

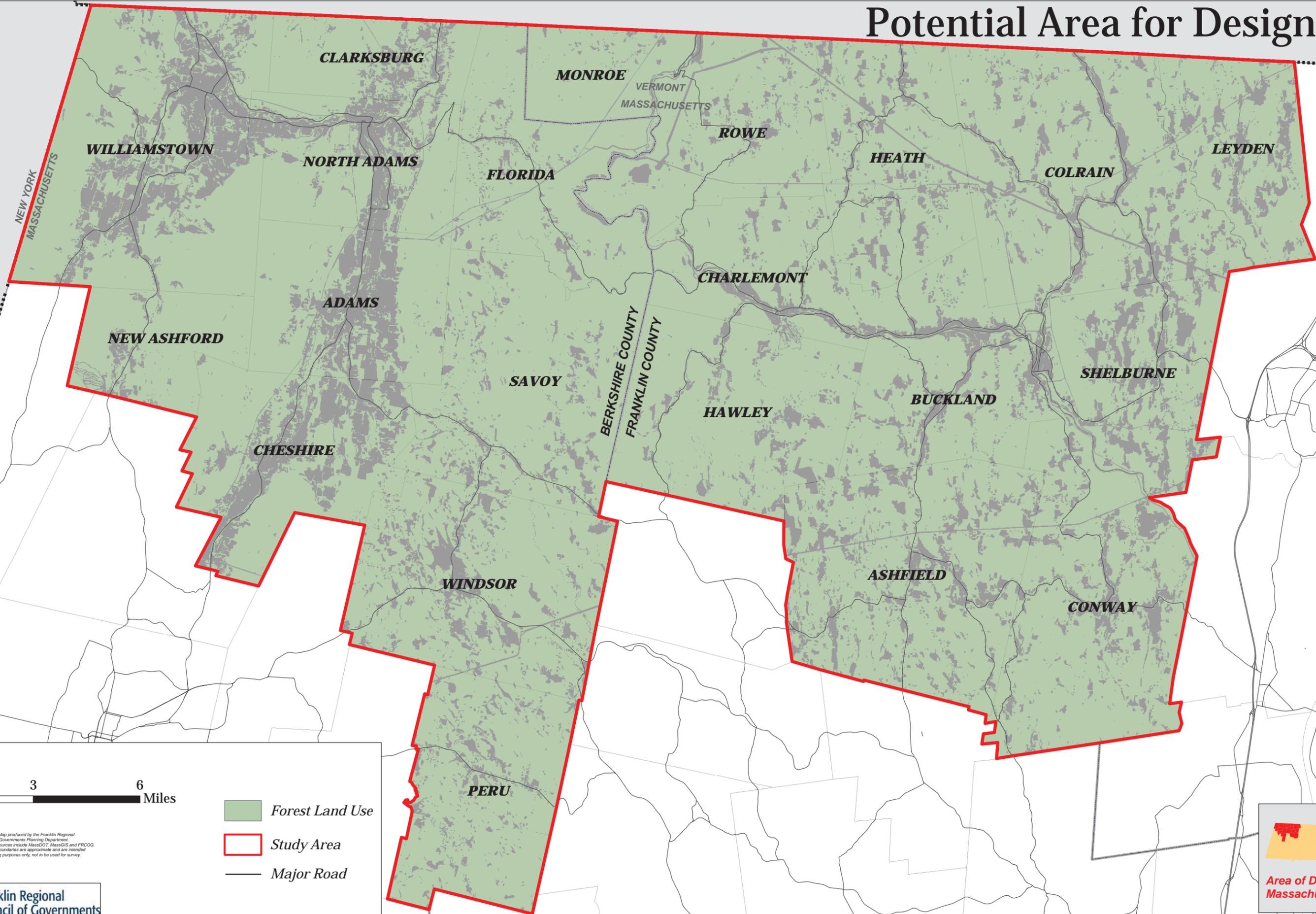


Appendices

- A. 21-Town and Community Maps
- B. Model Conservation Restriction (CR)
- C. Town-by-Town Demographic and Economic Data
- D. State and Federal Programs
- E. Advisory Committee Members, Meeting Agendas and Minutes

Appendix A: 21-Town and Community Maps

Potential Area for Designation

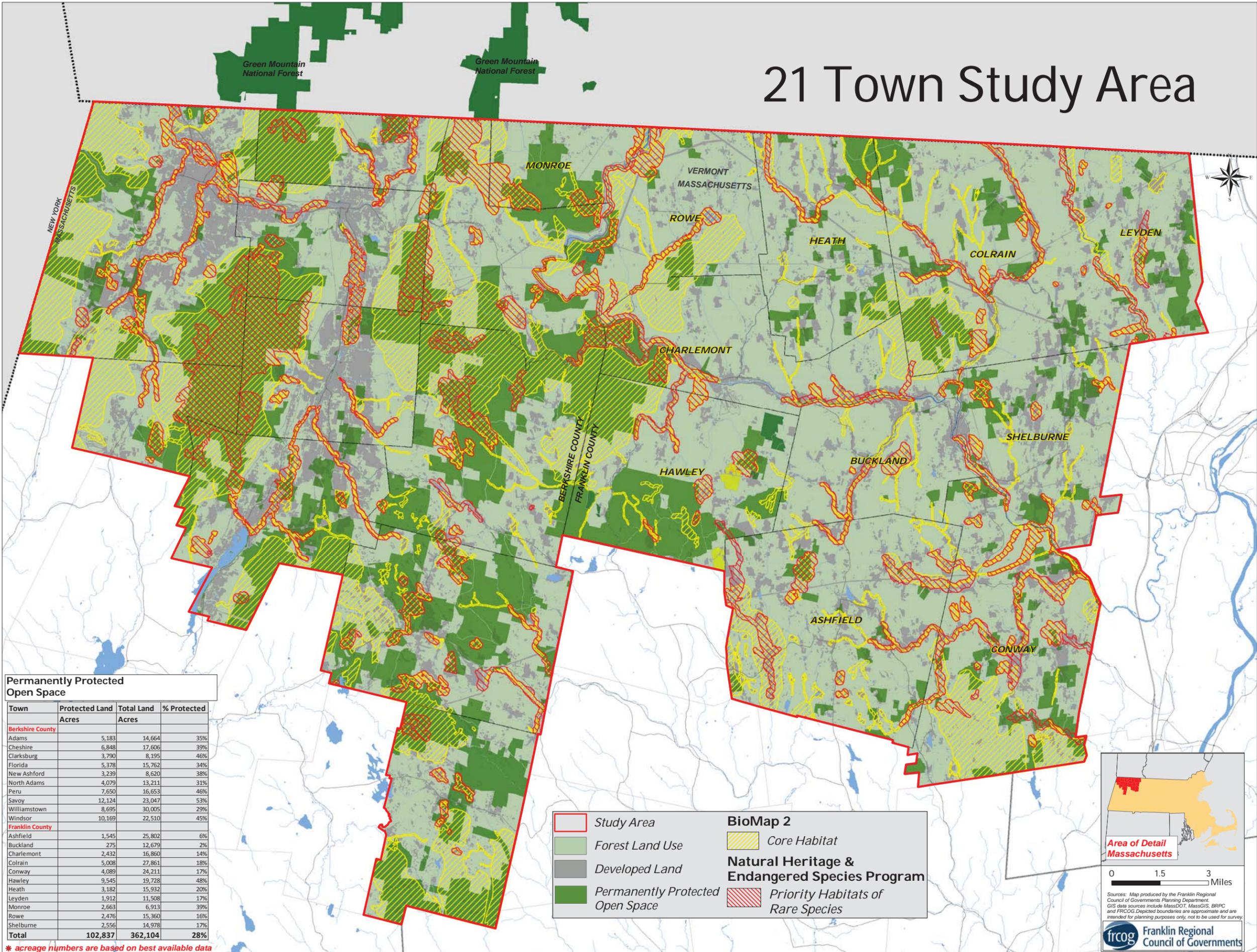


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS and FRCOG. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.

-  Forest Land Use
-  Study Area
-  Major Road



21 Town Study Area



Permanently Protected Open Space

Town	Protected Land Acres	Total Land Acres	% Protected
Berkshire County			
Adams	5,183	14,664	35%
Cheshire	6,848	17,606	39%
Clarksburg	3,790	8,195	46%
Florida	5,378	15,762	34%
New Ashford	3,239	8,620	38%
North Adams	4,079	13,211	31%
Peru	7,650	16,653	46%
Savoy	12,124	23,047	53%
Williamstown	8,695	30,005	29%
Windsor	10,169	22,510	45%
Franklin County			
Ashfield	1,545	25,802	6%
Buckland	275	12,679	2%
Charlemont	2,432	16,860	14%
Colrain	5,088	27,861	18%
Conway	4,089	24,211	17%
Hawley	9,545	19,728	48%
Heath	3,182	15,932	20%
Leyden	1,912	11,508	17%
Monroe	2,663	6,913	39%
Rowe	2,476	15,360	16%
Shelburne	2,556	14,978	17%
Total	102,837	362,104	28%

* acreage numbers are based on best available data

Study Area

- Study Area
- Forest Land Use
- Developed Land
- Permanently Protected Open Space

BioMap 2

- Core Habitat
- Natural Heritage & Endangered Species Program
- Priority Habitats of Rare Species

Area of Detail Massachusetts

0 1.5 3 Miles

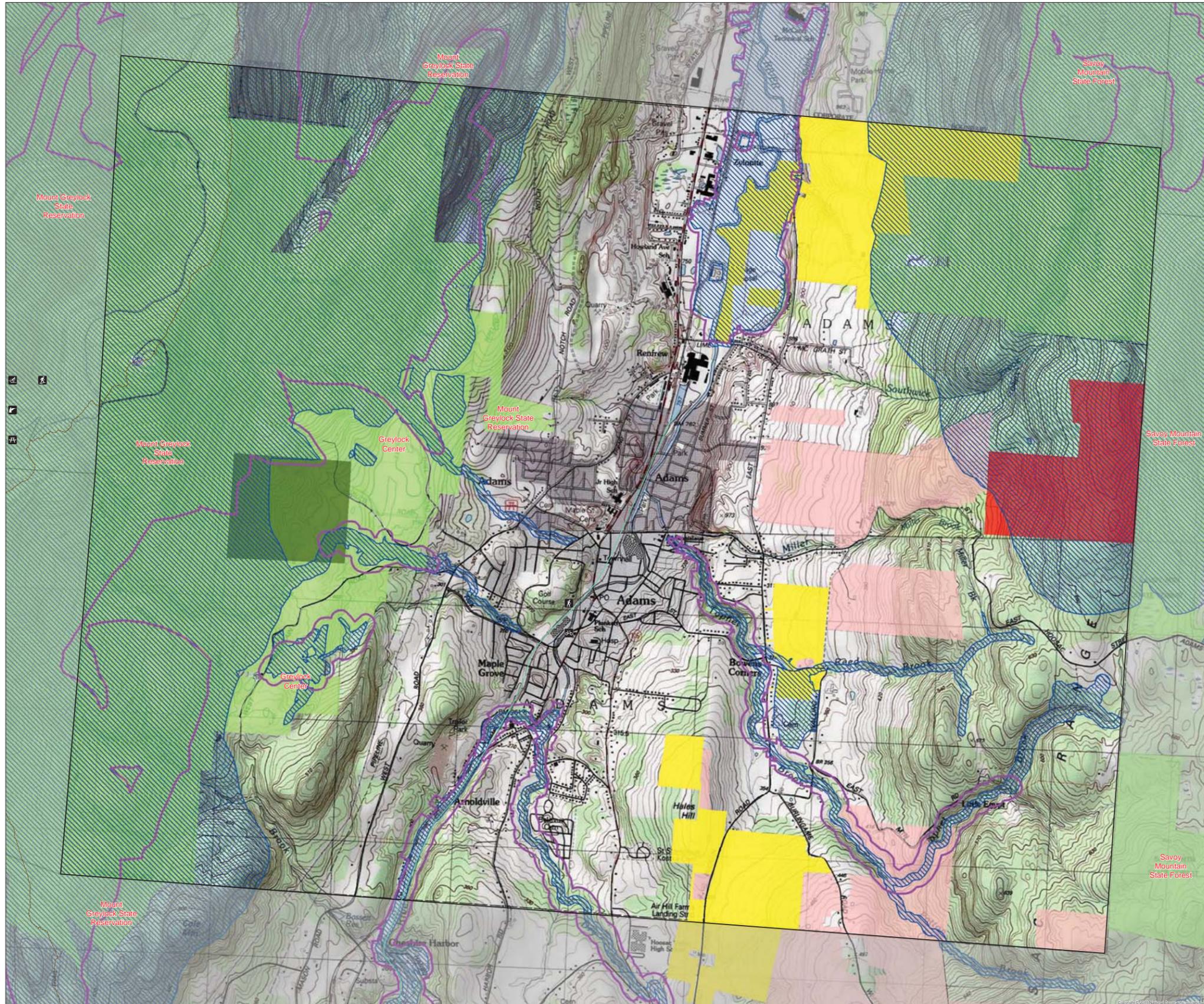
Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, BRPC and FRCOG. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.

frco Franklin Regional Council of Governments

Community Partnership for Forest Conservation & Economic Development

February 2014

Town of Adams



Recreation Resources

- Hiking/Walking Trail/Nature Trail
- Hunting
- Picnicking
- Bicycling, Road
- Skiing, Cross-Country
- Snowshoeing
- Appalachian Trail
- Ashuwillticook Rail Trail

Current Permanently Protected Open Space

- Department of Conservation & Recreation Owned Land
- Conservation Restriction
- Agricultural Preservation Restriction

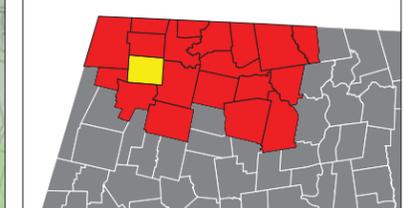
Chapter 61 Temporary Protection

- Forest (Ch 61)
- Agriculture (Ch 61A)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road

20 Town Study Area Town Of Adams

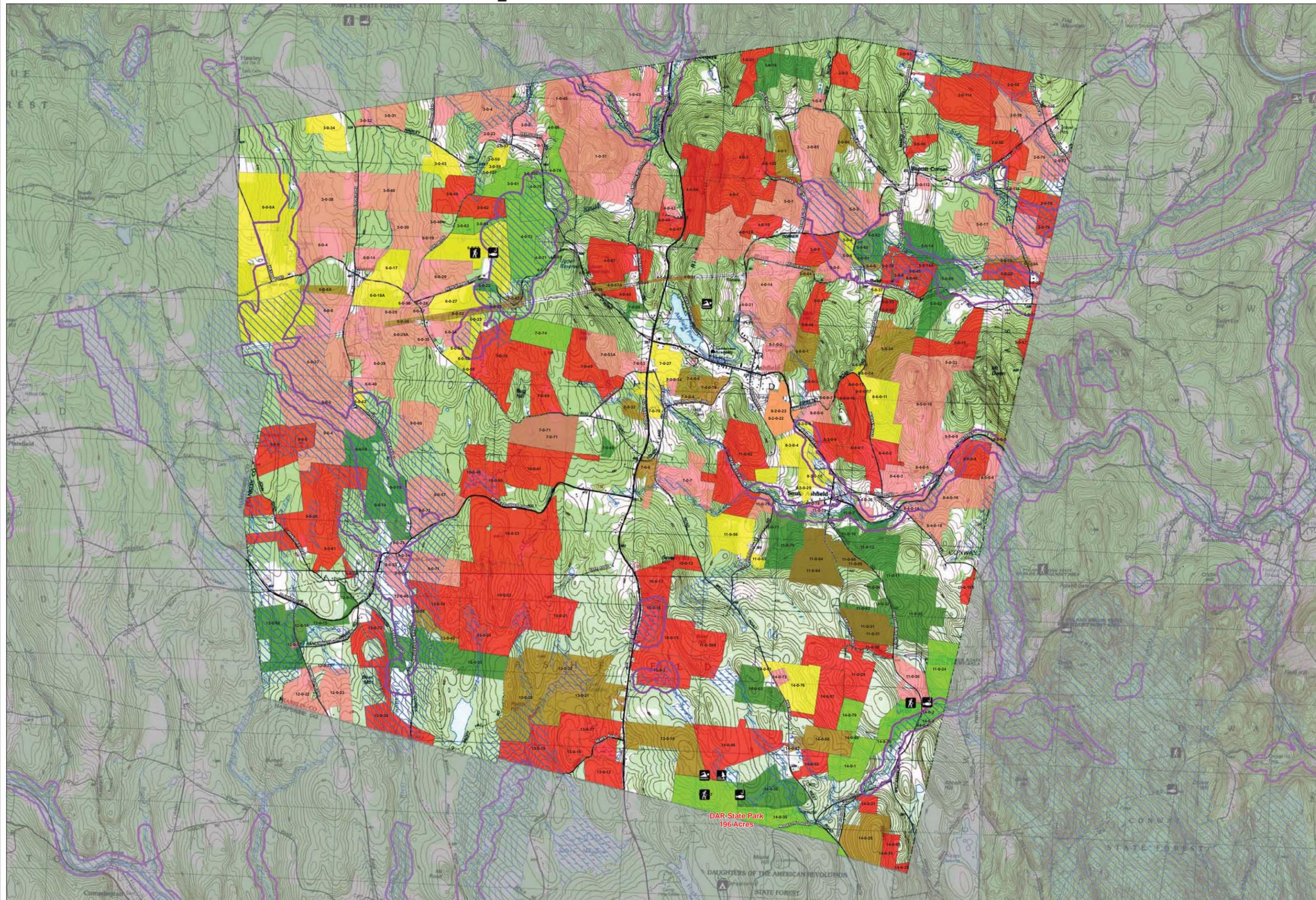


This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC or the municipality may have supplied portions of this data.

