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STEERING COMMITTEE MINUTES

Friday, November 20, 2015 / 10:00 AM - 1:00 PM
Brigham Hill Community Barn / 37 Wheeler Rd, Grafton, MA
Attendance on record at MLTC

10:07 AM Kathy Orlando, MLTC Steering Committee Chair called the meeting to order and attendees introduced themselves.

Cynthia H. moved; Lisa V. seconded to approve the minutes of September 17, 2015. Vote: Unanimous

Resilient Landscapes– Jeff Collins, Ecological Management Director, Mass Audubon

Mass Audubon's *new* mapping tool, MAPPR (Mapping and Prioritizing Parcels for Resilience) tool was presented.

- 1) Tool allows for easy identification of specific parcels for protection; scoring to identify parcels most likely to contribute to resilience. Jeff acknowledged: James DeNormandie, LandVest, for project management, data management; Matt Smith, Mass Audubon, website, web map, and database design; Nellie Hovel, Mass Audubon, website; Heidi Ricci, Mass Audubon, project design and rollout; Stefanie Covino, Mass Audubon, project design and rollout; Bob Wilber, Mass Audubon, project design; Andy Finton, MA/TNC, project design and review; Jessica Dyson, MA/TNC, resilience data, project design and review
- 2) Demonstration of MAPPR site given, and, noted that parcel data may not be accurate (April 2015 used) given the delay with deed recording, etc. Search MAPPR on massaudubon.org.
- 3) Future plans to capture how MAPPR being used and by whom to guide improvements.
- 4) Most resilient parcels in each geophysical setting: highly complex landscapes with connectivity.
- 5) OSI funded identification in Massachusetts of most and least represented parcels (see MAPPR site)
- 6) Noted that scoring is the same if same layers used across chosen area. Goal is to provide local and regional LTs with a tool to guide conservation choices combined with local knowledge and priorities.
- 7) Collin questioned how well the map can work for more urban areas and Cynthia pointed out that this is a planning tool, not a granting tool. Also noted that base map does not rank already protected parcels.
- 8) In summary, Jeff expressed hope that the tool will be useful for identifying parcels not yet on local conservation radar screen
- 9) Future plans to add soils and agricultural layers pending funding. Updating will be done 3-4 times per year for MA_GIS, however, there may be a delay in getting MAPPR updated. Noted that all of this data is publicly available and MAPPR compiles it for easy access.

Perspectives on Control of Invasives – Bill Brumback, Director of Conservation, New England Wild Flower Society (NEWFS)

- 1) Early detection is the goal; and, a major challenge especially given that many sites are in private ownership. He encouraged LTs to identify these species on their properties and in their service areas with the goal of removal before out of control.
- 2) MIPAG = Mass Invasive Plant Advisory Group. Publication on invasive species encouraged the group to re-evaluate original list, and, process for validating invasive list described. See website for invasive plant information: <http://www.massnrc.org/mipag/>
- 3) Invasive means: nonnative, spreads rapidly, displaces native flora, persist in natural landscapes,
- 4) Species are catalogued in IPANE/EDDMapS. Database has full info on invasive species in NE. See: <https://www.eddmaps.org/ipane/>
- 5) Bill gave presentation on EXOTIC and INVASIVE species noting that 1K of New England's 3.5K native and naturalized species are introduced, of these about 110 listed as invasive by the IPANE program.

- 6) See MIPAG: must be non-indigenous; naturalized; potential for rapid and widespread distribution; have potential for existing in high numbers in natural (not or minimal management); ability to spread. See MIPAG site:
- 7) Dept. of Agricultural Resources: moved the plants in the MIPAG list into regulation and they are longer available for sale as of Jan, 1, 2009; The law does not affect existing plantings already on landscape, only future introduction stopped.
- 8) Reviewed common invasive plants. See MIPAG site <http://www.massnrc.org/mipag/>
- 9) Bill encouraged reporting of new invasives to www.eddmaps.org SEND PHOTOS AND REPORT
 - a) CALL resources for assistance with invasive management: State Botanist, NEWFS, MDAR and, hire professional to pick battles and prioritize; ID and evaluate natural resource areas to protect or enhance: using BioMap2; Living Waters; Conserved Lands; Resilient sites
 - b) Make a survey of your natural resources including invasive species and research what it will take to manage target invasive species
 - c) Develop a realistic management plan that's achievable and evaluate your resources relative to the goal: seek additional resources
 - d) Implement management plans that are durable over time and monitor and document outcomes.
 - e) Reevaluate the project time frame based on experiences, i.e., develop and refine best management practices
 - f) INITIATE DISCUSSIONS ON NATIVE PLANTINGS AND INVASIVE CONTROL IN YOUR TOWN.
- 10) NEWFS has resources for native plant sources; working on getting local genotypes. Lisa questioned how to avoid removing one invasive only to be plagued by emergence of others, especially those propagated by deer over populations.
- 11) Environthon Teams mentioned as a resource: <http://massenvirothon.org/>

