



**Steering Committee Minutes**  
**Friday, March 10, 2023 via Zoom**

**Attendees:** On record (72)

**Staff Attendees:**

- Robb Johnson, ED
- Barbara Chrenko, Programs Manager
- Steve Anable, Development and Communications Coordinator

**Hand Outs** (On website for members):

- Agenda for today's meeting (Emailed to all zoom registrants)
- Minutes of December 9, 2022 (available to members at: <https://massland.org/steering-committee-meeting-materials>)
- Quarterly MLTC Public Policy Update (Emailed to all Zoom registrants)

**Kathy Orlando, Steering Committee Chair**, called the meeting to order at 10:01AM.

- 1. Welcome. Kathy Orlando** welcomed everyone and reviewed the meeting logistics.
  - a. *Introductions:* Virtual attendees introduced themselves. Steve Anable was introduced as the new Development and Operations Coordinator for MLTC.
  - b. *Minutes of December 9, 2022 Steering Committee Meeting:* William "Buzz" Constable moved and Janet Milkman seconded the motion to accept the minutes. Hearing no further discussion Kathy called the vote. **VOTE:** Unanimous
  - c. *Next meeting:* Friday, June 9<sup>th</sup> at MassWildlife Headquarters in Westborough, with call-in via Zoom.
- 2. Presentation of Slate and Election, FY24 MLTC Board of Trustees – Kathy Orlando** (See **Attachment A**)
  - a. Robb posted the slate of candidates for election to the MLTC Board of Trustees. Buzz moved the slate, having heard no nominations from participants, and Chris LaPointe seconded to approve the board. Process for voting reviewed noting eligible voter is one representative from each member land trust present. Hearing no further discussion, Kathy called the vote which was done by a Zoom poll method. **VOTE:** 20 in favor and 1 abstention Kathy asked that if anyone is interested serving on the MLTC board, to please contact her or Cynthia.
  - b. Outgoing board members with terms ending June 30<sup>th</sup> Andy Magee (2011) and Kathleen O'Donnell (2012) were thanked for their service.
  - c. Nominations open for Steering Committee Vice-Chair – contact Kathy with your recommendations.
- 3. MLTC Staff Report. Robb Johnson, Executive Director**, provided the following updates. (See **Attachment B Staff Updates**)
  - a. MLCC is March 25<sup>th</sup>; early registration with a discount ends today; bring your own lunch OR order by Monday, March 13<sup>th</sup> for lunch on site.
  - b. Robb enthusiastically thanked the MLCC sponsors, including the new sponsors
  - c. Will keep one hour sponsored sessions available by zoom. Everyone is welcome to watch whether or not attending the MLCC. Link for details: [https://massland.org/sites/default/files/files/enews/enews\\_2023\\_feb\\_23.html](https://massland.org/sites/default/files/files/enews/enews_2023_feb_23.html)
  - d. Robb reviewed upcoming MLTC Programs (Attachment B).

- i. Stronger Together Networking Calls will include one on Housing and Conservation, which is also the topic of the conference plenary session.
  - ii. Robb requested input on the working group for LTs and Municipalities
- 4. **Land Trust Alliance (LTA) Report – Jen Plowden, New England Program Manager**, provided the following updates (See **Attachment C** for all details). Jen reviewed upcoming webinars; the new peer group of new executive directors; practical pointers on solar siting; reviewed proposal to create a training program for appraisers given the shortage of trained, experienced appraisers regarding land conservation issues; new peer group for acquisition and stewardship being formed for LTA members; reviewed Advocacy Days 2023; and the new toolkit for private landowner conservation. Please contact Jen with any questions.
- 5. **State Agency Updates –Kurt Gaertner, Assistant Secretary for Environmental Policy and Bob Wilber, Director of Conservation Services (EEA)** provided the following update:
  - a. Bob Wilber provided the following updates on new staff:
    - i. Stephanie Cooper as the Undersecretary for Environment
    - ii. María Belén Power as the Undersecretary of Environmental Justice & Equity.
    - iii. EEA is currently looking to fill a Tree Planting Program Manager position to oversee grants related to the Greening the Gateway Cities program as well riparian tree planting efforts.
    - iv. Bob noted Secretary Rebecca Tepper’s presentation at the Massachusetts Association of Conservation Commission’s Annual Environmental Conference, in which she endorsed both the Resilient Lands Initiative and the Healthy Soils Action Plan.
  - b. Progress report on CR review process: the review and approval of all time-sensitive CRs was accomplished for CY 2022. Bob acknowledged new CR Reviewer, Sherri Widdess, for her work to get on top of things in her new role, including creating a new CR Review Tracking data base.
  - c. Melissa Cryan provided an update on the grants for this year. The L.A.N.D. grant workshop will be held on Wednesday, May 4, 2022 at 11:00AM at the DFW Field Headquarters in Westborough. Melissa is currently working on the SCORP plan updates and requested photos of people engaged on conserved land to include in the SCORP.
  - d. Vanessa Farny noted that the Landscape Partnership Grant deadline is Tuesday April 18<sup>th</sup> at 3PM.
  - e. Bob requested that all grant driven CRs be submitted by March 17<sup>th</sup> and noted that all are in the review/approval process queue.
  - f. Kurt mentioned that Ashley Randle has been promoted to Commissioner of MDAR and that the new DOER commissioner is Elizabeth Mahoney. Decisions have not yet been announced relative to new Commissioners at DCR or DFG. He also summarized that:
    - i. As announced at the celebratory event on the new Public Act Preservation Act EEA has posted a guidance document and answers to frequently asked questions on its webpage at: [Article 97 & The Public Lands Preservation Act | Mass.gov](#).
    - ii. An update to EEA’s Article 97 Policy is pending.
    - iii. The Office of Outdoor Recreation Director has not yet been hired.
    - iv. Gov. Healey proposed legislation to provide 1% of the operating budget for the for EEA and the environmental agencies, a 40% increase for EEA.
    - v. EEA currently working on capital budget for the agencies; the Governor’s capital budget will likely be released in May.
  - g. Kurt was asked if the energy component were removed from the budget, what percentage would be available for “environment” and Kurt was not sure.
  - h. Robb asked if the March 15<sup>th</sup> CR deadline had any flexibility. Bob clarified that many of the non-sensitive tax CRs from 2022 were provided an extended deadline of March 15<sup>th</sup> and the goal is to have them completed on that date. EEA Staff have been in communication with relevant grant applicants about this deadline.
  - i. Robb also asked about CLTC and Bob will send Robb a full EEA report on CLTC.

