



MASSACHUSETTS LAND TRUST COALITION

Massachusetts Land Trust Coalition, Inc.
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2019 Annual Meeting of the Members and Steering Committee

March 1, 2019 10:00 AM – 12:45 PM

Assabet River National Wildlife Refuge

680 Hudson Rd, Sudbury, MA 01776

MINUTES

Handouts:

- Minutes of December 13, 2018 Steering Committee Meeting (massland.org member's section)
- Steering Committee Meeting Agenda
- Keeping and Chucking: 2019 Massachusetts Record Keeping Initiative (MassLand & the Land Trust Alliance)
- Draft: The Massachusetts Resilient Lands Initiative
- Public Policy Update (Emily Myron, Government Relations Specialist (The Nature Conservancy) & Mike Cusher, Legislative Director (Mass Audubon))
- Bill HD 3500 (12 pages on proposed legislation concerning tree cutting on state land & 1 page of questions)

Attendees: On record at MassLand office.

10:12AM Call to Order– Kathy Orlando, Steering Committee Chair

1. **Introductions from all attendees.** Kathy Orlando welcomed all and introductions around the room.
2. **Review of Minutes of 12/13/18 MassLand SC minutes.** (available to members at <http://massland.org/steering-committee>) Buzz Constable moved and Rob Warren seconded the motion to accept the minutes. **VOTE:** Accepted unanimously.
3. **Massachusetts Land Trust Coalition Update - Carolyn Sedgwick, MassLand**
 - a. **Welcomes:** Carolyn welcomed Mike Cusher, new Mass Audubon Legislative Director and Kevin Case from the Land Trust Alliance.
 - b. **Mass Land Conservation Conference (MLCC):** March 23, 2019. Brochures available today and on the MassLand website. Carolyn recognized and thanked all the sponsors of the MLCC. Early bird registration ends on Friday, March 8th. Theme is Enhancing Community Through the Land.
 - c. **Upcoming quarterly SC meetings for 2019:** June 11th (Tuesday); Sep 27th (Friday) and Dec. 13th (Friday). All meetings will begin at 10AM. Location to be determined.
 - d. **Land Trust Alliance and MassLand Record Keeping Initiative.** Carolyn passed out hand-outs on 2019 Massachusetts Record Keeping Initiative and the information is on the website. She requested that the information be shared and is willing to speak with any interested party. Kevin Case, Land Trust Alliance Northeast Program Director reiterated that the focus is on the small, all-volunteer land trusts (LTs) and urged participation in the TerraFirma insurance program. Cynthia Henshaw (MassLand; East Quabbin Land Trust) suggested a central, storage location for physical and digital files. Carolyn clarified the \$30 fee per property file reviewed and all the services provided which include creating a digitized file for each land trust (LT) property. It was also noted that for some LTs that own many properties, it may be too expensive. Carolyn said she and Kevin would review. She also clarified that the LT could choose to do a few as a training process, and, then could update their other files after the training. Carolyn also clarified that this round only has funding for a limited number of participating LTs. A suggestion was made for variant model for the program as a training option. Carolyn clarified that some LTs do not have the time or financial resources to organize their land acquisition files to standard. Will proceed

with current model, and all suggestions noted including regional based training. Kevin noted that in Connecticut, some LTs are not following through after the training despite good intention. This issue was confirmed by another local land trust.

- e. **MassLand Membership:** Carolyn made a request for all participants to review the list of lapsed MassLand memberships to assure contact information is correct. Land trusts can set up an annual auto bill pay to MassLand through their bank. Also monthly payments are an option on through PayPal, though an annual check with updated land trust data form is preferred.
- f. **Upcoming round tables:** MassLand will be hosting round tables on legislation, advocacy, and other timely topics (e.g. solar). These will be announced on E-News, through emails and the website.
- g. **Young Land Professionals (YLPs):** Carolyn introduced Nick Rossi (Mass Audubon) who gave an update:
 - i. Good turnout at the February networking event at the Nashoba Winery. A presentation was made on the Agricultural Preservation Restriction (APR) program and the owner of the Nashoba Winery talked about his experience with the APR program how the conservation community can support local farmers, and the need to promote local produce. The Department of Agricultural Resources shared how the program works with participants. Appreciation was expressed to Nashoba Winery, and to Ashley Davies, Sudbury Valley Trustees (SVT) who organized.
 - ii. Upcoming nature walk at Broad Meadow Brook (Mass Audubon sanctuary in Worcester).
 - iii. Still working on getting a hotel group rate for the evening before the MLCC for the YLPs.