LTA Update – Kevin Case, Northeast Regional Director, Land Trust Alliance

- 1) Work in progress regarding IRS and easements:
 - a) Questioning easements amendment clauses that would make tax credits ineligible according to IRS. LTA pursuing. Mark R. suggested putting an IRS standard in a CR document.
 - b) Russ Shay, Leslie Ratley-Beach and Sylvia Bates are key contacts for questions on this issue.
- 2) Trying to make easement tax credit permanent; Senate has bill (S330); LTA looking for cosponsors; neither MA senators have signed on yet although 50 have signed. Unclear as to why Markey and Warren have not signed on. Contact district or national office to encourage their sign-on. MLTC has written both.
- 3) LTA's Standards & Practices (2004) are being revised and LTA seeking local and national participants to serve on an advisory team which will have 12 members. Applications due by Nov. 30th. There will be one slot for a state wide rep. Anticipate an early 2017 completion.
- 4) Terra Firma update: CR defense insurance program. 7.1M a/cs covered representing about 95%; about 150 claims made to date; all resolved favorably; fee and easement properties equally represented. urban areas more heavily represented; unaccredited LTs are more likely to have a challenge.
- 5) Land trust census starts in January; has not been done since 2010. Anticipate publication by fall 2016.
- 6) Expect announcement on new LTA president in the next few weeks

MLTC Reports

- 1) 2015 current financial report – John Page, Treasurer: year of transition with a full time ED; board had approved a deficit budget; currently have achieved revenue goals for the year as of Oct. 31st thanks to develop com work (Ed Becker et al) and Anticipate ending the year with a slight surplus. Mary and staff's efforts to control costs were recognized.
- 2) Director's report – Mary Griffin, Executive Director
 - a) Rich H. announced that Mary G. has decided to leave her position for new position as SE Regional Director at MA Audubon. Expressed our gratitude for her excellent service. Mary will continue to be involved with MLTC in her new position. Mary thanked the board for their support and the performance of staff. Having a job closer to where she lives was a significant a factor in her decision.
 - b) Summarized MLTC's local, state-wide round table initiative: to have in depth, local workshops for LTs need feedback on time of day and duration for these round table discussions.

- c) Joint Committee on State Administration and Regulatory Oversight hearing on H3690 had an amazing turn-out; H3690 would allow an easement for gas pipeline on Article 97 protected land in Sandisfield.
- d) In recent ENews, see links and updates on pipeline issues and noting continued sessions to vet current environmental regulations (EO 562).

Legislative Update – Jennifer Ryan, Director of Policy, The Trustees of Reservations

Legislative initiatives:

1. Hearings on land issues ongoing. Delays due to change in administration and last winter's weather. Legislature finished Nov. 18, will pick back up after holidays.
2. An Act to sustain community preservation revenue (SB1459/HB2587) Senator Cynthia Stone Creem; Representative Stephen Kulik; To date, 160 communities across the Commonwealth have adopted the Community Preservation Act (CPA) and have protected over 21,000 acres of land, including many farms; 1,250 outdoor recreation projects have been initiated; 3,600 appropriations for historic preservation projects have been made, and 8,500 affordable housing units have been created or supported. The Community Preservation Trust Fund (CPT Fund) provides annual matching funds to all CPA communities to make these types of projects possible. The CPT Fund derives its revenues from fees collected at the Registries of Deeds. Due to the popularity of the Act, and the decline in real estate transactions over the past few years, the annual distribution for CPA communities will drop below 20% in 2015, a record low. This legislation will bolster local aid for CPA municipalities by adjusting the document recording fees at the Registries of Deeds in Massachusetts with a goal of all municipalities receiving at least a 50% match. Since CPA was enacted in 2001, the recording fee has never been adjusted. Very successful CPA 15th at State House, Governor, Senate President, and Speaker attended and spoke. Push continues to move legislation, has moved out of Revenue Committee and is now before House Ways and Means.
3. An Act relative to land conservation incentives (HB2585) Representative Stephen Kulik: The Massachusetts Conservation Land Tax Credit (CLTC) Program, passed in 2009; one of the most successful state programs for protection of important conservation and agricultural lands. CLTC allows taxpayers a refundable conservation land tax credit for qualified donations of certified land to a public or private conservation agency. The credit is subject to an annual \$2 million cap and is equal to 50% of the fair market value of the qualified donation up to a maximum credit of \$75,000 for each qualified donation. The certification process is conducted by the Executive Office of Energy and Environmental Affairs (EEA) for land that is permanently protected and has significant conservation value, such as farming or forestry, wildlife protection or water quality. As currently structured, it does not have the capacity to meet demand. There is a two or more year waiting list. This legislation would raise the annual cap from \$2 million to \$5 million per year.
4. An Act providing for the establishment of a comprehensive adaptation management plan in response to climate change (CAMP) (SB451/HB752) from Senator Marc Pacheco; Representative Frank Smizik: To meet challenges of a warming climate and associated volatility, the Commonwealth using a coordinated, cross-agency approach. This legislation requires Massachusetts to develop a comprehensive plan to manage climate change impacts, such as extreme temperatures, intense rainfall, and rising seas and storm surges, all of which impact public health, safety, infrastructure, natural resources, and the economy. Bill passed Senate, however, in House got caught up in the solar debate; may need to pass Senate again as House didn't act on legislation. See: www.massadapt.org for more information.
5. Mass Food System Plan: a call to action to identify better ways to support local ag in MA; legislative recommendations: farm land action plan (a.k.a. Biomap 2 for agriculture) to develop goals and priorities going forward. Discussion on development impacts and landowner decisions
6. Joint Committee on Environment, Natural Resources, and Agriculture working on an agriculture omnibus bill which would include, among other provisions, language for standard practices on DCR owned land (when appropriate) for community gardens; standard leasing requirements for state owned land for ag uses (when consistent with controlling agency mission)
7. Zoning reform bill: bill has been heard, before House Ways and Means; farming concerns re approval not required lot provisions which could reduce future value of farmland if sold for development.
8. PILOT – many of the PILOT bills have been heard (allow munis to require nonprofits pay 25% of their property taxes. Stay tuned.

