



**MLTC (Massland) Steering Committee  
September 27, 2019 10AM – 12:30PM**

Farm Life Center at Drumlin Farm / Mass Audubon  
208 South Great Road, Lincoln, MA  
**Unaccepted Draft MINUTES**

**Attendance:** On record at Massland

**Hand-outs:**

- June 11<sup>th</sup> Steering Committee Minutes (on Massland website)
- Agenda September 27<sup>th</sup>
- Public Policy Update (TNC)

**1. 10:11 AM Kathy Orlando, Steering Committee Chair convened meeting.**

- a. Bob Wilber gave a brief overview of Mass Audubon's Drumlin Farm. Noted family and children's programs; described the Lowell Conservation Leaders Partnership; unique role of Drumlin Farm as an introduction to agriculture and nature noting the psychological benefits of both for children.
- b. Kathy welcomed everyone and introductions were made around the room.

**2. Steering Committee Minutes of June 11, 2019.** Buzz Constable moved and Cynthia Henshaw moved to accept the minutes. Hearing no discussion, Kathy called the vote. **VOTE:** Unanimously accepted.

**3. MLTC President's Report.** William Constable (Buzz) summarized as follows:

- a. Next SC meeting: Dec. 13<sup>th</sup> at the National Wildlife Refuge Complex, 73 Weir Hill Road, Sudbury.
- b. Buzz thanked board members and Barbara Chrenko for all of their work during the transition period between executive directors.
- c. The MLTC Executive Director search yielded 28 applications with highly qualified, competitive finalists. Henry Woolsey coordinated the search effort. Buzz announced that the new Executive Director will be Robb Johnson who will start on October 8<sup>th</sup> and he will attend LTA Rally.
- d. Goal to further advance Massland's advocacy role. MLTC testified on Conservation Land Tax Credit program and on the SMART Solar Sighting Program regulations to assure open land protection.
- e. All Massland programs have continued and The Records Keeping initiative is ongoing.
- f. MLTC's Massachusetts Land Conservation Conference (MLCC) Committee has been meeting. MLCC will be **March 28, 2020**. An RFP will be released in the next few weeks for sessions. Loring Schwarz announced MLCC theme: *Land Trust's response to climate change*. Henry Woolsey was successful on retaining keynote Jad Daley, President and CEO of American Forests on role of land and climate mitigation. EEA Secretary Kathleen A. Theoharides has been invited to speak for a few minutes.
- g. Mass Environmental Defense Subcommittee (MEDS) has been re-energized to provide guidance.
- h. eNews has a 48% open rate, and, 50% of these, open items on the eNews. Please give comments or content suggestions to Barbara Chrenko, Massland: [bchrenko@massland.org](mailto:bchrenko@massland.org)
- i. Membership renewals are progressing very well. Please renew if you haven't yet done so.
- j. Massland budget and finances are in good shape.
- k. Massland is planning a comprehensive survey of all the state's land trusts. Kathy McGrath is working on this for Massland. A few volunteer land trusts will be needed to test the first draft. Kevin Case noted that LTA's census will be coming up in the next year or so. Kathy Orlando

emphasized how important this work will be to update the database on the state's land trusts and their needs.

4. **Young Land Professionals (YLP) Report.** John Gioia summarized on behalf of Nick Rossi, YLP President:
  - a. Summer event: Boston Harbor Island tour to Spectacle Islands with park rangers who provided the guided tour to about fifteen YLPs. Natural resource values were described.
  - b. October 18<sup>th</sup> fall event will be in North Adams and will include a led hike of Sunset Rock. (See YLP in eNews). Sign-ups encouraged.
  - c. Seeking someone from Western Massachusetts Looking to fill one empty seat on the YLP Committee. Commitment would include one committee meeting/year, conference calls, and planning for one event.
  - d. In response to a question, clarified that a YLP is defined as someone in the first 10 years of professional role in land conservation.
  - e. Working on a YLP survey to assess needs of the group.