Community Partnership for Forest Conservation & Economic Development

March 2014

Town of Ashfield



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking
- Camping
- Ski Area

Current Permanently Protected Open Space

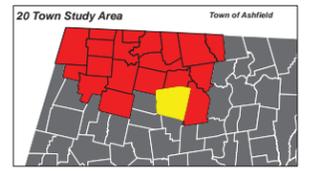
- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation Owned Land

Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road
- Water
- River, Stream



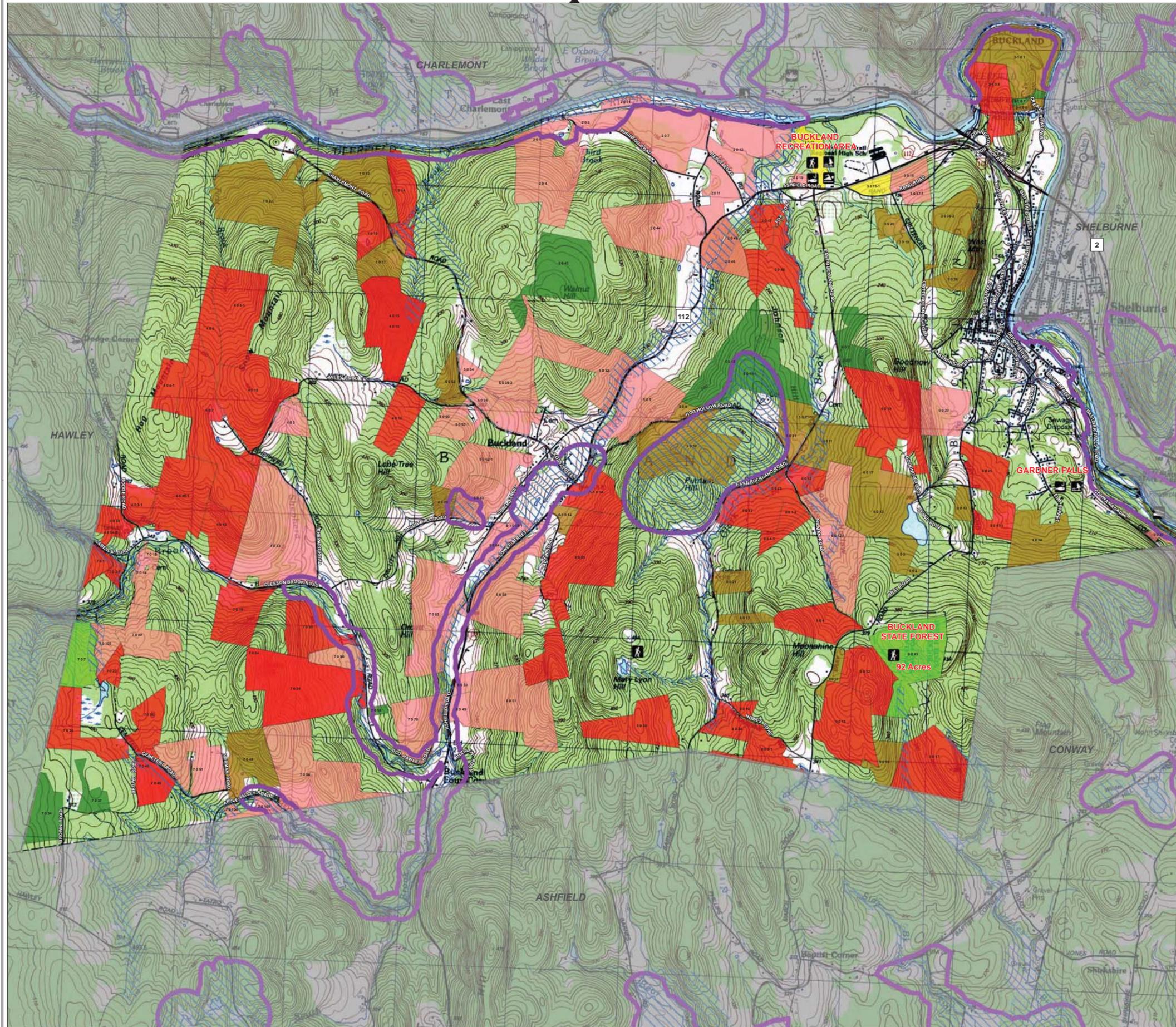
Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG and the Town of Chatham Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

January 2014

Town of Buckland



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation Owned Land

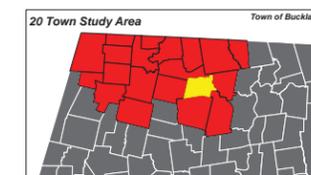
Current Chapter 61 Temporary Protection

- Forest (CH 61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream



Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Buckland Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.

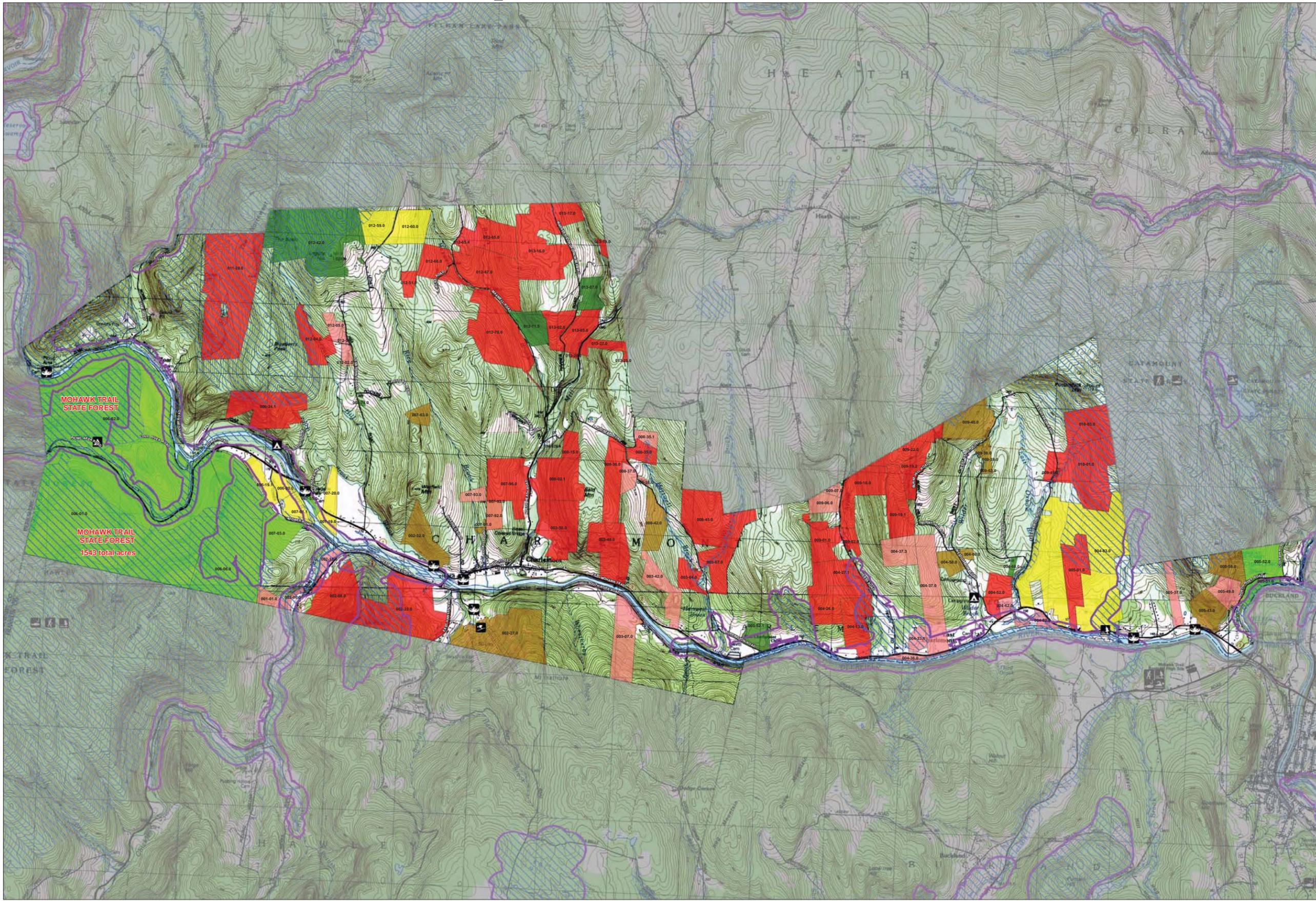
0 0.25 0.5 1 Miles



Community Partnership for Forest Conservation & Economic Development

January 2014

Town of Charlemont



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking
- Camping
- Ski Area

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation Owned Land

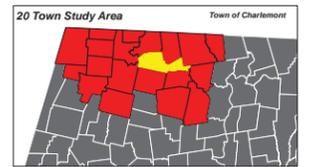
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream



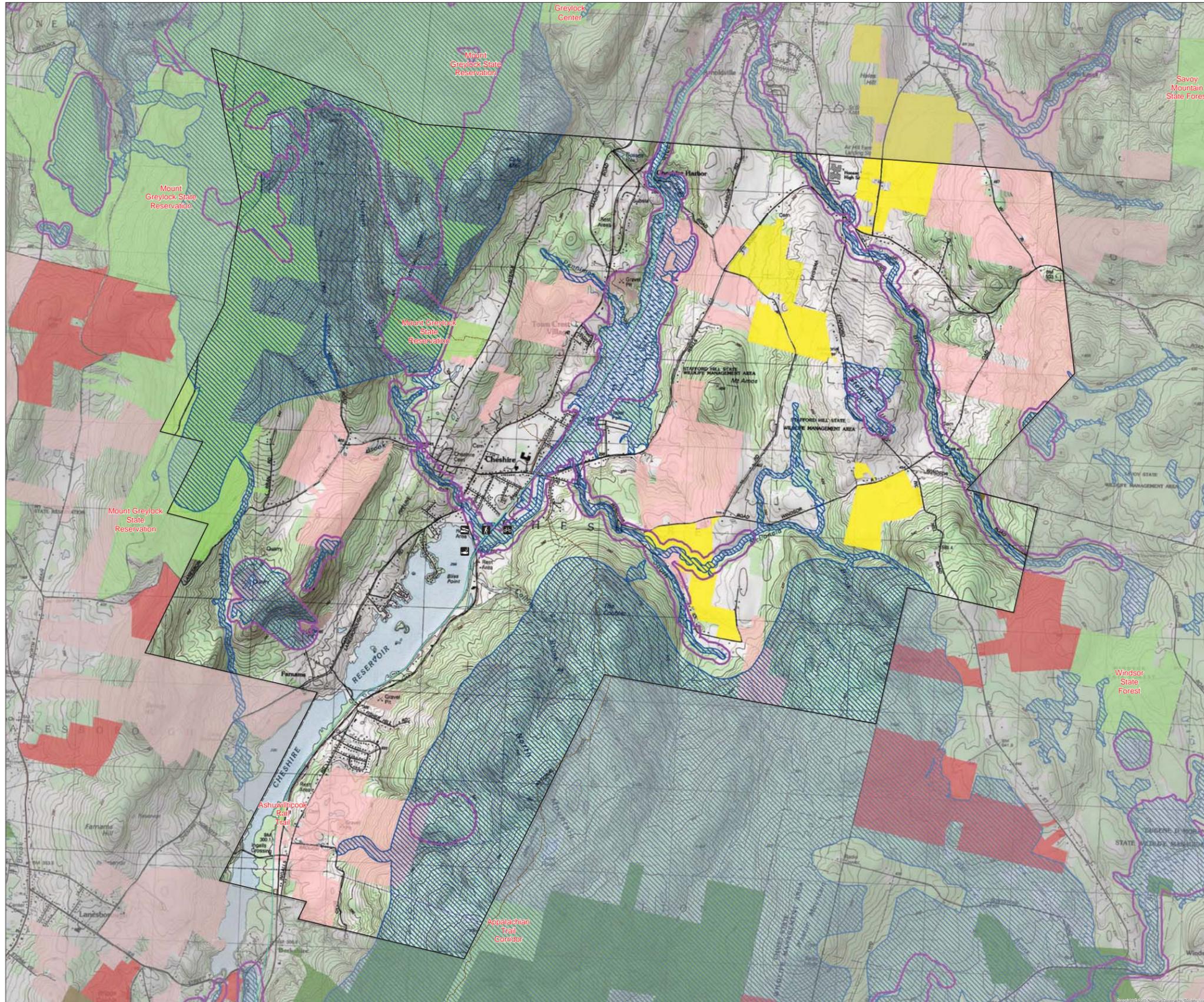
Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG and The Town of Charlemont Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

February 2014

Town of Cheshire



Recreation Resources

- Boat Ramp, Boating, River Access
- Fishing
- Hiking/Walking Trail/Nature Trail
- Bicycling, Road
- Appalachian Trail
- Ashuwillticook Rail Trail

Current Permanently Protected Open Space

- Department of Conservation & Recreation Owned Land
- Conservation Restriction
- Agricultural Preservation Restriction

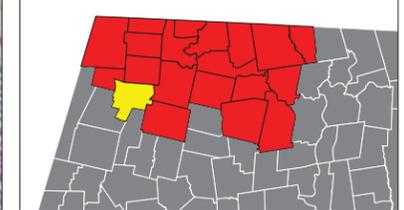
Chapter 61 Temporary Protection

- Forest (Ch 61)
- Agriculture (Ch 61A)
- Recreation (Ch 61B)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road

20 Town Study Area Town of Cheshire



0 0.125 0.25 0.5 Miles

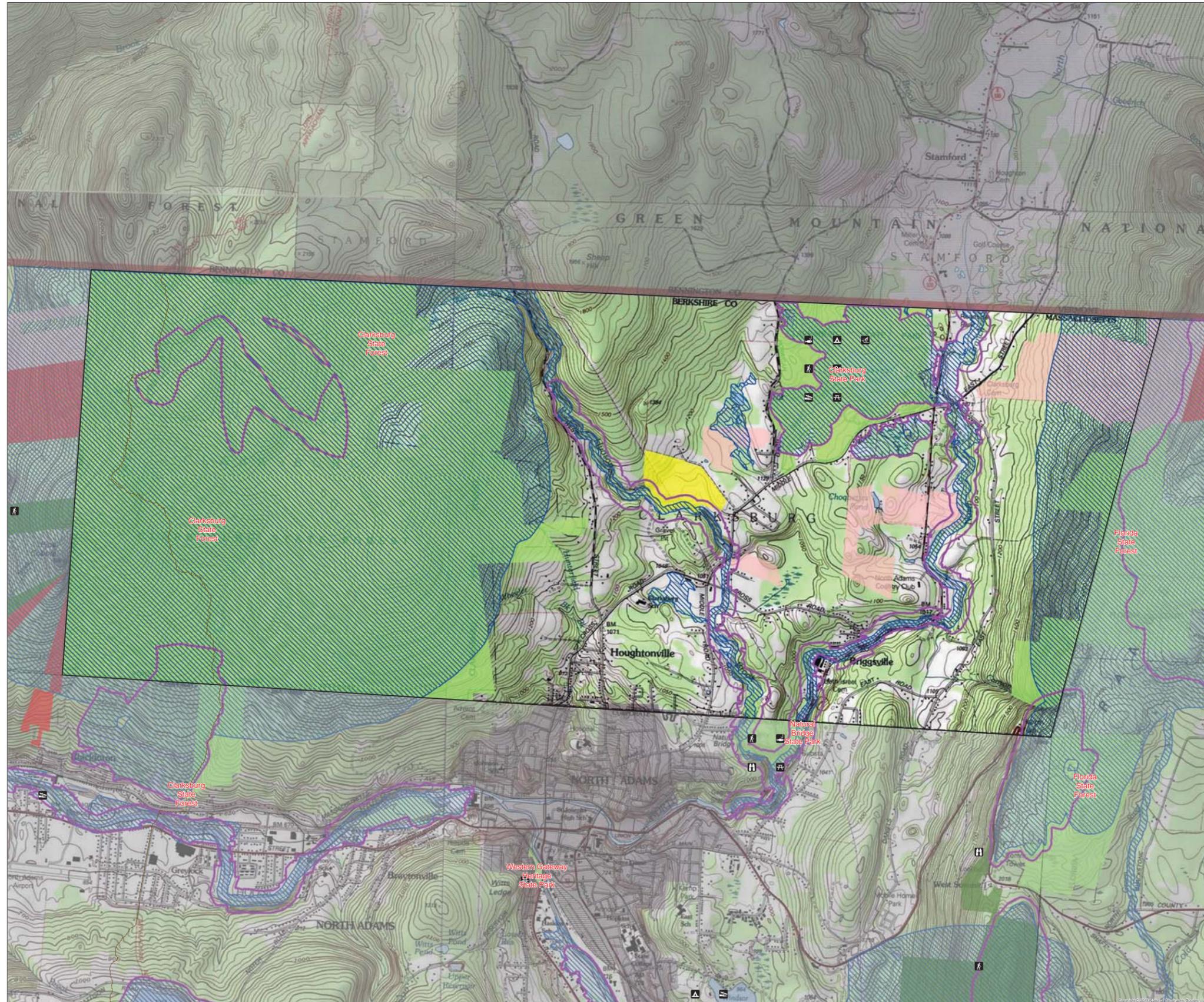


This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC, or the municipality may have supplied portions of this data.

Community Partnership for Forest Conservation & Economic Development

February 2014

Town of Clarksburg



Recreation Resources

- Beach, Swimming Area
- Boat Ramp, Boating, River Access
- Camping
- Fishing
- Hiking/Walking Trail/Nature Trail
- Picnicking
- Scenic Overlook/Vista
- Skiing, Cross-Country
- Appalachian Trail

Current Permanently Protected Open Space

- Department of Conservation & Recreation Owned Land
- Conservation Restriction
- Agricultural Preservation Restriction

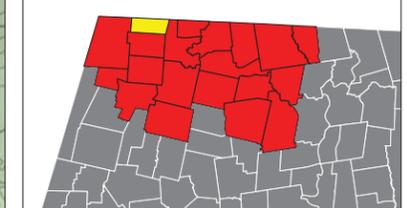
Chapter 61 Temporary Protection

- Forest (Ch 61)
- Agriculture (Ch 61A)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road

20 Town Study Area Town Of Clarksburg



0 0.125 0.25 0.5 Miles

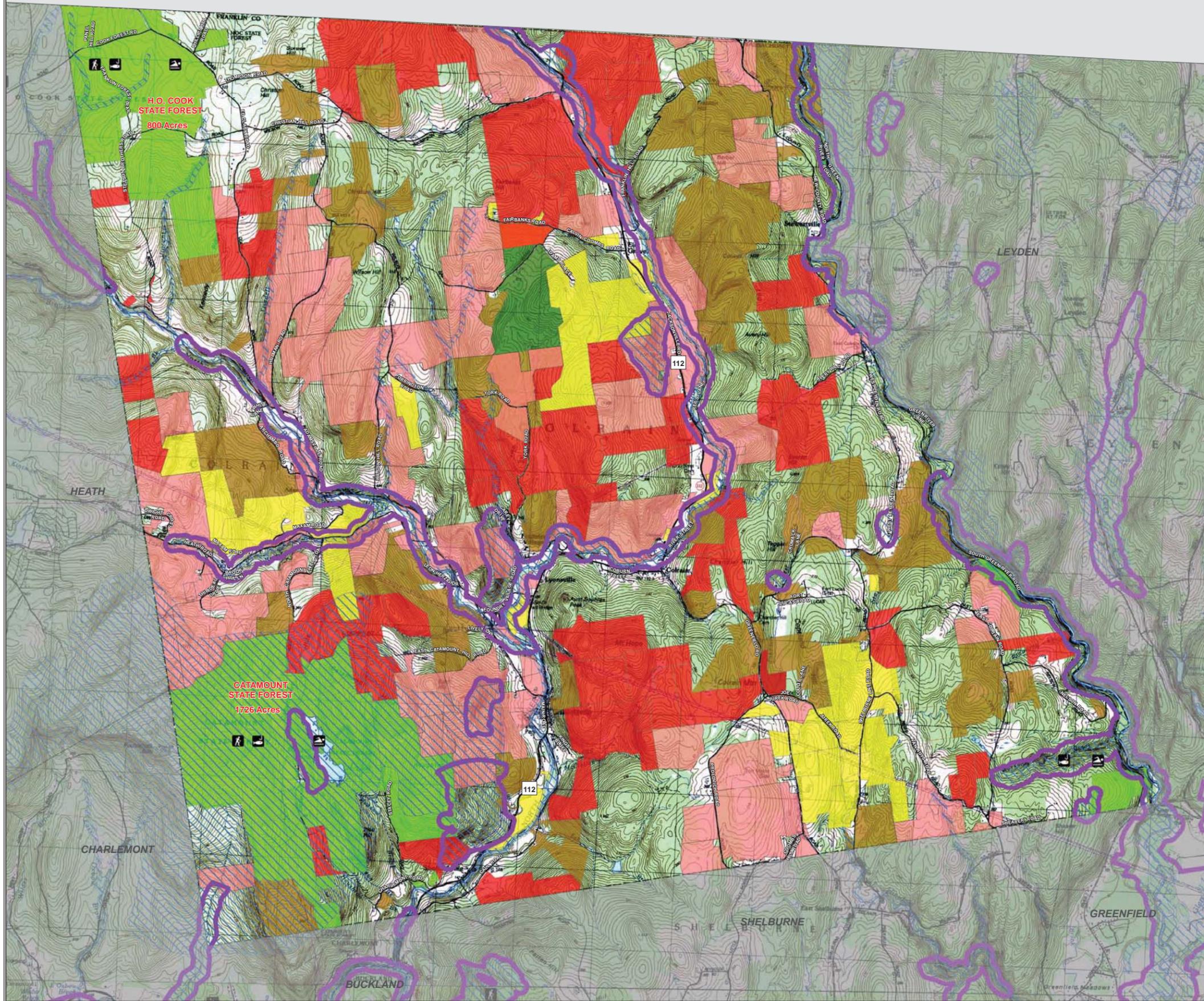


This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC, or the municipality may have supplied portions of this data.