6. **APR Program Updates - David Viale, Agricultural Lands Programs Supervisor, Massachusetts Department of Agricultural Resources.** David thanked everyone for their support with as he's adjusted to his different positions at MDAR and summarized as follows.
- a. Recent questions have come up re: hemp, marihuana, horse-racing and solar sighting on APR lands.
  - b. Robb noted the issues in Westford with an APR and noted that an update on marihuana/hemp would be good. Kathy also made requests for updates. Heidi Ricci asked about any possible changes related to agrivoltaics, given that lands in dual use can now remain in Chapter 61A.
  - c. David noted that APR regs are reviewed every three years, and are up for review again now. In 2017 regulations were updated to require that Purchase & Sales had to be reviewed and that was done in 2020.
  - d. Dates for 2023 listening sessions for input on the APR regs will be announced soon for April/May. Five sessions will be held across the state in the evenings as live with virtual portal input. Goal is to hear from APR stakeholders, including land owners and the LT community and participation is requested. MLTC will get the information for distribution within the next week or so.
  - e. David reviewed the Farmland Action Plan which is currently in draft format with many recommendations for improvement and release is anticipated to be soon. Input has been important and more is welcome. In response to Robb's question, David will find out if the draft is available for review. Kurt noted the draft version is in the public domain when input was requested. Final version should be available soon. One improvement will be a clarification on APR eligibility based on soils; NRCS and AFT have been working on municipal education for identifying Locally Important Farmland Soils. One such soils are designated, subject properties become eligible for federal APR funding. No set rule that federal funds have to be used for an APR, and MDAR can be approached for APR eligibility and noted that current federal requirement is landowner has to bring 50% dollar value to the closing noting that the federal regulations are very firm and MDAR is more flexible. He reviewed the Farmland Soils categories eligible for grant funding. The state APR program had required a local match (owner, LT, or muni) and the requirement has been reduced from 20% to a 10% match and only a 5% match if the municipality is a Right to Farm community.
  - f. David noted the purchase price cap per acre, formerly at \$10K/acre, has now been increased to \$17K per acre and can go up to \$34K/acre. These increases should be more attractive for smaller, urban projects. All details on MDAR's website: <https://www.mass.gov/info-details/massachusetts-farmland-actionplan#:~:text=The%20Massachusetts%20Farmland%20Action%20Plan%20is%20intended%20to,across%20all%20regions%20of%20the%20Commonwealth%20of%20Massachusetts>
  - g. The governor-appointed committee to choose APR projects now includes LT representation with a discretionary waiver process for approval; and a program manual. A guidance manual on hemp and marihuana is available.
  - h. Dot asked if the Locally Important Soils relate to the State's Healthy Soils assessment program. He noted no direct link between the two and recommended that land owners should be aware of both and proceed accordingly.
  - i. Buzz asked about ROFR process and goal to keep farm land intact. If a farmer is not available, could a LT or other farm NPO acquire it to keep the land in agricultural use. Dave noted that regulations that were updated in 2018, and said there are two ways for MDAR to waive a ROFR and assign it and commented on the generous definition of "farmer" in the regulations and an NPO can qualify if their Articles of Incorporation include agriculture.
  - j. Kathy asked about business plan for APRs. MDAR requires a compliant, viable plan that includes finances and if the LT is leasing the land to a farmer, a plan must be provided.
  - k. Have there been any changes in how APRs can be amended was asked. Dave said the process has been strengthened and the aforementioned Westford APR violation case was discussed. Dave reviewed the following:
    - i. The strength of the Article 97 process to protect land from development;

- ii. The APR land owner's right for a special permit for non-agricultural activities which would allow the farmer additional income if the use was farming compatible. The review process for this is publicly available and he gave examples of current gray areas for these activities e.g. can a beef farmer open a hamburger stand on the property, etc. It is anticipated these issues will arise during the upcoming listening sessions.
- l. Special permits must be vetted through the Board of Agriculture and MDAR's Agricultural Lands Preservation Committee (ALPC) and this is a public process. Kathy noted that Special Permits (SP) are for 5 years to assure that the additional activities do not become the primary use of Ag land and said that the SP can be revoked at any time if the activities impact agricultural value. A SP is not transferrable.
- m. Per a law passed last summer, agricultural lands can remain enrolled in Ch 61a even after solar fields are installed. David noted that the law did not impact exiting regulations related to solar panels on APR land. Solar panels are considered impervious surfaces, and APRs with federal language almost always restrict impervious surfaces to 2%. Non-federal APRs are required by regulation to restrict impervious to 5% or 5 acres, whichever is less.
- n. Dave reviewed the process and noted a Certificate of Approval (COA) is needed from MDAR if installing solar on an APR property. Heidi noted that the APR policy conflicts with MDAR policy, but Dave said federal regulations are very clear. The law change liberalizes the solar installations on Ch. 61a lands that do not have APRs on them. Heidi asked whether APR regs might become less restrictive given the recent change for Ch61a lands and suggested this is something that will require attention in upcoming public input sessions.
- o. Kathy thanked David for his presence and participation.