#### 5. Subcommittee and Working Group Updates

- a. *Conservation Restriction (CR) Working Group.* Rob Warren described work to date. Working with John Gioia on final documents which address two issues:
  - i. Expectations for DCS and CR applicants for timeline and action items.
  - ii. A periodic review of the state CR model process to reflect legal changes and to improve process and logistics. A single CR model is being proposed and Mark Robinson suggested that a separate process/model be developed for municipal and land trust CRs vs. CRs for private land fee owner as more properties are being conserved through CPA (Community Preservation Act). Melissa Cryan noted that many municipal staff and volunteers may not be familiar with a CR. John noted that multiple parcels could be combined into one CR for these situations.
  - iii. Process for providing feedback by all stakeholders being set-up by John Gioia. Goal is to have a draft CR model for review at the MLCC.
  - iv. Buzz asked for updates on the process for eNews.
  - v. Mark Robinson noted the wide variability on deed specificity for land being conserved with some deeds lacking appropriate legal language and recommended a standard deed format. Could be a joint effort with Mass Association of Conservation Commissions, Massland, and MEDS. Irene DelBono volunteered to work on this model.
  - vi. Paul Catanzaro spoke of effort to provide more training to conservation staff and municipal volunteers who work in conservation. Kathy Orlando suggested electronic accessibility to a resource library.
  - vii. Alain Peteroy described the value of Natural Resource zoning for conservation. Buzz noted the different types of CRs and the specificity needs for each. CR resources are available on the Community Preservation Coalition website. <https://www.communitypreservation.org/>
  - viii. Rob Warren announced an open position Chief of Wildlife Lands (SEE eNews).
- b. *Agriculture Subcommittee.* New APR guide is being created.

## 6. State Agency Updates.

- a. Melissa Cryan welcomed Nathaniel Thomas to the team (Landscape and Drinking water grants administrator). She also noted with reduced funding for staff, there will be delays. Follow eNews for updates on grant rounds.
- b. *Statewide Resilient Lands Initiative.* John Gioia summarized noting the focus on watersheds and the initiative' steering committee is developing the process, goals and action items which include land and water overlap conservation opportunities. Public input sessions to inform their work are ongoing. Buzz noted the intersection of Municipal Vulnerability Program (MVP) grants with this initiative. Melissa Cryan highly recommended that municipalities be encouraged to apply for these MVP grants. Bob Wilber said more land conservationists need to be involved in MVP in their communities. Christa Collins described upcoming SVT workshop on conservation solutions for MVP planning on October 10<sup>th</sup> / 2-4 PM. <https://www.svtweb.org/programs/calendar>
- c. *State agency retreat.* John Gioia noted that it will be November 21<sup>st</sup> and 22<sup>nd</sup> at Harvard Forest in Petersham. Marcos Morrero (City of Holyoke) is the keynote speaker. Retreat focus will be on public health and climate change. Should be 3 – 5 presentations and goal is to engage all attendees on what each is doing. Sign up through Cynthia
- d. Melissa Cryan will be updating the OSRP (Open Space and Recreation Plan) work book and will include climate change.

## 7. Land Trust Alliance Report. Kevin Chase summarized as follow.

- a. The syndicated easement transactions are still active and progressing and the conservation community needs advocacy to make these transactions illegal. HR 1992, a bi-partisan effort, Sen. Grassley and Sen. Widen are drafting senate bill to do so. In 2016 claims for 6 billion in deductions were submitted. The concern is that legitimate easement and conservation restriction donations will be outlawed. Fraudulent appraisals may be playing a role in these syndications and Kevin noted that major trade associations have joined the effort with LTA.
- b. Farm Bill passed. Rulemaking in progress now and LTA is following closely. Rules will be issued by the end of this year. Contact Kevin with questions.
- c. Climate actions. Leslie Ratley-Beach is working on this and document available (SEE LTA) on siting renewables. Kevin will get a summary of work to date for eNews.
- d. Rally will be in Raleigh, NC, October 17th – 19th. (Sixty registrations from Massachusetts.) There will be a gathering of state land trust associations and how to strengthen the LTA and state association relationships around legislation and climate change initiatives.
- e. MLTC/LTA Record keeping initiative launched with six land trusts in Massachusetts representing about 160 property files. Group is diverse geographically and by size. About 50 LTs in Massachusetts eligible to participate and plans to broaden next year. Kevin noted positive partnership with Massland on this.
- f. 1772 funding program has focused only on New Jersey this year. No funding available in 2020. Kevin will provide updates.