9. Pipeline hearing: 4-5 hours of testimony on H3690; summarized the amount of taxpayer funds used to protect target property; legal technical issues were presented in hearing; committee visited Sandisfield to view impacted site prior to hearing. Unclear whether H3690 will stay in committee. Questions as to why this public asset should be transferred to a private entity. Next steps for the committee: can hold to very end of legislative session for study; can issue an adverse report which would be reviewed by the house; because this is a state asset, would have to go to Ways and Means to be reviewed if passed by the House. - See Maura Healy's report on pipeline: www.mass.gov/ago/docs/energy-utilities/rerosinfographic.pdf. Environmental assessment for the CT expansion under review by FERC now. Comment period ends Nov. 23rd. See Trustees website: <http://www.thetrustees.org/email/find-your-place/pipeline-update.html?referrer=https://www.google.com/>

EOEEA Update - Bob O'Connor, Land and Forest Policy Director

- 1) Introduced Emmanuel Owusu; and recognized Melissa Ryan and Tom Anderson as *the* three staff members; Nicki Sicard and Irene DelBono are working as volunteers to process all the end of the year CRs. Irene's position, Conservation Restriction Reviewer will be posted soon.
- 2) CR review process moving along and anticipate all will be completed by end of year. Bob advocated for using the model CR template on the EOEEA website as it will increase the efficiency of review process.
- 3) Mark R. noted that the model is for private property and he cited the need a public template for CPA driven CRs. Feedback on the private property CR model, or suggestions for a CPA driven CR should go to Bob or Tom Anderson at EOEEA.
- 4) Continuing to seek a \$5m cap on tax incentive.
- 5) Grant awards for land and water conservation should be announced very soon.
- 6) Anticipate grant programs for FY 2017 to be announced by March MLCC in March.
- 7) The Federal Land and Water Conservation Fund. Legislation which collects money from off shore oil wells to fund (US Park Service) land and water grants has ended and is no longer being funded; MA allocation has historically received ~ \$900K/year. See Enews for link to express support.
- 8) Approximately 5-6 Article 97 bills being reviewed for mitigation
- 9) Water policy staff submitted \$86M grant to HUD for mitigation that includes forestry restoration and stewardship funds given to areas affected from tornado damage and Hurricane Irene flooding.
- 10) Tree planting in urban areas to connect people to the land and trees. "Greening the Gateways" program noted for job generation in environmental services to cities.
- 11) Trails conference: Mentioned Wildlands and Woodlands and Mass Audubon program in Brockton and in Fall River to connect children to the land and water. Consensus that programs to connect urban youth to the land needed. Colin's work at Greater Worcester LT noted for their work in this area.
- 12) Mark R. suggested that land and water grants have the same application.

Other Items

- 1) Mark Robinson shared information about a tax appellate case in Pembroke: Anna Smith Conservation Trust, Inc. vs Appellate Tax Board / Town of Pembroke. One parcel created by Animal Rescue League whose property was taxed using standards established by NEFF. Lessons: The ARL did not perform any activities demonstrating that they "occupied" the land to fulfill charitable purposes. Unfortunate that this LT did not seek out advice on how to operate as a land trust; NEFF is being used by assessor boards.
- 2) Suggestions for Topics for Future Steering Committee Meetings:
 - a) Statewide solution for CRs: CPA generated & extracted; stewardship funds; possible CR vs. APR.
 - b) Guidelines for mitigation for solar installations on farm land.
 - c) Climate Trust: providing incentives for LTs to manage land for carbon (Bob W.)
 - d) Lisa V. suggested a topic on decision making process for solar sitings and conservation lands.

1:00 PM – Adjourn (Rita G. moved, Cynthia H. seconded, vote unanimous.)

Respectfully submitted, Rita Gibes Grossman, clerk