4. State Agency Update – Melissa Cryan and John Gioia, Executive Office of Energy and Environmental Affairs

- a. **Grant rounds.** Melissa apologized for how long the CPG grant announcements took this past year. Next grant round will be announced at MLCC. She highlighted the Conservation Assistance for Small Communities (< 6K population) Grant Program for The preparation of real property appraisals; Open Space & Recreation Plans (OSRPs) and other planning in support of land conservation. Land and Water Conservation Fund looking for projects highlighting climate resiliency (using The Nature Conservancy’s tool) for land conservation are due on April 11th. She assured that the Massachusetts funding for conservation is secure and dispelled the “myth” that this program only awards small grants, and, noted that it is one of the largest award programs.
- b. **Conservation Restrictions.** John Gioia asked that the DCS website be used for the most CR model and application form (2018.) He noted that they are continuing to improve the process and only the application needs to be hard copy. Everything else can be digital.
- c. **The Massachusetts Resilient Lands Initiative.** Melissa provided an update on this new initiative which is just launching. One goal is to identify conservation metrics based on resiliency measures (The Nature Conservancy model) in order to prioritize acquisitions, and, to create a dynamic, non-cumbersome, user friendly model. Request for stakeholder involvement, and, Carolyn noted MassLand will be holding engagement meetings for feedback. Several voiced the need for ambitious goals for land conservation, and, the value of pulling together all the tools for quantifying conservation value (e.g. resiliency, carbon retention, etc.). Kathy Orlando said Bob O’Connor, who could not come, would like everyone to come prepared to give input at the June SC meeting. John Gioia distributed a list of the working ideas for the project. Buzz emphasized the role that MassLand can play in getting input and the need to build the constituency including environmental justice; watershed organizations; municipal vulnerability studies, etc. Request made to have an EEA insert to publicize this initiative at the MLCC. Rita (MassLand; Boxborough Conservation Trust) made a request for return on investment and cost of development financial tools than can be used by local LTs in towns facing strong development pressure. Another suggestion was made to have a conservation capacity layer to include, e.g., how many conservation groups are focused on a particular area, and, not to lose non-resiliency priorities, e.g., rare species not be lost in the process. Also acknowledged that climate change deniers are still active in the electorate. Lisa (Sudbury Valley Trustees) requested that announcements for community meetings be user friendly,

engaging and not alienating (e.g. using Water Words that Work resources. Lisa Vernegaard offered to provide.) Best option to follow the work on this project would be to contact Carolyn at MassLand, or, follow E-News for updates. Need to include locally significant priorities so constituents can see how this relates to them. Importance of how communities are approached and what words are used, e.g., around water (e.g. what a watershed is...) and not to assume constituents are knowledgeable. If interested in providing feedback, please give to Carolyn Sedgwick.

