



Massachusetts Land Trust Coalition, Inc.
18 Wolbach Road, Sudbury, MA 01776
978.443.2233 - fax: 978.443.2333
email: Info@MassLand.org

2015 Winter Steering Committee Meeting Minutes

Friday, February 27, 2015 / 12:30 PM - 3:15 PM

**DFW Field Headquarters / Room #108 / Southeast Conference Room
1 Rabbit Hill Road, Westborough, MA**

12:41 PM - Kathy Orlando, MLTC Steering Committee Chair called meeting to order

Business

- Welcome, and Introductions.
- Kathy O. welcomed Mary Griffin. Rich H., president, introduced MLTC's new, full-time executive director Mary Griffin, known to all in her most recent position as Commissioner, MA Department of Fish and Game. Mary expressed her desire to meet everyone and members.
- Agenda reorganized: pipeline discussion will be at the end of the meeting.
- Minutes of November 21st: Cynthia H. moved; Jim L. seconded to approve; vote unanimous.
www.massland.org/files/MLTC_SC_Minutes_Nov212014.pdf
- Kathy O. announced that the MLTC will be sending out an appeal for fund raising to cover legal costs associated with the pipeline.
- Amy J. (MLTC staff) requested job postings be sent to her for posting in the ENews.
- Rich noted that meeting schedule that was distributed will probably be changed.

Legislative Update

EOEEA Update - Melissa Cryan

- State retreat rescheduled for April 30th and May 1st will focus on what still needs to be done for land conservation.
- Conservation Land Tax Credit: up to \$3.2 million; not much optimism on having limit raised
- 2014 land report is on the state's EEA web site: <http://www.mass.gov/eea/docs/eea/land/land-report-2014.pdf>
- Hoping to be on schedule for grant round announcements at MLCC

Steve Long, Director of Government Relations, The Nature Conservancy (TNC). Public Policy Update was distributed. Highlights:

- Co-chairs of Joint Committee on Environment, Natural Resources and Agriculture appointed: Anne Gobi, (Senate) and Paul Schmid III, (House).
- EOEEA: meeting with environmental organizations and EEA staff on environmental bond and how it will translate into capital plan. Many competing interests and budget deficit; direction uncertain.
- State operating budget revenues estimated to be down 1.5 billion due to non-discretionary spending; working to assure no further cuts (staff cuts) in the investments in land conservation;
- ELM's green budget released; preceded state budget release. Need to contact elected officials and with asks for conservation.
- Climate Change and Resiliency Forum for Policy makers organized by TNC and MA Aud on March 25, 2015 from 10:00 – Noon at the State House. Eight stakeholder groups will present priorities, costs and action plan.
- State legislation summarized; Conservation Land Tax Credit mentioned; economic data available on value of the program to leverage conservation.
- Need to find a financial value for bio sequestration and method for implementation. CA has established a carbon market, however, that approach would be difficult to replicate in MA. Seeking method to value these natural resources in the context of CO₂.
- Federal issues: Legislation to adequately fund Wildfire Fund so that other funds are not raided to cover wildfire costs.
- Mary thanked and acknowledged Steve's work.

Chris Coffin could not attend today: Rules just released on Agricultural Conservation Easement program. Link will be on ENews to comment.

1:20 PM - Northeast Direct Pipeline Discussion

NOTE: Andy Magee, MLTC board member and all state employees left to avoid any COI issues.

New England Energy Solutions (NEES) and organized groups:

- Rich H. gave update on MLTC's work with this regional organization of conservation (land and water) stakeholders and Vince DeVito's work to strategically engage in the Federal Energy Regulatory Commission (FERC) process and Kinder Morgan's anticipated filing this fall. MLTC believes NEES approach to be most effective use of resources as need for pipeline will have to be demonstrated for it to be approved, and, can address issues of location (not on conserved land.) Rich acknowledged the excellent work being done by other groups using different approaches and strategies.
- Cost of NEES's legal expenses, MLTC has a \$5K challenge. If \$5K raised; \$5K will be donated. MLTC will be making an appeal letter to all members seeking support.
- Stephen J. noted that the land trust community in NH very interested in the coalition building work in MA. Cynthia noted the need for engagement across New England as impact and effectiveness of interventions are inter-related.
- Judy E. spoke about the MASSPLAN, and, other grassroots organization which are growing; getting funded.
- New partnership formed with between major gas players Northeast Utilities (NSTAR) and pipeline suppliers (Spectra) to expand pipeline capacity which creates a very powerful pro pipeline consortium.

