



## Steering Committee (SC) Minutes

Friday March 11, 2022 10:00 AM – 12:15 PM  
Virtual via Zoom

**Participants:** On record at Massachusetts Land Trust Coalition (MLTC) (58)

### Hand-outs:

- Agenda (emailed)
- Minutes of December 10, 2021 Steering Committee Meeting (On MLTC's member's website)
- Jen Plowden: LTA Updates (Attach A)
- Robb Johnson, Exec. Dir.: Staff Report (See Attach B)
- MLTC Policy Update (Robb Johnson emailed/Attach C)

- 1. Call to Order:** At 10:02 AM Katherine "Kathy" Orlando, Steering Committee Chair, called the meeting to order.
  - a. Welcome.** Kathy welcomed everyone and each participant provided their name, title, organization, and location.
  - b. Minutes.** Christa Collins moved and Andrew Magee seconded the motion to accept the SC Minutes of December 10, 2021 available to members at <http://massland.org/steering-committee>. Hearing no discussion Kathy called the vote. **VOTE:** Unanimous in favor.
  - c. Next meetings:** Fridays June 10, 2022 (Zoom), Fridays September 23 and December 9<sup>th</sup> (locations TBD). Ray Lyons asked if the June meeting could be live. Robb clarified that either the June or September could be live. He noted that the issue is that most rent-free locations formerly used no longer were allowing external groups, due to COVID. Please let Robb know ASAP if you know of locations that could provide this opportunity for June and/or September. Buzz said the board will be discussing the live/virtual balance going forward.
- 2. Presentation of Slate and Election, FY23 MLTC Board of Directors – Kathy Orlando (Kathy O.)**
  - a.** Kathy O. described the process of gathering names from the Steering Committee for the slate.
  - b.** Kathy O. thanked those Board Members with terms ending June 30<sup>th</sup>:
    - i.** Loring Schwarz will be retiring from the board and will continue on the MLTC Advisory Council as co-chair. Both Robb and Buzz expressed enormous gratitude for all she has contributed, (including receptions at her home) during her term as a first board member.
    - ii.** Nominees: Anna Wilkins, new member and renewing members Paul Catanzaro, Kristen Sykes and Rita Gibes Grossman.
    - iii.** Kathy asked for nominations from the floor. Hearing none, Buzz Constable moved Rob Warren seconded the motion to elect the slate of Anna Wilkins, Paul Catanzaro, Kristen Sykes and Rita Gibes Grossman to the board. Eligible attendees voted via Zoom poll. **VOTE:** Unanimous in favor.
- 3. Land Trust Alliance (LTA) update.** Jen Plowden, New England Program Manager summarized the following (see Attach A for details)
  - a.** Advocacy Days (May 9<sup>th</sup> – 12<sup>th</sup>) in Washington, DC (Live and some hybrid/virtual). No registration fee but travel costs must be paid by participants. LTA offering limited travel stipends to MA participants. Robb offered to help coordinate the delegation planning to attend live. Neither Robb nor Buzz will be able to attend and Buzz requested that LTA's prioritized policies be shared prior to the event. April 27<sup>th</sup> there is a virtual issues briefing that would be great for this purpose, and folks

can register for that even if they can't travel to DC. Please contact Jen for details on preparation and for the session agenda.

- b. LTA will be doing a "soft" launch of their Gaining Ground program to encourage and enable people to get outside, volunteer, vote and donate in support of conservation. There are three ways to assist:
    - i. Submit upcoming events and volunteer activities on the LTA Gaining Ground page.
    - ii. There will be details on how to participate on the page.
    - iii. Sign up for update emails on this program (See Attach A)
  - c. Regarding Easement abuse. Jen described a violation in Alaska on conserved land under LT ownership. The land trust (LTA Terrafirma subscribers) won settlement to recover costs.
  - d. Update on reserved rights. Tracking newly heightened IRS scrutiny of easement clauses on reserve rights and proceeds.
  - e. Policy updates (SEE Attach B).
  - f. LTA currently developing a program for LTs to assure sustainability:
    - i. Permanence to assure that LT lands are protected
    - ii. Proper insurance for board and volunteers especially for stewardship.
  - g. Please contact Jen with questions: [jplowden@lta.org](mailto:jplowden@lta.org)
4. **MLTC Staff Report and Featured Discussion – Robb Johnson, Executive Director** (See Attach B)
- a. See LTA website for information on Advocacy Days participation. Robb noted that neither he nor Buzz Constable will be able to attend.
  - b. *2022 Land Conservation Conference (MLCC)* will be a hybrid event over three days. Robb thanked everyone who is speaking and hosting zooms and live events, Barbara Chrenko for her work to meet deadlines and graciously recognized MLCC sponsors. See MLTC website to register.
  - c. *Program updates*. The Stronger Together Series on Succession Planning and Boot Camp for Land Trust Board Members are both wrapping up next week. We're in discussion with LTA to collaborate on another Learning Collaborative on land trust sustainability, and more networking sessions will begin this spring.
  - d. *Strategic Plan for FY 23-27 Update*. (The draft Strategic Plan was emailed to registrants following the meeting).
    - i. Robb described process to date which started last summer with final draft scheduled for adoption at the June Board meeting.
    - ii. Benchmarks included state land trust associations in other states, as well as Mass Association of Conservation Commissions (MACC) and Mass Rivers Alliance.
    - iii. Mission statement is unchanged and the Vision Statement has been slightly updated.
    - iv. Robb reviewed:
      - 1. Each goal and specific outcome objectives for each.
      - 2. Selected Actions proposed for FY 23 that will be ongoing to address immediate needs of LTs as noted from focus group and survey input.
    - v. Questioned how to better partner LTs with Towns and identify the best strategies for working with Towns. A couple of ideas were entered into the chat, including assisting with Town Open Space plans and working with a town's Sustainability Committee.
    - vi. Proposes an increase in MLTC staffing from 1.3 to 2.0
    - vii. Questions and feedback welcome. Email Robb by the end of next week (March 18, 2022).
5. **State Agency Updates –Kurt Gaertner, Assistant Secretary for Environmental Policy (EEA)** Kurt summarized:
- a. *Staffing updates*. The new Department of Conservation Services director may be announced by the end of March and perhaps next week. Working to hire Conservation Restriction (CR) Reviewer position and

fill this position as quickly as possible. Deadlines for CRs in the current review process will be met thanks to Tom Anderson who has filled in as CR Reviewer.