**7. Policy Update & MLTC Policy Committee (Attachment D Policy Updates) –Kristen Sykes (AMC) and Heidi Ricci (MA Audubon)** Kristen reviewed the Policy update and thanked Heidi for her participation in its preparation. She also thanked all the members of the Policy Com and her co-chair Emily Myron. She reviewed the content of the Policy handout:

- a. All new legislators received a MLTC welcome letter with a narrative on our work and sending it resulted in a couple of follow-up meeting with legislators.
- b. Currently drafting 2023 priorities noting the MLTC mission focus items as outlined.
- c. Everyone is encouraged to reach out to their legislators on supporting the CLTC cap increase.
- d. Robb asked everyone to review update that was sent on Federal Policy issues and Advocacy Days. Colin Novik, Ray Lyons and a board member from Kestrel will be attending. LTA will provide preparation in advance.
- e. Robb noted that MLTC will be joining statewide advocacy partners at a meeting with EEA Secretary Teffer and Climate Chief Hoffer to talk about the importance of natural and working lands in meeting the state's clean energy and climate goals – and the critical role that private conservation organizations will play in meeting the Clean Energy and Climate Plan goal of preservation 40% of Massachusetts by 2050.
- f. Janet had a question about the “disturbed lands” definition for solar siting under the bill that the Sierra Club is championing. Would golf courses be treated the same as landfills and built environments - even though there are very different from an open space perspective? Heidi noted there are 2 studies underway to examine solar siting alternatives – one from DOER and the other by Mass Audubon – which is working in conjunction with Harvard Forest and Evolved Energy on a study examining scenarios for meeting solar goals by 2050 while maximizing protection and minimize impact to conserved and working lands by limiting options to assure best outcome. BioMap core and Critical National Landscape will be excluded as lands of highest carbon sequestration value. A scenario for success is being drafted.
- g. Kristin commented on the solar project in Amherst noting the value of local input and of BioMap and Local Critical Habitat to the process. Janet Milkman noted caution in defining “developed” land and Heidi commented on the higher costs associated with the desired locations for solar, e.g. parking lot installations are more expensive vs. ground mounts. She cautioned that stricter regulations on ground mounts locally may result in undesirable solar siting being pushed to other states impacting valued lands

for conservation or carbon storage. She noted the urban challenges of not losing urban housing or park options. Everyone is encouraged to contact Heidi or Kristen with questions and noted the MLCC seminars on topics.

#### 8. **Committee and Working Group Updates**

- a. **Amicus Committee:** Buzz said the project proposal to build a race track on APR land in Hardwick probably ended thanks to the work of local LTs.
- b. **Early Career Conservation Network (ECCN)** – Stephen O’Grady (Orleans Conservation Trust). A few events upcoming for those in first ten years of their career and everyone encouraged to let their peers know. There is no age limit, just time in conservation. Next events:
  - i. Friday event the day before MLCC at Broadmoor. May 12<sup>th</sup>: Barnstable; Thursday, May 18<sup>th</sup> at Acton Arboretum with Russ Cohen. See <https://massland.org/programs/early-conservation-career-network>
  - ii. The Berkshire event at Trustee’s Notchview last month was very successful and Stephen thanked the Trustees and MLTC for their support allowing this event to be free.
- c. **Agriculture Working Group – Kathy Orlando** (Sheffield Land Trust). Kathy noted that David already covered most of the activity going on. Stay tuned for advocacy alerts as work moves forward.

#### 9. **Announcements**

- a. Robb noted MLTC’s policy priorities are designed with the intention to leverage membership input and action and he encouraged folks to complete a survey to let us know about relationships they have with state and federal policymakers. . Please complete the survey: : <https://www.surveymonkey.com/r/RLMRBMQ>
- b. The MLCC field trips sign-up is part of MLCC registration page. First options are for conference attendees. If there are spaces remaining after the conference, tickets will be opened up to those that did not attend the conference.

Rita moved we adjourn and Buzz seconded to adjourn. Hearing no further issues, meeting adjourned at 12:12PM.

Respectfully submitted, Rita Gibes Grossman, Clerk

## ATTACHMENT A MLTC ELECTIONS



### **Board of Trustees Elections**

We'll use a Zoom Poll for a vote on the proposed slate, with the options "In favor" "Opposed" and "Abstain".

Per our bylaws, only land trusts land trust members of MLTC are eligible to vote.

If there are multiple representatives of your organization here today, please message each other to agree which of you will vote.

If not voting, you can ignore the poll.