## 8. Value of Open Space Report. Bob Wilber summarized.

A MLTC SC subcommittee is focused on updating Cost of Community Services (COCS) data. The last work was done over 30 years ago in Massachusetts and need to be updated. These studies help dispel the notion that all development brings in revenue and demonstrates that conservation may be a viable, if not the best fiscal solution. Goal is to develop new narrative and studies to work with

new generation of municipal volunteers and officials and provide a user friendly narrative on eco system services. Paul Catanzaro and graduate student Helena Murray were thanked for their work. Paul summarized work done to date which includes:

- i. Summary of past work.
- ii. Data from four communities are being used that represent different geographic locations and population densities. The goal is a digital library on the topic.
- iii. The group has reviewed national COCS data and met with American Farmland Trust (AFT) who has developed a spreadsheet method. To learn more, see: <http://masswoods.org/communityconservation> (scroll down to lower part of the page). Christa Collins noted that The Nature Conservancy is working on this as well.
- iv. The Trust for Public Land ROI study was highly valuable on the state level to pass the environmental bond. Rita Grossman noted the value and utility of this work on the municipal level. Bob noted that Mass Audubon's *Shaping the Future* will be releasing an update of *Losing Ground*. This information will be usable on the community level with trainings. Christa Collins emphasized the need to link to MVP planning and referenced that CPA towns spending on conservation have lowest tax rate (see Harvard Forest).
- v. Updates will be in eNews and at SC meetings.
- vi. Justine Kent-Uritam (Upper Charles LT) noted that about 65% of MA communities are on MWRA (Mass Water Resources Authority) and the rest of communities are on private wells.

**9. Advocacy / Policy Updates.** Emily Myron (TNC) summarized as follows:

- a. *Status of state legislation and policy (see Attachment 1 for complete summary).* Discussion:
  - i. Capital Budget still remains level funded for most programs except an increase for land acquisition/protection in some departments.
  - ii. CPA increase passed and everyone's efforts recognized.
  - iii. Although not successful in FY20, everyone's efforts to get the CLTC increased were noted and some optimism going forward for FY21, however, if legislation were to pass, there's a backlog for full implementation. Mark Robinson noted that the IRS still wants to limit federal tax credit. The Massachusetts maximum tax credit of \$75,000 may not be eligible for federal deduction. Emily was in D.C. and work is being done by federal legislators to "fix" this deduction problem for conservation nationally. Kathy Orlando said the state Conservation Land Tax Credit benefit continues as a cash or tax benefit up to \$75,000.
  - iv. H.897 (p. 3) Emily noted the public hearing was well attended with prominent individuals in support, e.g. E.O. Wilson. Please inform Buzz Constable, Kathy Orlando or MLTC staff if your organization is taking a stand on this. Masswoods has just released an information document on this topic. Many different aspects to this issue and Massland's membership has both advocates and opponents. Ultimate vote for state land will affect private landowners and land trust. In response to Buzz's question about the MLTC's position and after discussion, consensus at this meeting is that sign-on should be by individuals and MLTC's role is to share the information and keep the land trust community informed.
  - v. PILOT (Payment In Lieu Of Taxes) issue being followed closely and how PILOTs would impact many land trusts.
  - vi. Adaptation funding is pending worth \$1 billion with nature-based solutions included.
  - vii. Please contact Emily with requests for more information or updates.