- b. *Governor's Budget*. Currently EEA staff members are testifying on the governor's budget.
  - i. State capital spending is going well for FY 22 and is on track for FY 22 expenditures on awarded projects. EEA reviewing all time sensitive material and does not expect any delays in grant making for FY 23.
  - ii. A FY22 supplemental budget has been filed by the Baker administration and includes climate change preparedness and local infrastructure including eco restoration.
  - iii. The first American Rescue Plan Act (ARPA) bill that passed last fall included line items for tree planning (\$25m) and EEA will be fully utilizing to increase from \$5m to \$8m with new procurements in addition to the existing Gateway Cities tree-planting program, to address: heat island effect reduction and carbon sequestration. It also includes a \$15m line item to authorize state spending on state park facilities -- though he noted that was far below the \$100M the Governor had requested. Planning \$10m for land conservation through agency and grant programs. The ARPA funds will augment capital dollars that have been used in the past.
  - iv. Working to preserve farm land access and three public meetings on natural and working lands have been held with a fourth scheduled for April 14<sup>th</sup> to focus on policies.
  - v. Kurt asked everyone to pay attention to climate mitigation and resiliency.
- c. Don MacIver noted a case in Littleton where a CR was violated with a building built outside of an allowed building envelope, and noted that a local building inspector does not have the ability to deny an inspection even though the building location is in violation of a CR. He requested that this be fixed and maybe use most egregious cases to guide the effort. He also requested more assistance for all volunteer land trust for enforcement. Kurt would be happy to discuss after this meeting. (Some noted in the chat that attending to provisions of CRs may be beyond the scope of the State or local Building codes.)
- d. Kurt also acknowledged and thanked Tom Anderson for assuming responsibility for a new cranberry bog tax credit program to assist bog owners to renovate cranberry bogs.
- e. Kurt fielded the following questions:
  - i. New bond bill process would begin in FY23 but the amount of additional funding needed may not be as significant as there is still significant spending authorized under the existing bond cap. There could be need to authorize some additional spending categories, however.
  - ii. Holyoke would be eligible for tree grant funding and new tree planting opportunities to be announced in April. Noted EEA is currently working on housing as well.
  - iii. It is not certain when the legislature will move forward with "ARPA 2" – to appropriate the balance of federal ARPA money given to the state. The administration will again communicate its priorities to the legislature, including more money for land conservation.
  - iv. New Clean Energy and Climate Plan for 2025 will include carbon capture, mitigation and resiliency and EEA is working on a Climate Change Planning Efforts (CCPE) plan and relevant policies.
  - v. Kathy Orlando noted that the Agriculture Infrastructure Grants do not allow expenditures on used equipment. Given that used equipment is a key infrastructure for farming, will it be possible to remove prohibition on used equipment. Kurt was unaware of this and will follow up as need for used equipment is heightened by limited supply for new equipment. The sharp rise in costs for fuels and fertilizer were also noted and a request that emergency funding be made available to assist through either ARPA or other relief funding sources.
  - vi. Heidi Ricci asked if cranberry bog funding for improvement could also be used for new bogs? Kurt believes that these funds were for renovating existing bogs not for replacement bogs. Heidi noticed there have been some cases of abuse in fund uses.

- f. *CR review and Grants.* Melissa Cryan summarized.
  - i. Posted grants with upcoming deadlines include the Conservation Partnership Grant which is on a second round with applications due at the end of the month.
  - ii. CRs on grant-funded projects will be reviewed in appropriate time to close by grant deadlines.
  - iii. Drinking Water and Landscape Partnership grants are due this month or shortly thereafter.
  - iv. FY23 grants should be announced later this month.
  - v. Anticipate an online application process for LAND and PARC grants and workshops on these will be upcoming.
  - vi. Statewide Comprehensive Open Space and Recreation Plan (SCORP). The Commonwealth is required to do a statewide Open Space and Recreation Plan. Update process is starting and must be completed by 12/31/22. She requested that relevant locations and questions be sent to her ASAP at [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov). Melissa noted the need for feedback on environmental justice. Kristen Sykes applauded all the work being done by Melissa on environmental justice issues and noted the State is lucky to have her given the record number of applicants for Land and Water funding.
  - vii. It was noted that the FY 22 Land and Water Grant round closed in January with a significant uptick in applications.
  - viii. More appraisers were certified to do yellow book appraisals.
  - ix. Kathy Orlando noted the 30 day window for online grant applications and suggested that applicants prepare an application document in advance to use a copy and paste method.
- g. *MDAR update.* Ashley Davies, APR Acquisition Planner – Eastern, MA and Conservation & Technical Assistance noted that farmers should explore fertilizer alternatives to save money and this practice would be better for the environment.

**6. Policy Update & MLTC Policy Committee Update – Emily Myron (TNC), Linda Orel (The Trustees), Kristen Sykes (AMC) (Update Emailed/See Attach C)**

- a. FEDERAL: Green Budget season is starting and advocating for 1% vs. the current 0.6%. See ELM's Green Budget Coalition website for more information.
- b. STATE: Met with EOEEA Secretary Kathleen A. Theoharides on priorities and capital planning. Emily Myron summarized a desire to see a strong capital plan separate from funds expected from ARPA money, in order to be sure funding endures through next administration.
- c. On Supplemental Budget (Attach A) Emily noted that the line items to address resiliency issues has now been deleted so this list is outdated.
- d. For ARPA2, Legislators are now being asked for their priorities. Letter sent to house and senate leadership on priorities for open space and outdoor recreation this week. Thus far from ARPA 1 there has been minimal funding for our many priorities. Trying to link COVID relief to the need for conservation/climate resiliency.
- e. See Attach C for updates on specific legislation.
- f. Mosquito Control Task Force. Heidi Ricci noted recommendations will be submitted this month. She is concerned that the optimal subcommittee recommendations may not be accommodated and concerns continue on this issue.
- g. MA Clean Energy and Climate Plan. Emily thanked Kurt Gaertner and his team for their work.
- h. Kristin said more work being done on getting accessibility issues addressed to get individuals to protected land, especially for urban to rural transportation and connecting folks to outdoors.