## FY23 MLTC Members Eligible to Vote (A – L)

Acton Conservation Trust	Chelmsford Land Conservation Trust	Grafton Land Trust
Alford Land Trust	Clinton Greenway Conservation Trust	Greater Worcester Land Trust
American Farmland Trust	Carlisle Conservation Foundation	Groton Conservation Trust
Andover Village Improvement Society	Chatham Conservation Foundation	Groundwork Lawrence
Arlington Land Trust	Common Ground Land Trust	Harvard Conservation Trust
Ashburnham Conservation Trust	Concord Land Conservation Trust	Harwich Conservation Trust
Ashby Land Trust	Dartmouth Natural Resources Trust	Hilltown Land Trust
Attleboro Land Trust	Dennis Conservation Trust	Hingham Land Conservation Trust
Barnstable Land Trust	Dover Land Conservation Trust	Hopkinton Area Land Trust
Belmont Land Trust	Dracut Land Trust	Hudson Land Trust
Berkshire Natural Resources Council	Dudley Conservation Land Trust	Kestrel Land Trust
Bolton Conservation Trust	Dunstable Rural Land Trust	Lancaster Land Trust
Boxborough Conservation Trust	East Quabbin Land Trust	Land Preservation Society of Norton Inc
Boxford Trails Assoc/Boxford Open Land Trust	Eastham Conservation Foundation	Lenox Land Trust
Brewster Conservation Trust	Essex County Greenbelt	Lincoln Land Conservation Trust
Broad Brook Coalition	Fairhaven-Acushnet Land Preservation Trust	Littleton Conservation Trust
Buzzards Bay Coalition	Franklin Land Trust	Lowell Parks and Conservation Trust

## FY23 MLTC Members Eligible to Vote (M-Z)

Manchester-Essex Conservation Trust	Opacum Land Trust	The 300 Committee
Marblehead Conservancy	Orenda Wildlife Land Trust	The Compact of Cape Cod Conservation Trusts
Mass Audubon	Orleans Conservation Trust	The Nature Conservancy
Mattapoisett Land Trust	Pascommuck Conservation Trust	The Trust for Public Land
Medford-Brooks Estate Land Trust	Paxton Land Trust	The Trustees of Reservations
Metacomet Land Trust	Princeton Land Trust	Truro Conservation Trust
Minnechaug Land Trust	Provincetown Conservation Trust	Upper Charles Conservation Land Trust
Mount Grace Land Conservation Trust	Rattlesnake Gutter Trust	Walden Woods Project
Nantucket Conservation Foundation	Reading Open Land Trust	Walham Land Trust
Nantucket Land Bank	Rehoboth Land Trust	Wareham Land Trust
Nantucket Land Council	Rochester Land Trust	Wellesley Conservation Land Trust
Nashoba Conservation Trust	Rural Land Foundation of Lincoln	Wellfleet Conservation Trust
Native Land Conservancy	Sandwich Conservation Trust	Westborough Community Land Trust
Natural Resources Trust of Easton	Seekonk Land Conservation Trust	Westford Conservation Trust
Natural Resources Trust of Mansfield	Sheffield Land Trust	Weston Forest & Trial Association
Needham Land Trust	Sherborn Rural Land Foundation	Westport Land Conservation Trust
New England Forestry Foundation	Sippican Lands Trust	Westwood Land Trust
Newton Conservators	Sipson Island Trust	Wildlands Trust
North County Land Trust	Sheriff's Meadow Foundation	Williamstown Rural Lands
Northeast Wilderness Trust	Southborough Open Land Foundation	Yarmouth Conservation Trust
	Stockbridge Land Trust	
	Stow Conservation Trust	
	Sudbury Valley Trustees	

**Thank you to Board Members  
with term ending June 30<sup>th</sup>, 2022**

**Andy Magee (2011 – 2023)  
Kathleen O'Donnell (2012 – 2023)**

**We're grateful for your many years of service to MLTC  
and the conservation community!**

## Candidates for Re-Election for three-year terms beginning July 1, 2023

**William "Buzz" Constable** has served on the MLTC Board since 2017 and is past President. He is a seasoned land use and real estate investment attorney serving diverse organizations in Massachusetts, including many years as President of Lincoln Land Conservation Trust. A current Board Member of The Trustees and the Environmental League of Massachusetts, he has served on numerous other non-profit boards and in elected and appointed positions on several local, regional and statewide boards and commissions. He is a graduate of Williams, Boston University, Yale School of Forestry & Environmental Studies and was a Loeb Fellow at Harvard.

**Janet Milkman** has served on the MLTC Board since 2020 and is current Vice President. Serving as Executive Director of Barnstable Land Trust since 2017, she has worked for non-profit organizations for over 30 years, with a focus on smart growth and community development, and energy and environmental policy and practice. Previous leadership roles include the Marion Institute and of the Philadelphia-area Green Building Council and 10,000 Friends of Pennsylvania. She has a BA from Wesleyan University, a Master in Public Affairs from Princeton University and was a Fulbright Scholar in Germany.

### for a one-year term beginning July 1, 2023

**Cynthia Henshaw** has served on the MLTC Board since 2011 and is current President. Since 2007, she has been Executive Director of the East Quabbin Land Trust, which covers eight towns in central Massachusetts, and has been involved with various aspects of land conservation and organizational development for over two decades.

## Candidate for the MLTC Board of Trustees for 3-year terms beginning July 1, 2023



**Jenny Hansell** has served as President of Berkshire Natural Resources Council since 2018. Born in Boston and raised in Detroit, she holds a BA from Yale and a Masters in Public Administration from University of Connecticut. She previously served as Executive Director of the North East Community Center in Dutchess County, New York, an Environmental Policy Analyst at the National Audubon Society, Associate Director of the Council on the Environment of New York City, and in positions at Creative Art Works and Sesame Workshop, both in New York.



