



## Steering Committee (SC)

### MINUTES

Friday, December 11, 2020 10:00 AM – 12:15 PM  
via Zoom

**Participants:** On record at Massachusetts Land Trust Coalition (MLTC)

#### Hand-outs:

- Minutes of September 23, 2020 Steering Committee Meeting (On file MLTC)
- Robb Johnson, Exec. Dir. Staff Report (Attachment A)
- MLTC Policy Update (Posted on MLTC website)
- Keynote presentation

1. **Call to order.** At 10:01 AM Kathy Orlando, Steering Committee Chair called the virtual (Zoom) meeting to order. Introductions with all participants noting name, location, and organizational affiliation(s). (Participant virtual attendees on file with MLTC). The virtual meeting logistics were clarified.
2. **SC Minutes of September 23, 2020.** George Fiske moved and Buzz Constable seconded the motion to accept the minutes as presented. Hearing no comments, Kathy Orlando called the vote. **VOTE:** Unanimous
3. **Next meetings:** Kathy Orlando reviewed the following dates for upcoming meetings. Robb clarified that meetings will be virtual until further notice.
  - a. **March 5, 2021** via Zoom – featuring update on revised CR model.
  - b. Confirming dates for rest of 2021 (Fridays: **June 11, Sept 17, and Dec 10**)
4. **Staff Report – Robb Johnson** Robb provided the following program updates (See Attachment A):
  - a. 2021 Massachusetts & Rhode Island Land Conservation Conference (LCC) will be on March 19<sup>th</sup>-20<sup>th</sup> as a virtual event and Robb thanked all the sponsors. It will be a two-state event with Rhode Island. A good turnout is anticipated due to virtual format.
  - b. Land Trust/State Agency Retreat was successful on November 12<sup>th</sup> – 13<sup>th</sup> and included regional outdoor events.
  - c. Job Board and Mentoring Program are both on massland.org website. Both can be accessed by the public for posting and as a resource.
  - d. Record-keeping initiative resulted in a toolkit of guidelines and templates that land trusts can use to update records on their own – now posted on the website.
  - e. *Stronger Together* Series. Next three are planned for January and information will be posted in eNews. Topics are generated by interest. In depth workshops are also being planned for topics with the first topic Models for Land Trust Collaboration. These will be 6-8 hour workshops over a period of weeks, for a modest cost, discounted for MLTC members. Barbara Chrenko launched a poll to identify participants interested in attending or providing for input on the first two workshops.
5. **LTA updates. Jennifer Miller Herzog, LTA** (Resources and links posted to the chat)
  - a. H.R.8842 - Charitable Conservation Easement Program Integrity Act of 2020 – this is the fourth version of the bill introduced, and this is our best opportunity for getting it over the finish line. THANK YOU for all your action so far and please continue to reach out to your Congressional representatives to encourage them to support the Act. Resources for doing so are

here: <https://www.landtrustalliance.org/charitable-conservation-easement-program-integrity-act-advocate-toolkit>

- b. Work on the 2018 Farm Bill is ongoing. Final rules for CSP and EQIP are out, but it doesn't look like the ACEP final rule will be out until March, and we expect the RCPP final rule to be similarly delayed until next spring. Farm bill was reviewed and the final rule for the 2018 bill will not be in until March. We have started working on the 2023 Farm Bill—anyone interested in joining our Farm Bill working group should contact: Nikki Nesbary at [nnesbary@lta.org](mailto:nnesbary@lta.org) or Lori Faeth at [lfaeth@lta.org](mailto:lfaeth@lta.org).
- c. 2020 victories to celebrate include full and dedicated funding for the Land and Water Conservation Fund (LWCF) and passing America's Conservation Enhancement Act, which reauthorized the North American Wetlands Conservation Act with funding increased to \$60 million annually. Anyone interested in participating in a December 16 meeting to discuss proposals to allow third party holders of conservation easements under LWCF should contact [policy@lta.org](mailto:policy@lta.org).
- d. Two new guides on carbon offsets and markets. See: <https://www.landtrustalliance.org/land-trusts/publication>
- e. Buzz Constable suggested contacting Congresspersons Neal and McGovern in support of the conservation easement amendment. Jennifer agreed that now is the time to act! For more information see: <https://www.landtrustalliance.org/2020-policy-agenda>