- b. *Climate change strike.* Buzz thanked all who participated. Emily Myron noted how many of the public speakers talked about the intersection between climate, health and the economy. Buzz also noted that (Climate workshop).
- c. *MLTC policy partnerships.* MLTC has been invited to participate in amicus briefs to be discussed by the board. Please let Buzz or board member know if you are interested in serving on an amicus committee.

#### **10. Other Business**

- a. *Conway School of Landscape Design partnership.* CJ Lammers, Assistant to the Executive Director. Described Conway school and their ability to do open space planning, pollinator planning and gave an example of the work done with North County Land Trust to create a connectivity plan. There are fees required for services. Conway school will assist in identifying sources of funding for their services. School is looking for food related projects in 2021.

**1:00 PM Adjourn.** Rita Grossman moved and Cynthia Henshaw seconded the motion to adjourn. Hearing no further discussion, Kathy Orlando adjourned the meeting.

Respectfully submitted,  
Rita Gibes Grossman, clerk

## ATTACHMENT 1

### Public Policy Update

September 2019

Emily Myron, Government Relations Specialist, The Nature Conservancy

#### State Public Policy

##### Operating Budget

This year, the Green Budget Coalition (led by ELM, MassRivers, AMC, TNC, Mass Audubon, and MOSES) successfully advocated for increased funding on four line items: Department of Conservation and Recreation (DCR) state parks and recreation, DCR's Office of Watershed Management, Department of Environmental Protection (DEP) administration and the Division of Ecological Restoration

The Governor signed into law a budget that exceeded the Green Budget asks (see table below). Overall, the environmental budget increased from last year and our share of the overall state budget increased from 0.56% last year to 0.62% this year.

Green Budget Priorities:

Line item	Agency/Office	FY20 Final	Green Budget Ask	FY19
2200-0100	DEP	32,082,245*	31,000,000	29,130,000
2300-0101	DER	2,100,000*	1,750,000	1,255,000
2810-0100	DCR Parks and Rec**	47,250,000*	47,000,000	41,262,512*
2800-0101	DCR Watershed	1,523,447	1,500,000	1,110,915

\* includes earmarks

\*\* Note: The legislature maintained a DCR Special Projects line item (2810-0122) with DCR earmarks, totaling \$7,766,000 for FY20.

##### Capital Budget

The State's FY20 Capital Plan was released in May and maintained the same funding levels for most of the state land conservation programs and grants; however, there was a \$3M increase for land acquisition and protection activities at DCR, DFG, and DAR.

##### Legislation of Interest

###### Community Preservation Act (CPA)

- In July, the Governor signed into law that FY20 State Operating Budget, which included an increase in recording fees at the registry of deeds for the Community Preservation Act (from \$20 to \$50 for most documents) starting in 2020. This increase is expected to raise an estimated \$36 million in additional revenue for CPA communities each year. The budget also included language that would provide up to \$20 million in state budget surplus funds for the November 2019 CPA Trust Fund distribution. This would avoid a record-low disbursement this year.
- The Governor's recently filed FY19 supplemental budget includes \$20M in surplus for CPA.

**S.1767/H.2522, An Act relative to the conservation land tax credit** (*Sen. Bruce Tarr, Gloucester, and Sen. Adam Hinds, Pittsfield; Rep. Brad Jones, North Reading, and Rep. Smitty Pignatelli, Lee*)

- Bill would raise the annual cap from \$2M to \$5M over three years, amend the definition of a "public or private conservation agency" that may receive donations of land subject to a conservation tax credit to include realty trusts organized for conservation purposes pursuant to Chapter 203, and provide a ten-year sunset.
- Heard by the Joint Committee on Revenue on July 10. TNC organized a panel to testify, including Emily Myron (TNC), Buzz Constable (MLTC), and Chris LaPointe (Essex County Greenbelt), as well as a sign-on letter of support for the bill. The bill is still being considered by the Committee.
- Despite a unanimous roll call in the House, an amendment increasing the annual cap for the Conservation Land Tax Credit was not included in by the Senate, nor did it make it into the final operating budget. We know of no opposition and have heard the Senate rejected any changes to revenue-based programs.