Advocacy issues

- Noted that Gov. Baker was against the pipeline during the campaign believing it to be unnecessary.
- EEOEA will interact with KM if there is a filing and Jen convened a meeting providing resources to them on CAPS (conservation assessment priorities system) analysis: pulls together all the natural resource data for MA. Use CAPS for planning and mitigation impact. (Scott Jackson will be doing a session on CAPS at MLCC).
- List of affected communities and legislators circulated in case an Article 97 vote would be required. And, No Fracked Gas In Mass has a presentation on pricing issues. Link will be on MLTC web site.
- Plea for clear arguments in to support NEES when taking message to local LTs.
- Plea from Steve L. and Jen to be alert on the issue and attentive when action needed.

Pipeline siting

- Questions about power-line easements: as Stephen J. understands it; cannot be used for a gas pipeline.
- KM will indicate final proposed pipeline route when they file with FERC.

Legal Issues and conservation land

- Noted there are different legal and access issues if working with fee landowners vs. easement owners.
 - Janet M. wants to begin Article 97 process discussion. If LT owns land in fee, put a CR on it and give it to Conservation Commission; need to map all the resources affected.
 - TNC has four state chapters where pipeline would run. TNC will jointly submit a letter to FERC with data on all natural resource impact and return on investment (ROI) of land.
 - Heidi R. suggested getting vernal pools certified and documenting conservation value of conservation lands if mitigation needed in future.
 - Stewardship may be in conflict with pipeline (e.g. controlled burn); however, Lisa indicated that SVT has done a controlled burn over an existing pipeline.
 - Ray: Charitable Trust doctrine (vs. public trust doctrine). No legislature can override a charitable trust document. Would have to go to probate court and find that there would be no conservation value left to the property in order for eminent domain. SO, find out if in original gift if this money or land or CR gift was intended for this purpose. Best to have documents such as letters, emails, etc. and BEST is words in the deed to this effect.
 - Janet M. asked for review of map and list of all conserved lands that will be affected (fee and CR). Please review for accuracy and completeness. It will be on Mt. Grace's web site.
-

- Discussion of Article 97 protections and energy land use

Pipeline information and increased public awareness

- Mark R. brought up the need to have general public informed as the associated negative issues (like location) will not be obvious to the average person, especially those not directly affected. Need to clarify misconceptions on pipeline's effect on electricity rates.
- KM strategies mentioned: approaching towns and land owners and promising financial benefits if pipeline located on their property.
- Judy E. noted that Greenfield's paper The Reporter is doing a good job of informing public.
- Mentioned presentation done at the MA Rivers Alliance annual meeting.
- Janet brought up that many feel that FERC process cannot be stopped. Need to inform the public. See last month's ENews link on Vince DeVito.
- Middlesex Council of Governments web site has good explanation of FERC process.
- Use of humor: see Mt. Grace cows against the pipeline on You Tube.

Land Trust resources

- Veronica (Townsend LT) questioned MLTC's support and resources for the AVLTS whose land will be affected and legal representation. Members update to follow.
- MLTC members can learn more at member's link on MLTC's website.

Next steps

- Kathy O. asked group on best methods to get the word out: Use of social media; impact vs, public perception. Need graphic and simple explanations. Media professionals on MLTC's service providers list. Amy noted that KM has ads out every night on TV.
- Colin N. will look at MEPA process.
- Kathy reviewed discussion and asked for action steps: educating legislators; send letters to your legislators. Working group will circulate key arguments and action items for use in letters.

3:15 PM - Rita G. moved, Bob W. seconded, vote to adjourn unanimous.

Respectfully submitted,
Rita Gibes Grossman