#### 6. State Agency Updates – Robert “Bob” O’Connor, Forest & Land Policy Director for the MA EOEEA.

Bob O’Connor summarized new programs:

- a. The Off-Highway Vehicle (OHV) Riding Area Grant Program that will provide municipal funding for conservation commissions to collaborate with OHV non-profits to identify improvements and recreational options for OHV use while reducing impact. Grants can be up to \$300K for land and \$75K to build trails. There is a 25% match requirement. He noted that groups that are organized like the snowmobilers are more likely to follow the rules and guidelines. The goal is to work with cyclists and ATV users. Scott Morrill, OHV Coordinator, EOEEA, said that there is a shortage of destinations for OHV users and the goal is to create destinations and reduce impact on sensitive lands and avoid wetlands. Prefer woodlands designed for low impact. The money is coming from the OHV Trust Fund and related fees.
- b. Healthy Soils Action plan is being released in the next month and it will include all land use statistics such as the amount of cultivated lawns being double the amount of agricultural lands. Bob thanked all involved.
- c. State Forest Acton Plan is being updated as required by the U.S. Forest Service to receive funding.
- d. The Public Lands Protection Act (i.e. Article 97 “no net loss” legislation may still have a path for passing this session. Meanwhile, EEA’s No Net Loss policy continues to leverage mitigation when changes of use are proposed. Bob highlighted the recent protection of 60 plus acres of Bridgewater State Prison land on the Taunton River leverage in exchange for a change in use of a smaller parcel.
- e. John Gioia, CR Reviewer, EEA, will be on paternity leave in January. CR review will be available during his leave. Bob thanked John for all his work.
- f. Kurt Gaertner, Smart Growth/Smart Energy Director, EEA, summarized 2020 accomplishments:
  - i. He thanked everyone who worked on the Resilient Land Initiative (RLI) which is proceeding to implementation.
  - ii. Summarized program statistics and noted some funds are being extended into 2021.
  - iii. Greening the Gateway Cities Program: Four new cities (Fitchburg, Lowell, Salem and Westfield) were added to the 14 existing cities, noting over 27,000 trees have been planted.
  - iv. Land Planning Grants had 38 active projects to improve land management and land use.
  - v. Mohawk Trail Woodland Partnership. Nineteen grants awarded (\$485K) including one MVP grant for projects.
  - vi. EEA grants for land conservation and stewardship have included \$20M for conservation, management and Gateway Cities. Overall, have protected about 6,500K ac and public park improvements completed.

- vii. Over 3,500 ac protected for over \$10M for agriculture, fish and game and others.
- viii. He congratulated all who were involved despite pandemic. Bob O'Connor thanked Kurt for his leadership on all of this.
- ix. There will be a Climate Roadmap (research database) and Draft Clean Energy and Climate Plan released at the end of the month with a period for public comment. Goal is to finalize by end of March.
- g. Melissa Cryan thanked Kurt for his work during this challenged pandemic year and summarized:
  - i. Approximately \$6,000 for municipal assistance to update OSRPs (Open Space and Recreation Plans).
  - ii. LAND and Drinking Water grants to be posted soon.
  - iii. Land and Water Conservation Fund (LWCF) posted and due in February. If your community is involved, you must contact Melissa by December 30<sup>th</sup>. Many attended the LWCF workshops. She noted the tremendous interest and expects inadequate funds to award all.
  - iv. As already noted, the RLI is progressing.
- h. Bob said that Forest Legacy funding is available and work to with Lindsay Nystrom, Forest Legacy Program Director. Grant application deadline is next summer.