**Diana Ruiz** is the Executive Director of the Native Land Conservancy, becoming their first staff member in 2021. The NLC is Native-run land conservation group based in Mashpee with a mission to preserve healthy landscapes for all living things and help restore land back to its original state wherever possible. Diana leads acquisitions, develops stewardship programs and plays a leadership role in guiding strategic planning and implementation for the NLC. She holds a PhD in Ecology and Evolutionary Biology from the University of California, Santa Cruz, and a B.S. from Mills College. She is a former Board Member and Board Officer of Audubon Canyon Ranch, a land trust in California.



# ATTACHMENT B MLTC STAFF REPORT

**2023 Massachusetts Land Conservation Conference**

- **March 25, in person!**
- **25 workshops**
- **Keynote panel on intersection of Conservation and Housing Affordability**
- **Field trips around the state on April 28**

**Learn more and Register:**  
[massland.org/conference](https://massland.org/conference)

**Early registration ends TODAY!**

Lunch orders end on Monday March 13!



## We couldn't do it without our Sponsors!

### Lead



### Patron



### Supporter

Berkshire Natural Resources Council - Buzzards Bay Coalition - The Compact of Cape Cod Conservation Trusts  
 The Conservation Fund - Essex County Greenbelt Association - Franklin Land Trust - Kestrel Land Trust  
 Land Stewardship, Inc. - Land Trust Alliance - Nantucket Conservation Foundation  
 New England Forestry Foundation - Sheriff's Meadow Foundation - Sudbury Valley Trustees - Tighe & Bond  
 USDA Natural Resources and Conservation Service - UMass Forest Conservation Program

### Partner

The Community Preservation Coalition at the Trust for Public Land - Durand & Anastas Environmental Strategies  
 Horsley Witten Group - Landscape Land Conservation Software - Law Office of Stephen J. Small - Maltby and Company  
 Securing Northeast Carbon Program - SWCA Environmental Consultants - The Trust for Public Land

## Conference Sponsor Sessions – open to all

### Wildlands Trust's New Stewardship Training Center

Karen Grey, Buzz Constable | Tuesday March 14, 2-3 pm

### Family Forest Carbon Program

Laura Marx, The Nature Conservancy | Wednesday March 15, 2-3 pm

### Help Design Mass Audubon's Conservation Assist Program: An Open Discussion and Conversation

David Santomenna, Nick Rossi | Tuesday March 21, 4-5 pm

### 50 Years of CRs - Lessons Learned

Sally Naser, Olivia Lukacic, The Trustees | Wednesday March 22, 4-5 pm

See registration links in current eNews at: [massland.org/enews](https://massland.org/enews)

## Upcoming MLTC Programs

### Next multi-session Learning Collaborative

- [Land Protection Fundamentals](#) (tent May-June 2023)

### More *Stronger Together* Networking Calls

Working group on land trust /municipal collaboration – [join us!](#)



Reactions?  
Questions?  
Comments?

## ATTACHMENT C

### **Land Trust Alliance Updates**

MLTC Steering Committee Meeting March 10, 2023

Provided by Jen Plowden, New England Program Manager

Contact (978) 595-3871 or [jplowden@lta.org](mailto:jplowden@lta.org)

# Upcoming webinars

## March:

- [Title Review: What Land Trusts Need to Know](#) – March 14
- [Orienting New Landowners to Their Easements](#) – March 21
- [Managing the Transition from Acquisition to Stewardship](#) – March 23
- [Dealing with Requests for Approval and Amendment](#) – March 28
- [Understanding Climate Change: A Tools and Resources Round-Up](#) – March 30



# Upcoming webinars

## April - May:

- [Tree Troubles – Addressing Illegal Timber Harvesting](#) – April 3
- [Solar Energy Siting: The Right Power in the Right Place](#) – April 4
- [Shake Up Your Fundraising: Simple Steps to Expand Support](#) – April 20
- [Federal Tax Issues: The Latest and Greatest for 2023](#) – April 25
- [Federal Funds Management: Getting it Right](#) – May 2
- [Managing Restricted Gifts](#) – May 4



# Are you a new executive director?

**Please consider joining the Alliance's New Executive Directors Peer Group, designed for EDs who have been in their roles for three years or fewer!**

- **2023 Peer Group for about 50 leaders in the Eastern Division**
- Group connects virtually the first Thursday of each month
- Formal training and networking opportunities to build relationships and problem solve around your biggest challenges. Learn more [here](#).
- Email Jen Plowden if you're interested in joining: [jplowden@lta.org](mailto:jplowden@lta.org)



## Appraisers

**Is your land trust experiencing challenges finding qualified appraisers?**

- Alliance is developing a program with the Appraisal Institute to deliver subsidized trainings for appraisers and build connections between the appraisal and land trust communities.
- Two two-day “Uniform Appraisal Standards for Federal Land Acquisitions: Practical Applications” (also known as “Yellow Book” courses)
- Four-day Conservation Easement Valuation Course
- Do you know appraisers in your community that might be interested in these trainings? Does your land trust want to meet these appraisers? Please reach out to Jen Plowden at [jplowden@lta.org](mailto:jplowden@lta.org)



# Acquisition and stewardship peer group

## We have a new peer group for you!

- Join your land and conservation easement acquisition and stewardship peers across the Eastern U.S. to expand your knowledge and skills and find a place for support — sharing your successes and seeking solutions to your challenges.
- Online and virtual components: Learning circles (training and discussion), regional network building, roundtable discussions.
- Beginning in June and running for 15 months.
- The Land Trust Alliance, the Alliance of North Florida Land Trusts, Gathering Waters: Wisconsin's Alliance for Land Trusts, the Partnership for Gulf Coast Land Conservation, and Prairie State Conservation Coalition are joining forces to a new round of peer learning.
- Learn more and apply [here](#).