- i. Emily took questions. Robb noted top MLTC priorities are to expand and extend CLTC, and to pass PLPA before the end of this summer. Be ready for Action Alerts.
- j. Please email Emily with any questions. Emily.Myron@tnc.org

## 7. Committee and Working Group Updates

- a. *Valuing Nature's Services (Christa Collins, Sudbury Valley Trustees)*: Hired Jessica Sargent as consultant and almost have a final draft of a white paper. A customizable power point presentation with user guide will be available for land trusts to use when advocating for open space investments with municipal decision-makers use. This will be introduced in a session at the MLCC. Hope to be wrapping up after the conference. Rita thanked the group and questioned if there will be an enduring need beyond the launch for ongoing work on this issue. Kathy O. noted that once this working group objective is completed, there may be a phase 2 as Rita noted. Robb questioned if there's additional topics that need equal or greater attention from a working group. Or perhaps may need additional working groups, but noted the need to identify staffing support impact.
- b. *Young Land Professionals (YLP)*: Stephen O'Grady (Orleans Conservation Trust). Stephen clarified that this group is focused on those in their first 10 years in the conservation field. Holding an event on Friday April 8<sup>th</sup> at Blue Hills Trail (MA Audubon). Looking forward to this first in 2 years live event. (see chat) Also appreciates YLP role in strategic plan. For updates see: <https://massland.org/programs/young-land-professionals>
- c. *Agriculture Committee*: Kathy Orlando (Sheffield Land Trust). No additional updates to those already provided.

## 8. Announcements:

- a. Reggie Hall noted (with his Terra Corp Board member hat on, not TCF) that Terra Corps is taking new applications from organizations willing to host a TerraCorps member. Goal is to onramp future conservation professionals. He's happy to answer any questions.
- b. Please contact CJ Lammers (Conway school) with any landscape design project ideas that a team of Conway Students could take on Projects are done in the winter e.g. OSRP and in the spring site design projects.
- c. Buzz reminded MLTC board members of their meeting starting at 1P and thanked Kathy O. for chairing SC.

Hearing no further discussion, Kathy O. called for a motion to adjourn. Buzz moved and Rita seconded. **VOTE:** Unanimous

## 12:10PM Meeting Adjourned

Respectfully submitted,  
Rita Gibes Grossman, clerk

**ATTACH A**  
**Mass Land Steering Committee Meeting - Land Trust Alliance Updates**  
**Compiled by Jen Plowden, New England Program Manager Land Trust Alliance**

**Advocacy Days**

Registration is now open for Land Trust Alliance Advocacy Days, May 9-12. We are excited to return to Washington, D.C. as we build the case for land conservation with federally elected officials and key agency staff. With both virtual and in-person activities planned, Advocacy Days has something for everyone whether you are a land trust staff member, a volunteer board member, a Capitol Hill veteran or a first-time attendee.

While there is no registration fee, travel arrangements must be paid by participants. Discounted hotel rooms are now available on a first-come, first-served basis. The Alliance is also proud to offer a limited number of travel stipends for Massachusetts land trusts.

We hope you'll join us. Learn more and sign up [www.landtrustalliance.org/advocacydays](http://www.landtrustalliance.org/advocacydays).

**Gaining Ground Campaign**

You have likely heard me or someone else from the Land Trust Alliance talk about launching a [relevance campaign](#) to elevate land conservation as a priority nationwide. Over the last three years, the Alliance has worked with representatives from the land trust community to research, plan and build this campaign to engage new audiences who are interested in conservation, but may not have engaged with land trusts in the past.

**This April, the Alliance will soft launch the Gaining Ground campaign in conjunction with Earth Month to encourage and enable people to get outside, volunteer, vote and donate in support of conservation.**

Market research has helped us to identify 33 million people — 13% of the American adult population — who are interested in land conservation and land trusts and are highly motivated to engage with conservation but may not understand how they can help individually. Working with [GMMB](#), a national marketing firm, and 14 pilot land trusts, we have created messages that will show how supporting local land trusts has global impacts – climate change, cleaner air, healthier soil, cleaner water, vital habitats for plants and wildlife. Together, we can save the land we love, strengthen our communities and create a healthier planet.

And we need your help! We need every land trust across the country to provide programming, share impact stories and amplify the key messages of the Gaining Ground campaign to their own audiences.

**There are three ways your land trust can get involved in the campaign**

1. We will be building out the **Gaining Ground page** on the **Find a Land Trust** website to feature the ways that these new audiences can get involved with a land trust near them. Submit your upcoming events and volunteer opportunities so that we can promote them on this page and through our channels to new audiences. You can also update your Find a Land Trust profile to make sure it's ready for new users!

<https://www.landtrustalliance.org/land-trust-activities-events>

<https://www.landtrustalliance.org/find-land-trust-profile-update>

2. **Share Gaining Ground messaging on your channels.** This campaign is about showing the collective impact of local land trusts. The Alliance is creating a digital toolkit that will include

messaging, graphics, video and more that your land trust can customize with your own successes. Stay tuned for that toolkit, coming to you by email later this month.

3. **Stay in the know.** Throughout April, we will send weekly emails to our Gaining Ground email list, followed by monthly emails. These emails will highlight the impact stories from land trusts across the country and how our new audiences can get involved with their local land trusts and national land conservation. We will also share these stories across our social media channels. [Sign up for Gaining Ground emails](#) and make sure you're following the Alliance on [Instagram](#), [LinkedIn](#), [Twitter](#) and [Facebook](#). <https://www.landtrustalliance.org/gaining-ground>

### **National trends and observations on stewardship challenges**

I recently checked in with our conservation defense team for updates on national trends and observations on stewardship challenges.