**7. Policy Update & MLTC Policy Committee Update – Emily Myron (TNC) and Kristin Sykes (MLTC board)**

- a. Emily Myron (TNC) provided and summarized a Policy Update (posted on Massland member's website). She thanked EOEPA and all the state agency staff for all of their work this past year.
- b. See the link in the update for the list of the 19 new state legislators.
- c. She noted this is the 30<sup>th</sup> anniversary of the Mass Endangered Species Act.
- d. The MLTC Policy committee will begin setting priorities for next year beginning the week of December 14<sup>th</sup>, however, some of them will be directed by the outcome of some bills pending this legislative session.  
Current legislative priorities are listed in Policy Update.
- e. EEOA is considering a "straw proposal" for siting solar on working agricultural land. MLTC submitted comments to DOR, expressing concern, among other things, about siting PV on prime lands and the need for research on impacts on farm viability before permitting dual use of PV and farming. CONTACT Kristen Sykes for more information.
- f. Stimulus funding at the Federal level probably not going to happen. Existing programs may continue for state and local aid.
- g. Policy Committee, Kristin Sykes chair, is meeting next week.
- h. Buzz Constable noted that bill on tree cutting on state land will likely be coming up again next year and mentioned recent articles on preserving both old growth and working forests.
- i. Emily noted that the State Auditor did a report on Payments-in-Lieu-of-Taxes (PILOT) payments for state lands and found state program is underfunded. Published Dec. 10<sup>th</sup> in Commonwealth Magazine ([commonwealthmagazine.org](http://commonwealthmagazine.org)), she encouraged its review.

**8. Featured Discussion: How Might the APR Program Better Partner with Land Trusts?** David Viale (Agricultural Lands Programs Supervisor, MDAR) introduced himself and Gerard Kennedy (Director of Agricultural Conservation and Technical Assistance Division, MDAR). Gerard summarized the changes in MDAR and introduced David Viale in his new role and Ashley Davies (as the new APR Acquisition Planner for Eastern MA, MDAR). Dave presented as follows (see Attachment B)

- a. Dave noted that MDAR is interested in hearing from land trusts on topics including program priorities, program capacity and timing, and collaboration on enrollment and project cultivation.
- b. Summarized experience on conservation in NH land trust community and feels he brings this experience to his position.
- c. Plans to advance shared goals and he summarized the APR Program for participant benefit to better align and partner with each other.

- d. APR updates: Reviewed new staff APR Stewardship Regions (2020), accomplishments in past 3 years, Solar Policy to include roof mounted solar; New APR Program Guide is on the MDAR website;
- e. Reviewed the pre-app planning process. Highly encouraged landowners working with LTs for the various ways they can help with project readiness. Applications can be submitted any time during the year up to the June 30<sup>th</sup> deadline. The timeline of application review and actions required were reviewed. New Farm Bill looks like it may afford a good opportunity to create two application rankings per year vs. one per year.
- f. In terms of funding requirements, not more than two thirds forested is a NRCS requirement.
- g. Ag Lands Preservation Committee includes farmers.
- h. Approximately a two year time frame for APRs from application to funding awards.
- i. Each region has state contacts to work with and can be a great resource. Rita Grossman asked a question about how to best leverage MDAR resources for volunteer land trusts and agricultural commissions and he suggested working with the MDAR coordinator for region.
- j. Rich Hubbard asked about APR vote on offers with contingencies. Would other projects come along and “bump” a project? After initial vote of interest by the ALPC there is time period before guaranteed which occurs after second ALPC vote.
- k. Anna Wilkins asked whether there had been a state-wide agricultural action plan in the past and how might the land trust community help with one and what would be the value for the APR program.
- l. Rich Hubbard asked about creating Ag Districts statewide and this was discussed in a historical context.
- m. Gerrit Stover asked Dave about projects with publicly accessible trails on properties and whether this is being considered and Dave said MDAR would be open to explore this issue. NRCS does not allow but could build in a reserved right and how this existing encumbrance would not necessarily negatively impact agricultural value. Kathy Orlando emphasized that this has to be carefully reviewed due to unintentional negative impact on the agricultural land and soil integrity.
- n. Elizabeth Wroblecka asked what is being done to advance PILOT programs through Regulated Community Compliance Project (RCCP) to review soil criteria eligibility criteria. How would a farm rate if it does not have prime soils? Dave noted it would not rank as high, but, with RCCP application could change ranking. The RCCP should know by February from the national office.

