

Northcentral Pennsylvania Conservancy

Peter Herdic House Hosts a Successful Evening

Gloria and Marcia Miele were brave enough to once again allow local celebrities to take orders and mix drinks at their restaurant on March 19, 2010. The tips these celebrity waiters and bartenders earn are donated to the Northcentral Pennsylvania Conservancy, along with the proceeds of a raffle and silent auction.



This year local jeweler Ann McKay donated a beautiful gold ring set with an Indonesian carnelian for the jewelry raffle. The woman's ring was designed with a filigree setting and was tried on by many a hopeful ticket buyer. Monica Turri was the lucky winner, and took the ring home with her that night.



Conserving working farms and forests

Bill and Sarmite Judson once again donated a dinner at their Bastress farm for the silent auction. The Judsons serve Latvian cuisine to their guests

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Rick Mason, the singing waiter, serenades Joy Walls during the NPC Celebrity Waiter Night.

Oil and Gas Leases that Pre-date the Conservation Easement

Northcentral Pennsylvania Conservancy's Board of Directors and Staff are increasingly asked, "What is NPC doing about Marcellus shale?" To help you understand the various issues NPC faces with respect to any oil and/or gas lease, or reserved right, Carl Barlett (NPC board member and retired attorney) prepared the following explanation on precedence and how a pre-existing lease impacts a conservation easement.

With the advent of Marcellus shale natural gas exploration and production conservancies such as NPC face some complicated and unique challenges involving oil and gas leases which were in effect when the conservation easement was recorded. As a general rule, a

duly recorded lease of oil and gas rights will take precedence over a subsequently recorded conservation easement. This legal principle is applicable even if the later recorded easement prohibits drilling or production of oil and gas. In other words, when an oil and gas lease is first, any easement that comes afterwards takes a second position to the lease.

Likewise, if oil and gas rights were "severed" from the surface rights by reservation of the owner or by sale via a deed of the oil and gas rights, the owner of the reserved rights would also take precedence over a subsequently recorded conservation easement. Such reserved or deeded oil and gas rights can be passed down from generation to generation by inheritance or sold to new owners. The owner of the surface rights cannot unreasonably block the holder of the oil and gas rights from getting to the oil and gas.

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Celebrity Waiter Jerry Walls and attendee Trisha Marty enjoying the evening.

Peter Herdic House...

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as they relax on the porch watching the sun set and the sheep graze. This year Nan and Allan Young were the lucky winners.

Malcolm Barlow was kind enough to donate a dinner at his farm near Muncy. Malcolm's home was built in 1768 and retains an unelectrified dining room. Jerry and Joy Walls teamed up with some of their friends to purchase this dinner by candlelight.

Thank you to all the celebrities who helped make this year's event a success!

- Jerry Allen, *Lycoming College Theatre Department*
- Rosanne Casale Bolsar, *Fish Real Estate*
- Rick Mason, *PennDOT*
- Tony Nardi, *Fish Real Estate*
- Tom Raup, *Attorney*
- Amy Shotwell, *Verizon*
- Mark Shuman, *Clear Channel Communications*
- Jerry Walls, *Community Planning Consultant*
- Dr. Mel Zimmerman, *Lycoming College Cleanwater Institute*

Oil and Gas Leases...

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Thus, unless land placed under easement is free of existing leases, the terms of the easement, whatever they may be regarding oil and gas drilling and production, will take a "back seat" to the rights of the owner or the lessee of the oil and gas rights.

What is NPC's role in such situations? Under IRS and Pennsylvania law, NPC has a legal obligation to protect and defend the terms of the easements it holds even when there is a pre-existing oil and gas lease or where mineral rights were reserved prior to the easement. Although such reserved rights or pre-existing leases have legal precedence over the terms of the easement, NPC will strive to work with the landowner subject to the easement, the holder of the subsurface rights, reserved or leased, and the gas drilling and production companies to minimize the effects on the land under easement. NPC's role, in such situations, is to work with all parties to achieve the maximum protection of the conserved land.

This role can be carried out by NPC's encouragement of the parties to enter into a Surface Use Agreement (SUA) to minimize damage to the surface during and after drilling and production. NPC has developed a comprehensive SUA and will work with the gas companies, lessors and landowners to enter into such an agreement. Additionally, NPC will work with lessors who wish to work out modifications to existing oil and gas leases. Such modifications or amendments may include non-surface development, greater environmental precautions, reclamation of surface disturbances, and limitations on the size and number of well sites. In general, NPC will take a pro-active role in assisting easement owners, mineral right holders and production companies to best protect the conservation purposes of our easements.

Locharbar Set as Site of Spring Fundraiser

Ted and Judee Lyon will be hosting NPC at their property, Locharbar, on May 23, 2010. The event will be held rain or shine and includes music by Carl & Opal Schlappi, a geologic walking tour by John Way, and a wildflower walk by Sue Sprout. We'll be under tents for cocktails and light refreshments, so please dress for the weather. Reservations required and due by May 19, 2010. Cost is \$40.00 per person. To reserve a spot, call the office at 570-323-6222.



MEMBERSHIP ACTIVITY • January 1, 2010 to April 30, 2010

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Many thanks to our corporate members for their support of NPC's mission. Please take note of those businesses which have shown they care about the future of our communities with their corporate memberships and show YOUR support to them.

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RED OAK (Cont'd.)

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Thank You...to all those who continue to support the work of the Northcentral Pennsylvania Conservancy

Northcentral Pennsylvania Conservancy

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Stream Habitat Restoration Projects Set for Summer Construction

The Northcentral Pennsylvania Conservancy, Pennsylvania Fish and Boat Commission (PFBC), and the Pennsylvania Department of Environmental Protection (DEP) are partnering again this Summer to wrap up the stream restoration grants that funded over 15 projects last summer and will be funding at least 8 projects this spring.

Due to the DEP grant expiring on June 30, 2010, waivers were obtained to begin the in-stream work in May this year. There won't be a lot of wet wading during this construction season. The water will be a little chillier than normal.

Projects will be taking place in Northumberland, Montour, Columbia, Lycoming and Tioga Counties. If you are interested in swinging a sledgehammer to help out, we can get you in touch with the volunteer coordinator for the project in your area!

NPC Staff Presents at the Pennsylvania Land Conservation Conference

NPC Staff member Charlie Schwarz joined Mary Felley from Countryside Conservancy and Mike Uretsky from Delaware Highlands Conservancy for the land trust panel of an all day seminar at the 2010 Pennsylvania Land Conservation Conference. The seminar, "Land & Water Conservation in the Marcellus Shale," included presentations and information from attorneys Dan Arthur, Steven Schiffman, and Harry Weiss; Nathan Bennett and Craig Chapman from DCNR; as well as Tim Kelsey from Penn State Cooperative Extension.

The land trust panel Charlie participated in shared their experiences and perspectives on how the exploration and development of Marcellus shale is impacting land conservation work. Charlie will again share his perspective with attendees of the Annual Membership Meeting on June 9.

Lycoming College Students Research Loyalsock Creek Watershed

This spring, two Lycoming College students worked on collecting and organizing information and reports on the Loyalsock Creek Watershed. The students, both senior biology majors, reviewed the reports, data, and information Dr. Mel Zimmerman had in his files, and also used information from various reports, agencies, and universities to fill-in gaps.

Amanda Thompson and Alyssa Taylor are biology majors at Lycoming College (well, by the time you read this they may be Lycoming College alum – Graduation is May 9). This project gave them research experience and provided NPC with a base of information on the watershed.