#### ***Some good news!***

A land trust in Alaska recently prevailed on a long difficult dispute. In 2017, Great Land Trust (GLT) discovered that a trespasser tore large gaps in the contiguous forest that the land trust stewards. Among the greatest ruin was the cutting of 350 trees along with the dumping, spreading and compacting of 28 dump truck loads of gravel. This gravel and associated trespassing crushed the forest vegetation, creating dead zones. The rift in the pristine tree canopy was equivalent to removing 900 trees.

The loss was heartbreaking, but the good news is that the land trust recently won a very substantial restoration settlement that funded restoration costs and repaid all expert and other costs and all attorney fees. Timber trespass is difficult and expensive to document — Terrafirma paid more than \$281,000 to fund this litigation which it recovered in full in the settlement. Terrafirma is a full-service conservation defense liability insurance company that helps its member owners uphold lasting conservation of preserves, easements, deed restrictions and trails.

In pressing its case, GLT proved that the trespasser's conduct was at least negligent and probably reckless, that the trespasser acted deliberately on property it knew to be conserved, recklessly disregarding the rights of GLT and the landowner, gambling that its profits would exceed the amount it would have to pay in damages. This gamble resulted in the trespasser paying a very large settlement. The moral of the story is: Never bet against a land trust backed by Terrafirma.

#### ***Collective Defense is Stronger than Ever***

545 land trust member owner insured      \$12 +/- million total market value all assets  
\$4.6+ million paid to help land trusts 10.2 + million acres covered in the U.S.

#### ***Our conservation defense team urges you to:***

1. Have a full insurance portfolio including Terrafirma, general liability, directors & officers, volunteer and title coverage.
2. Stay in touch with Alliance Risk Management Services staff when you have a covered claim. Staff can help you coordinate, move decisions quickly and avoid delays in waiting for Terrafirma approval of case management.
3. Call Terrafirma early! Waiting until after the trial to claim reimbursement of legal fees may lead to loss of coverage.

***PLEASE FILE CLAIMS ON TIME*** - Filing a notice of a possible problem is quick and easy.

- Does not hinder voluntary resolution!
- Preserves timeliness of claim
- Has no adverse impact to land trusts and no effect on premiums or coverage continuation
- Everything is online and simple

Even as you are working to resolve the problem voluntarily, please file a placeholder claim before the 61-day grace period passes for the policy year in which *the potential problem first started*.

LESLIE RATLEY-BEACH  
Conservation Defense Director  
ARMS Vice President and Secretary

### **Quick update on Reserved Rights**

The Alliance conservation defense staff is tracking a new line of IRS challenge in Tax Court in the cases *Georgia Crushed Stone*, *Malibu Valley*, *Hickory Equestrian*, and *Piedmont Breeze*. The IRS is now scrutinizing clauses addressing reserved rights in the context of compliance with the regulations for baselines, monitoring, inspections, and approvals, in addition to proceeds clauses. For example, the IRS is expanding its reserved rights argument to insist on written notice for even minor structures such as picnic shelters, hunting stands, viewing platforms, and fences. The Tax Court is allowing some of these issues to go to trial.

**Also, the IRS announced it will be expanding its toolbox to challenge syndicated conservation easement transactions.** The IRS announced hiring 200 additional attorneys. It also stated it will invoke the arguments it has employed against conventional tax shelters such as inflated values, economic substance, non-independence of the appraiser, that the partnership was invalid, substance over form, and step transaction. It plans to show the full scope of the promoter's activities and the relationship between the promoter, the appraiser, and other key parties using pattern evidence.

### **New England Program**

We are currently developing a program focused on ensuring Conservation Permanence in New England- A series of virtual training sessions and one-on-one consultant support to help land trusts think about their organizational capacity and approach to land transactions and stewardship to ensure the lands they have conserved remain protected forever. We'll be thinking about things like – is your land trust prepared if someone gets injured – either while exploring your trails or while volunteering with a chainsaw? Do you have a robust pipeline of board members, and sufficient funding, to sustain the organization long term? Do you have the right types of insurance? How can you best prepare for the event that your land trust experiences a CR violation? What about if an abutter cuts trees or builds a road on your land? Please reach out if you think your land trust would benefit from this type of program. [jplowden@lta.org](mailto:jplowden@lta.org)

### **Policy**

Please see the policy brief for a comprehensive list of policy updates from the Alliance, including Abusive Syndicated Conservation Transactions, Build Back Better Act, Short Term Government Funding Legislation, Farm Bill, 30x30, and the USDA Climate Smart Agriculture Partnership Program.

We'd also be happy to share our comments on the American Conservation and Stewardship Atlas, which were submitted on Monday. This is a key tool in the America the Beautiful Initiative and achieving a national 30 by 30 goal.



# Attach B Staff Report



**Steering Committee Meeting**  
March 11, 2022  
via Zoom

## 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 MLTC bylaws, only land trusts & land conservation organizations that are current MLTC members at the \$250 level or above 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.

