



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

MLTC STEERING COMMITTEE MEETING

May 13, 2016 / 1 Rabbit Hill Road, Westborough, MA
MA Division of Fish and Wildlife Building

Attendees: Attendance on record at MLTC office.

Hand-outs: Agenda; June 4th MA Division of Fish & Wildlife Anniversary Celebration; MA Audubon MLTC Policy Update; LTA Update (5/12/16); Joint letter to Secy. Beaton (EOEEA) on solar siting; MLTC survey results on top 3 challenges facing LTs

10:07 A.M. Kathy Orlando, Steering Committee Chair, called the meeting to order.

1. Introductions:

- a. Marion Larson, Chief of Information and Education for the Mass Division of Fisheries and Wildlife welcomed everyone. The Division's 150th anniversary celebration will be on Saturday, June 4th from 1 -3 PM at 1 Rabbit Hill, Westborough. Marion requested everyone publicize it and hand-outs were distributed.
- b. Introductions around the table including Jesse Robertson-DuBois, American Farmland Trust's New England Director (AFT) (Cris Coffin's replacement) and Martha Reicher, new Conservation Restriction Reviewer at EEA.

2. **Minutes of February 26th meeting:** Ed moved, and Whit seconded to approve. After discussion, Lisa moved and Cynthia seconded to approve as amended. **VOTE:** Unanimous.

3. EOEEA (Executive Office of Energy and Environmental Affairs) Update:

- a. Bob O'Connor introduced Martha Reicher, the new conservation restriction (CR) reviewer replacing recent retiree Irene Del-Bono. An archeologist and attorney, Martha brings easement/restriction experience (NY) and is a former organic micro green farm manager. (Note: her phone number is the same as Irene's former number.)
- b. Bob O'C. recognized Irene for her ongoing volunteer services for CR review.
- c. Existing entry level position about to be posted (Niki Sicard's job). Within the next couple of months EOEEA should be at full staffing.
- d. (Colin Novik, Greater Worcester LT, shared a creative moment equating CRs to land poetry!)
- e. Grant deadlines: Conservation Partnership: 7/18/16 at 3:00 pm; LAND and PARC 7/13/16 at 3PM.
- f. New Drinking Water and Landscape Partnership Grant will emphasize resiliency and partnerships. Details will be posted soon.
- g. Currently a CR backlog on Conservation Land Tax Credit (CLTC) projects. Bob noted that the state leverages investment in land conservation through this program.
- h. FY17 Capital budget close to being completed and Bob anticipates its release in the next few weeks with an anticipated \$46M for environment and conservation which includes an approximate \$6M carry-over. Bob is optimistic about introducing new programs.
- i. Federal land and water grant funding which is normally \$800- \$900K per year has been increased to an annual rate of \$2M per year for three years. Funds water and land protection including stewardship (trails, design, et al.). Bob noted municipalities can apply for funding. This federal grant money needs state and federal approval and funding is granted to municipalities through Conservation Commissions.
- j. Projecting that 700 acres will be protected this year through the Forest Legacy program although application process demanding.
- k. Melissa Cryan anticipates LAND grant award announcements to be in November or early December, therefore, January closings would be more realistic.