# Advocacy Days 2023

## April 17 – 20 | Washington, D.C.

- **The Alliance's annual federal legislative fly-in**
- Trainings
- Networking opportunities
- Remarks from key figures on Capitol Hill
- Meetings with your members of Congress and key agency staff
- **Click [here](#) to register**
- Limited travel stipends are available for Alliance members, with a focus on key districts and first-time participants
- **Questions?** Contact Robert Schwartz at [rschwartz@lta.org](mailto:rschwartz@lta.org), 202-800-2227



# A new toolkit!

## Alliance recently published a toolkit to promote voluntary private land conservation

- **Can be used in your community and with your legislators**
- Showcase how voluntary private land conservation contributes to our communities, how conservation restrictions are essential tools in the larger conservation toolbox, and how land trusts are empowering landowners to determine the future of their land.
- Click [here to view the toolkit](#) and learn more.

# ATTACHMENT D

## Public Policy Update Massachusetts Land Trust Coalition (MLTC) Steering Committee Meeting March 10, 2023

### Healey Administration Transition

The Healey Administration has already indicated a strong commitment to climate action, including by naming [Melissa Hoffer](#) as Climate Chief, a new cabinet position. Other appointments include [Rebecca Tepper](#) as Secretary of Energy and Environmental Affairs (EEA), Stephanie Cooper as EEA's Undersecretary for Environment, and [Ashley Randle](#) as Commissioner of the Department of Agricultural Resources (MDAR). Cooper is a former Deputy Commissioner at the Department of Environmental Protection (DEP) and most recently served as Acting Commissioner of the Department of Conservation and Recreation (DCR). Randle previously served as Deputy MDAR Commissioner. Appointments are still pending for Commissioners of DCR, DEP and the Department of Fish and Game (DFG).

The Administration has also indicated a commitment to the critical role natural and working lands play in climate resiliency, in addition to the myriad other benefits they provide. MLTC recently collaborated with other major statewide conservation organizations (AMC, ELM, Mass Audubon, MACC, TNC, and The Trustees) to submit a letter to Climate Chief Melissa Hoffer and EEA Secretary Rebecca Tepper, highlighting our shared priorities:

- To Increase the level of climate ambition for natural and working lands in both mitigation and adaptation plans. Align state land and natural resource plans and management and restoration actions to maximize carbon removal, biodiversity, resilience, and other public benefits (especially increasing access to nature).
- Increase funding for natural and working lands to levels commensurate with their significant climate potential and the need to address historic inequities in access to nature and open space for all residents.
- Rapidly deploy responsible siting of clean power systems and infrastructure focused on the built environment and developed lands while avoiding, minimizing, and mitigating impacts to natural and working lands and waters.

### 2023-2024 State Legislative Priorities

A new state legislative session began on January 4, 2023. MLTC's policy committee has agreed we will support a limited list of priorities driven by two strategic objectives:

- To increase state investment in land conservation and the conservation work of land trusts, and
- Maximize the integrity and natural resource value of protected lands as well as unprotected lands of significant conservation value.

Following review of last year's priorities and new bills filed, we have selected the following priorities, which may be adjusted as the session evolves. Committee appointments are now final, but no hearings have yet been scheduled.

## Top MLTC Priorities

### **An Act increasing the conservation land tax credit ([HD.2442](#), [SD.418](#))**

A top priority from last session, this remains at the top of our list. This bill would raise the annual cap under the Conservation Land Tax Credit (CLTC), the state income tax credit for donations of conservation land, from \$2 million to \$5 million - phased over three years. It would also amend the definition of a "public or private conservation agency" that may receive donations of land to include land trusts, and provide a ten-year sunset. Passage is a recommendation of the Resilient Lands Initiative. We'll work closely with coalition partners including The Trustees and TNC on strategies to move this forward. **We encourage you to reach out to [your state legislators](#) to encourage them to sign on as a cosponsor of this bill.**

### **Environmental Bond**

The Commonwealth issues bonds to fund capital spending on the land acquisition and restoration programs that are critical to our work. The Environment and Climate Bond approved in 2018 is nearly depleted, so a new Bond bill is expected to be filed by summer. MLTC will be working closely with our conservation partners to advocate for the bill to authorize investments that expand or create new programs in alignment with our priorities.

### **State Operating Budget**

Under ELM's Leadership, a broad coalition of our partners advocates for "Green Budget Priorities" in the state's operating budget. The operating budget for FY24 will be finalized only after a multistep legislative process that began with the Governor submitting [her recommendation](#) on March 1, which included significant increases to many environmental programs. The Green Budget Coalition will advocate that the legislature adopt her proposed increases in funding for lines including EEA Administration, Climate Adaptation, Environmental Justice programs, DEP Administration, and DCR Parks and Rec (which would see a \$22M increase to address ongoing staffing and maintenance shortfalls and support partnerships to meet DCR's service goals.) For certain lines, (e.g. Division of Ecological Restoration and Natural Heritage and Endangered Species Program), the coalition is likely to ask the Governor to spend more than the Governor recommended.

In 2022, as it appropriated the balance of federal funding received through the American Rescue Plan Act (ARPA), the legislature put into escrow \$1.74 billion in budget surplus operating funds. MLTC will join statewide partners to encourage equitable investment of a portion of these funds in land conservation, parks, and natural climate solutions.