## FY22 MLTC Members Eligible to Vote

Acton Conservation Trust	Grafton Land Trust	Pascommuck Conservation Trust
Andover Village Improvement Society	Groton Conservation Trust	Princeton Land Trust
Arlington Land Trust	Groundwork Lawrence	Richmond Land Trust
Attleboro Land Trust	Harvard Conservation Trust	Seekonk Land Conservation Trust
Barnstable Land Trust	Harwich Conservation Trust	Sheffield Land Trust
Berkshire Natural Resources Council	Hilltown Land Trust	Sherborn Rural Land Foundation
Boxborough Conservation Trust	Hingham Land Conservation Trust	Sipson Island Trust
Boxford Trails Assoc./Boxford Open Land Trust	Kestrel Land Trust	Sheriff Meadow Foundation
Brewster Conservation Trust	Land Preservation Society of Norton Inc	Southborough Open Land Foundation
Buzzards Bay Coalition	Lincoln Land Conservation Trust	Sudbury Valley Trustees
Carlisle Conservation Foundation	Littleton Conservation Trust	The 300 Committee
Chatham Conservation Foundation	Marblehead Conservancy	The Compact of Cape Cod Conservation Trusts
Chelmsford Land Conservation Trust	Mass Audubon	The Nature Conservancy
Cohasset Conservation Trust	Mount Grace Land Conservation Trust	The Trust for Public Land
Common Ground Land Trust	Nantucket Conservation Foundation	The Trustees of Reservations
Concord Land Conservation Trust	Nantucket Land Bank	Upper Charles Conservation Land Trust
Dover Land Conservation Trust	Nantucket Land Council	Walden Woods Project
Dudley Conservation Land Trust	Native Land Conservancy	Wareham Land Trust
Dunstable Rural Land Trust	New England Forestry Foundation	Wellfleet Conservation Trust
East Quabbin Land Trust	Newton Conservators	Westford Conservation Trust
Essex County Greenbelt	North County Land Trust	Westport Land Conservation Trust
Franklin Land Trust	Opicum Land Trust	White Oak Land Conservation Society
	Orleans Conservation Trust	Wildlands Trust

## Candidates for Re-Election for 3-year terms beginning July 1, 2022

**Paul Cotanero** is an Extension Associate Professor at the UMass Amherst, teaching courses in the Forest Ecology and Land Conservation major. He is co-director of the Family Forest Research Center, a partnership of the UMass and the US Forest Service. His research is focused on understanding the decisions private landowners make about the future ownership and use of their land, with research-based extension work that provides land conservation and forest stewardship options to landowners. His outreach efforts include the Massachusetts Keystone Project and MassWoods.org.

**Rita Gibbs-Grossman** Rita has been a member of the Boxborough Conservation Trust board since 2003, and its President since 2006. She is thus well versed in the issues confronting small, all volunteer land trusts. She serves on the Town of Boxborough's Community Preservation Committee and the Land Stewardship Committee, founded the Boxborough Birders, and is a board member of the New England Journal Bird Observer. She is a graduate of University of Michigan, Boston College, and the Harvard T.H. Chan School of Public Health.


**Kristen Sykes** is Director of Southern NE Conservation Projects and Partnerships for the Appalachian Mountain Club, where she works to advance land conservation, trails, and recreational access throughout the Northeast. She previously served as Interior Department Watchdog for Friends of the Earth and the Eastern Forest Advocate for the American Lands Alliance in Washington D.C. She has a Masters in Environmental Studies from the Univ. of Montana and a BA in International Relations from California State Univ. Sacramento. She sits on the board of The Venture Out Project, which leads wilderness trips for the queer and transgender community, and is Chapter President for MassBike Connecticut River Valley. She and her husband own Pie In The Sky Berry Farm, a u-pick organic farm on protected farmland in Northampton.

## Candidate for the MLTC Board of Trustees for 3-year terms beginning July 1, 2022



**Anna Wilkins** has served as Executive Director of North County Land Trust since 2017. She previously served in Land Manager, Stewardship and Outreach roles for the Lincoln Land Conservation Trust and the Town of Lincoln. She has a bachelor's degree in Ecology and Natural Resource Management from Sterling College. Born and raised in North Central Massachusetts, she lives in Ashburnham with her husband and two children.

## Thank you to founding Board Member **Loring Schwarz** with term ending June 30<sup>th</sup>, 2022



**MLTC Trustee, 2011 - 2022**

**We're grateful for your service to the conservation community!**

## MLTC Staff Report

## Land Trust Alliance Advocacy Days

- Wed April 27: Issue Briefing and First-Timers Training (virtual)
- Tues/Wed May 10-11: Congressional Meetings (DC)
- Thurs May 12: Meetings with key agency staff (DC)

**Let Robb know if you are planning to travel to DC – or are interested in virtual meetings with our delegation**

## 2022 Massachusetts Land Conservation Conference

Communicating Conservation: Building the Message for the 21<sup>st</sup> Century

- March 24 – 26
- 28 workshops
- 9 field trips! [Log in now to register!](#)
- recordings available for two months
- Keynote by Rev. Mariama White-Hammond, Chief of Energy, Environment and Open Spaces, City of Boston




"Reconsidering Conservation – Building an Inclusive Message for the 21<sup>st</sup> Century"



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



**Lead Trustees:** Mass Audubon, The Nature Conservancy

**Patron:** Fields Pond Foundation, LandVest, The Nature Conservancy, VINEYARD WILD

**Supporter:** Berkshire Natural Resources Council, Buzzards Bay Coalition, Essex County Greenbelt Association, Franklin Land Trust, Horsley Witten Group, Land Stewardship, Inc., Land Trust Alliance, Nantucket Conservation Foundation, New England Forestry Foundation, Parterre Ecological, Sagaki, Sheriff's Meadow Foundation, Sudbury Valley Trustees, USDA/NRCS, Wildlands Trust

**Partner:** The Community Preservation Coalition at the Trust for Public Land, The Compact of Cape Cod Conservation Trusts, Durand & Anstas Environmental Strategies, Ecoped, Jankowski & Spencer P.C., Kestrel Land Trust, Landscape Land Conservation Software, Law Office of Stephen J. Small, The Trust for Public Land, Upstream Tech

## Stronger Together Series

### Wrapping up two successful learning collaboratives:

- **Succession Planning for Land Trusts** (37 participants from 25 MA land trusts)
- **Boot Camp for Land Trust Board Members** (31 participants from 20 MA land trusts)

### Planning underway for next Learning Collaborative:

- **Ensuring Conservation Permanence in Massachusetts** (likely fall 2022)

### Great participation in recent training and networking sessions on

- **Carbon Credits, Trail Safety, and DEJ**

Stay tuned for more networking calls this spring!