**H.732/S.459, An Act protecting the natural resources of the Commonwealth** (*Sen. Jamie Eldridge, Acton; Rep. Ruth Balsler, Newton*)

- "No net loss" or "Public Lands Protection Act (PLPA)" bill would prevent loss of constitutionally protected open space (Article 97 lands) by requiring replacement land, as well as notification to EEA prior to filing legislation to dispose of land. Codifies state's "no net loss" policy.
- Heard by the Joint Committee on Environment, Natural Resources and Agriculture (ENRA) in April; it is still being considered by the Committee.

**S.497, Resolve to protect pollinator habitat/ H.818, An Act to protect pollinator habitat** (*Sen. Jason Lewis, Winchester; Rep. Mary Keefe, Worcester*)

- Bill would establish a commission to study statewide opportunities for improving pollinator health by increasing and enhancing native habitat.
- Yet to be heard by ENRA

**H.763, An Act to protect Massachusetts pollinators** (*Rep. Carolyn Dykema, Holliston*)

- This bill would prohibit the use of neonicotinoid pesticides to any person other than a certified applicator. It also requires certain notifications regarding the danger of neonicotinoids.
- Yet to be heard by ENRA

**H.842/S.2014, An Act to Sustain Natural and Working Lands Carbon in Communities** (*Sen. Bruce Tarr and Sen. Marc Pacheco; Rep. Sarah Peake, Provincetown, and Rep. Bradley Jones, North Reading*)

- Bill would:
  - Enable the Executive Office of Energy and Environmental Affairs to accurately measure carbon stored by, and released from, natural and working lands
  - Set a goal for increasing the size of our natural carbon sink, and develop a plan to reach it with public and private lands
  - Establish the Communities for a Sustainable Climate Program for municipalities (like the Green Communities Program), which provides technical assistance and funding to communities that opt in and adopt carbon-friendly local policies and practices
- Heard by ENRA on May 14. TNC organized a panel to testify, including Laura Marx (TNC), Linda Orel (Trust for Public Land), and Frank Lowenstein (New England Forestry Foundation), as well as a sign-on letter of support for the bill. The bill is still being considered by the Committee.

**S.2254, An Act Establishing the Office of Outdoor Recreation** (*Sen. Adam Hinds, Pittsfield*)

- Bill would establish an office of outdoor recreation for Massachusetts within the Executive Office of Energy and Environmental Affairs (EEA) for the purpose of promoting and marketing outdoor recreational activities available throughout the state, to support economic development in Massachusetts, and to improve the quality of life, health and well-being of the state's residents
- Heard by ENRA in April and referred to the Senate Committee on Ways and Means, which has yet to hear the bill.

**H.897, An act relative to forest protection** (*Rep. Susannah Whipps, Athol*)

- Bill would designate all DCR and DFW lands as Parks or Reserves, preserved in their natural state and no commercial activities would be permitted; no timber sold, removed or destroyed.
- Heard by ENRA on September 24. A group of land conservation organizations will be submitting a joint letter of concern about this bill.

There are several **bills related to PILOT payments** that were heard by the Revenue Committee on September 10, and a commission to study state PILOT payments (filed by Sen. Hinds, S.1861) that will be heard by the Joint Committee on State Administration & Regulatory Oversight on October 1.

**Adaptation Funding**

**S.10, An Act providing for climate change adaptation infrastructure investments in the Commonwealth** (*Governor Baker*)

- Bill would increase the deeds excise rate, ultimately raising approximately \$1 billion over 10 years, to be deposited in the Global Warming Solutions Trust Fund (established in the 2018 Climate Bond) for technical and financial assistance to communities and infrastructure adaptation.
- Bill was heard by the Joint Committee on Revenue in June and it is still being considered.

