

**2014 Fall Steering Committee Meeting Minutes**  
**Friday, September 12, 2014 ~ 12:30 PM - 3:30 PM**  
**At Arcadia Wildlife Sanctuary 127 Combs Rd, Easthampton, MA**

**12:35 PM — Kathy Orlando, MLTC Steering Committee Chair**

- Call to Order, Welcome, and Introductions
- Rich H. moved and Cynthia H. seconded to approve the minutes of the SC meeting of July 11, 2014. Approved unanimously. One abstention.

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

- Environmental bond has passed; everyone pleased.
- Conservation land trust tax benefit cap has gone from \$50K – \$75K per project.
- EOEEA impressed with quality of this year's state grant applications.
- Improvement from previous bond for Conservation Partnership grants: CR on parcel can be held by another LT vs. state agency or town if needed. Rich H. suggested that required due diligence costs be removed from up-front part of process.
- New 5 year capital plan for state.
- In FY2014, 12K acres were protected; a report to summarizing FY 13-14 activities and successes, with an inclusion of "children's stories" to be published.
- Article 97 legislation in July; track record for mitigation good.
- Cons land tax credit with cap of \$2M holding steady (increasing over all cap would have to go through legislature); Steve Long said it is still in session; have asked to increase cap as part of supplemental budget 2015 which will be considered Oct. 2014; letter drafted to chairs of Ways and Means from Conservation Council requesting increase; estimates a 50-50 chance of increase. Legislators need to be asked to approve), but, if project cap increased, more applications could be considered for 2015.
- Plan to approach landowners (9) who were at the prior cap of \$50K who can go to \$75 b/c new effective immediately. Looking for volunteers to defer additional \$25K until next year.
- Looking at CY2016 for applications for 2017 tax year because of program's success.

**MLTC Board update and Northeast Expansion Pipeline – Rich Hubbard, MLTC Board President**

- Seeking another MLTC board member.
- Rita Grossman voted as new secretary.
- Process for filling ED position: good response and deadline to apply is 9/15.
- Pipeline: Discussed FERC process
  - MLTC is a new signatory to NEES; thrust of this organization is to focus on the FERC process; Three goals:
    - Prove pipeline is needed
    - If yes, keep it off protected land
    - IF lose with conservation siting, then, mitigation for all damages
  - Cynthia H. noted LTs have a role as their goal is land preservation.
  - Heidi R. believes it's important to keep LT community on the same page and highly informed.
  - Janet M. asked about whether MLTC will be working with the State on this issue.
  - Kathy O. reiterated that there are many groups working on many aspects. Heidi Ricci made a plea to analyze the environmental impacts, especially to ecologically sensitive areas, of pipeline if it were to go through on protected lands.

- Katy E. had questions about mitigation issues; and EI issues; she asked for suggestions for new legislative proposals on how to strengthen the environmental review process. Asked that we reach out to our legislators about this issue.
- Janet M. asked about role of AGs office and Art. 97. Can AG (via Energy Facilities Board) uphold Art. 97 even against FERC?
- FERC process:
  - Must determine need
  - Identify jurisdictions
  - Impacts to natural resources (LTs can be involved in this process)
- Elizabeth W.: When working with FERC, there's an administrative process that has to be followed. The public hearing and public comment process can be very effective venue. Clarified that in doing so, organization is not an intervener, but, emphasized the impact of this activity. Being an intervener can only occur once the application process has started and it's costly. Elizabeth clarified that having many LTs present during the comment period could be critical.
- Jane M. suggested that every conservation organization should at least submit comments.
- Discussed whether MLTC will support a regional LT if they need resources.
- Natural Gas legislation states that eminent domain cannot be used loosely. Encouraged LT community to take a strong stance on article 97. MEPA process in defense of Article 97.
- Bob L. noted FERC decisions and actions are not necessarily transparent. IF a FERC ruling is contested, it will go to Circuit Court.
- LT community may need specific spokespersons. Bob W. offered to identify some with extensive experience.