4. Open Discussion on innovative ideas done by LTs:

- a. Lisa Vernegaard, Sudbury Valley Trustees (SVT) ED, described two fundraisers:
 - i. Crowdfunding campaign for a tri-town project where each property was not in and of itself compelling. Exceeded goal by \$10K with \$25K raised, some from outside their usual area. Emphasized relationships for the project. Used a college student for set-up and Worthwild as platform noting it was great to work with and launched through SVT's social media. Lisa attributed success to goal-oriented, project specific ask.
 - ii. Giving Tuesday campaign: Monday ask for Tuesday donations. Improved donation amounts when matching grants, however, Lisa will analyze benefit as annual fall appeal was down.
- b. Colin Novik (Greater Worcester LT) used Razoo for crowdfunding to purchase stewardship equipment. Success attributed to achievable, objective donation target.
- c. Rita Grossman described the Boxborough Conservation Trust's annual, nature and conservation themed art and writing contests at the Blanchard Memorial Elementary School in Boxborough. Successful for: engaging students and their families; volunteer involvement to coordinate, and, donations from families.
- d. Bob Wilber noted the following from Mass Audubon:
 - i. Tidmarsh Farm, Plymouth: a partnership project restoring a former cranberry bog to native wetland and streambed environment. Showcases MA Audubon's commitment to climate change-resiliency efforts.
 - ii. MA Audubon moving forward with sale of forest carbon credits on western MA lands. Whit asked for clarification on costs and timelines as he noted it took significant funding and 5 years for New England Forestry Foundation (NEFF) to achieve with a NEFF property. Ed Becker asked, and, Bob clarified there is a steep threshold for land mass to qualify, and, Whit noted that the longevity of this program could be in question. Both NEFF and MA Audubon are involved in the CA Carbon credit program. Should consider options for partnerships to aggregate non-contiguous properties to reach land mass needed to qualify. Bob O'C believes "Article 97 lands cannot not be used as technically it's a change in use even though it's a good thing." Of the funds generated from this program, money has to be reserved for active management of the forested land, and, restoration if property suffers catastrophic damage (fire, tornado, etc.). Calculation of dollar/ton of carbon based on sequestration equation. NEFF will be evaluating and sharing their experience with this program. It was suggested that NEFF and MA Audubon should do a workshop at the MLCC on this topic. Bob O'C. anticipates this program to grow, and, it may eventually include a wetland credit. CA market requires land used in the program be protected. Appraisals for highest and best use of land that's being protected through this program are required.
 - iii. Bob W. described a new conservation transfer fee program (Conservation Legacy Agreements) being developed at MA Audubon similar to programs in other states like NH. He noted there needs to be a clear relationship between the benefited property and abutting conserved properties. MA Audubon's preparing a program description and Bob W. pledged to share for posting on MLTC web site. Lisa V. requested this be a topic for next year's MLCC. These are private arrangements for a conservation-related transfer fee (1-3%) which occur when ownership of property that has received the benefit of abutting conserved land is transferred and fee is paid by seller. CRs can be eligible, and, used as a stewardship funding source. Jesse asked if this fee burden is affecting assessments or sales and Bob W. stated he was unaware of any effect on either. Funds are restricted to benefitted property. Future home owners must be very aware of this program. Bob W. described how transfer fees got a bad name in the south with developer greed, Freddie Mac and Fannie Mae clamped down. Irene noted that IRS says these fees are not deductible. MA Audubon is just beginning to use them in CRs and have been using for abutting properties. CRs must be structured so that once stewardship amount achieved, fee needs to be reduced. Kathy O. pointed out that defense expenses would need to be anticipated. Bob W. urged caution and a conservative approach. Also noted that abutting properties to conserved land have an enhanced value.

- e. Justine Kent-Uritam (Upper Charles River LT) described how their LT properties are being used by other non-profit organizations for fund raising events (e.g. runs, rides). UCRLT requests a percentage of registration fees for UCRLT. She said getting people on the land and engaged through outdoor activities will help build support for land conservation. She expressed appreciation to the staff at the Central Mass Mosquito Program (CMMP) for their support with installing new "beaver deceiver" pipes. This approach alleviates flooding due to beaver activity while allowing beaver dam to be sustained. Lisa V. noted that SVT had a similar positive experience using CMMP to remove tires from a property. CMMP staff has a reduced work demand for mosquito control during the non-breeding season, and, can take on other work.
- f. Jesse (AFT): Through Gaining Insights project, Cris Coffin got elderly farmers engaged in future planning as over 60% of older farmers have no one in line to take over their properties. Fact sheet from project is available on AFT website. Solar power siting mentioned as potential income stream. Both identified as MLCC topics.
- g. Leigh Youngblood, ED, Mt. Grace LT: Farm and Food system report: Analyzed land in 6 of 23 towns in Mt. Grace LT service area. Mt. Grace built an alliance to analyze farm land inventory and Greater Quabbin Food Alliance's next meeting is on June 6th. This project provides a method for comparing GIS, farm protection, etc. In new farm package legislation that's passed the senate, new incentives to get farms to protect. Whit had questions about CRs that mandate land owner requirements for land management for biodiversity.