**An Act Relative to Greenworks** (*House Speaker Robert DeLeo*)

- Bond bill establishing a \$1 billion, 10-year grant program – known as GreenWorks – to fund clean energy, energy efficiency, and climate change resiliency measures that cut greenhouse gas emissions, fortify infrastructure and reduce municipal costs.
- As the GreenWorks bill moved throughout three committees and the House floor, adaptation advocates convinced the House to amend the original bill to include several important provisions, including adding nature-based solutions projects to eligible project types for funding, adding criteria to prioritize environmental justice and vulnerable communities, enabling ecosystem-scale projects, and calling for coordination between MassWorks and GreenWorks.
- The bill has been engrossed by the House and is now in Senate Bonding.

Many are advocating that both S.10 and GreenWorks be passed, as the scale of the problem necessitates diverse funding sources and creative solutions.

**Climate Change**

The Executive Office of Energy and Environmental Affairs (EEA) **Municipal Vulnerability Preparedness Program** has now awarded over 240 municipalities with planning grants and 95 municipalities with action grants to implement priorities identified during the MVP planning process. EEA is also in the process of hiring six regional coordinators to support communities as they engage with the MVP program.

EEA has launched an **80x50 study** to determine how Massachusetts will reach the goal of an 80 percent reduction in greenhouse gases by the year 2050 (as required under the Global Warming Solutions Act – GWSA). This will include natural climate solutions (biosequestration) among the policies to be evaluated.

TNC provided public comments to the MA Department of Energy Resources (DOER) on the proposed changes to the regulations regarding the **Renewable Portfolio Standard** eligibility requirements for utility-scale electricity generation from biomass and hydropower. In TNC's solo comment letter on biomass we expressed concerns and asked DOER to justify changes to eligibility requirements that we think are counter to state goals for greenhouse gas emissions reductions and air quality. In a joint letter we signed with the Massachusetts Rivers Alliance, we expressed opposition to DOER's proposal to changing certification from the Low-Impact Hydropower Institute for environmental performance from periodic recertification to a one-time certification.

## ***Federal Public Policy***

### **Land and Water Conservation Fund (LWCF)**

Building on the historic successful permanent reauthorization of LWCF, bipartisan bills to permanently fully fund the program at \$900M/year have been introduced in the House (H.3195) and Senate (S.1081). The entire MA Congressional delegation have signed on as co-sponsors. Now is the time to ask your Representative to talk to leadership and tell them that LWCF is a priority for them.

Numerous advocates are also working with members of Congress to ensure robust funding for LWCF in the fiscal year 2020 budget.

### **Recovering America's Wildlife Act**

This bipartisan bill (H.3742) would redirect \$1.3 billion annually in existing revenue from the development of energy and mineral resources on federal lands and waters to state fish and wildlife agencies to implement their science-driven wildlife action plans, and an additional \$97.5 million to tribal wildlife managers to conserve species on tribal lands and waters. Reps. Trahan and Kennedy are current co-sponsors.

### **Transportation Bill**

The Senate Environment and Public Works Committee unanimously moved forward a transportation bill that includes natural infrastructure, resilience, wildlife crossings, and climate provisions for which TNC advocated. It also includes a new grant program for resiliency improvements loosely modeled on Massachusetts' MVP program. The bill will now be considered by the full Senate.

### **Halt Abusive Conservation Easement Transactions**

The Federal income tax deduction for permanent conservation easements is a crucial land conservation tool; however, syndicated easement transactions rely on abusive appraisals to provide tax benefits to investors. The bipartisan Charitable Conservation Easement Program Integrity Act has been introduced in the House (H.1992) and the Senate (S.170) to prevent abuse while ensuring that most landowners can continue to benefit from truly charitable gifts of conservation easements. This bill would disallow a charitable deduction only when a large profit is made in a short time from the donation of a conservation easement. This bill is supported by the national land trust community.