#### Ecosystem issues:

- Heidi R. emphasized that FERC does not understand the sensitivities of MA ecosystems. Perhaps recruit UMass or other academic institution to frame impact argument in technical terms. Identify impact of existing disturbed environments. Must have a baseline data and inventories in advance to compile information into a central database to determine mitigation. Heidi R. has begun to explore.
- TNC met with KM a few weeks ago to make them aware of Biomaps, and resources that will define impact. This information session was to inform KM of environmental impact (8/18/14).
- Bob W. emphasized that FERC is an energy organization; will need assistance to understand conservation concepts in terms of biology and habitat, and role of conserved land on resilience for climate change. Scott Jackson (UMass) research defines impact of stressors (invasives) that further reduce resilience and increases impact. And, Colin Novick emphasized value of Department of Fisheries and Wildlife's web site for identification of endangered species.
- Kathy O: requested an action step list to establish baseline inventory for all conserved lands (State, municipal, LT, etc.).
- ACTION: Katy E., Heidi R., Leigh Y., Colin N., Amy Y., Cynthia H. and Judy E. will meet to prioritize a strategy for a Pipeline Working Group to outline topics and approaches.
- Kinder Morgan pre-filing this month, then going forward with presentation in Nov. Dec; scoping in Jan/Feb 2015.

#### **Property Tax on Conservation Land – Bob Levite, Chair, MLTC Attorney Advisory Panel**

Discussion of recent ruling by the Maine Supreme Court that concurs with MA SJC decision. Francis Small Heritage Trust vs. Limington, ME has similar landscape to Massachusetts for land ownership, exemption, and statutes. In their decision, Maine's Supreme Court cited MA SJC decision and referenced legislation from 1830 on statutory authority to have this exemption. Assessors are aware of these rulings. Nothing was taken away from assessors, except exempt land is not an option. Future legislation could undo these decisions; i.e., a PILOT could be required of NGOs. Pointed out that conserved land usually does not require infrastructure, nor does it tap municipal resources as do the Eds & Meds.

#### **Legislative Updates –**

**Steve Long, Director of Government Relations, The Nature Conservancy****Opportunities:**

- Need for advocacy assistance for getting the LT conservation tax credit. Will require an effort on behalf of the membership calling the Ways and Means chairs. Steve will get talking points to MLTC ASAP.
- Gubernatorial candidates: much work has been done to update each candidate, however, need to identify the next step. ELM is considering holding another forum for the gubernatorial candidates. Will need an organized approach.
- Suggested that MLTC identify priorities for the next legislative session
- The bond that was just passed: will not change the current governor's capital plan until June 30th. Need to take advantage of authorizations to translate into capital plan with new administration.

**Legislation:**

- Green infrastructure is an option to get financing at 0%, with technical assistance et al in the new Water Infrastructure Legislation.
- Four new programs relevant to climate change:
- Martha Coakley's committed to maintaining Patrick's commitment to land protection. Unclear as to what Charlie Baker's administration would do regarding land protection.
- Recognized Linda Corell's work on getting bond passed.

**Cris Coffin, New England Director, American Farmland Trust**

- Discussed information on Environmental Bond, current legislative initiatives, APR program, impacts from the Farm Bill
- State language in the statute that creates an appeals process for land owners who are turned down for permits
- Statewide food system plan underway with multiple stakeholders. See MFPC website for upcoming sessions.
- Federal: USDA and NRCS funding allocations are significantly down by 50% for wetlands and agricultural lands (WRE and ALE). Discussions ongoing with Congressman McGovern regarding these changes and impact.
- Rules for farm conservation programs pending; LT community should prepare to submit comments.

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

- ~ 1800 registered for Rally with MA highest number registered
- Emphasis on AVLTS and their needs with about 85 signed up for Saturday's session.
- Terra Firma: recent award in west.
- Enhanced tax incentive: Bill (S526) will make this permanent. Neither MA Senators have signed on as co-sponsors. Bill to be considered in Nov./ Dec. Heidi R. said MA Audubon has sent a letter. MLTC will send an email to membership.
- Russ Shay et al are looking for new policy ideas.
- Introduced Rebecca "Becca" Washburn, new director at LTA who will be the Northeast Conservation Manager.
- There will be a presentation on both of the tax exempt cases at Rally.

**MLTC Reports**

**2014 first quarter financial report – John Page, Treasurer.** Absent; MLTC solvent.

**Programs report – Kathy McGrath, Coordinator**

- Plea to renew membership
- MLCC (3/21/2015): planning underway and looking for sponsors; 9/22 RFPs will be sent out for presenters and suggestions.
- Mass land conservation dinner at rally on Friday is filled and beyond capacity.

**3:30 PM - Adjourned**