered with the lease.

The Conservancy's approach starts with a review of the lease by our legal counsel. (Many of the existing leases read as if the term has run out, but also include additional language that might make another interpretation possible. Without an official "surrender" recorded with the county, a property title still appears clouded by a lease.) Next steps include courthouse research to gain information about the lessee, tracking down the lessee or lessees, formally requesting their agreement to surrender the lease,

and finally recording the surrender as a binding, legal document. Thus far, we've had cooperation from the gas companies in conceding surrender. Grants to the Conservancy have covered the associated costs.

The core of Tinicum Conservancy's mission is land conservation. Ideally, once a lease is lifted, we would like to see these properties conserved. We want to work with landowners not only to navigate the process of extinguishing oil and gas leases, but also to pursue

"...owners of properties with gas leases may never see the economic benefits promised years ago."

a conservation easement—including identifying potential funding sources and income tax deductions. But commitment to an easement is not a requirement. As a local, community-based, land conservation group we see extinguishing oil and gas leases in our area as a conservation success in and of itself. We want to build on what we achieved with the Woodruffs and Weisses and continue this unique and important project with other landowners.

If you or your neighbors are interested in learning about removing an oil and gas lease, contact Executive Director, Jim Engel at 610-294-1077 for a confidential discussion.

Two More Farms Under Agricultural Easement



Looking south from Chris Weaver's farm. Its protection means another 64 acres will remain in agricultural use. Photograph by Bruce Wallace.

The recent protection of Chris Weaver's Erwinna farm means that there are now 1,165 acres preserved along, and on both sides of, Upper Tinicum Church Road from Geigel Hill to Red Cliff Roads. All the large properties in that area, except for one, are now preserved in perpetuity. A true conservation success!

"I don't want to see any other houses on the property," was Chris's response when his mother was considering subdividing the property. She wanted to retire from farming and to do that she was looking to the money that subdividing might bring. Instead, Chris bought the property from his mother and she retained life rights to live on the farm. It was 2008, a rough year to make a big financial decision, but Chris was determined to carry on the family farming tradition.

The Weaver family in Tinicum goes back to the 1700's. Chris's great uncle, Charles Weaver, first occupied the farm in March of 1919. Chris's dad, Marlyn Rube Weaver, one of 13 children, bought it from

his uncle in 1960. The farm is currently home to 10 Hereford cattle, though Chris expects to increase that number to 25. He practices rotational grazing so that he can hay the farm as well. He also has an excavating business. Chris jokes that he is in the two worst businesses as far as weather is concerned. In terms of natural resources, the property has great value as the headwaters of Swamp Creek.

The Tinicum Conservancy first met with Chris in 2012 about putting a conservation easement on his property. He was very receptive to the idea. His neighbor, Norman MacArthur, suggested that he might qualify for the Bucks County Agricultural Program which gives a landowner 100% of the value of the foregone development rights. To his great surprise the property was enthusiastically accepted. He was further surprised to discover that a landowner has a lot of flexibility, within set guidelines, to customize a conservation easement to accommodate his or her individual

needs. It was important to Chris to negotiate an agreement that allowed him to continue existing businesses on the property, as well as provide for a future building, and an addition on the existing house.

It's part of the Conservancy's mission to help keep land in agricultural use, and for Chris, who says, "Farming is in my blood, family influences determined my future," it's also part of his. "Too many farms have disappeared. This is where we get our food. It's critically important for future generations." Chris's son now helps him on the farm and will most likely carry on the Weaver family tradition. Chris also hopes his daughter, will help out. "Times were really rough back in 2008, but now things are going better." Good news for Chris, his family, and the whole community!



Bill Stein, age 84, was shoveling gravel into his tractor when I entered his driveway off Tohickon Valley Road. Despite a recent surgery, he professed to be back in good health. He certainly looked it! Moving up to Tinicum from Philadelphia in 1960, he bought his 34-acre farm for \$35,000, much to the chagrin of his parents who thought he was spending his life away on the former dairy operation. Bill and his family brought in horses for the use of such Philadelphia organizations as the YMCA, Girl Scouts, and other summer camps. Today the Ottsville property is still a horse farm; Bill's daughter boards horses and teaches riding to children.