Community Partnership for Forest Conservation & Economic Development

April 2014

Town of Colrain



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation Owned Land

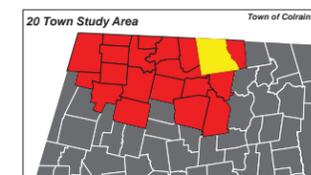
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream

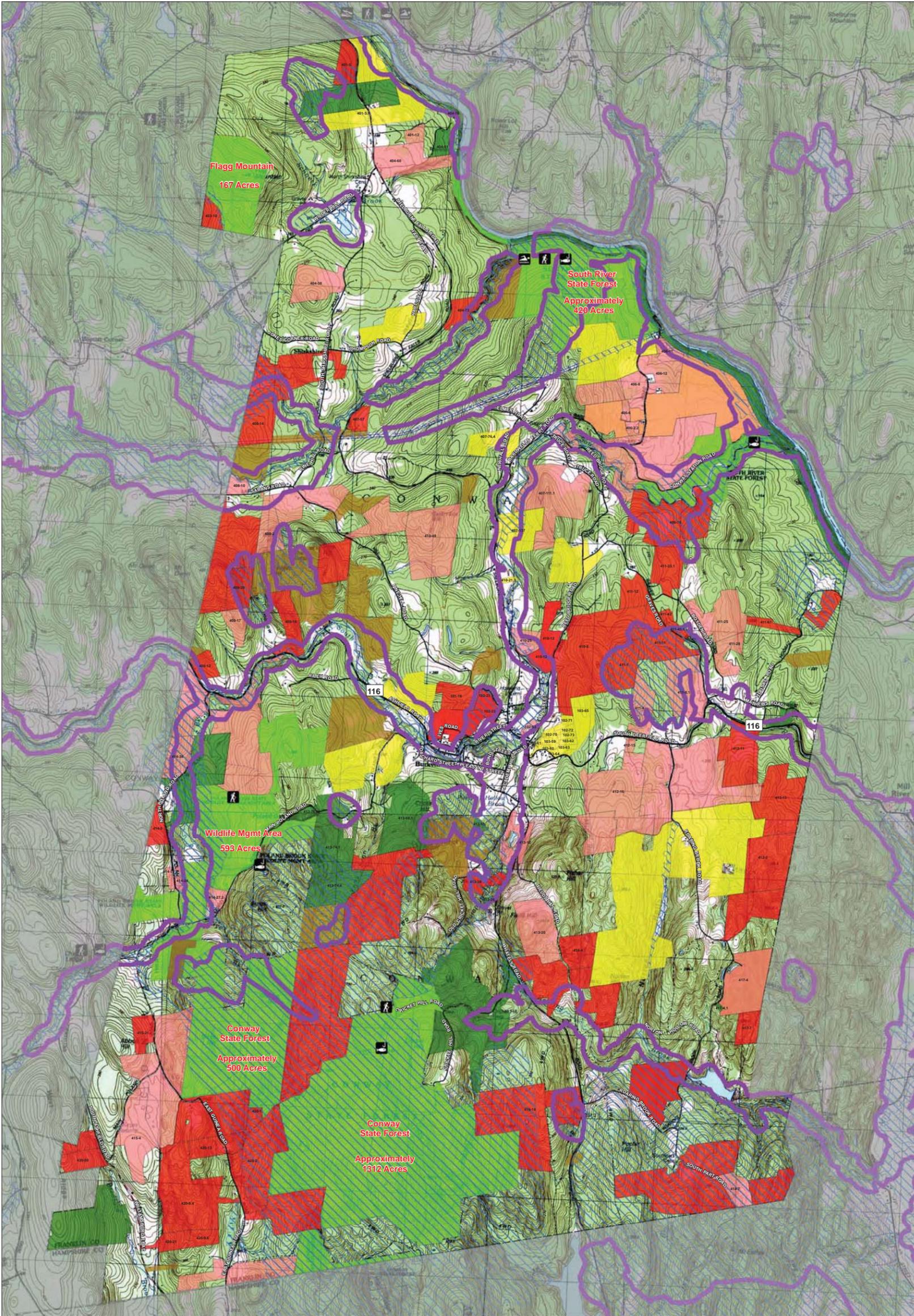


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Colrain Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

Town of Conway



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation or Fish & Wildlife Owned Land

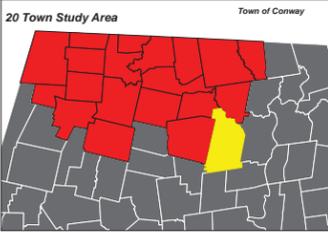
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream

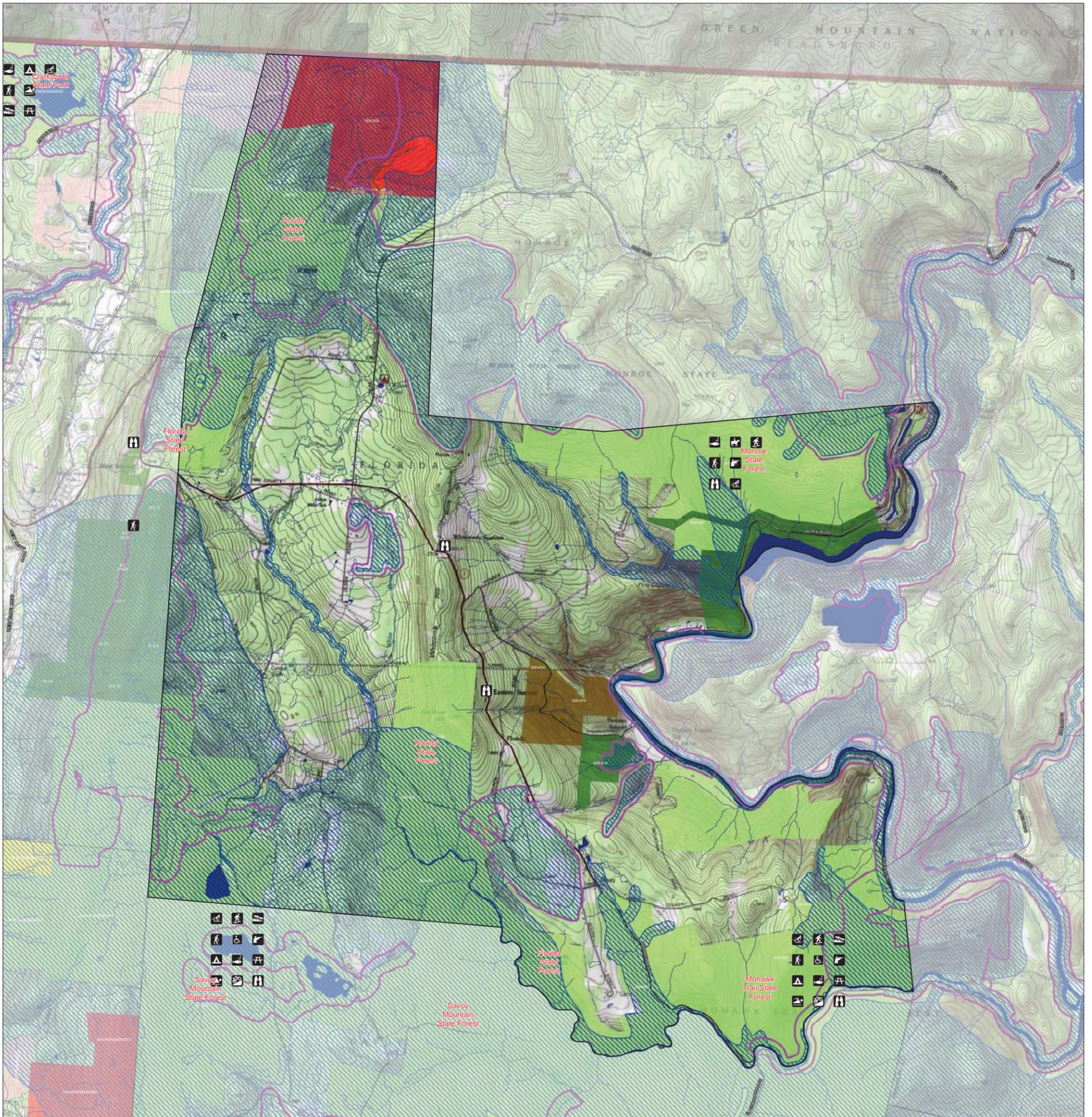


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Conway Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

Town of Florida



Recreation Resources

- Beach, Swimming Area
- Boat Ramp, Boating, River Access
- Camping
- Fishing
- Hiking/Walking Trail/Nature Trail
- Horseback Trail
- Hunting
- Bicycling, Mountain
- Picnicking
- Scenic Overlook/Vista
- Skiing, Cross-Country
- Snowshoeing
- Universal Access

Current Permanently Protected Open Space

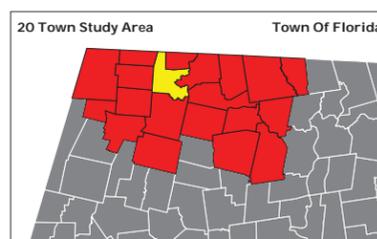
- Department of Conservation & Recreation Owned Land
- Conservation Restriction
- Agricultural Preservation Restriction

Chapter 61 Temporary Protection

- Forest (Ch 61)
- Agriculture (Ch 61A)
- Recreation (Ch 61B)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road
- Water
- River, Stream



0 0.25 0.5 1 Miles



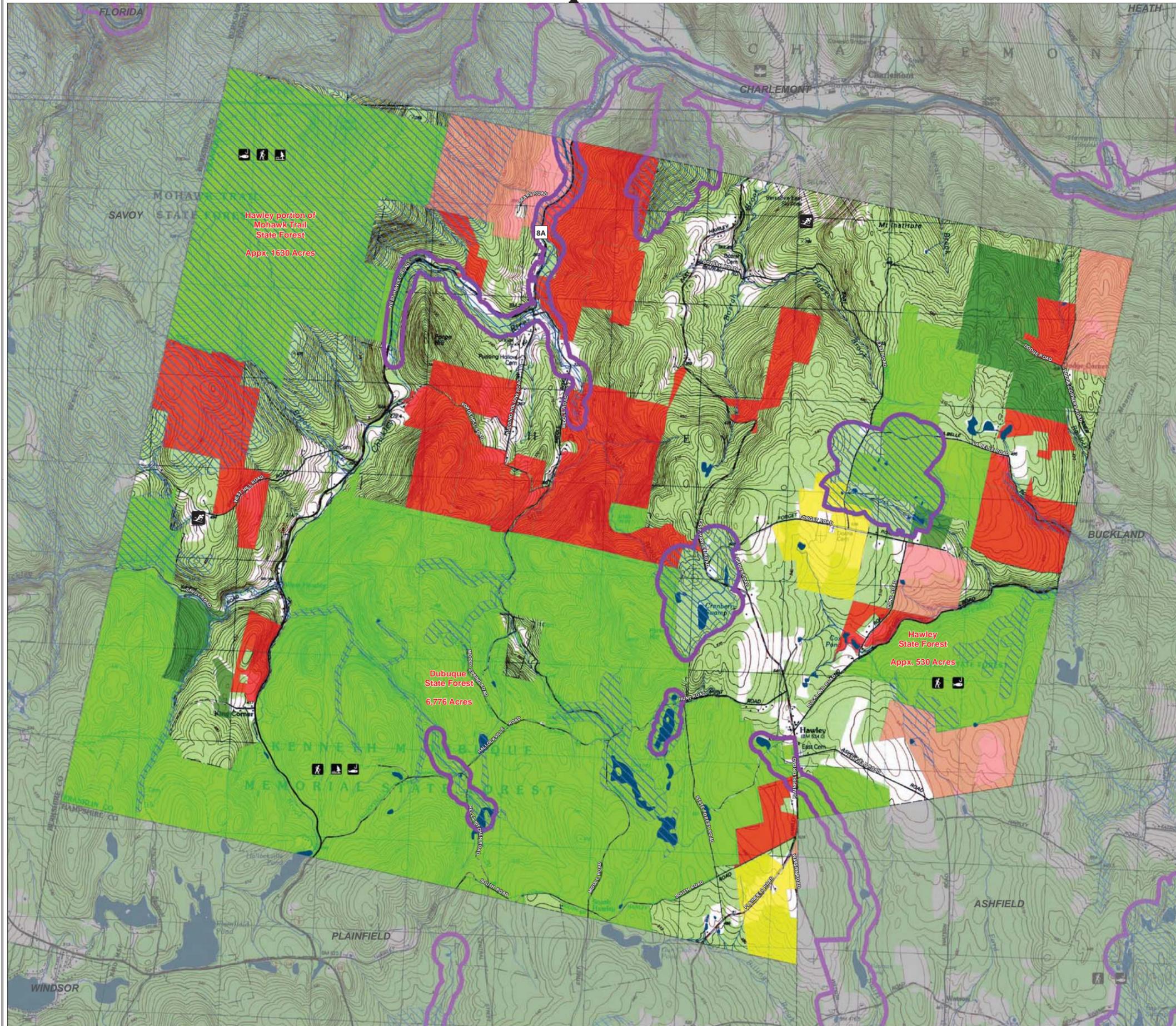
February 2014

This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC, or the municipality may have supplied portions of this data.

Community Partnership for Forest Conservation & Economic Development

March 2014

Town of Hawley



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation Owned Land

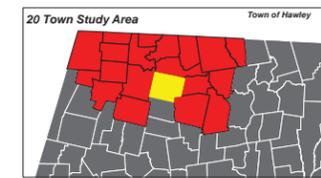
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream

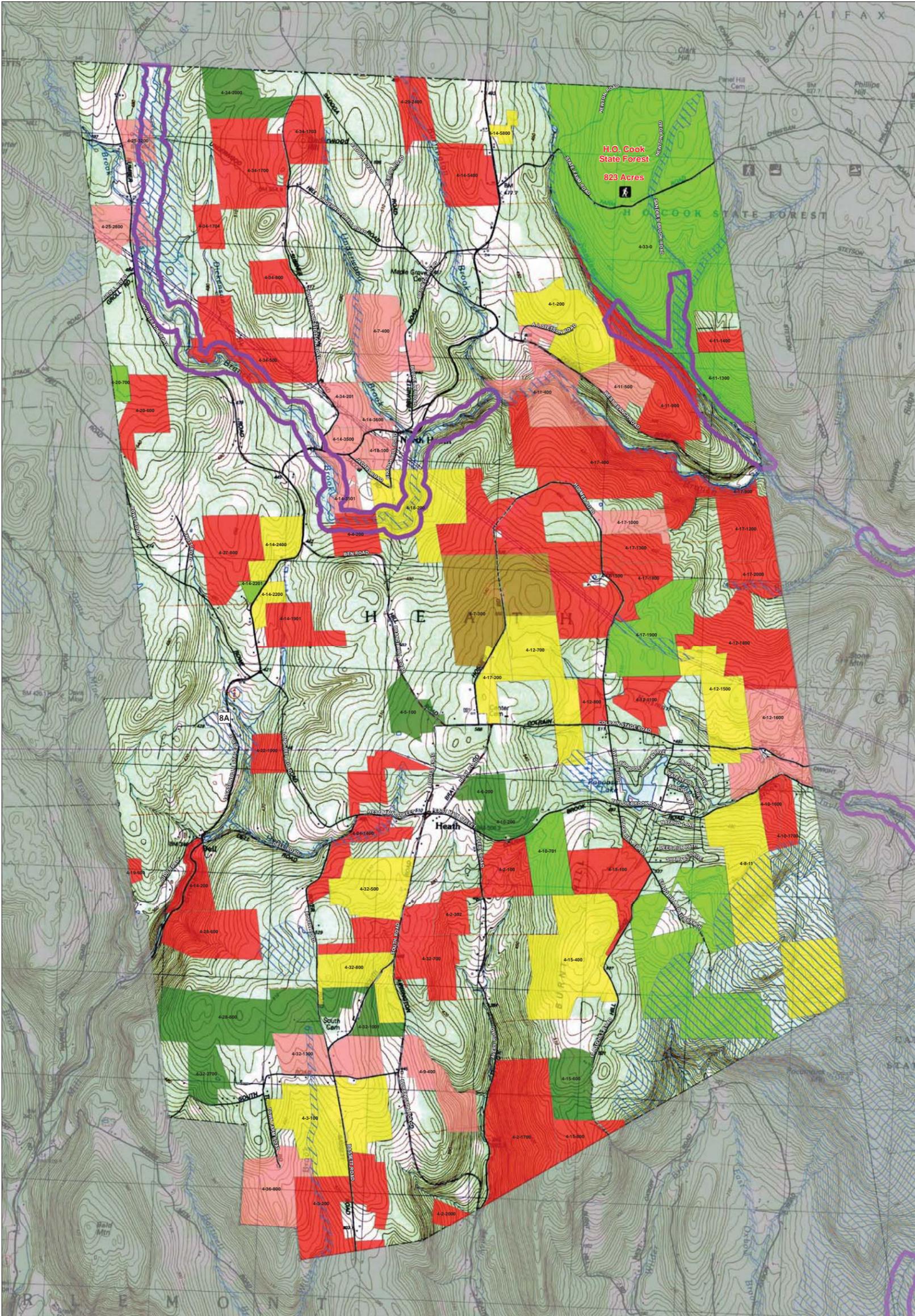


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Buckland Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

Town of Heath



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation or Non-Profit Ownership

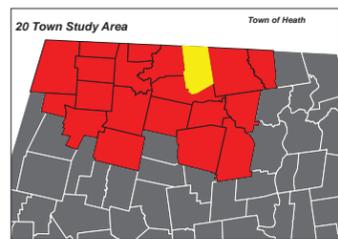
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream

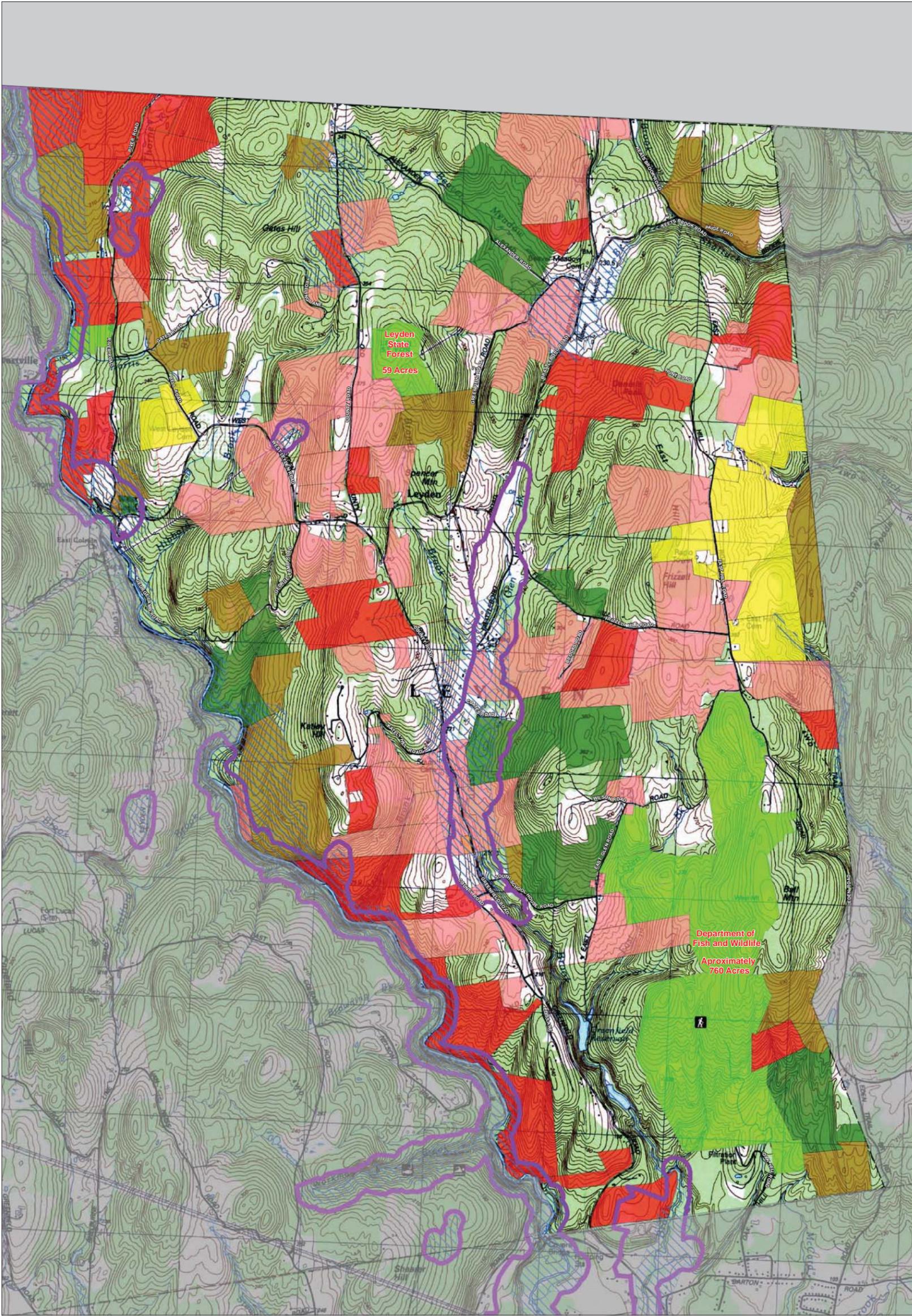


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Heath Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