5. Land Trust Alliance Update – Kevin Case, The Land Trust Alliance

- a. **Government relations:** April 8th through 10th are Advocacy days in Washington, D.C. and registration is open on the Alliance's website.
- b. **Conservation easement tax deduction syndications.** The Alliance is working on a legislative solution to the conservation easement syndications issue where limited liability corporations (LLCs) are forming as "pass through" entities to profit on tax deductions that land owners cannot use. This practice has been prevalent in Georgia and North Carolina. Some LLCs, are pooling money to acquire land and donating to a land trust, however, the partnerships are taking inflated tax deductions based on over-valued appraisals. This use threatens legitimate conservation easements and restrictions.
- c. **IRS ruling to reduce or eliminate tax credit for donations.** This proposed rule by the IRS will not allow a tax credit to be tax free and would significantly impact land owners who use state tax credit incentive programs for land conservation, e.g., the Mass Conservation Land Tax Credit program. This credit would be counted as income and go against their Federal deduction. This rule would apply to all donations, including land (fee or interest). Concern that this is going to be adopted and may require legislative solutions for land conservation tax credit programs.
- d. **Farm Bill.** Has passed and is in the rule making phase. The Alliance is actively engaged with USDA on this.
- e. **Land and Water Conservation Fund (LWCF).** The Natural Resources Management Act passed the House on February 26th which includes the LWCF. The Wild and Scenic Rivers Act is celebrating its 50th anniversary.
- f. **CR amendment clause issues.** An amendment clause should not be grounds for denying tax deductions. Standard language being used for amendment clauses in CRs in Massachusetts are okay. Follow Lesley Ratley-Beach's blog on the LTA's website for updates <http://www.landtrustalliance.org/blog/authors/leslie-ratley-beach-0>.
- g. **TerraFirma.** 527 LTs and 9 Million acres under protection.
- h. **Legal symposium.** To be held on June 13 and 14th for attorneys and high level conservation practitioners in Providence for 130 participants. In depth discussion of legal issues concerning conservation and development. Registration opens on April 1st on the Alliance's website. Concerns were expressed over poor conservation practices driving legislative and legal decisions for worst case scenarios.
- i. **Land and climate program:** The Alliance is focused on three issues: helping LTs access climate resiliency data and access to good resources; issue of carbon mitigation through timber and soil management and have started an initiative for LTs to access carbon credit markets; and, issue of renewables (solar and wind) siting. The Alliance is developing a handbook for LTs.
- j. **Accreditation.** 124 LTs are accredited representing 80% of conserved land/easements. New applications are not being accepted this year, just renewals. In 2020, there will be an online system for accreditation.
- k. **How to make conservation more relevant.** The Alliance is in early stages of this initiative. In a recent survey, only 20% of the public could name a land trust and the answers were not accurate or informed. Kevin noted that Disney World was mentioned as a land trust. The Alliance will create a campaign advisory council for this relevancy campaign.
- l. **LTA Rally:** Raleigh, NC / October 17th - 19th, 2019.

6. **Legislative Update - Emily Myron, The Nature Conservancy and Mike Cusher, Mass Audubon** (Update is on MassLand's website www.Massland.org)
- a. Emily Introduced Mike Cusher.
 - b. **New legislative session in MA.** See handout for new leadership and committee assignments.
 - c. **Operating budget.** If you want to be involved in this effort, see <https://goo.gl/forms/ph9wyhUwNTyQnri82> or email cbowers@environmentalleague.org. Advocating for increased funds for all environmental agency/offices except for DEP which was budgeted to proposed recommendation.
 - i. **Capital Budget:** Commonwealth Conservation Council (MassLand is member) is advocating for the bond to be funded.
 - ii. **Legislation:** See handout summary for bills filed relative to the conservation land tax credit, currently a stand-alone bill, but, could be an amendment; and, Community Preservation Act proposal. Updates and call for action will be posted in the E-News;
 - iii. **New bills:** TNC worked with legislators D1409/H.842. This legislation emerged from MA participation in Paris accord participation. Based on Green Communities program; help communities protect carbon storage resources.
 - iv. **Community Preservation Act.** Proposed increase in real estate transaction fee from \$25 to \$75. Puts in protections for low income purchasers. Current match is down to 13% match as more communities have adopted CPA.
 - v. **Public Land Protection Act** (no net loss). Noted that Mass Municipal Assoc has opposed. Let governor know conservation community cares about this legislation. MACC working on this as is MAPC.
 - vi. **Pollinator protection.** Two bills to protect pollinators are complimentary; neonics would be banned for retail sale, and, could only be used by licensed applicators.
 - d. **Payment in Lieu of Taxes (PILOT).** Jen Ryan will be updating MassLand on PILOT related legislation. Proposing a commission for state-owned land. A bill for Lowell which would address buildings acquired by UMass. Mass Nonprofit Network is also working on this. E-News will provide updates as they are made available.
 - e. **Municipal Vulnerability Preparedness (MVP) grant program.** Open round for MVP planning grants. Consider encouraging your community to apply for this.
 - f. **Adaptation Funding.** Big push for adaptation and resiliency funding and three initiatives to increase funding for climate adaptation. Regional Greenhouse Gas Initiative being followed.
 - g. See Federal Public Policy for new MA representatives chair positions.
 - h. **Land and Water Conservation Fund (LWCF).** As noted, LWCF was just reauthorized and these three Massachusetts rivers were designated as Wild and Scenic Rivers and now have protections therein: the Nashua, the Squannacook and the Nissitissit Rivers. This legislation provides and sustains significant funding for Massachusetts. Nine million dollars has been collected from gas and oil industries. LWCF coalition working on this. Once permanent reauthorization goes through, next push will be for full funding for the LWCF.
 - i. **Federal budget.** President's budget should be released in March.
 - j. **Farm bill.** Passed and being implemented.
7. **Open Discussion on Proposed Bills of Interest or Concern – Rich Hubbard, Franklin Land Trust**
A bill, H.897 has been filed and endorsed would create a no cut policy on all state and federal land. See handout on Bill HD 3500. (note docket number 3500, which is pre number assignment.) Emily Boss, (FLT) summarized the proposed bill which does not include any study on the impact of proposed legislation on forest