Through the years Bill was approached by numerous developers who promised him a fortune for the farm, in part because of its excellent frontage on the Tohickon Creek, as well as frontage on three different roads, including Rte. 611. Bill found the developers untrustworthy and doubted the likelihood of seeing any money during his lifetime. What's more,

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STAY CONNECTED...KEEP IN TOUCH...DON'T MISS A THING!

Common Ground comes out twice a year, but in between we have much more news and information to share. Stay connected with Tinicum Conservancy.

Visit our newly relaunched and updated website at tinicumconservancy.org

New features are in the works, so visit frequently!



Sign up for **E-News**. Go to tinicumconservancy.org and click on the NEWS icon.



Like us on **Facebook!**



Follow us on **Instagram** for frequent doses of beautiful landscapes, flora, and fauna.



VITAL VOLUNTEERS: Event Hosts

Year after year, the Tincum Conservancy is welcomed to conserved properties and other fabulous locations for our annual Membership Celebration, educational events, fundraisers, social gatherings, and tours of private properties.

We are indebted to all who have supported the Conservancy—from farmers to restaurateurs to easement owners—by generously opening their homes and businesses for events and education outreach.

Margaret and Matt Balitsaris	June Rothkopf and Paul Wieand
Karen and Boyce Budd	Andy Rouse
Lisa Berkley and David Phillips	John Sebesta and William Tomai
Laure Duval	Sugie and Marty Weiss
Derek Fell	Mary and Don Woodruff
Jose and Beatriz Mirabal Garces	
David Gaudette and David Maue	🌿🌿🌿
Phil Gillespie and Dan Randall	1821 Steaks & Cocktails
Glen and Cynthia Hale	Appetihikan Farm
Bob Hanley	Camp Galil
Stu and Sally Horn	Camp Onas
Jeff and Lorraine Keller	Desiato Winery
Martie and Neil Kyde	Luna Farm
Stana and Richard Lennox	The Golden Pheasant Inn
Stu Louden	Schneiderwind Farm and Nursery
Norm MacArthur and Bill Novak	The Sugar Shack
Sally Mirick	Tincum CSA
Gabriel and Maria Orozco	Tincum Elementary School
Joan and John Quinby	

“Event hosts don’t ‘just’ open their properties to our guests and members, they also share their passion for conservation and the community we live in.”

- Executive Director Jim Engel



MISSION ACCOMPLISHED: Farmers Marc and Joanna Michini (and daughter Clover) were on the cover of the 2014 Fall/Winter Common Ground. The story detailed the challenges and successes of running their business on leased land conserved by Margaret and Matt Balitsaris. The story also made clear the Michinis’ goal was to eventually own a farm. Cut to fall of last year: Marc and Joanna closed on 38 acres in Bedminster where they will continue to raise hogs, turkeys, and laying hens sustainably and humanely. Congratulations! Reach Purely Farm at purelyfarm@gmail.com. Photograph by Kathleen Connally.

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he didn’t want to see the property—much loved by him and his family—carved up into housing units. Instead, he turned to conservation. His soils are excellent which made the property a good candidate to receive funding from the Bucks County Agricultural Preservation Program. The county program gives farmers 100% of the value of their conservation easements and Tincum Conservancy had long urged Bill Stein to apply.

Bill plans to use the money he receives for his conservation easement to renovate the beautiful old 1847 farmhouse. His daughter plans to live there and take good care of the property. According to the easement (and Tincum Township zoning), one additional dwelling may be constructed, but no subdivision can occur. By extinguishing the farm’s development rights, Bill has done the right thing for future generations and made a decision that will benefit us all in the Tincum community.

-Karen Budd

RESOURCE PROTECTION NOTES

Updates on the Tohickon Creek’s status and the Emerald Ash Borer threat.

Our nearly 20-year effort to achieve Exceptional Value status for the Tohickon Creek is a topic familiar to Conservancy supporters.

Our petition has been thwarted multiple times by the PA Dept. of Environmental Protection’s (DEP) changing quality standards, lack of accurate stream data, and bureaucratic red tape.

Why do we persist? Simply put: rivers and streams designated by DEP as High Quality (HQ) or Exceptional Value (EV) are afforded the strongest legal protection against stream degradation. We believe the Tohickon Creek’s exceptional qualities deserve exceptional protection.