Town of Leyden



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation or Fish & Wildlife Owned Land

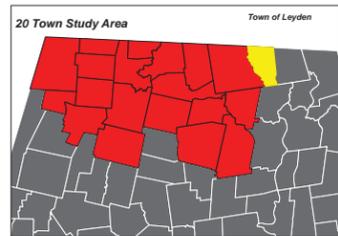
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream



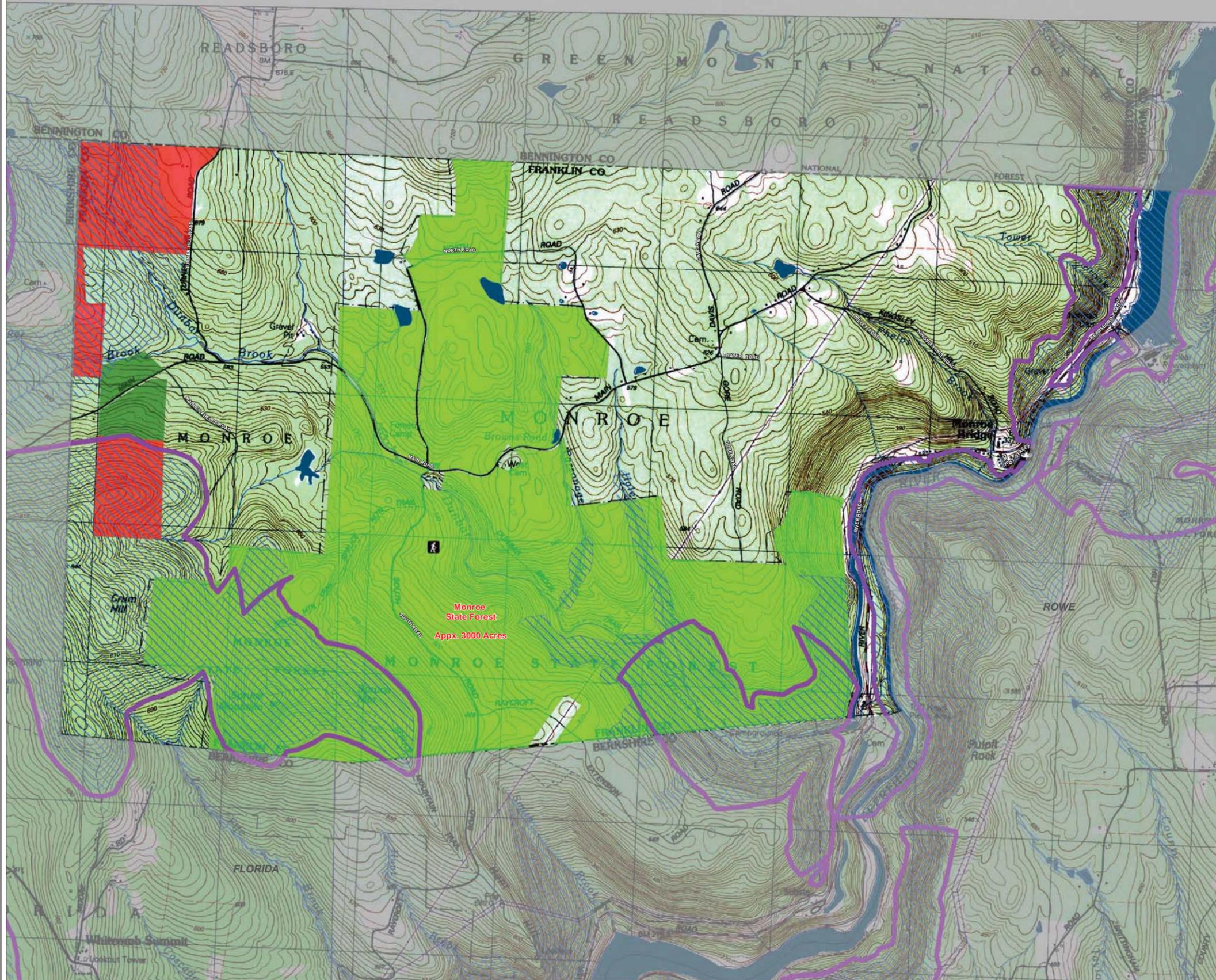
Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Leyden Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

April 2014

Town of Monroe



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation Owned Land

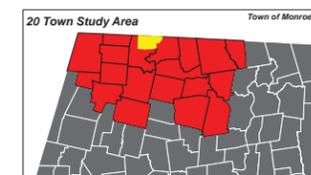
Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species

- Major Road
- Local Road
- Water
- River, Stream



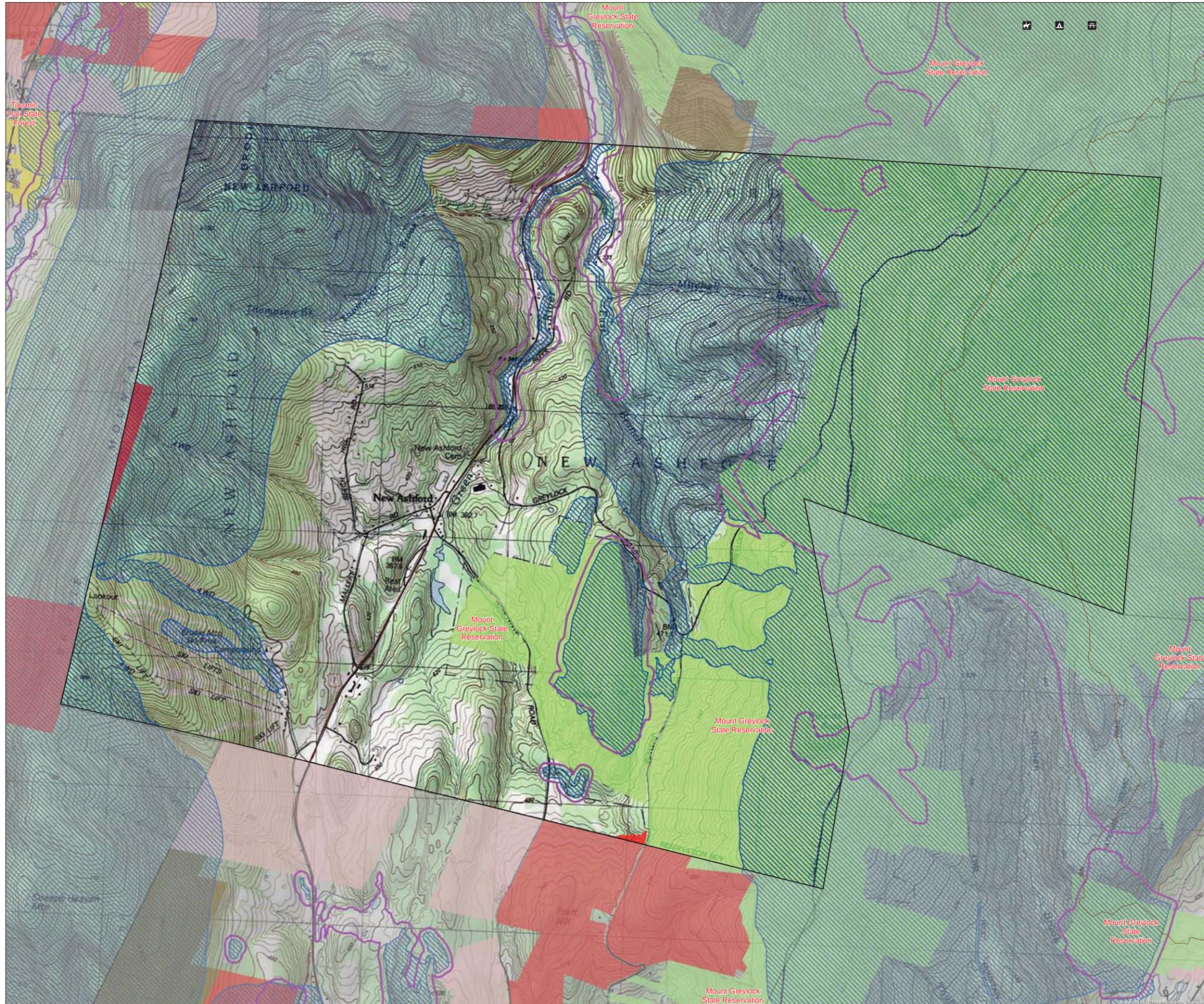
Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Buckland Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

February 2014

Town of New Ashford



Recreation Resources

- Camping
- Horseback Trail
- Picnicking
- Appalachian Trail

Current Permanently Protected Open Space

- Department of Conservation & Recreation Owned Land
- Agricultural Preservation Restriction

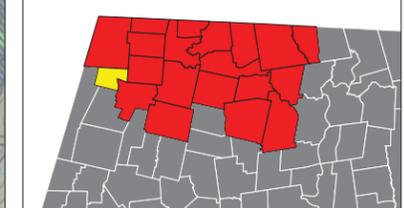
Chapter 61 Temporary Protection

- Forest (Ch61)
- Agriculture (Ch 61A)
- Recreation (Ch 61B)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road

20 Town Study Area Town Of New Ashford



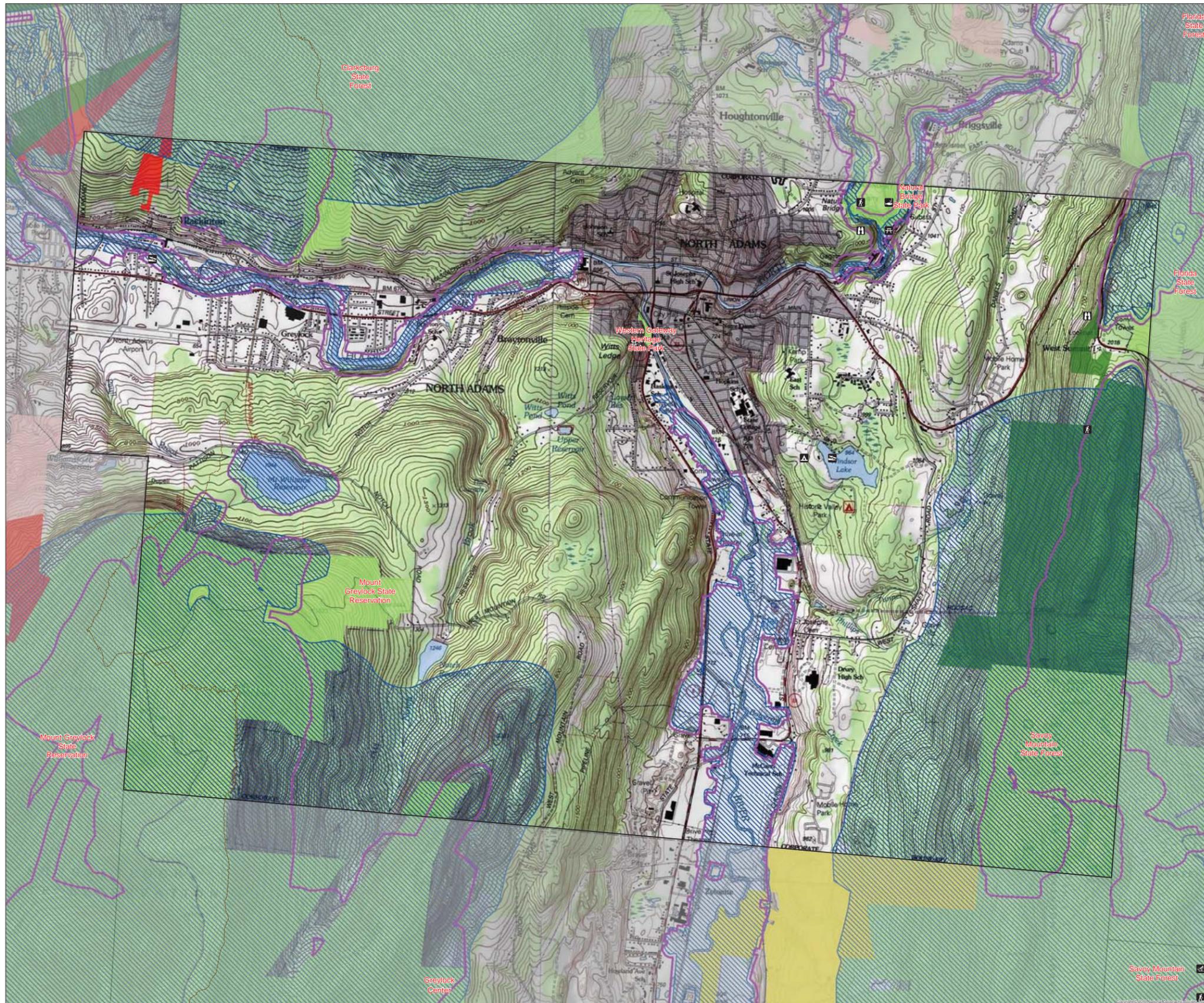
Berkshire Regional Planning Commission

This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC or the municipality may have supplied portions of this data.

Community Partnership for Forest Conservation & Economic Development

February 2014

City of North Adams



Recreation Resources

- Boat Ramp, Boating, River Access
- Camping
- Fishing
- Hiking/Walking Trail/Nature Trail
- Picnicking
- Scenic Overlook/Vista
- Skiing, Cross-Country
- Appalachian Trail

Current Permanently Protected Open Space

- Department of Conservation & Recreation Owned Land
- Conservation Restriction
- Agricultural Preservation Restriction

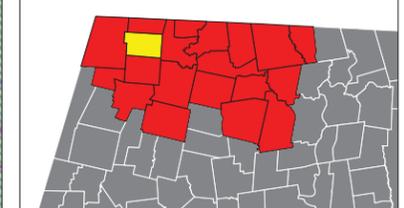
Chapter 61 Temporary Protection

- Forest (Ch 61)
- Agriculture (Ch 61A)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road

20 Town Study Area City Of North Adams



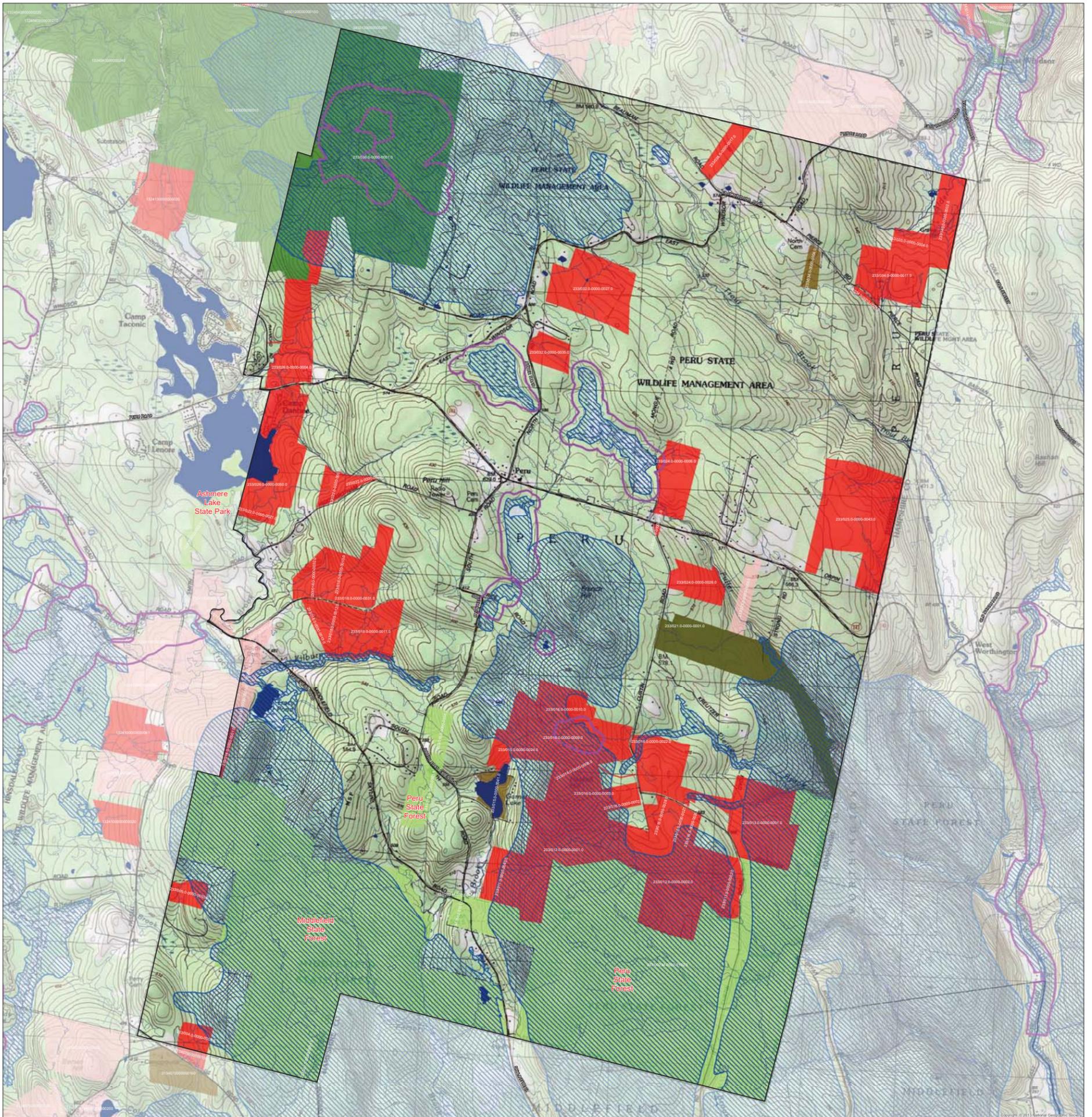
0 0.125 0.25 0.5 Miles



This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC or the municipality may have supplied portions of this data.