## MLTC Also Supports

### **An Act investing in natural and working lands ([SD.2261](#), Sen. Comerford)**

Meeting the natural and working lands goals in the Clean Energy Climate Plan (CECP) will require new tools. This bill would create a local opt-in program under EEA called "Farm and Forest Friendly Communities," to incentivize municipalities to make land use and planning decisions that reduce loss of farmland and forests. Communities would receive technical and financial assistance and increased payments in lieu of taxes on state-owned land. Consistent with CECP recommendations, this bill would also direct DEP to set a MEPA review threshold for projects that involve certain levels of forest clearing or farmland conversion, and recommend a successor to the SMART solar siting incentive program that would minimize impacts to priority forest and farmland.



**An Act to encourage solar development on buildings and disturbed land** ([HD2883](#), [SD2013](#), Reps. Lindsay Sabadosa & Sean Garballey/Sen. Mark)

Massachusetts has committed to deploying solar energy that maximizes clean energy generation, avoids impacts on humans and natural communities, and connects efficiently to the grid. This bill would help achieve these goals by encouraging installation of solar panels on buildings and disturbed sites, such as parking lot canopies, brownfields, and roadway cuts. It would require the Department of Energy Resources to make change to existing policies and programs, such as net-metering and SMART, to increase incentives for generation and siting of solar projects in the built environment. Sierra Club is leading the effort on this bill.

**An Act to create a commission to determine the feasibility of voluntary acquisition of flood risk properties** ([HD.2371](#), [SD.1154](#)) (Rep. Sarah Peake, Sen. Marc Pacheco)

This bill would create a new commission to bring together agency officials, legislative leaders, and expert stakeholders to study the feasibility of a voluntary acquisition program for properties that are subject to risk of catastrophic flood damage --- helping owners and renters move out of harm's way while conserving land and restoring wetlands to increase climate resiliency. The commission would be tasked with making concrete recommendations to lawmakers for how to address this difficult and pressing issue, especially for Massachusetts' most vulnerable residents. The Trustees is leading the effort on this bill.

**Outdoor Recreation Act** ([HD.3432](#), [SD.2204](#) Rep. Natalie Blais & Sen. Paul Feeney)

This bill would create a statewide dedicated fund to ensure the success of the newly created Massachusetts Office of Outdoor Recreation and provide grants for outdoor recreational purposes, with priority given to projects that benefit underserved and Environmental Justice populations. There would be no increase in sales tax, but existing sales tax revenues received by the Commonwealth from the sale of sporting goods would be placed in the Outdoor Recreation Trust Fund for the purposes of conservation, creation, preservation, and restoration of natural resources for recreational use. The Trustees and Charles River Watershed Association are leading the effort on this bill.

## State Administrative and Regulatory Updates

The Department of Energy Resources is continuing its [Technical Potential of Solar Study](#). Mass Audubon is developing its own independent study on solar siting that will include policy recommendations designed to deploy solar to meet our decarbonization goals and to avoid and minimize impacts to important and sensitive natural resources.

## Land Trust Alliance Policy Update as of 3/6/2023

### **Join Us at Advocacy Days**

Registration for [2023 Land Trust Alliance Advocacy Days](#) is now open! As of the end of the month, we only have three individuals from the Commonwealth registered to attend.

From April 17-20, staff and board members from land trusts have the opportunity to visit Washington to meet with their congressional delegation, attend meetings with key agency staff and network with their fellow land trust leaders. Two weeks prior, on April 4, we will host our annual issue briefing and first timers training virtually.

While there is no registration fee, travel arrangements and hotel accommodations must be paid by participants. Discounted hotel rooms are now available on a first-come, first-served basis through March 24. The Alliance also is proud to offer a limited number of travel stipends for Alliance member land trusts. For additional questions, please email [policy@lta.org](mailto:policy@lta.org).

### **Alliance 2023 Policy Agenda**

In January, the Alliance released its 2023 policy agenda. It reflects the priorities and input of our community. This year's focus areas include seeking resources to assist land trusts, engaging in the 2023 Farm Bill negotiations, implementation of the Charitable Conservation Easement Program Integrity Act, ensuring the integrity of conservation donations, advancing natural climate solutions and guiding sound energy siting policies. A copy of the entire agenda can be [found here](#).

### **Inflation Reduction Act**

The Natural Resources Conservation Service recently rolled out FY23 Inflation Reduction Act funding guidance for the Agricultural Conservation Easement Program. Importantly, there is a limited target area — primarily grasslands of special significance in the great plains/central United States — for Agricultural Land Easements, and very specific watersheds for Wetlands Reserve Easements. The deadline to submit applications is March 17. For more information, see the [NRCS national bulletin](#).

### **Farm Bill**

On March 1, the Senate Committee on Agriculture, Nutrition and Forestry held its first hearing on the conservation and forestry programs of the 2023 Farm Bill. Witnesses included Chief of the Natural Resources Conservation Service Terry Cosby, Farm Service Agency Administrator Zach Ducheneaux and Associate Chief for the U.S. Forest Service Angela Coleman. A replay of the full hearing can be [found here](#).

In addition, on Feb. 27, the Alliance joined other conservation organizations including the American Farmland Trust, The Nature Conservancy and The Conservation Fund in sending a letter to the House and Senate agriculture committees' leadership. The letter calls on Congress to protect the "historic \$20 billion investment in Farm Bill Title II conservation programs and Conservation Technical Assistance, including \$1.4 billion for ACEP." In addition, [the letter](#) notes how ACEP is an important investment in permanent, voluntary conservation — helping protect millions of acres of irreplaceable working lands. A copy of the full letter can be found here with additional information included in the [coalition's recently issued press release](#).