In 2013, a DEP water probe placed downstream of the Nockamixon Dam recorded temperatures slightly too elevated to qualify for EV. The data led to the discovery and repair of a faulty valve at the dam, which had been releasing warm water from the top of the lake instead of colder water from the bottom. In 2014, DEP agreed to place another probe at that location. Working closely with Princeton Hydro (an environmental and engineering consulting firm) and the Delaware Riverkeeper Network (DRN), TC also placed 10 temperature probes along the 10-mile length of the Lower Tohickon, from the dam to the Delaware River in Point Pleasant. Now, with a year of new temperature data in hand, support from the DRN, community partners, and volunteers, our long-standing upgrade petition to DEP is ready for resubmission.

Following its review, DEP will draft a recommendation to the Environmental Quality Board (EQB), which will make the final determination for upgrade. Prior to sending the recommendation, DEP will hold a 30-day public comment period. This is where you can have an impact! As soon as DEP’s recommendation is available, Tincum Conservancy and Delaware Riverkeeper Network will reach out for public comment on it and in support of the upgrade. Details about how you can comment and participate will be

posted to our website. Our E-News will also provide up-to-date information on the Tohickon campaign. (Sign up for E-News at tincumconservancy.org.) Twenty years on, we are excited to be at this crucial point, and ready to rally the community in support of the Tohickon.



We first wrote about the massive threat posed by the Emerald Ash Borer (EAB) to Pennsylvania’s forests, landscapes, and ecosystems in the Spring 2013 *Common Ground*. Unfortunately, infestations of the Asian green beetle continue to be a serious concern. Foresters and biologists are still working to find a chemical or biological control, but for now, Pennsylvania’s 300 million ash trees are vulnerable and if infected, will die quickly.

A balanced or “selective” management approach may include removal of some trees, treatment with insecticides, and replanting with other natives. Ideally, treatment of some native ash trees, especially rarer species, will provide a seed source for future collection and preservation of their local genome.



The Tohickon Creek, an exceptional value. Photograph by John Clement.

Ottsville’s Martie and Neil Kyde decided that losing even one of their ash trees was not an option. They hired an arborist who spent a day on their 30-acre, forested property identifying and tagging 39 ash trees with diameters of 4” or more. Next, licensed applicators spent a day injecting the trees with a chemical pesticide (*Emamectin benzoate*), mixed and measured specifically for each tree, to protect them from the EAB for at least two years.