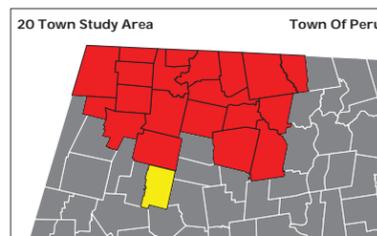
Community Partnership for Forest Conservation & Economic Development

Town of Peru



January 2016

- | | |
|--|--|
| <p>Current Permanently Protected Open Space</p> <ul style="list-style-type: none"> ■ Department of Conservation & Recreation Owned Land ■ Conservation Restriction <p>Chapter 61 Temporary Protection</p> <ul style="list-style-type: none"> ■ Forest (Ch61) ■ Agriculture (Ch 61A) ■ Recreation (Ch 61B) | <p>Environmental Areas</p> <ul style="list-style-type: none"> BioMap2 Core Habitat Natural Heritage & Endangered Species Program Priority Habitat for Rare Species Major Road Local Road ■ Water ~ River, Stream |
|--|--|

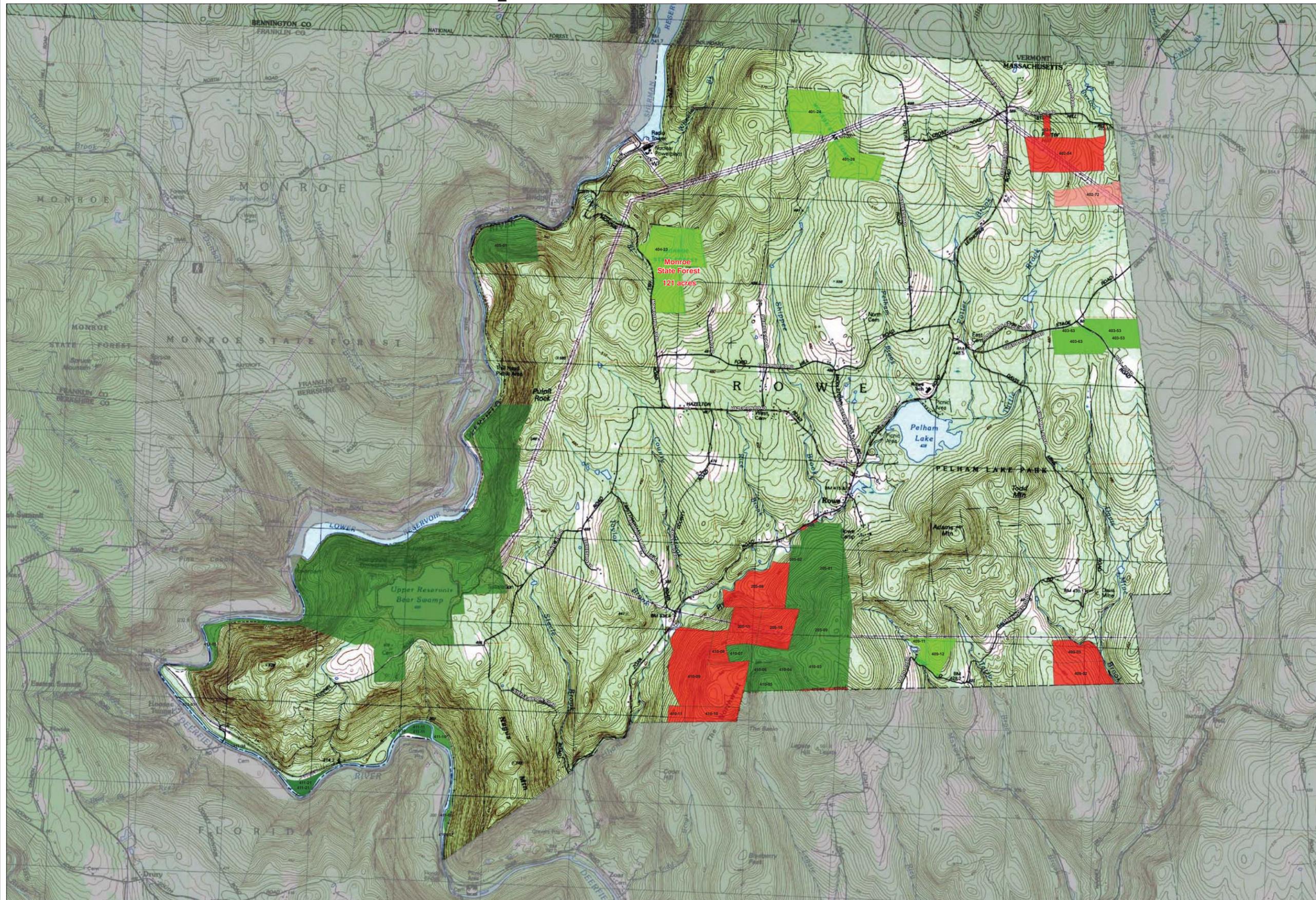


This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC or the municipality may have supplied portions of this data.

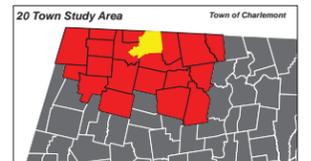
Community Partnership for Forest Conservation & Economic Development

March 2014

Town of Rowe



- Recreation Resources**
- Rafting
 - Boating
 - Picnic Area
 - Swimming
 - Fishing Access
 - Hiking
 - Camping
 - Ski Area
- Current Permanently Protected Open Space**
- Conservation Restriction
 - Agricultural Preservation Restriction
 - Department of Conservation & Recreation Owned Land/ Non-Profit
- Current Chapter 61 Temporary Protection**
- Forest (CH61)
 - Agriculture (CH 61A)
 - Recreation (CH 61B)
- Environmental Areas**
- BioMap 2 Core Habitat
 - Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Roads**
- Major Road
 - Local Road
- Water**
- Water
 - River, Stream

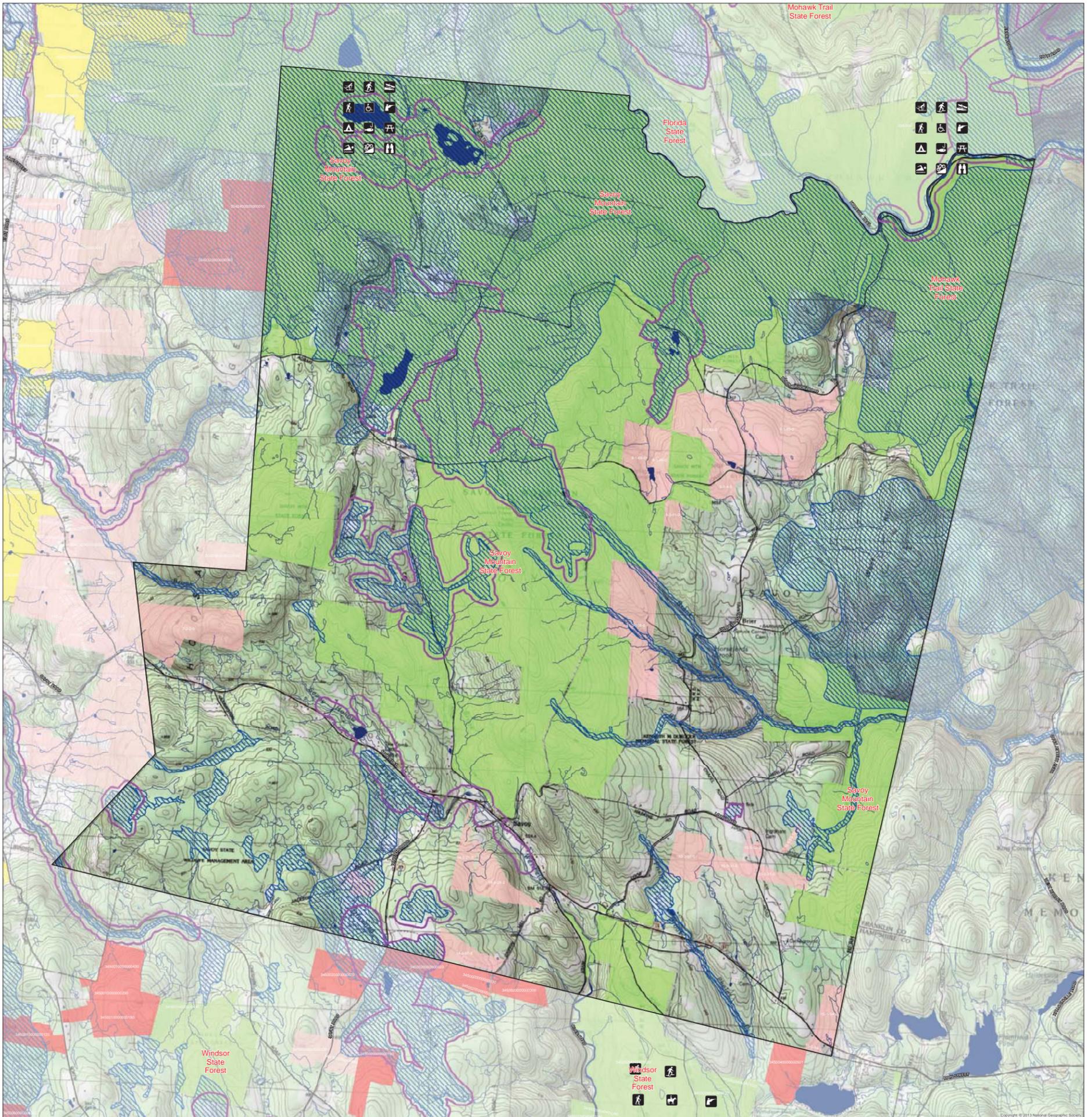


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG and the Town of Rowe Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.

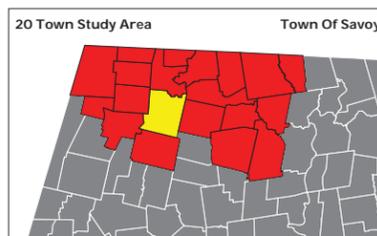


Community Partnership for Forest Conservation & Economic Development

Town of Savoy



- | | | |
|---|---|--|
| <p>Recreation</p> <ul style="list-style-type: none"> Beach, Swimming Area Boat Ramp, Boating, River Camping Fishing Hiking/Walking Trail/Nature Horseback Hunting Bicycling, Picnicking Scenic Overlook/Vista Skiing, Cross- Snowshoeing Universal | <p>Current Permanently Protected Open Space</p> <ul style="list-style-type: none"> Department of Conservation & Recreation Owned Land Conservation Agricultural Preservation <p>Chapter 61 Temporary</p> <ul style="list-style-type: none"> Forest Agriculture (Ch) Recreation (Ch) | <p>Environmental</p> <ul style="list-style-type: none"> BioMap2 Core Natural Heritage & Endangered Species Program Priority Habitat for Rare Species Major Local River, |
|---|---|--|



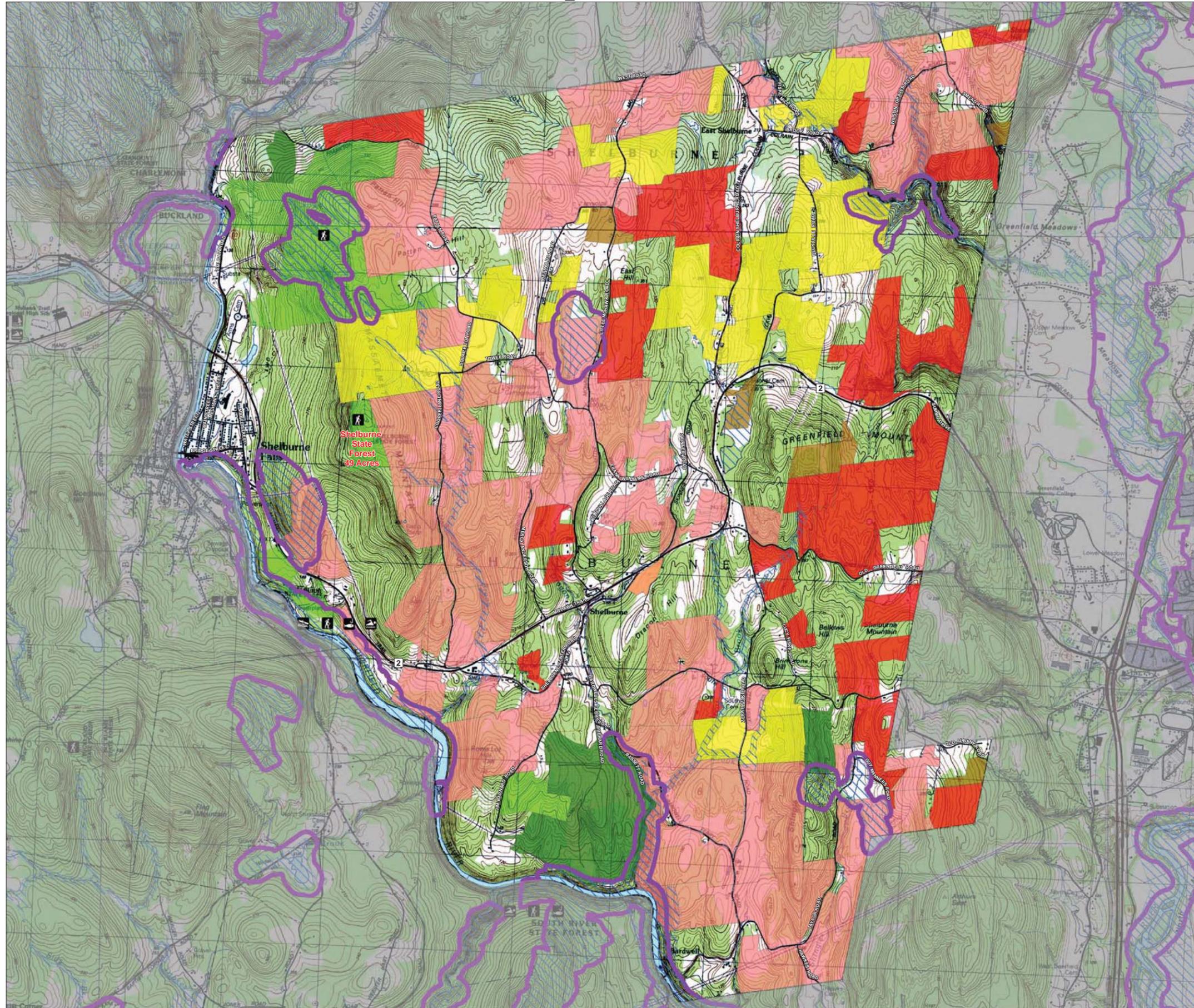
February 2014

This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC or the municipality may have supplied portions of this data.

Community Partnership for Forest Conservation & Economic Development

February 2014

Town of Shelburne



Recreation Resources

- Rafting
- Boating
- Picnic Area
- Swimming
- Fishing Access
- Hiking

Current Permanently Protected Open Space

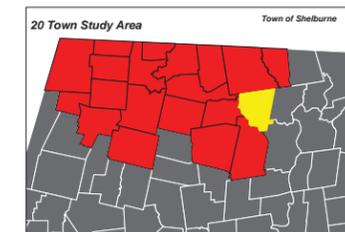
- Conservation Restriction
- Agricultural Preservation Restriction
- Department of Conservation & Recreation or Shel Falls Fire District or Mass Audubon or Franklin Land Trust Owned Land

Current Chapter 61 Temporary Protection

- Forest (CH61)
- Agriculture (CH 61A)
- Recreation (CH 61B)

Environmental Areas

- BioMap 2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road
- Water
- River, Stream

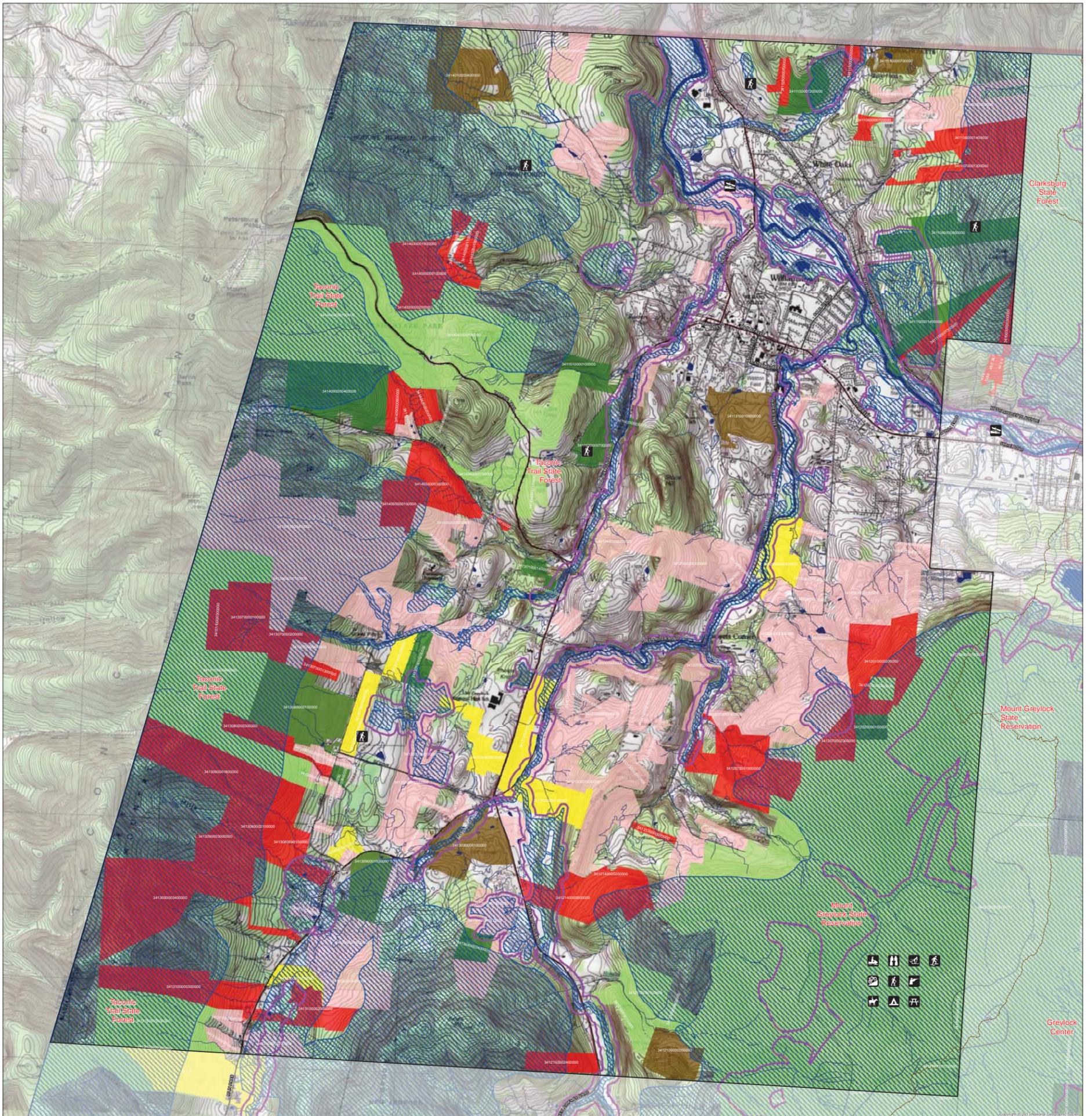


Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS, FRCOG, and the Town of Shelburne Assessors Office. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.