## 9. Subcommittee and Working Group Updates

- a. *Conservation Restriction Working Group* – Rob Warren summarized that a final CR document is being reviewed with the hope to complete by December 31<sup>st</sup> and he will return it to the working group and plans to proceed. John Gioia stated the goal is to move forward as promptly as possible.
- b. *Valuing Nature’s Services Working Group* - Christa Collins summarized that the group continues to meet and is focusing on a presentation tool that can be used locally by land trusts across the state. Currently working with an intern from Holliston High School to review data gathered to date. Goal for completion by June 2021.
- c. *Amicus Committee* - Buzz Constable summarized the two cases with amici briefs including the positive ruling in Wellesley to allow damages to be awarded to land trusts. Wildlands Trust case was not as optimal as the violations related to events allowed by the owner, however there were positive parts including supporting a provision that, as soon as a violation is identified, the owner must stop. Buzz requested any questions be directed to either Robb or him.
- d. *Agricultural Subcommittee* – Kathy Orlando thanked Dave for his presentation and work will continue this dialogue.
- e. *YLP* – Nick Rossi noted that the mentor / mentee program is up and live on the Massland website YLP page with the goal of linking the expert to the newcomer. The group is currently re-evaluating their goals to keep mission consistent with their all-volunteer status and need for justice, diversity, equity and inclusion (JDEI).

- f. *Nominating Committee* – Kathy Orlando. Anyone interested in serving on this committee, please contact Robb ASAP. The SC Nom Com submits the board slate trustees for the annual meeting this spring with the terms starting July 1<sup>st</sup>. Buzz Constable clarified that the board are “directors” not “trustees” and he thanked everyone and Dave.

Rita Grossman moved and Kathy Orlando seconded to adjourn. **Vote:** Unanimous.

12:23 Adjourned

Respectfully submitted,  
Rita Gibes Grossman, clerk

# Attachment A Staff Report



## 2021 Massachusetts & Rhode Island Land Conservation Conference, March 19-20

**Building a Stronger Land Movement  
through Diversity, Equity and Inclusion**



featuring keynote speaker **Carolyn Finney**, author of *Black Faces, White Spaces: Reimagining the Relationship of African Americans to the Great Outdoors*



### Registration coming in January -- sponsor outreach now underway!

(THANK YOU to our early sponsors as of December 10!)

#### Lead (\$5,000+)



#### Patron (\$2,500-4,999)



RI Conservation Stewardship Collaborative

#### Supporter (\$1,000-2,499)

Essex County Greenbelt  
Nantucket Conservation Foundation  
UMass Forest Conservation Program  
Wildlands Trust

#### Partner (\$500-999)

The Community Preservation Coalition at The Trust for Public Land  
The Compact of Cape Cod Conservation Trusts  
The Trust for Public Land

**Please consider joining us to support the largest land conservation event of the year!**

## **Other Program Updates**

- Land Trust State Agency Retreat (Nov 12-13)
- Jobs Page
- Mentoring Program
- Record-Keeping Initiative
- Stronger Together networking calls

## **Stronger Together Workshops – early planning**

- 3-part workshops over a month's time – meeting virtually
- Modest fee for participation – discounted for MLTC members
- Hope to have at least 2 reps from participating land trusts
- Models of Collaboration for Land Trusts (tentatively late winter)
- Diversity, Equity, Justice and Inclusion Initiatives for Land Trust (tentatively late spring)