5. Solar siting follow-up on land owned by conservation organizations:

- a. Karen Heymann, Mass Audubon presented update on SREC 2 (Solar Renewable Energy Credits) program to raise cap on solar credits, now SREC 3, with new regulations pending; letter (see distributed) being sent to Matt Beaton (EOEEA Secretary) on solar siting on conserved lands, farms, etc. and so far have received a positive verbal response from Secretary Beaton's office. Will be convening a meeting through DOER on this.
- b. Cynthia Henshaw, East Quabbin LT, noted that conservation co-signers on the letter were in alignment on conservation issues; however, agricultural land is more at risk. Recommended that prime soils be protected and regulatory process being considered.
- c. Rich H. noted Mark Robinson's concern about solar siting on cranberry bogs be addressed.
- d. Jesse with AFT spoke in support of no siting on conservation land, and, in favor of combining solar and agricultural use as being done in Canada and Europe.
- e. Bob O'C. speaking on behalf of Kurt Gaertner, who could not attend today's meeting; said letter was very positively received. (Current cap is at 250kw/acre for 10-20 acres.) Karen H. noted thriving solar industry in the state. Loring S. spoke on energy omnibus bill pending and positively about the letter and the need to balance conservation and sustainable energy. Leigh Y. made a plea for the development of info graphics to assist with energy literacy as balancing conservation, and, made a plea for energy conservation to be a concurrent goal otherwise will not be able to achieve our conservation and agricultural goals.
- f. Janet Morrison, attorney, noted that there are enough developed locations for solar siting and virgin land siting is not necessary. There should be a distinction between local energy production and commercial arrays that do not have a local benefit.
- g. Irene spoke about the Envirothon event yesterday and pointed out use of parabolic systems for energy generation being used in S. America and CA. She reiterated the general public's lack of appreciation for the value of "undeveloped" land for conservation and agriculture.
- h. Lisa V. said there will be additional pressure for increasing the efficiency of power distribution and, that power companies are being pressured to increase efficiency and not increase costs to rate payers, therefore companies are doing what ISO NE is telling them to do and choosing the path of least resistance, conserved lands.
- i. Jesse AFT spoke on the need to keep potential land for conservation on the radar screen as "we" do not have the money to conserve all the land needed to be protected, and how do we look long term on farm land in particular? Probably need to have a hybrid approach on farm land, a compromise with dual use.

- j. Karen H. noted that DOER has a policy in place to develop local zoning by law for solar.

6. LTA Forest Legacy Pilot Discussion: Sean Robertson from LTA was included in discussion via phone.

- a. Rich H. summarized the concerns raised by setting up the LTA Forest Legacy Pilot program to only allow accredited LTs to hold the easement/restriction. Rich is concerned that a two tiered system is being set up and ultimately non-accredited LTs will be ineligible for funding.
- b. Sean said the new program as a pilot must be "picture" perfect and there were concerns about the longevity of some LTs. LTA sees Accreditation as a sign of durability and longevity. Accreditation with TerraFirma is just one of the criteria for this pilot.
- c. Colin N. pointed out that while LTA is creating a pilot, government agencies will see this immediately as a baseline quality for LTs, and that a two tiered system will emerge. He also noted that Terra Firma is problematic as it's based on the number of easements held, not acres.
- d. Leigh asked where the PILOT is being considered and whether the accreditation issue could be offset if the easement were co-held with a municipality. Kathy O. reiterated the concern that this pilot could trigger a two tiered system, and, Sean said that an appropriate non-accredited LTs in MA should seriously consider applying for being a part of this program.
- e. Leigh asked Sean to comment on what is driving this pilot for LTs to hold Forest Legacy easements. LTA wants to make funding available to its member LTs and wants to make these programs more accessible.
- f. Rich noted that these concerns have been expressed to Andrew Bowman.
- g. Ray L believes there are many issues that are going to be driving this issue.
- h. Rita suggested that the issue of accreditation may be inevitable at some point in the future and referenced hospital accreditation which was voluntary prior to the 1960s when it became required to receive federal funding. Believes AVLTS and non-accredited LTs are doing excellent, legally sound work, however, how do we address this issue in the future knowing that eventually there could be legislation that requires LTs to be accredited to get funding?
- i. Janet M. said that this needs to be a topic of discussion at the June meeting of Mass Forest Legacy Committee.
- j. Ed Becker noted the LTA update on the standards and practices revision will be linked more to accreditation. Ray said that many of the S & Ps will become mandatory if an LT is accredited.
- k. Ed reiterated that the impact on the non-accredited LTs will be significant, and, Rich suggested that we need to revisit, as Rita noted, being ahead of this with a certification program for LTs in MA.
- l. Loring emphasized the need to be proactive and articulate concerns and Bob W. said that S & Ps cannot be "one size fits all" for the AVLTS and he made a plea that all LTs weigh in on the LTA revision. Jane Calvin from MA is involved in the revision. [Sylvia Bates works for LTA]
- m. Leigh suggested that we determine how big of an issue is this for MLTC membership, how many LTs are eligible and are not? She noted that she believes as unpleasant the process, being accredited has value.
- n. Kathy O. suggested a subcommittee address this issue with a letter to LTA. Rich said board will address. Key issue is financial/opportunity cost impact of accreditation process on LTs.
- o. Becca Washburn's update noted, and, everyone urged to provide feedback on Standards and Practices revisions.