## MLTC FY23-27 Strategic Plan

- Strategic Plan Committee launched last summer  
(Buzz Constable, Karen Grey, Rich Hubbard, Janet Milkman, Bernie McHugh, Robb Johnson)
- Engaged consultant Alex Howard (Cause & Effect Inc.)
- 5 Focus groups and 15 interviews
- Benchmarking of 5 comparable organizations
- Bi-weekly Committee meeting to shape draft plan
- Review by CAC, Development and Finance Committees



## Goals & Outcomes

### Goal 1: Improve the effectiveness of the Massachusetts land conservation community.

Outcome: Massachusetts' land conservation workforce will have the inspiration, knowledge and skills needed to achieve high-impact conservation and stewardship projects.

### Goal 2: Increase land trusts' capacity.

Outcome: Massachusetts land trusts will have the personnel, funding, and operating environment needed to achieve their strategic conservation goals.

### Goal 3: Promote the long-term integrity of conserved lands.

Outcome: The conservation value of conserved lands in Massachusetts will be maintained or enhanced, with no net loss in acreage.

### Goal 4: Strengthen MLTC's operational capacity and performance.

Outcome: MLTC will have the financial means to expand its program and policy impact, becoming recognized as the leading resource for land conservation in the state.

## Vision (slightly updated)

The Massachusetts Land Trust Coalition envisions a healthy, diverse and resilient mix of conserved open spaces sustained by an effective and united Massachusetts land conservation community.

## Mission (unchanged)

The mission of the Massachusetts Land Trust Coalition is to advance land conservation across Massachusetts by providing education, tools, networking, and advocacy for land trusts and their partners.



**Goal 1:** Improve the effectiveness of the Massachusetts land conservation workforce.

### Objectives

Ensure that land trusts have access to the training they need to be effective

Increase the quality and quantity of participation in peer learning and resource-sharing forums

Motivate and support land trust leaders to align their efforts with climate change mitigation and adaptation priorities

Motivate and support land trust leaders to align their efforts with environmental justice goals

**Goal 2:** Increase land trusts' capacity.

### Objectives

Improve the workforce pipeline by expanding training opportunities for future land trust professionals

Increase the number of vendors qualified to support land trust transactions (e.g. appraisers, attorneys, surveyors)

Increase land trusts' access to financial resources they need to achieve their conservation goals

Develop/disseminate tools to improve land trusts' ability to productively partner with cities and towns

Maintain and strengthen relationships between land trusts and state agency partners

Increase the volume and effectiveness of lobbying undertaken by land trust leaders

**Goal 3:** Promote the long-term integrity of conserved lands.

### Objectives

Ensure the integrity of the land trust movement by making sure that there are no "orphan" land holdings

Reduce the conversion of conserved lands to non-conservation uses

Ensure that Land Trusts have the skills and resources necessary to properly steward their conserved lands

**Goal 4:** Strengthen MLTC's operational capacity and performance.

### Objectives

Increase staffing by 0.5 – 1.0 FTE (from 1.4 FTE now)

Increase revenue budget to \$340,000 by FY25

Increase member engagement and investment in MLTC's work

Explore and pursue options for public funding for MLTC programs, as occurs in other states

## Selected Actions proposed for FY23

Objective: Ensure that land trusts have access to the training they need to be effective.

Revise the annual Conference program to include a track for core land conservation fundamentals and an advanced track for "master practitioners"

Provide at least three in-depth, multi-session trainings per year on topics critical to land conservation leaders' effectiveness

Objective: Increase the quality and quantity of participation in peer learning and resource-sharing forums .

Establish a guiding structure and methods for networking forums that target specific segments of the land trust community (e.g. AVLT vs. large regional; urban; professional role, career phase; etc.)

Objective: Increase the number of vendors qualified to support land trust transactions (appraisers, attorneys, surveyors)

Work with trade associations to promote opportunities in land conservation and provide training as necessary.

Objective: Develop/disseminate tools to improve land trusts' ability to productively partner with cities and towns.

Convene a working group of members to study and propose new tools or methods for land trusts to improve the effectiveness of land trust collaboration with municipal partners

Objective: Ensure the integrity of the land trust movement by making sure that there are no "orphan" land holdings.

Monitor the fate of land trusts that are inactive or challenged and provide guidance and support to explore options for their future that will ensure their holdings continue to be appropriately managed

Objective: Increase the volume and effectiveness of lobbying undertaken by land trust leaders.

Strengthen land trust leaders' relationships with state and local elected officials through a series of district-based meetings between land trust leaders and elected reps, highlighting recent or pending projects supported by public funding

Objective: Increase staffing by 0.5 – 1.0 FTE (from 1.4 FTE now).

Increase FY23 staffing to 2.0 FTE

### Next steps

#### Comments from Steering Committee and Board of Directors today

Case statement and revenue needs/projections from Consultant (late March)

Final draft, including short-term priorities aligned with FY23 Budget (April/May)

Adoption of Strategic Plan and FY23 Budget at June Board meeting

Review and update annual priorities each spring in conjunction with budget

Reactions?  
Questions?  
Comments?

**Attach C (MLTC Policy Update)**  
**Public Policy Update**  
**MLTC Steering Committee Meeting**  
**March 11, 2022**  
**Budget Updates**

**Green Budget**

In January, the Governor released his proposed FY23 state operating budget (H2). The Green Budget Coalition is advocating for the following increases:

- DCR State Parks and Recreation line item (2810-0100): \$60M plus retained revenue from \$50M in FY22; H2 is \$73.5M (but includes retained revenue)
- MassDEP Administration line item (2200-0100): \$45M (from \$40M in FY22; H2 is \$36.2M)
- EEA Climate line item (2000-0101): \$5M (from \$2.2M in FY22; H2 is \$3.7M)
- EEA Environmental Justice line item (2000-0102): \$1.3M (new line item in FY23; H2 is \$330K)
- DER line item (2300-0101): \$4M (from \$3.25M in FY22; H2 is \$3.16M)

**Supplemental Budget**

In February, the Governor released a FY22 Supplemental Operating Budget. H.4479, *An Act making appropriations for Fiscal Year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects*, among other investments, allocates \$150 million of the FY22 budget surplus to support investments in climate resiliency. This funding would build on work already completed by municipalities, state agencies, and non-profit partners, and serve as a crucial infusion to implement projects statewide to help mitigate the impacts of extreme flooding, increased temperatures, and vulnerable wildlife populations. The bill includes funding for:

- 27 dam removal projects
- 22 culvert replacements or repairs
- Dozens of new or improved recreational facilities, and
- Increased stormwater management

It also includes over \$40M in funding for Municipal Vulnerability Preparedness Program grants and names regional municipal partnerships, regional planning bodies, watershed associations, land trusts, conservation organizations, and similar non-profit organizations as lawful grantees.