health. Four years ago SVT worked on behalf of the state for DCR land forestry management. The proposing legislators are newly elected. Restorer Group is also involved. No sense on the probability of success of this legislation. Currently it is assigned to the Natural Resources Committee and has not yet had a hearing. Need to identify ideas for support and differentiate what should not be supported. Mass Forest Alliance suggested as a resource. Need to identify sponsors and contact for background. Conservation community needs to understand and interpret this proposed legislation. Point made about using resiliency as overlay to justify. It was also noted that 70% of carbon in a forest is in the soil. Buzz moved and Andy seconded the motion that the SC consensus is that a blanket ban on forestry is not recommended. **VOTE:** Unanimous.

8. Workgroup and Subcommittee Updates.

- a. **CR Sub-Committee.** Rob Warren said two recommendations prepared by the committee are being reviewed by EEA: one for the review process of submitted CRs and another for an annual review of the CR model and process.
- b. **Agriculture Sub-Committee:** Kathy Orlando said MDAR will be releasing new regulations.

9. Presentation and Voting of the Slate for Board Nominees – Kathy Orlando, Steering Committee and Nominating Committee Chair

- a. **Renewals:** *Rita Grossman and Loring Schwarz*
- b. **New members:** *Paul Catanzaro, Extension Associate Professor, UMass Amherst and Kristen Sykes, Director of Conservation Strategies, Appalachian Mountain Club & Director of Operations, Bay Circuit Alliance*
- c. Lisa Vernegaard moved and Andy Magee seconded that the slate be accepted. **VOTE:** Unanimous

1:06 PM Henry Woolsey moved to adjourn and Buzz Constable seconded to adjourn. Hearing no further discussion, Kathy Orlando called the vote. **VOTE:** Unanimous.

Respectfully submitted,
Rita Gibes Grossman, clerk



Steering Committee Annual Meeting Agenda

March 1, 2019 10:00 AM – 12:45 PM
Assabet River National Wildlife Refuge
680 Hudson Rd, Sudbury, MA 01776

- 10:00 Call to Order - Kathy Orlando, Steering Committee Chair
Welcome and Introductions
Review of Minutes (available to members at <http://massland.org/steering-committee>)
- 10:15 Massachusetts Land Trust Coalition Update - Carolyn Sedgwick, MassLand
- 10:35 State Agency Update – Bob O’Connor, Executive Office of Energy and Environmental Affairs
- 10:55 Land Trust Alliance Update – Kevin Case, The Land Trust Alliance
- 11:15 Legislative Update - Emily Myron, The Nature Conservancy
- 11:40 Open Discussion on Proposed Bills of Interest or Concern – Rich Hubbard, Franklin Land Trust
- 12:00 Workgroup and Subcommittee Updates
- 12:15 Presentation and Voting of the Slate for Board Nominees – Kathy Orlando, Steering Committee and Nominating Committee Chair
- 12:45 Adjourn