Community Partnership for Forest Conservation & Economic Development

Town of Williamstown



Recreation Resources

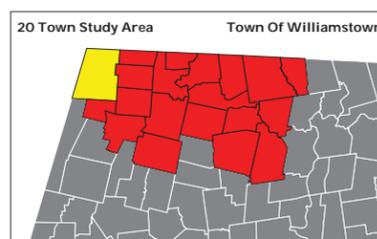
- Boat Ramp, Boating, River Access
- Camping
- Hiking/Walking Trail/Nature Trail
- Horseback Trail
- Hunting
- Bicycling, Mountain
- Picnicking
- Scenic Overlook/Vista
- Skiing, Cross-Country
- Snowmobiling
- Snowshoeing
- Appalachian Trail

Current Permanently Protected Open Space

- Department of Conservation & Recreation Owned Land
 - Conservation Restriction
 - Agricultural Preservation Restriction
- Chapter 61 Temporary Protection**
- Forest (Ch61)
 - Agriculture (Ch 61A)
 - Recreation (Ch 61B)

Environmental Areas

- BioMap2 Core Habitat
- Natural Heritage & Endangered Species Program Priority Habitat for Rare Species
- Major Road
- Local Road
- Water
- River, Stream



0 0.25 0.5 1 Miles



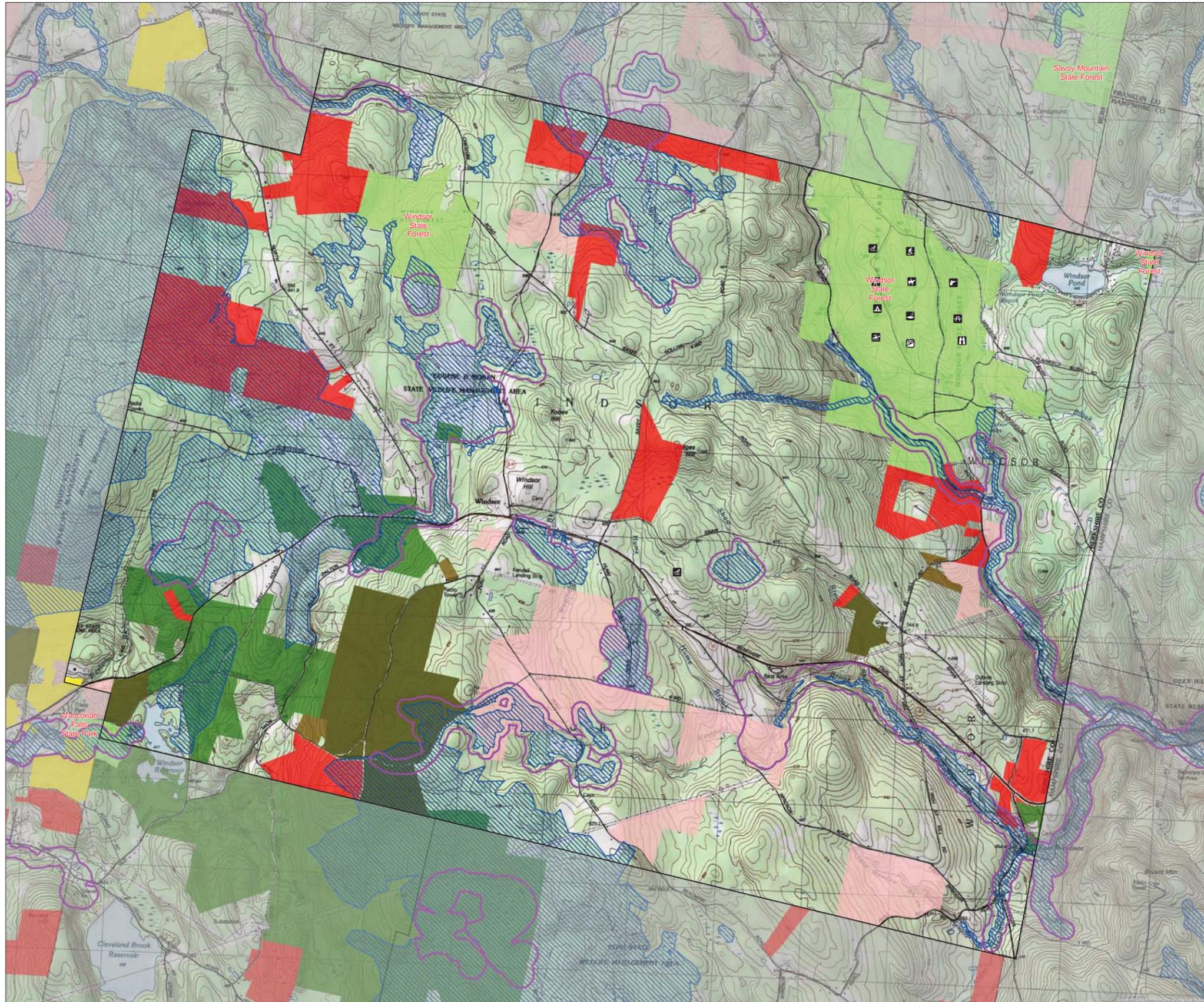
This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC or the municipality may have supplied portions of this data.

February 2014

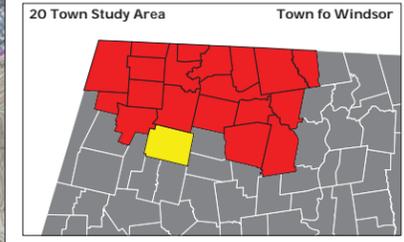
Community Partnership for Forest Conservation & Economic Development

February 2014

Town of Windsor



- Beach, Swimming Area
 - Camping
 - Fishing
 - Hiking/Walking Trail/Nature
 - Horseback
 - Hunting
 - Bicycling
 - Picnicking
 - Scenic Overlook/Vista
 - Skiing, Cross-
 - Snowshoeing
- Current Permanently Protected**
- Department of Conservation & Conservation
 - Conservation
 - Agricultural Preservation
- Chapter 61 Temporary**
- Forest (Ch61)
 - Agriculture (Ch 61A)
 - Recreation (Ch 61B)
- BioMap2 Core Habitat
 - Natural Heritage & Endangered Species Program Priority Habitat for Rare
- Major Road
 - Local Road



This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, MassDOT, BRPC, or the municipality may have supplied portions of this data.

Appendix B: Model Conservation Restriction (CR)

Mohawk Trail Woodlands Partnership
Draft Conservation Restriction Summary

May 7, 2015

Introduction: A conservation restriction (CR) is a legally binding document that extinguishes some rights on a parcel of land while reserving other rights. The permitted and prohibited rights are negotiated based on the features of the land and the wishes of the landowner. Existing houses and future building lots can be excluded from the CR. Once it is recorded at the registry of deeds, the CR runs with the land forever, and its conditions are enforced by the holder of the CR, which may be the state, local land trust, the town and local land trust jointly, or the town. If funding becomes available from the US Forest Service through the Mohawk Trail Woodlands Partnership, landowners would be paid the difference between the “fair market value” of their land (which is its development value) and its “restricted value” (its value once it has been conserved) for their CR. With a CR in place, land is typically valued at its agricultural or forestry potential and can be passed on or sold. The landowner continues to pay property taxes, generally at the Chapter 61 rate. Landowners would only participate in the sale of a CR on a voluntary basis.

The fundamental purpose of a CR is to permanently protect the natural, scenic and open condition of a property by prohibiting any activities that may negatively alter the landscape and the biological function of its component systems and species, while allowing those activities that enhance the natural, scenic and open condition of a property. The following list includes activities and management practices that are allowed or encouraged on land protected by a CR:

- Forestry and farming; sustainable management of the forestry and agricultural resources, emphasizing long-term, professional stewardship of these resources in a manner that minimizes negative impacts on conservation values such as water quality, wildlife habitat and biological diversity.
- Hunting, fishing and passive recreation;
- Conservation of biological diversity, forests, agricultural lands, wetlands, soils, natural watercourses, ponds, water supplies and wildlife;

The rights supported for the Mohawk Trail Woodlands Partnership Conservation Restriction are below.

Specific Allowed Uses of the Landowner

Unless specifically restricted or prohibited within the Conservation Restriction document, the landowner retains the right to conduct the following activities:

***Reserved rights will vary and are dependent on the parcel size, composition of habitats, natural resources present and location of activities and their impact on the conservation values.*

1. **Forestry.** Long term forest management activities including cultivation and harvesting of timber and non-timber forest products including tree cutting, maple sugaring, agro-forestry, wildlife habitat improvement, water quality management, recreational management, soil conservation, and other forestry-related activities, provided that:
 - a. generally accepted “Best Management Practices”, are followed, as outlined in the 2013 Massachusetts Forestry Best Management Practices Manual by Paul Cantanzaro, Jennifer Fish, and David Kittredge, (or successor document), as well as the recommended guidelines pursuant to the Massachusetts Forest Cutting Practices Act;

- b. an approved Massachusetts Forest Stewardship Plan is prepared by a Massachusetts licensed forester;
 - c. an approved Cutting Plan is completed all for proposed cutting/harvesting of trees exceeding 25,000 board feet or 50 cords of wood in any rolling 12 month period for use by the owner on the Premises or at his or her primary residence, pursuant to the Massachusetts Forest Cutting Practices Act; and
 - d. Temporary forestry related structures for forestry related uses including but not limited to a portable saw mill, firewood processor, shelters for equipment, and permanent forestry structures with review and approval by CR holder.
2. **Agriculture.** Commercial and noncommercial agriculture, including storage and use of any equipment and temporary structures reasonably necessary to conduct such activities; animal husbandry operations; cultivation of existing fields, and installation of fences; and with the prior written approval of the holder of the CR, the creation or expansion of new fields and meadows for such purposes, provided that:
 - a. Agricultural activities are conducted within the areas that not more than the majority of the acreage being conserved in the CR.
 - b. Agricultural activities shall be described in an approved USDA Natural Resource Conservation Service Farm Management Plan.
 - c. Lawful use of pesticides, herbicides, manure and fertilizers shall be permitted to the extent necessary to conduct permitted agricultural and forestry activities.
3. **Recreation.** Commercial or noncommercial passive recreational and educational activities such as hiking, camping, canoeing and non-motorized boating, snowshoeing, bicycling, cross-country skiing, hunting, trapping, fishing, bird watching, nature study, and other like recreational and educational activities, and motorized outdoor recreational activities limited to snowmobiling on existing trails and woods roads, which do not materially alter the landscape, and do not degrade environmental quality. For commercial recreation a recreation plan and envelope for activities.
4. **Improvements.** The maintenance and use of existing unpaved trails, fences, bridges, culverts, gates and stone walls (collectively “improvements”) on the Premises, substantially in their present condition. The construction, relocation, replacement or repair of improvements reasonably necessary in conducting permitted activities on the Premises.
5. **Existing & New Ways.** The maintenance, use or discontinuance of existing woods roads and the construction, relocation, replacement, repair or discontinuance of new unpaved woods roads for forestry or agricultural purposes with a travel surface not to exceed twenty (20) feet in width.
6. **Vegetation control.** Trimming, maintaining or replacing trees, shrubs or other plantings in accordance with established horticultural and silvicultural practices, removing diseased or insect damaged trees or vegetation, controlling or eliminating invasive plant species, or removing hazards to private property or public or private health or safety, and cutting, mowing, or replacing grasses in accordance with established landscaping practices.
7. **Signs.** Posting of signs that identify the property owner and the nature of permitted uses.

8. **Motorized vehicles.** Use of motorized vehicles for emergency personnel, agriculture, forestry activities and other reserved rights as described.

9. **Archaeological investigations.** Conducting archaeological investigations in accordance with MA Historic Commission guidelines.

10. **Privacy & Public Access.** The landowners retain the right to prohibit or regulate access to and use of the Premises by the public, including the right to prohibit hunting, fishing and trapping, and including the right to exclude the public, except in areas agreed upon and defined in Exhibits/maps where such areas will be open to the public for passive recreational activities such as hiking, fishing and hunting. With notice to the town or land trust (Grantees), these areas can be closed temporarily during timber harvest operations, after natural disasters or other such occurrences which may create unsafe access to the property. These areas will be re-opened when management activities or other activities to restore the land have been completed or made safe.

Other allowed uses requiring approval from the CR holder can include the construction of ponds, wells, and excavation of gravel/soil for use on the property for reserved rights.

General Restrictions

Unless specifically allowed above, the general restrictions below must be followed to protect the conservation values of the land.

1. No temporary or permanent structures (such as cell towers, wind mills, tennis courts, landing strips, houses, mobile homes, swimming pools, asphalt or concrete pavement) except as permitted above;
2. No excavating soil, loam, peat, gravel, sand, rock, except as permitted above;
3. No storing or dumping soil, trash, vehicle bodies or parts, storage tanks, etc;
4. No stockpiling or use of hazardous substances;
5. No residential, commercial, institutional, or industrial uses and no motorized or vehicular use, except as permitted above;
6. No division or subdivision of the Premises, except as permitted above.

Grantors: NAME of landowners
Grantee: Land Trust/Town/State agency
Property Address: # street, Town
Title Reference: Franklin/Berkshire County Registry of Deeds Book , Page
DCS CR # _

CONSERVATION RESTRICTION

Dated: _____, 2016

We, names, address, town, Massachusetts zip code, individually and for our successors and assigns ("Grantors"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grant in perpetuity and for conservation purposes as set forth in, dedicated and subject to Article 97 of the Amendments to the Massachusetts Constitution to the XXX Land Trust or XXX Agency of the Commonwealth or XXX Town, its permitted successors and assigns ("Grantee"), for a consideration of \$00,000, this restriction being purchased, in perpetuity and exclusively for conservation purposes, a **Conservation Restriction** on a parcel of land located in the Town of _____, Franklin/Berkshire County, Massachusetts, constituting approximately XXX acres {OR a ___ acre portion of a ___ acre parcel}, more particularly described in Exhibit A and shown on the sketch attached hereto as Exhibit B ("Premises") and shown as "Conservation Restriction".

**Mention of all building/recreation envelopes and excluded acres for commercial recreation not allowed such as zip lines etc]

Excluded from the Premises is one parcel of land shown as "Lot 1", containing approximately XX acres in the aggregate shown on the plan attached hereto as Exhibit C.

For title see deed of name and name dated month, day, year, recorded at Book _____, Page _____, and recorded in the Franklin/Berkshire County Registry of Deeds.

This purchase has been funded [add "*in part*" if only partially funded with USFS funds] through the United States Department of Agriculture, Forest Service.

I. STATEMENT OF PURPOSE

By obtaining this Conservation Restriction it is the primary intent of the Commonwealth to perpetually protect and preserve forest lands and promote forest-based economic development, to encourage sound forest and soil management practices in accordance with normally accepted forestry and agricultural practices, preserve natural resources, and maintain land in actively managed forest use. In addition, this Restriction is intended to regulate and control activities and/or uses which may be detrimental to the actual or potential forest or agricultural viability of the Premises, or detrimental to water conservation, soil conservation, or to good forestry and /or agricultural practices or which may be wasteful of the natural resources of the Premises.

I. PURPOSES

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this CR is to retain the Premises in perpetuity for the purposes and protections set forth in and subject to Article 97 of the Amendments to the Massachusetts Constitution; to carry out the purposes of the XXX Forestry Program administered by the United States Forest Service; to retain the Premises in its natural, scenic, forested, and open condition; to protect and promote the conservation of biological diversity, forests, soils, natural watercourses, ponds, wetlands, water supplies, and wildlife thereon; to protect the natural resources of the Premises; to protect and enhance the natural resource value of abutting and nearby conservation areas; to protect the scenic qualities of the open space resources of the Premises; to allow passive recreational use; to encourage sustainable and sound management of the forest resources, and to encourage the long-term professional stewardship of these forest resources in a manner consistent with MA Forestry Best Management Practices (BMPs), applicable local, state and federal law, and in conformance with an approved Forest Stewardship Plan.

The Grantors and the Grantee agree that all boundaries, natural features and man-made structures existing on the Premises at the time of the execution of this CR, as well as the specific conservation values of the Premises, shall be documented in a report to be on file in the offices of the Grantee ("Baseline Documentation Report"). This Baseline Documentation Report shall consist of documentation that the Grantor and the Grantee collectively agree provides an accurate representation of the condition and the conservation values of the Premises at the time this FCR is recorded and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this CR.

This Conservation Restriction is intended to prevent any use of the Premises that will impair or interfere with the conservation values of the Premises. The public benefits resulting from conservation of the Premises may include one or more of the following:

- Preserves Landscapes Actively Managed for Forest Products. The Premises protect approximately XXX acres of forestland and open land currently being managed or to be managed for forest products and wildlife habitat. This land has been managed responsibly for over XX years, and under a Chapter 61/61a/61b, or successor statute, forest management plan for XX years.
- Expansion of Conserved Forest Blocks. The Premises help to protect significant interior forest blocks, linking the 000 acre XXX State Forest with the XXX acre XXX Wildlife Management Area.
- Protection of Wildlife Habitat. The Premises contains significant wildlife habitat, providing breeding and feeding areas suitable for grouse, turkey, migratory songbirds, moose, deer, bear, coyote, turtles, and amphibians.
- Scenic Protection. The Premises has XXXX feet of frontage along XXXX Road, and contributes to the rural, scenic character of said road as well as the Town of XXXX.

- Expansion of Protected Land. The Premises is in a region where considerable land has been protected for conservation purposes, including the XXX State Wildlife Management Area which surrounds the Premises on three sides.
- Recreational Resources. The Premises contains existing trails and woods roads currently used for passive recreational activities, a portion of a maintained trail used by Snowmobile Association of MA (SAM) members and XXX feet along the XX brook, a known cold water native fish stream visited by anglers.
- Carbon Sequestration. The Premises supports carbon sequestration in forests and wood products that help to offset sources of carbon dioxide to the atmosphere, from activities such as deforestation, forest fires, and fossil fuel emissions. Sustainable forestry practices can increase the ability of forests to sequester atmospheric carbon while enhancing other ecosystem services, such as improved soil and water quality.
- Agricultural Resources. The Premises contains XX acres of agricultural lands, including XX acres of prime and state important soils managed for agricultural products and XXX acres of Prime Forest Soils.
- Natural Areas. Conservation of the Premises will add to the conservation of a larger exemplary forest ecosystem and support the development of a complex and mature natural forest ecosystem that experiences natural cycles of growth, maturation, accumulation of forest biological legacies, disturbance, and regeneration and that is subject to natural disturbances and human activities designed to enhance the long term functioning of the natural forest ecosystem;
- Furtherance of Government Policy. In addition, the Premises contains BioMap2 Core Habitat and Critical Natural Landscape and Living Waters Critical Supporting Watershed, as recognized by the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP);
- The Premises shall remain private land and nothing herein shall be construed to be subject to National Environmental Policy Act (NEPA) or the National Forest Management Act Provisions for allowing public right to appeal management actions.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the reserved rights and exceptions set forth herein, the Grantors will not perform or permit the following acts and uses, which are hereby prohibited on, above, or below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building.

tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, alternative energy facility, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;

- (2) Mining, excavating, dredging or removing from the Premises any soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping on the Premises any soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e. fire, police, ambulance, other governmental officials) in carrying out their lawful duties and otherwise excepted herein;
- (7) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
- (8) Subdivision; conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted) and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (9) The use of the Premises for commercial and industrial uses;
- (10) The use of the Premises for commercial recreational activities including but not limited to paint ball courses, motorized recreational vehicles such as motorcycles, off road vehicles, all-terrain vehicles, zip lines and mountain coasters and other commercial recreational activities requiring permanent structures;
- (11) Additional conservation restrictions granted by the Grantors to any other organizations, agencies or parties that would eliminate or alter the reserved rights or prohibited acts as described herein unless approved by Grantee in its sole discretion;
- (12) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation interests or other significant interests.

B. Reserved Rights and Exceptions to Otherwise Prohibited Acts and Uses

Notwithstanding Section II (A) "Prohibited Acts and Uses" above, the Grantors reserve the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction:

- (1) Forestry. Long term forest management activities including cultivation and harvesting of timber and non-timber forest products including but not limited to tree cutting, maple sugaring, agro-forestry, wildlife habitat improvement, water quality management, recreational management, soil conservation, sale of carbon credits, and other forestry-related activities, provided that generally accepted "Best Management Practices", are followed, as outlined in the 2013 Massachusetts Forestry Best Management Practices Manual by Paul Cantanzaro, Jennifer Fish, and David Kittredge, (or successor document), and in accordance with the requirements of the Massachusetts Forest Cutting Practices Act M.G.L. Chapter 132 Sections 40-46 and applicable regulations promulgated thereunder;
 - a. The Grantors must have an approved 10-year Forest Stewardship Plan, or successor document, prepared by a Massachusetts Licensed forester within one year of the recording of said CR, if one does not already exist for the Premises and prior to any harvest.
 - b. Conducting or permitting others to conduct sound silviculture on the Premises in accordance with generally accepted forest management practices and BMPs as referenced above, including but not limited to removing of brush, pruning, selective cutting for non-commercial use and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve or improve the present condition of the Premises, including vistas, woods roads, fence lines and trails and meadows (as shown in the baseline documentation report). The cutting and harvesting of trees for commercial timber production, but only if carried out in compliance with the Massachusetts Forest Cutting Practices Act; and in accordance with the Forest Stewardship Plan. Said Plan shall be prepared by a Massachusetts Licensed forester, and designed to protect the conservation values of the Premises, including, without limitation, forestry, water quality, water features, scenic views, wildlife habitat, stone walls and other historic features;
 - c. If stone walls must be crossed for forestry or agricultural activities, use existing openings "barways" if possible. Limit the number of crossings and cut out only the minimum width needed;
 - d. Forestry practices and activities that are in full compliance with all state and federal rules and regulations shall not be deemed to materially impair the purposes of this Conservation Restriction.