If you want to be a participant in our ongoing Farm Bill discussions, email Manager for NRCS Programs, Nikki Nesbary at [nnesbary@lta.org](mailto:nnesbary@lta.org) to join our Farm Bill Working Group. We also still need project examples to show the benefits of ACEL-ALE and the demand for the program. Share your [ACEP-ALE project success story](#). Or you can also share your example of a project that went underfunded or unsubmitted due to limited program funds in your state. Check out the Alliance's [ACEP-ALE Action Center](#) to learn more.

The Alliance continues to refine our 2023 Farm Bill recommendations and we are working with partners to develop a common set of Agricultural Conservation Easement Program and Regional Conservation Partnership Program recommendations. The Senate Agriculture Committee is seeking from members of Congress by March 17 and we are working to get these recommendations in good shape for submission prior to that deadline.

#### **Abusive Syndicated Conservation Transactions**

On December 23, Congress passed an omnibus appropriations bill that included language that mirrored the Charitable Conservation Easement Program Integrity Act. The President signed the legislation into law on December 29. The Alliance would like to thank all Massachusetts land trusts who answered our numerous requests and pleas to call a senator or representative, invited a member of Congress to visit a conservation project, attended Advocacy Days and penned op-eds for their local papers. Your efforts led to this important bill being signed into law.

While we can finally celebrate the end of this blatant abuse, the Alliance will continue to closely monitor the implementation of the legislation, as well as continue to advocate in support of IRS and tax reforms that benefit land trusts. This includes submitting written comments to the IRS on proposed rulemaking aimed at targeting syndicated conservation easement transactions.

On Feb. 5, the Alliance submitted comments which outlined our support for codifying Notice 2017-10, issued by the IRS in December 2016, in regulations to ensure the IRS has the means to discover whether abusive syndicated conservation transactions persist and to continue to identify the promoters, material advisors, investors and donee organizations that continue to be involved. In addition, the Alliance's comments focused on ensuring that the IRS maintain the provisions of the Listing Notice, including a complete carve-out for donee organizations (such that they are not considered "material advisors" or "parties" to the transactions at issue). The Alliance also noted support for the IRS adding additional provisions that would make it more difficult for parties involved in abusive syndicated conservation easement transactions to avoid their reporting obligations. Alliance President and CEO Andrew Bowman also testified before the IRS at a public hearing on March 1.

To obtain a copy of the Alliance's written comments and Andrew's testimony, please email [policy@lta.org](mailto:policy@lta.org).

#### **117<sup>th</sup> Congress Passes Omnibus Spending Bill**

As noted above, at the end of last year Congress passed the Consolidated Appropriations Act, 2023 (also known as an omnibus appropriations bill) that included several important conservation provisions.

The bill included the Growing Climate Solutions Act which creates a registry of third-party vendors who farmers could consult with to determine the carbon benefits of various farm practices with a goal of supporting voluntary carbon markets. It's important to note however that the bill did not give the U.S.

Department of Agriculture the authority to certify consultants as initially proposed. With that said, it is expected to be a useful tool for landowners interested in these markets.

The bill also included \$7 million for the Healthy Forest Reserve Program, \$61 million to help landowners resolve heirs' property issues and \$50 million for the North American Wetlands Conservation Act. It also included more than \$800 million for the Natural Resources Conservation Service technical assistance, \$13 million of which is targeted to additional staff.

### **Energy Infrastructure**

The Alliance continues to educate decision-makers about the importance of safeguarding existing conservation investments when siting energy infrastructure. That means directing energy infrastructure away from conservation, silvicultural and agricultural sites as well as landscapes with high carbon sequestration potential.

If you are interested in joining other land conservationists in discussing these issues, the best way to stay apprised is to join the Alliance's Energy and Climate Working Group. Contact the Alliance's Energy and Climate Policy Advisor Chelsea Welch ([cwelch@lta.org](mailto:cwelch@lta.org)) to be added to the Working Group and to learn more

### **Forest Conservation Easement Program**

We have been working in collaboration with The Conservation Fund, National Alliance of Forest Owners, and Wildlife Mississippi to advance FCEP as a successor to the existing Healthy Forests Reserve Program. FCEP would enhance HFRP by adding a new entity-held easement component to mirror the structure of the Agricultural Conservation Easement Program (ACEP). We expect a bipartisan, bicameral marker bill to be introduced this month for eventual inclusion in the Farm Bill.

### **America the Beautiful (30x30)**

On March 1, the Biden-Harris administration in conjunction with the National Fish and Wildlife Foundation announced that is now accepting RFPs for the [America the Beautiful Challenge](#). The program is expected to award up to \$116 million in grants to fund locally led landscape-scale conservation and restoration projects that implement existing conservation plans across the nation. Pre-proposals are due April 20 and the full RFP can be [found here](#).

### **National Coastal Resilience Fund**

National Fish and Wildlife Foundation (NFWF) recently released the [RFP](#) for this year's National Coastal Resilience Fund grant program. This year's round of funding includes a pre-proposal solicitation phase. From this pool of pre-proposals, projects will then be selected to submit full proposals. This should help reduce burdens for submitting proposal ideas, which are due **Wednesday April 12, 2023**. Depending on interest and availability of NFWF staff, the Alliance may attempt to offer another webinar for the land trust community on this funding opportunity. Please feel free reach out to [cwelch@lta.org](mailto:cwelch@lta.org) with any questions or to let us know if you're planning to submit a pre-proposal. Learn more about the NCRF program [here](#).