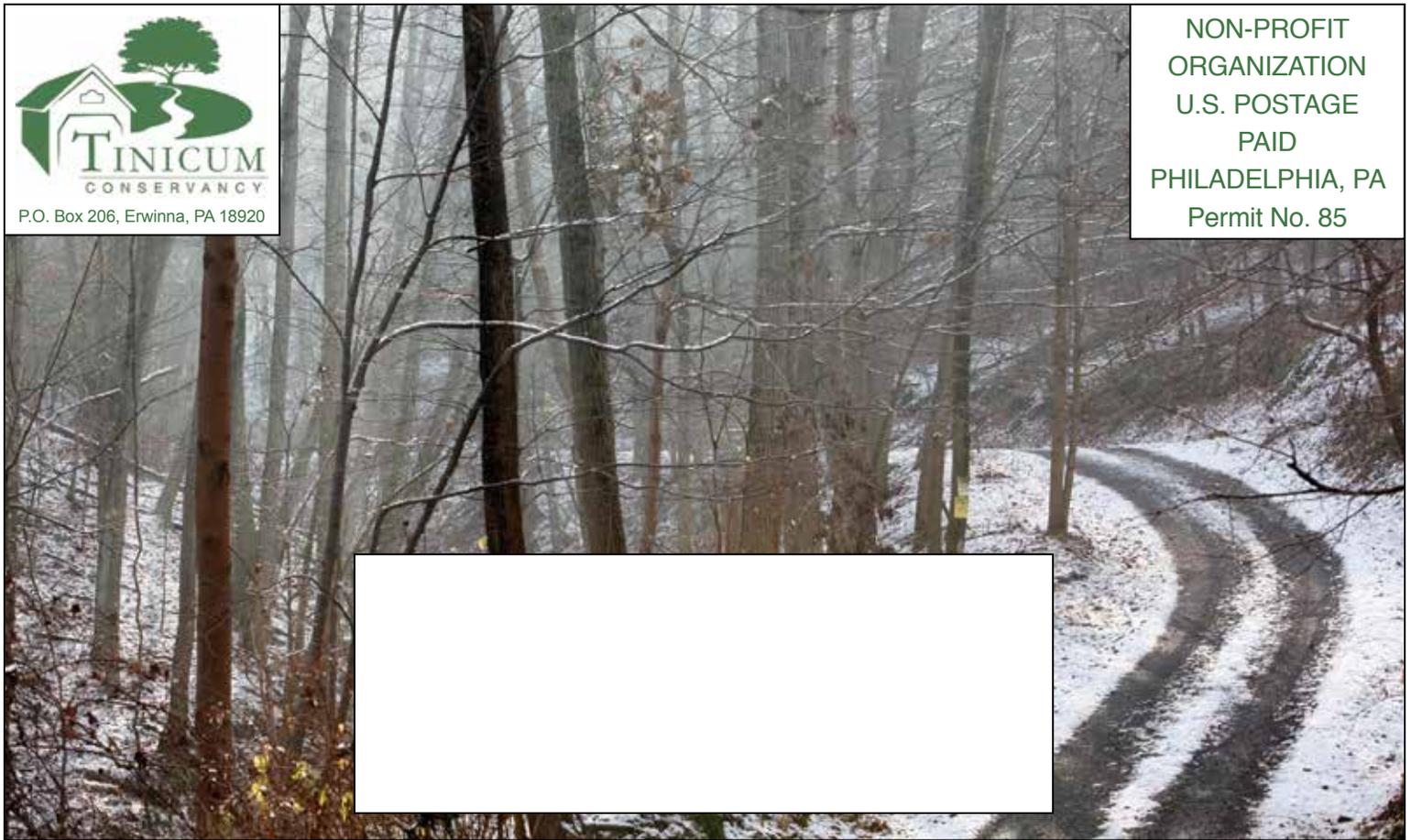
“It wasn’t cheap,” says Martie, “We chose the more expensive of the two chemical options, because it is safer for the fungi and macroinvertebrates in the soil.” Martie says they’ll treat every two years until the EAB is no longer a threat. It’s a big expense, but it’s worth it to the Kydes—to protect the healthy forest ecosystem they’ve spent a lifetime caring for and calling home.

More information (including signs, symptoms, and a list of local arborists) is available on our website at tincumconservancy.org.



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Jugtown Hill Road. Photograph by Kathleen Connally.

Not Yet a Member? Join the Tinicum Conservancy Today.

Why join? Membership support is critical to the overall success of the Conservancy. Our success benefits everyone who wants pure water, clean air, beautiful landscapes, and low municipal costs. We protect Tinicum's rural character and natural resources through community-based land conservation. To do that we rely on our members. We are a private non-profit organization that depends on charitable contributions to steward the 4700 acres conserved through our efforts, to protect additional land, and to educate the community about our mission. Annual memberships start at just \$50. Use the envelope in this newsletter or visit tinicumconservancy.org to join today.

Already a Member? Consider Getting More Involved.

Volunteer. The Tinicum Conservancy would not exist without its volunteers. We need office help with mailings, research, and event planning. We can also use help outdoors—we are always looking for folks to take part in our River Road cleanups or invasive plant removal. If you have time to contribute, visit tinicumconservancy.org or contact Karen Budd, Volunteer Coordinator, at kbudd3030@gmail.com.

Become a property monitor. Our Resource Protection Manager trains and coordinates this team of crucial volunteers who make annual visits to walk the properties on which we hold easements. Email Kelly at tcresource@frontier.com or visit tinicumconservancy.org if you'd like to join the monitor ranks.

Leave a Legacy. When you include the Conservancy in your estate plans, you're helping secure the future of Tinicum's natural resources and rural character. Thoughtful planning today can extend your impact beyond your lifetime. Contact Executive Director Jim Engel at tinicumconserv@epix.net or 610-294-1077, to discuss estate planning.

Conserve your property. Preserving your land is a profound way to contribute to our community. Contact Executive Director Jim Engel at tinicumconserv@epix.net or 610-294-1077, to discuss an easement.