7. Legislative Update: Karen Heymann, MA Audubon policy brief distributed with Karen's contract info.

- a. Conservation Land Tax Credit is the only permanent funding for land conservation in budget.
- b. Zoning reform designed to reduce sprawl and increase density. Jesse, AFT, is creating a farm land plan with water conservation and is reviewing programs, including APR, to identify ideas for improvement. Omnibus bill would allow agricultural commissions to hold land in fee.
- c. Sandisfield pipeline: Judge in Pittsfield found in favor of Kinder Morgan to begin tree destruction, however, instructions to hold until Article 97 issues could be addressed. Currently in Attorney General Healy's office.
- d. NEES is waiting to learn whether KM will submit another route.

- e. Leigh asked about the pipeline tariffs where rate payers fund the new pipeline through tariff. MA Audubon opposes it as do many constituents.
- f. Irene D. described Senate Bill 1113 which offers a process, and an obligation for common amenity abutters to contribute to the stewardship of the private way, bridge, sidewalk, utility or other common amenity which they abut. Land trusts who own or accept lands on private roads or with any of the “common amenities” listed, could be required to maintain and repair them, and a lien could be put on their properties and the lien foreclosed on.
- g. DAR will be changing the definition of farmer in reference to land subject to an APR. If a landowner wishes to sell, and, the farmer using the land cannot afford to buy it, and another non-farmer buyer wishes to purchase and lease to a farmer will trigger Right Of First Refusal through the APR program. Mt. Grace has a case study on this rule change on APR land in fee needing to be owned by a farmer. Rich H. noted this is a significant issue. Kathy suggested a subcommittee be formed. Rob W. noted that LTs would not qualify under the new rule to own farm land in fee. Kathy O. said that there's a difference between the Federal rules and State rules. Irene DB emphasized the funds being generated by lands being leased to farmers. Janet M. noted APR program complexities may be turning farmers away and that issues are triggered with a change in fee ownership. Kathy O. indicated that many of the issues are being caused by lack of funding for the APR program.

8. MLTC update with Marylynn Gentry, Acting ED:

- a. Mass Land Conservation Conference (MLCC) had a surplus due to good work of staff and sponsorships. Marylynn thanked all MLCC sponsors. MLC had a 95% approval rating and the video of keynote is on MLTC website.
- b. MLTC budget being submitted to board with a proposed changes:
 - i. Change FY to July.
 - ii. Open a brokerage account to allow gifts of stock.
 - iii. MLTC in stable financial shape.
- c. MLTC members' survey completed with a 35% response rate. Results will be posted. In discussing the results, Bob W. noted that some of the smaller AVLTS “may not know what they don't know, therefore, they may not know what they need and asking them what they need may be of limited benefit or use.”
- d. Workshop on June 10th with LTA and other funding on effective messaging on environmental issues for LTs. \$25, space is limited. WaquoitBay.org doing the reservations. Details will be on website.

1:27 PM Kathy O. seeing no further business asked for a motion to adjourn. Rita moved and John P. seconded to adjourn. **VOTE:** Unanimous.

Respectfully submitted,

Rita Gibes Grossman