- (2) Temporary Forestry Structures and Equipment. With prior notification to the Grantee, constructing or placing temporary structures for forestry uses, including but not limited to a portable saw mill, wood chipper, firewood processor, and shelters for equipment, and provided such use is not detrimental to water quality, wetland integrity, fragile habitat, soil, wildlife, and plant conservation. For the purposes of this section, a temporary structure is defined as a structure that does not have a permanent foundation, or does not substantially alter or otherwise affect the soil profile;
- (3) Agriculture. Conducting normally accepted and sustainable agricultural management practices, including the cultivation and harvesting of crops, fruit and nut trees, Christmas trees, and the maintenance, reclamation and other activities including the creation of fields, and grazing of livestock under a USDA Natural Resource Conservation Service Farm Conservation Plan or comparable plan, “Farm Conservation Plan”, and designed to protect the conservation values of the Premises, including, without limitation, forestry, water quality, water features, scenic views, and wildlife habitat. So long as these areas are not more than one half of the acreage being conserved in the CR. The conversion of land is completed in accordance with a Farm Conservation Plan;
- (4) Temporary Agricultural Structures. With prior notification to the Grantee, constructing or placing temporary structures for agricultural uses is permitted. Such temporary structures may be used for livestock, storage of products, tractors, maple sugaring, farm stands, compost storage, or tool storage. Temporary agricultural structures that materially impair or interfere with the conservation and preservation values set forth in Section I above are not permitted. For the purposes of this section, a temporary structure is defined as a structure that does not have a permanent foundation, or does not substantially alter or otherwise affect the soil profile. The total surface area of all temporary agricultural structures shall not exceed X,XXX square feet;
- (5) Permanent (Commercial) Structures. With prior notification, review and approval by the Grantee as to scope, location, and square footage, improvements including but not limited to farm stands, small retail stores, sugar houses, and all related infrastructure in support of reserved rights activities such as forestry, agriculture and recreation and to enhance the economic viability of the resources being managed on the Premises;
- (6) Utilities for Agriculture and Forestry Activities. The installation, maintenance, repair, replacement, removal and relocation of electric, and/or water facilities, on the Premises for the purpose of providing electrical, and/or water, to the Premises for agricultural uses, and the right to grant other subterranean easements for these utility purposes.

- (7) Septic System. The installation, maintenance, repair, replacing and removing of one or more septic system on the Premises, to support a land based business such as a farm store related to the reserved rights but only if the Grantors have made diligent efforts to place a septic system on an unrestricted XXX acre lot and only with prior written approval of the Grantee, which approval shall not be unreasonably withheld. Furthermore the septic system must be sited so as to minimize impact to the natural resources located on the Premises including stone lined springs/wells and associated wetlands. The septic site is to be replanted with native grasses and all efforts made to restore the scenic value of the property;
- (8) Non Commercial Recreational Activities. Fishing, hunting, trapping, hiking, horseback riding, cross-country skiing, and other non-motorized outdoor recreational activities, and motorized recreational activities limited to snowmobiling and motorized wheelchairs or other comparable motorized unit, as otherwise allowed by law, on existing trails and woods roads that do not materially alter the landscape and do not degrade environmental quality;
- (9) Commercial Recreational Activities. The Grantors reserve the right to conduct passive commercial recreational activities including cross country skiing, mountain biking, horseback riding, and motorized recreational activities limited to snowmobiling, on existing trails and woods roads or on new trails or woods roads, as defined in Section (16) below, and hunting and fishing, that do not materially alter the landscape and do not degrade environmental quality. Temporary structures in support of such commercial recreational activities may include but are not limited to signage, bridges, fences, and tree stands. Construction, repair and replacement of said structures must conform with Section (21) Permits, Section (24) Passive Commercial Recreation Envelope, and be in compliance with an approved Recreational Activity Use Plan;
- (10) Pesticide and Fertilizer Use. The lawful use of pesticides, herbicides, manure and fertilizers within the existing agricultural and forestry areas is limited to the extent necessary to conduct agricultural or forestry activities identified in the Farm Conservation Plan or Forest Stewardship Plan for the Premises, provided that such use does not occur within wetland buffer zones unless such activity is carried out in accordance with the Farm Conservation Plan or Forest Stewardship Plan and is based on best management practices, and is in conformance with manufacturer's directions;
- (11) Wildlife Habitat Improvement. Measures in compliance with the approved Forest Stewardship Plan designed to restore native biotic communities, or to maintain, or to diversify and create, or enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective mowing for habitat, planting of native trees, shrubs and plants and according to the Forest Stewardship Plan or Farm Conservation Plan.
- (12) Motorized Vehicles. Use of motorized vehicles as necessary to conduct the permitted activities such as forestry, agriculture, hunting, composting, trails and woods road

maintenance and creation, but not including recreational activities, except as reference in Section B (1). Use may include the temporary parking of vehicles such as trucks, skidders, front-end loaders, or tractors being used in support of reserved rights and only for the duration of such activities, and provided such uses are not detrimental to water quality, wetland integrity, fragile habitat, soil, wildlife, and plant conservation, and that such use is restricted, to the extent possible, to designated areas such as roads or trails included in a Forest Stewardship Plan or Farm Conservation Plan;

- (13) Subdivision of the Premises. The conveyance of the entire portion of the 116-acre parcel located on XXX Road (Deed Book XXX, Page XXX) that is included in the Premises, constituting one division or subdivision of the Premises along boundaries as described in deed. And the single division or subdivision of the 400+/- acre parcel located on XXX Road and XXX Road as described in (Deed Book XXX, Page XXX), the division of which shall be with advance notice to the XXX Grantee. Upon subdivision of the Premises all reserved rights and exceptions herein shall remain in effect on all parcels described as the Premises. (to be negotiated with landowner depending on size and may not always be included in CR)
- (14) Non-native or nuisance species. The removal of non-native or invasive flora, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding non-target species and preserves water quality in accordance with the Forest Stewardship Plan or Farm Conservation Plan;
- (15) Composting. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not have a deleterious impact on the purposes (including scenic values) of this CR and in accordance with state laws;
- (16) Archaeological Investigations. The conducting of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official);
- (17) Trails and Woods Roads. The marking, clearing and maintenance of existing trails and wood roads (as shown in the baseline documentation) and the creation of trails and wood roads as designated in a Forest Stewardship Plan or Farm Conservation Plan, if found to be necessary to exercise any of the rights reserved pursuant to this Section II (B) and located in a manner which does not materially impair the purposes of this Conservation Restriction. If in the pursuit of any of the reserved rights, the use of the trails or woods roads contributes significantly to the impairment of water quality and soil conservation, the Grantors must make repairs or discontinue or relocate the roads or trails. The construction of areas of paved roads for forestry or agricultural activities where such pavement is recommended or preferred to prevent

erosion and water quality impacts and according to a Farm Conservation Plan or Forest Stewardship Plan and subject to approval of the Grantee;

** Section 18 may be allowed if landowners have an area of gravel or soil that they could or already do use in the maintenance of the CR land and not for resale.

- (18) Excavating. Excavating soil, gravel, or other mineral products on the Premises provided said, excavation, or maintenance is reasonably necessary or desirable to exercise any of the other rights reserved pursuant to this Section II. B and does not cause substantial soil erosion which materially degrades environmental quality and provided further Grantors may use up gravel/soil from the existing gravel area for use on Premises or other land of the Grantors, for repair of woods roads and field drainage ditches with review and approval by the Grantee and according to a Forest Stewardship Plan or Farm Conservation Plan;
- (19) Fences, Bridges and Culverts. The construction, maintenance and repair of fences, bridges or culverts as necessary to exercise any of the reserved rights described herein according to the Forest Stewardship Plan or Farm Conservation Plan and provided such structures are not detrimental to water quality, wetland integrity, fragile habitat, soil, wildlife, and plant conservation;
- (20) Signs. The erection, maintenance and replacement of signs with respect to forestry, hunting, trespass, trail access, permitted commercial activities subject to local zoning bylaws, interpretive signs, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, and the protected conservation values;
- (21) Privacy. The Grantors retain the right to prohibit or regulate access to and use of the Premises by the public, including the right to prohibit hunting, fishing and trapping, and including the right to exclude the public, except in areas agreed upon and defined in Exhibit C and further in the Baseline Report where such areas will be open to the public for passive recreational activities such as hiking, fishing and hunting. Nothing herein shall be construed to eliminate or impair the right of the public to areas defined as open for public use. With advance written notice to the Grantees, these areas can be closed temporarily during timber harvest operations, after natural disasters or other such occurrences which may create unsafe access to the property. These areas will be re-opened when management activities or other activities to restore the land have been completed or made safe. The Grantors reserve the right to close portions of the Premises to public access as needed where damage to the premises by the public can not be adequately controlled. The right of the Grantors under this section may include, but shall not be limited to the use of gates, fencing, berms, and/or the setting of stones or signage prohibiting entrance;
 - b. Public Use Guidelines and Hours. Public use is from dawn to dusk except for hunters who may access the Premises one hour prior to sunrise. The right of public access hereby conveyed does not include the right of overnight camping.

the right to use amplified music or public address systems, the right to create or maintain open fires, the right to consume alcoholic beverages, the right to congregate, the right to damage or degrade real or personal property, the right to impair the quiet and peaceful enjoyment and the reasonable privacy of the Grantors, or the right to engage in any unlawful, destructive or reckless behavior of any kind, including without limitation hunting in an unsportsmanlike manner on the Premises.

- (22) Permits. The exercise of any right reserved by Grantors under this Section II (B) shall be in compliance with all applicable federal, state and local laws, rules, regulations and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position of whether such permit should be issued;
- (23) Other. Activities not explicitly identified in the CR may be requested by the Grantors and approved in writing by the Grantee, in its sole and exclusive discretion, which permission may only be given if the Grantee expressly finds that the activity is consistent with, and does not materially impair, the purposes or conservation values of the Premises.
- (24) Residential Building Envelope. Notwithstanding Section II (A) "Prohibited Acts and Uses" above, and provided the conservation and preservation values of the remaining portion of the Premises as set forth in Section I above are not materially impaired or interfered with, the Grantors reserve the right to carry on such uses and activities as would be permitted under applicable federal, state and local land use and other laws and regulations within the Building Envelope on the Premises bounded and described on Exhibit B, as if the Building Envelope constituted a separate legal building lot having sufficient frontage and were not part of the Premises, subject, nevertheless, to the general prohibition in paragraph II (A) (8) against the division or subdivision of the Premises. The Building Envelope is and shall remain part of the Premises and shall not be subdivided nor severed from the remainder of the Premises; any attempt at any such division or severance shall be null and void.
- (25) Passive Commercial Recreation Envelope. Notwithstanding Section II (A) "Prohibited Acts and Uses" above, and provided the conservation and preservation values of the remaining portion of the Premises as set forth in Section I above are not materially impaired or interfered with, the Grantors reserve the right to carry on such uses and activities as would be permitted under applicable federal, state and local land use and other laws and regulations within the Recreation Envelope on the Premises bounded and described on Exhibit B. The Passive Recreation Envelope is and shall remain part of the Premises and shall not be subdivided nor severed from the remainder of the Premises; any attempt at any such division or severance shall be null and void.

C. Notice and Approval.

Whenever notice to or approval by Grantee is required under the provisions of Section II (A) or (B), Grantors shall notify Grantee in writing not less than 60 days prior to the date Grantors intend to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantors' request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not materially impair the conservation values of the Premises.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantors cease objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantors covenant and agree to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantors or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantors shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantors' Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantors for any injury to or change in the Premises resulting from causes beyond the Grantors' control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond the Grantors' control, that if it is desirable and feasible to restore the Premises, the parties will cooperate in attempting to do so.

IV. ACCESS

This Conservation Restriction does not grant to the Grantee, to the public, or to any other person or entity any right to enter upon the Premises except as provided in Section B. (18 and 19) herein, and except as follows:

The Grantors hereby grant to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantors also grant to the Grantee, after notice of a violation and failure of the Grantors to cure said violation within a reasonable time, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law with review and approval by the Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of this Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Section V (B) below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds. Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.

B. Proceeds

Grantors and Grantee agree that the granting of this Conservation Restriction gives rise to a real property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value of this Conservation Restriction, determined at the time of the grant, to the value of the unrestricted property at the time. Such proportionate value of the Grantee's property right shall remain constant.

C. Grantors/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantors and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantors and Grantee shall first be paid out of any recovered proceeds and the remaining proceeds shall be distributed between the Grantors and Grantee in shares equal to such proportionate value. If less than the fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this Conservation Restriction.

VI. ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantors and the successors and assigns of the Grantors holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantors, on behalf of themselves and their successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantors and their successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the

Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantors agree to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do either shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantors shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantors, the Grantee shall, within twenty (20) days, execute and deliver to the Grantors any reasonable and customary document, including an estoppel certificate, which certifies the Grantors' compliance or noncompliance with any obligation of the Grantors contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantors and Grantee agree that they will not grant or accept title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner to ensure that merger does not occur and that the Conservation Restriction will continue to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantors and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts, or successor statutes. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, and in circumstances where in granting an amendment there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the

Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Franklin County Registry of Deeds.

XI. DISSOLUTION OF GRANTEE

In the event of the dissolution or other legal termination of the Grantee, or if the Grantee at any time is disqualified under law to hold this restriction and the Grantee has failed to assign the restriction, then the benefits and responsibilities of this Conservation Restriction shall be offered to a qualified conservation organization or public body or agency, as a court of competent jurisdiction shall direct.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantors and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Franklin County Registry of Deeds.

XIII. RECORDATION

The Grantee shall record this instrument in timely fashion in the Franklin County Registry of Deeds.

XIV. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantors: name and address

To Grantee: name and address

or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

XV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Costs and Expenses

The Grantors and their heirs, devisees, legal representatives, successors and assigns shall retain all of the responsibilities, liabilities and costs related to the ownership, upkeep and maintenance of the Premises, including payment of all real estate taxes, and no Grantee shall assume or incur any thereof.

E. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

WITNESS my hand and seal this day and year respectively written below.

GRANTOR(S)

_____, 2016

Name

Name

THE COMMONWEALTH OF MASSACHUSETTS

Franklin, ss:

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ and _____, proved to me through satisfactory evidence of identification to be the person whose name is signed above, viz., personal knowledge, and acknowledged to me that she signed this document voluntarily for its stated purpose.

Notary Public

My commission expires _____.

ACCEPTANCE OF GRANT

The above Conservation Restriction accepted this ____ day of _____, 2016.

FRANKLIN LAND TRUST, INC.
(or State Agency or Town or other land trust)

By _____
Richard K. Hubbard, Executive Director
For authority see Book 4678, Page 35.

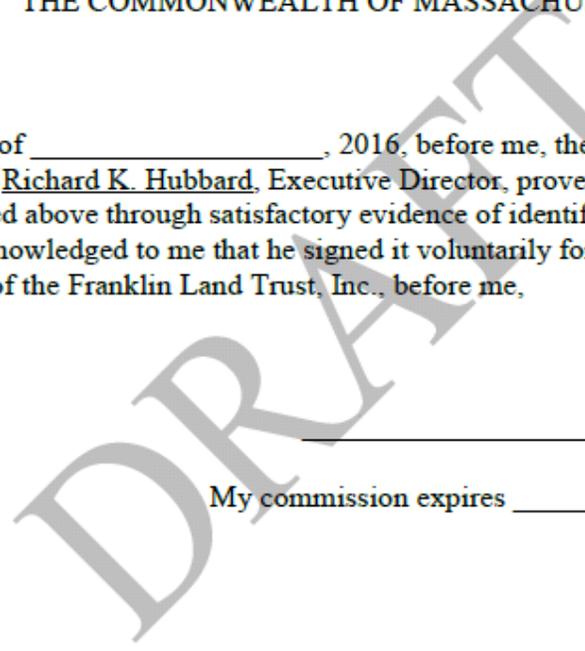
THE COMMONWEALTH OF MASSACHUSETTS

Franklin, ss:

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared Richard K. Hubbard, Executive Director, proved to me to be the person whose name is signed above through satisfactory evidence of identification which was personal knowledge, and acknowledged to me that he signed it voluntarily for its stated purpose as Executive Director of the Franklin Land Trust, Inc., before me,

Notary Public

My commission expires _____.



APPROVAL OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of _____, Franklin County, Massachusetts, hereby certify that at a public meeting duly held on _____, 2016, the Board of Selectmen voted to approve the foregoing Conservation Restriction to the Franklin Land Trust, Inc., pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS

Franklin, ss:

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____

_____, proved to me through satisfactory evidence of identification to be the persons whose names are signed above, viz., personal knowledge, and acknowledged to me that they signed it voluntarily for its stated purpose as the Board of Selectmen for the Town of Conway.

Notary Public

My commission expires _____.

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of The Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Franklin Land Trust, Inc., has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2016

Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification to be the person whose name is signed above, *viz.*, personal knowledge, and acknowledged to me that he signed it voluntarily for its stated purpose as Secretary of Energy and Environmental Affairs for The Commonwealth of Massachusetts.

Notary Public
My commission expires _____.

EXHIBIT A

The land in town, Franklin County, Massachusetts, located on the northwesterly side of Main Road, being the land described in deed of _____ and _____ June 7, 2013, recorded at Book ____, Page ____, and Lot 2 of Plan Book ____, Page ____, a reduced copy attached hereto as "sketch plan" in Exhibit B and including and approximately 1.75 acre building envelope.

(EXCEPTING AND EXCLUDING, however, from this Conservation Restriction the land shown as Lot 1 (4.3 acres) on a plan titled, "Plan of Land in town, MA. Surveyed for name" dated October 11, 2011, recorded in the Franklin County Registry of Deeds at Plan Book ____, Page ____, and attached hereto as Exhibit C.)