In addition, H.4479 includes an outside section which would permanently codify reimbursements to the Inland Fisheries and Game Fund for free and reduced licenses – an effort supported by conservation, environmental, and sports people organizations. Several partner organizations are actively lobbying to keep this provision in the House and Senate version of the FY22 Supplemental Budget.

**ARPA 2.0**

We are preparing advocacy for the second round of allocating American Rescue Plan Act (ARPA) funds, which we expect to happen sometime this spring. Final recommendations will be shared when available.

**State Legislative Update**

The following bills have been selected as legislative priorities by the MLTC Policy Committee. Notable updates are **bolded**:

**S.1986/H.2960, *An Act increasing the conservation land tax credit* (Sens. Tarr and Hinds; Reps. Jones and Pignatelli)**

- The 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 and provide a ten-year sunset.

- This is a recommendation of the Resilient Lands Initiative (which has not yet been finalized and published by EEA)
- **Reported favorably by the Joint Committee on Revenue, currently before House Ways and Means.**
- Will also pursue as an FY23 budget amendment.

**S.524/H.851, *An Act preserving open space in the Commonwealth* (Sen. Eldridge; Rep. Balsler)**

- Previously known as the Public Lands Protection Act (PLPA), this bill would prevent loss of constitutionally protected Article 97 lands by requiring replacement land, as well as notification to EEA prior to filing legislation to dispose of land. The legislation codifies EEA’s current “no net loss” policy.
- This is a recommendation of the Resilient Lands Initiative.
- PLPA was engrossed (passed) by the House and now before Senate Ways and Means. **On March 1, MLTC co-led a joint letter to the Senate President asking that the senate act to pass the PLPA.**

**S.603/H.983, *An Act establishing a Massachusetts flood risk protection program* (Sen. Pacheco; Rep. Peake)**

- This bill would require the state to create a new Flood Risk Protection Program (FRPP) to eliminate risk of flooding by acquiring homes, small businesses, and nonprofit properties from interested owners and helping them relocate. The FRPP would cover inland and coastal properties and would be entirely voluntary. Once property is acquired, the legislation requires the removal of structures and the permanent conservation of the land. A new climate resilient landscape would serve as a natural buffer against flooding to protect communities and natural resources.
- **An extension order on this legislation was filed until March 31, 2022, while the ENRA committee works on this legislation. The House Sponsor and ENRA Committee Chair are discussing the possibility of creating a commission, that would include multiple agencies and stakeholders, to look at property buyouts in a comprehensive way and to submit recommendations to the House and Senate in the fall of 2023.**

**H.2977, *An Act relative to the classification and taxation of urban public access land* (Rep. LeBoeuf)**

- This bill would add a new chapter 61C entitled, Classification and Taxation of Urban Public Access Land. The bill incentivizes the protection of urban open space by reducing the acreage of land eligible for the Chapter 61 tax program to 5,000 square feet for land that is retained as defined open space or recreational resource open to the public. It also sets out parameters for valuation and changes of use.
- This is a recommendation of the Resilient Lands Initiative.
- This bill was sent to study.

**S.1875/H.2831, *An Act to reform payments in lieu of taxes for state-owned land* (Sen. Hinds; Rep. Blais)**

- This bill would change the way PILOT program payments for state-owned lands are calculated for municipalities, based on recommendations in the State Auditor’s December 2020 [PILOT Report](#). The goal is to increase and equitably distribute of PILOT funds to make sure the formula no longer disadvantages smaller, rural communities.
- This bill was heard in January and MLTC signed on to a joint letter of support.
- **Reported favorably by the Joint Committee on Revenue.**

**S.560, *An Act Establishing the Office of Outdoor Recreation* (Sen. Hinds)**

- This bill would create a new office focused on outdoor recreation within EEA to support, promote and market outdoor recreational activities available throughout the state. The office would coordinate with other secretariats and nonprofit and business partners, stimulate economic development, and improve the quality of life, health, and well-being of residents and visitors to the Commonwealth.
- **Reported favorably by the Joint Committee on Environment, Natural Resources and Agriculture Committee.**

**S.556/H.937, *An Act providing for the public health by establishing an ecologically based mosquito management program in the Commonwealth* (Sen. Hinds; Rep. Gouveia)**

- This bill proposes comprehensive improvements to the way the state manages mosquitoes. It establishes a new Mosquito Management Office and new Mosquito Management Board within EEA and creates a system where

pesticide use is allowed only for disease control under ecologically based management plans. It also creates streamlined notice and opt out requirements and bans pesticides containing PFAS.

- **This bill was sent to study. However, related legislation is likely to be filed or inserted as an amendment in another bill, as the state's authority to conduct mosquito control without local approval expires at the end of 2022. See also task force below.**

**S.2147 / H.3306, *An Act to Improve Outdoor Lighting, Conserve Energy, and Increase Dark-Sky Visibility* (Sen. Creem; Rep. Garbally)**

- This bill would promote energy-efficient lighting practices by requiring municipal- and state-funded projects to adopt standards for exterior lighting that meet best standards for human and wildlife habitat, require the Mass. Department of Transportation to update its criteria for road lighting, and require the Mass. Department of Public Utilities to establish incentives for energy efficient street lighting.

- **Reported favorably by the Joint Committee on Telecommunications, Utilities and Energy and now before Senate Ways and Means.**

## State Administrative Update

### ***FY23 Capital Spending Plan***

In February, the Commonwealth Conservation Council (of which MLTC is a member), sent a comprehensive comment letter to EEA requesting an increase in capital investments to several critical land acquisition and park programs, including state agency capital budgets and competitive grants to municipalities. The Commonwealth's FY23 Capital Investment Plan is expected to be finalized and released in May 2021.

### ***Mosquito Control Task Force***

The Mosquito Control for the 21<sup>st</sup> Century Task Force is finalizing its recommendations and the report will be issued by the end of March. It is unclear whether the majority will support recommendations that effectively address the current lack of accountability in the program, despite the consultant's [report](#) confirming that there is no system for tracking either the efficacy of mosquito control practices or impacts on people or the environment. EEA has not yet issued guidance for communities to request opt-out from spraying for 2022. The state's authority to conduct spraying without local approval expires 12/31/22, and it is likely language will be inserted in a bill to extend that authority. Several pesticides used widely in the program are highly toxic to bees, fish, and many other beneficial species. See the [NOFA website](#) for more information on this effort and the reform bill.

### ***MA Clean Energy and Climate Plan***

As required under the Natural and Working Lands provisions of the Next Generation RoadMap Climate Change Law for Massachusetts, EEA held three public meetings on Forest Carbon Policies for the Clean Energy and Climate 4

Plan on [December 21](#) (Statutory requirements and the Clean Energy and Climate Plan (CECP) development process), [January 14](#) (Summarize and gather feedback on key elements of the Resilient Lands Initiative), and [February 11](#) (Gather feedback on additional options for reducing GHG emissions and enhancing carbon sequestration on forestlands)

At the [February 28 meeting](#) of the Implementation Advisory Committee of the Global Warming Solutions Act the Land Use and Nature Based Solution Working group requested EEA Updates: on efforts to develop a regional carbon market; and on implementation of the EEA Reforestation and Urban Greening Program. Requested EEA Actions: Release the Resilient Lands Initiative report, and: implement RLI recommendations -- low-hanging fruit, do ahead of CECP finalization; and, be more clear on which of these recommendations it plans to incorporate into the CECP. Requested EEA action: Provide guidance on NWL best practices for municipalities/NGOs ; and, Convene a robust DCR Forest Revisioning process

This Spring, EEA will present and gather feedback on: Proposed emissions limits and sector-specific sublimits for 2025 and 2030; Proposed goals for reducing emissions from and increasing carbon sequestration on natural and working lands (NWL); and, Proposed policy portfolio that aim to achieve these emission limits, sublimits, and NWL goals. Meeting One focus: Power, Transportation, and Non-Energy Sectors on March 31st 6PM-8PM; and, April 1st

12PM-2PM. Meeting Two focus: Buildings Sector and Natural and Working Lands on April 14th 12PM-2PM and 6PM-8PM

**Solar Energy** The MA Department of Energy Resources (DOER) has issued its [Requests for Quotes](#) for a technical study on solar siting. The RFQ is seeking firms that could lead a public/stakeholder engagement process, conduct a spatial analysis to assess the potential for solar development, and suggest "policy considerations on best approaches to realize solar development that maximizes the amount of solar development while ensuring it is done in a cost-effective manner that minimizes environmental impacts." The analysis is to include "a thematic ranking of preferred and least preferred sites, listing the total amount of solar capacity that could be developed within each ranking." Meanwhile, the SJC heard arguments on 3/7/22 in a case (SJC-13195) that will determine "whether allowing solar energy facilities in certain areas of a municipality but prohibiting them in other areas is permissible or whether it constitutes unreasonable regulation" under MGL Ch. 40A S.3. Several bills are pending on solar siting. Mass Audubon, TNC, and AMC are leading efforts to advance provisions that will serve the dual goals of accelerating solar deployment while minimizing impacts to important forests and farmlands.

## Federal Policy Update

### **Short-Term Government Funding Legislation**

In February, Congress passed a short-term government funding bill that will keep the federal government open through March 11. President Biden signed the legislation into law on Feb. 18.

Appropriators remain optimistic about reaching an agreement on an omnibus bill that would fund several federal government agencies, including the United States Departments of the Interior and Agriculture, through the end of the fiscal year. Among other things, the legislation is expected to provide more money to the Department of Agriculture for technical assistance, which includes funding for more Natural Resources Conservation Service staff.

### **Build Back Better**

Currently, the legislation is stalled in the Senate, although some think a scaled back package could move forward. There seems to be broad support for the conservation provisions in the bill, but the path forward remains unclear.

### **Abusive Syndicated Conservation Transactions**

Earlier this month, the Department of Justice announced that a federal grand jury returned an indictment charging seven individuals with conspiracy to defraud the United States and other crimes arising out of their promotion of fraudulent tax shelters involving syndicated conservation easements. While we hope the DOJ announcement will make people think twice before engaging in this abuse, it underscores the need for Congress to pass the Charitable Conservation Easement Program Integrity Act (S. 2256 / H.R. 4164).

### **Farm Bill**

The Land Trust Alliance's Farm Bill Working Group is currently fleshing out recommendations for the 2023 Farm Bill, if you would like to join the group, you can email Manager for NRCS Programs, Nikki Nesbary at [nnesbary@lta.org](mailto:nnesbary@lta.org).

**30x30** The Biden Administration also continues to focus on achieving this goal. In late December 2021, the Administration released its first progress report for the America the Beautiful Initiative. As part of ongoing efforts to solicit stakeholder input, the Department of the Interior put out a request for comments on the forthcoming American Conservation and Stewardship Atlas – comments were due on March 7<sup>th</sup>.

**USDA Climate Smart Agriculture Partnership Program** In February, USDA announced a \$1 billion Notice of Funding Opportunity for its new [Partnerships for Climate-Smart Commodities pilot program](#). The program will finance partnerships that provide technical and financial assistance to producers who implement voluntary climate-smart practices on working lands, and in particular those that support small and/or historically underserved producers. All projects must focus on the on-farm, on-ranch or forest production of climate-smart commodities and associated reductions of greenhouse gas emissions and/or carbon sequestration. Projects must also include a robust greenhouse gas measurement and verification component.