###

DRAFT

Appendix C: Town-by-Town Demographic and Economic Data

Population

Town	2000	2010	2000 - 2010 Change	2000 - 2010 % Change
Adams	8,809	8,485	-324	-3.7%
Ashfield	1,800	1,737	-63	-3.5%
Buckland	1,991	1,902	-89	-4.5%
Charlemont	1,358	1,266	-92	-6.8%
Cheshire	3,401	3,235	-166	-4.9%
Clarksburg	1,686	1,702	16	0.9%
Colrain	1,813	1,671	-142	-7.8%
Conway	1,809	1,897	88	4.9%
Florida	676	752	76	11.2%
Hawley	336	337	1	0.3%
Heath	805	706	-99	-12.3%
Leyden	772	711	-61	-7.9%
Monroe	93	121	28	30.1%
New Ashford	247	228	-19	-7.7%
North Adams	14,681	13,708	-973	-6.6%
Peru	821	847	26	3.2%
Rowe	351	393	42	12.0%
Savoy	705	692	-13	-1.8%
Shelburne	2,058	1,893	-165	-8.0%
Williamstown	8,424	7,754	-670	-8.0%
Windsor	875	899	24	2.7%
21-Town Total	53,511	50,936	-2,575	-4.8%
Berkshire County	134,953	131,219	-3,734	-2.8%
Franklin County	71,535	71,372	-163	-0.2%
Massachusetts	6,349,097	6,547,629	198,532	3.1%

Population Median Age

Town	Median Age 2010
Adams	44.3
Ashfield	48.9
Buckland	46.7
Charlemont	46.5
Cheshire	45.9
Clarksburg	45.1
Colrain	46.1
Conway	46.3
Florida	45.1
Hawley	48.7
Heath	49.8
Leyden	49.0
Monroe	41.8
New Ashford	47.0
North Adams	38.9
Peru	41.1
Rowe	50.9
Savoy	46.0
Shelburne	48.2
Williamstown	37.4
Windsor	47.8
Berkshire County	44.7
Franklin County	44.2
Massachusetts	39.1

Source: U.S. Decennial Census, 2010

Population Projections

Town	Census 2010	Projection 2015	Projection 2020	Projection 2025	Projection 2030	2010 - 2030 Change	2010 - 2030 % Change
Adams	8,485	8,449	8,482	8,481	8,453	-32	0%
Ashfield	1,737	1,699	1,651	1,556	1,461	-276	-16%
Buckland	1,902	1,855	1,787	1,736	1,639	-263	-14%
Charlemont	1,266	1,195	1,119	1,011	884	-382	-30%
Cheshire	3,235	3,117	2,975	2,829	2,631	-604	-19%
Clarksburg	1,702	1,712	1,723	1,733	1,742	40	2%
Colrain	1,671	1,605	1,522	1,413	1,273	-398	-24%
Conway	1,897	1,896	1,880	1,848	1,798	-99	-5%
Florida	752	783	809	839	873	121	16%
Hawley	337	354	370	383	385	48	14%
Heath	706	642	583	510	434	-272	-39%
Leyden	711	671	638	593	517	-194	-27%
Monroe	121	141	155	174	188	67	55%
New Ashford	228	221	210	193	171	-57	-25%
North Adams	13,708	13,488	13,224	13,031	12,873	-835	-6%
Peru	847	851	873	890	916	69	8%
Rowe	393	406	427	441	464	71	18%
Savoy	692	691	686	676	671	-21	-3%
Shelburne	1,893	1,825	1,745	1,658	1,553	-340	-18%
Williamstown	7,754	8,095	8,294	8,674	9,005	1,251	16%
Windsor	899	894	886	858	827	-72	-8%
21-Town Total	50,936	50,590	50,039	49,527	48,758	-2,178	-4%
Berkshire County	131,219	131,035	131,002	131,019	130,320	-899	-1%
Franklin County	71,372	71,532	71,459	70,891	69,900	-1,472	-2%
Massachusetts	6,547,665	6,647,728	6,757,574	6,813,450	6,838,254	290,589	4%

Source: UMass Donahue Institute Population Projections. December 2013.

Income (2012)

Town	Median Household Income	Median Family Income	Per Capita Income
Adams	\$40,039	\$51,471	\$23,509
Ashfield	\$69,000	\$75,694	\$35,883
Buckland	\$51,000	\$69,321	\$26,944
Charlemont	\$52,222	\$59,044	\$28,222
Cheshire	\$49,388	\$74,417	\$30,223
Clarksburg	\$59,219	\$70,469	\$28,391
Colrain	\$54,632	\$61,181	\$31,227
Conway	\$76,932	\$85,577	\$35,204
Florida	\$49,191	\$58,929	\$26,796
Hawley	\$65,833	\$75,000	\$33,783
Heath	\$54,286	\$72,143	\$30,835
Leyden	\$64,583	\$74,250	\$31,191
Monroe	\$37,083	\$67,750	\$24,348
New Ashford	\$65,833	\$78,125	\$40,045
North Adams	\$36,510	\$48,770	\$20,481
Peru	\$63,864	\$72,500	\$24,489
Rowe	\$50,833	\$57,969	\$25,547
Savoy	\$57,000	\$60,625	\$27,558
Shelburne	\$59,567	\$79,400	\$32,336
Williamstown	\$72,125	\$104,808	\$37,559
Windsor	\$76,125	\$93,125	\$33,521
21-Town Total	N/A	N/A	\$27,728*
Berkshire County	\$47,513	\$64,830	\$28,939
Franklin County	\$53,298	\$66,573	\$28,841
Massachusetts	\$66,658	\$84,380	\$35,485

* Calculated by dividing the 2012 estimated aggregate income of the 21 towns by the 2012 estimated 21-town population

Source: 2008 - 2012 American Community Survey Five Year Estimates.

Employment and Wages (2012)

Town	Average Monthly Employment	Average Weekly Wages	Total Wages
Adams	1,813	\$731	\$68,917,185
Ashfield	245	\$459	\$5,842,052
Buckland	369	\$557	\$10,690,242
Charlemont	446	\$346	\$8,016,258
Cheshire	586	\$789	\$24,050,988
Clarksburg	196	\$527	\$5,366,850
Colrain	182	\$656	\$6,212,814
Conway	200	\$557	\$5,794,347
Florida	102	\$543	\$2,879,386
Hawley	22	\$295	\$337,598
Heath	58	\$457	\$1,378,274
Leyden	52	\$384	\$1,039,124
Monroe	26	\$190	\$257,206
New Ashford	34	\$380	\$671,739
North Adams	5,743	\$695	\$207,550,324
Peru	35	\$314	\$571,557
Rowe	125	\$717	\$4,660,172
Savoy	55	\$362	\$1,034,847
Shelburne	685	\$598	\$21,292,263
Williamstown	3,940	\$835	\$171,126,120
Windsor	33	\$760	\$1,304,665
20-Town Total	14,912	N/A	\$548,422,454
Berkshire County	60,568	\$771	\$2,429,327,690
Franklin County	25,946	\$700	\$944,482,483
Massachusetts	3,243,632	\$1,171	\$197,514,758,712

Source: Massachusetts Executive Office of Labor and Workforce Development, ES-202 Data

Annual Labor Force

Town	2009	2010	2011	2012	2013	2009-2013 Change	2009-2013 % Change
Adams	4,536	4,587	4,542	4,423	4,361	-175	-3.9%
Ashfield	1,090	1,048	1,037	1,029	1,026	-64	-5.9%
Buckland	1,106	1,090	1,089	1,086	1,063	-43	-3.9%
Charlemont	784	739	735	730	723	-61	-7.8%
Cheshire	1,964	1,890	1,877	1,848	1,822	-142	-7.2%
Clarksburg	958	983	977	947	938	-20	-2.1%
Colrain	1,005	927	905	905	893	-112	-11.1%
Conway	1,132	1,143	1,143	1,126	1,125	-7	-0.6%
Florida	414	452	447	435	435	21	5.1%
Hawley	167	174	174	173	167	0	0.0%
Heath	455	421	418	413	405	-50	-11.0%
Leyden	482	434	427	433	429	-53	-11.0%
Monroe	26	33	31	34	29	3	11.5%
New Ashford	158	142	144	142	140	-18	-11.4%
North Adams	7,368	7,284	7,220	6,970	6,907	-461	-6.3%
Peru	482	495	497	496	494	12	2.5%
Rowe	185	213	212	209	206	21	11.4%
Savoy	429	409	401	402	401	-28	-6.5%
Shelburne	1,102	1,069	1,050	1,035	1,030	-72	-6.5%
Williamstown	4,006	3,825	3,790	3,697	3,661	-345	-8.6%
Windsor	524	535	534	532	524	0	0.0%
21-Town Total	28,373	27,893	27,650	27,065	26,779	-1,594	-5.6%

Source: Massachusetts Executive Office of Labor and Workforce Development, Labor Force and Unemployment Data.

Annual MBF* Harvested, 2006-2014

Town	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Adams	-	359	140	421	-	-	87	-	198	1,205
Ashfield	443	333	562	302	663	111	77	111	191	2,793
Buckland	279	516	159	-	276	5	436	179	539	2,389
Charlemont	1,564	515	203	178	284	614	574	555	395	4,882
Cheshire	616	33	264	-	500	-	-	153	-	1,566
Clarksburg	160	65	85	-	-	312	49	-	-	671
Colrain	346	1,036	406	150	84	550	664	1,057	-	4,293
Conway	3,194	1,966	480	755	-	354	140	1,357	1,200	9,446
Florida	159	145	-	122	89	99	-	65	25	704
Hawley	1,343	765	100	-	272	259	380	166	480	3,765
Heath	1,111	386	40	294	433	633	209	366	130	3,602
Leyden	320	253	97	694	294	187	-	558	128	2,531
Monroe	89	367	-	352	-	-	-	-	47	855
New Ashford	-	374	1,120	110	75	150	58	59	219	2,165
North Adams	501	74	125	345	20	120	73	95	161	1,514
Peru	518	115	205	228	14	10	208	74	341	1,714
Rowe	20	180	100	20	66	340	-	-	710	1,436
Savoy	976	1,395	894	579	-	626	281	831	191	5,773
Shelburne	291	575	133	68	24	221	550	238	862	2,962
Williamstown	224	168	192	85	-	52	139	131	75	1,066
Windsor	754	813	820	217	655	645	412	258	50	4,624
21-Town Total	12,908	10,433	6,125	4,920	3,749	5,288	4,337	6,253	5,942	59,956

* Million Board Feet.

Source: Massachusetts Department of Conservation and Recreation Cutting Plans.

Appendix D: State and Federal Programs

Natural Resource Based Economic Development and Tourism

Voluntary Public Access and Habitat Incentive Program (Natural Resources Conservation Service, U.S. Department of Agriculture)

This program, authorized under the 2014 Farm Bill, aims to improve wildlife habitat and enhance public access for recreational opportunities on privately held and operated farm, ranch and forest lands. Award amounts range from \$75,000 to \$1 million per year. Funds must be applied for by the State which if awarded can be used to enhance public access on private land with willing landowners. Funding priority is given to applications that increase private land acreage available for public use and that strengthens existing wildlife habitat improvement efforts, among other criteria. While well-aligned with the Mohawk Trail Woodlands Partnership Project's goals, this is a competitive nationwide program with \$40 million available. Last year nine states and one tribal nation received the award. The 21-town region working collaboratively could increase the likelihood that the State would apply on the regions' behalf and improve the competitiveness of a National application.

Recreational Trails Program (U.S. Department of Transportation's Federal Highway Administration / MA Department of Conservation and Recreation)

This program provides funds to states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. The Massachusetts program is administered through DCR with funds provided by the Federal Highway Administration. Grants, typically ranging from \$2,000 to \$50,000, are awarded for a variety of trail protection, construction, and stewardship projects for both non-motorized and motorized recreational trail uses. These grants are 80-20 challenge grants, meaning 80% of project costs are reimbursed to grantees, but at least 20% of the total project value must come from other sources. In addition, these grants are reimbursement grants, meaning the grant will be awarded but grantees must apply for reimbursement after expenditures have been made. Securing the 20% match and providing the up-front funding can be challenging for the rural communities in this region.

Wood Utilization Assistance Program (Forest Service, U.S. Department of Agriculture)

The program provides technical and financial assistance to State foresters, tribes, and public and private organizations regarding new and emerging technologies to effectively manage forests and extend the most efficient and effective economic opportunities to forest landowners. The program may include: developing potential new products; showcasing innovative uses for small diameter and low-valued hardwoods and softwoods; reducing the challenge to economic and market barriers to the use of wood; providing seed money and gap funding for demonstration projects; and facilitating the creation/expansion of harvesting/processing/transporting enterprises around wild and urban

interface areas threatened by catastrophic wildfires. Typical awards are \$50,000-500,000 and approximately \$3.7 million is available nationwide. Last year, approximately 25 entities received awards. This program supports the Mohawk Trail Woodlands Partnership Project goals regarding natural resource based economic development, increasing sustainable forestry practices, increasing natural resource based jobs and sustaining/expanding forestry business. However, it is an extremely competitive program.

Renewable Energy & Energy Efficiency (Rural Energy for America Program, U.S. Department of Agriculture)

This program provides guaranteed loan financing and grant funding to agricultural producers and rural small businesses to purchase or install renewable energy systems (including renewable wood heat) or to make energy efficiency improvements, thereby reducing operating costs. Renewable energy system grants range from \$2,500-\$500,000 and energy efficiency grants range from \$1,500-\$250,000. Loans are also available. While this program supports the Mohawk Trail Woodlands Partnership Project's goal to increase energy efficient wood heat and reduce fossil fuel use, it has limitations. The grant program covers a maximum of 25% of the project, which means small businesses may be saddled with large loans. Additionally, this program does not include municipal buildings, which are a key focus in the Partnership's initiative. There is \$47 million in loans guarantees and \$5 million in grants available in FY 2015 for REAP programs. Additional revenue sources could be used to supplement these awards.

Municipal Financial Sustainability

Mohawk Trail Renewable Heat Initiative (MA Department of Energy Resources Funding) - MA DOER has committed \$350,000 to work with the 21-Town region to evaluate the potential for expanding the use of energy efficient renewable wood heating systems and the feasibility of establishing a wood pellet manufacturing facility to utilize low-quality wood from the region's forests to support demand for wood heat. Converting municipal buildings to wood heat could help reduce operating expenses and can provide more stable energy costs into the future. It can also shift the region's reliance away from oil and reduce related greenhouse gas emissions. This funding is specifically targeted to the 21-Town region and is an outcome of the Mohawk Trail Woodlands Partnership Project. Without a large enough geographic area it is unlikely this study would have been conducted.

This initiative will cover the five tasks outlined below:

1. Resource assessment for the 21-town region. The assessment conducted will utilize forestry data, cutting plans for past 10 years, Ch. 61 lands and management plans. An estimate of currently available forests and the amount which can be sustainably harvested over the long-term will be provided. Current carbon sequestration will be measured and will be compared with anticipated carbon sequestration if harvesting of wood for heating is increased.

2. Market analysis and plan for development of a wood pellet manufacturing facility in the 21-town region. The plan will include: a) meetings with municipal officials to gauge interest in converting schools and municipal buildings to energy efficient renewable wood heat; b) evaluation of the potential for converting schools and municipal buildings to energy efficient renewable wood heat; c) a survey of homeowners and businesses in the region regarding type of fuel used and potential interest in converting to an energy efficient renewable wood heat system; d) determination of the appropriate scale and feasibility of a wood pellet manufacturing facility based on the estimated supply and demand, and e) stakeholder meetings for community input on potential locations for a wood pellet manufacturing facility if there is enough supply and demand.

3. Evaluation of the reduction in fossil fuel use and GHG reduction and the potential air impacts of increased use of energy efficient renewable wood heat systems. An analysis will be conducted to project the greenhouse gas reduction and air quality benefits from increased use of wood heat.

4. Creation of a business plan for the development of wood pellet plant in this region. A business plan will be prepared that examines both a private ownership model and a community owned model, such as a cooperative.

5. Regional Economic Impact Study. A regional economic impact study will be prepared, assessing the impacts of a new wood processing distribution center in the region, for foresters, truckers, and the local economy.

DOER has indicated an initial interest in assisting the communities to implement the study recommendations, should they prove favorable. Based on findings for other State programs such as Vermont, this could result in significant savings for municipalities in the 21 town region.

MA Green Communities Program

Designated Green Communities (Ashfield, Buckland, Conway, Rowe, and Williamstown) can apply for funding of up to \$250,000 for the 2015 Competitive Grant Program (\$7.9 million available). Eligible projects include energy conservation/energy efficiency measures and renewable energy projects (including energy efficient renewable wood heat) on municipal property. Previously, this program funded an engineering study of wood-based heating for a municipal building in Ashfield. This is a useful source of funding for the region's 5 Green Communities. However, few of the communities in the 21-town region are Green Communities, in part due to the up-front work involved to qualify as a Green Community, and the town support needed to pass certain requirements (including a vote at Town Meeting). Additional technical assistance could be used to help communities qualify for Green Community Status and resulting grant funds.

Volunteer Fire Assistance (VFA) Grants (MA Department of Conservation and Recreation)

VFA grants are available to non-profit rural call or volunteer fire departments that serve a population of 10,000 or less. The department must be comprised of at least 80% volunteer firefighters. Eligible projects include firefighter safety, technology transfer, and rural fire defense. Funding is provided as a 50-50 matching reimbursement up to \$2,000. During fiscal year 2014, 40 communities in Massachusetts received wildland fire equipment and training through this program. DCR Bureau of Forest Fire control staff identified a need for more funding and staff support to provide training, which could increase if more volunteers are needed in the 21 town region due to greater demand for emergency services.

Sustainable Forestry Practices

Regional Conservation Partnership Program (US Department of Agriculture) - Authorized under the 2014 Farm Bill, the Regional Conservation Partnership Program (RCPP) is USDA's new, innovative program that promotes coordination between the Natural Resources Conservation Service (NRCS) and its partners to deliver conservation assistance. Through this program, extensive partnerships have been established to assist landowners to conserve working woodlands and to integrate sustainable forestry and energy practices. In January 2015 DCR was awarded \$637,860 from the RCPP for the 21 Town region as well as seven adjacent towns. Partners for the project include: the Mass Forest Alliance, Mass Woodlands Institute, Mass Audubon, Mass Executive Office of Energy and Environmental Affairs, Mass Division of Fisheries and Wildlife, Mass Dept. of Energy Resources, Franklin Land Trust, Mount Holyoke College, Franklin Regional Council of Governments and the Berkshire Regional Planning Commission. Only 110 applications were funded nationally. The Mohawk Trail Woodlands Partnership effort was instrumental in the State submitting an application for western Massachusetts and contributed to its National competitiveness. The project will provide a number of environmental and community benefits, including:

- Creating and enhancing forest habitat for at-risk species
- Restoring degraded habitat conditions by landscape-scale invasive plant treatments
- Reducing fossil fuel use and improving energy efficiency by utilizing low quality forest products to heat schools, municipal buildings, and homes with energy efficient renewable wood heat
- Increasing the carbon sequestration of the region and reducing carbon emissions by retaining land in long-term forest use
- Encouraging private forest landowners to apply regional woody material retention guidelines during harvesting operations

Creating a Buy-Local Model for Working Forests in the Northern Berkshires (MA Department of Conservation and Recreation)

This DCR program which was funded through U.S. Forest Service funds, helped to build and promote the forest product industry in the northern Berkshires. The project worked to create a type of homegrown “Forestry Stewardship Council” certification of Massachusetts wood products through harvesting standards. The geographic area of this grant included much of the proposed 21-town project area. Work was two-fold. Outreach was provided to wood and forest product producers in the form of templates for creating websites as well as photography service to help provide marketing imagery. The program also worked to educate architects and other professionals that specify and use wood products that are locally available. While this program is widely applicable to the goals of the Mohawk Trail Woodlands Partnership, it unfortunately ended in March, 2015. This project and others demonstrate that there is an unmet need for sustainable forestry related marketing and business development in Western Massachusetts that could be met through additional resources.

Small Forest Landowner Outreach Initiative for Communities Located in the Urban-Rural Interface of the Quabbin to Cardigan Priority Landscape (MA Department of Conservation and Recreation)

This is another program through DCR funded by the U.S. Forest Service in the form of outreach and technical assistance to engage landowners. Workshops help to train landowners in invasive species removal, safe equipment use, and micro-logging techniques with an emphasis on forest improvement. An innovative aspect of the program is the creation of “Wood Banks” in several towns. These Wood Banks follow the food bank model to provide emergency home heating assistance for local residents. Wood is donated by local landowners. While this project is just getting off the ground and has similar goals, its area does not overlap with the Mohawk Trail Woodlands Partnership. Additionally, it shows the necessity of forestry related assistance and education to individual landowners and the ability for sustainable forestry practices to become drivers of economic assistance for rural community viability. A special designation of the Mohawk Trail Woodlands Partnership area could increase the likelihood that this or a similar special program could be developed for the 21-town region.

Forest Stewardship Program (MA Department of Conservation and Recreation)

The DCR will provide cost reimbursement to individuals, groups and associations who wish to develop a 10-year forest management plan. However, this program is only open to landowners with parcels of 10 acres or more and municipalities with parcels larger than 25 acres. Reimbursement is provided for development of new forest management plans. Additionally, land enrolled in Chapter 61A or 61B that does not have a current forest management plan is eligible. While this program encourages forest management plan development, it does not provide technical assistance for sustainable forestry implementation, which could be provided through the Mohawk Trail Woodlands Partnership.

Foresters for the Birds (MA Department of Conservation and Recreation)

Improved and conserved wildlife habitat is one of the goals of the Mohawk Trail Woodlands Partnership project. Landowners can be reimbursed for Bird Habitat Assessment on their properties conducted by a licensed Forester. Reimbursement is eligible to those currently enrolled or seeking to enroll in the Forest Stewardship program (through creation of a 10-year forest management plan), and living within the Northern Hardwood focus area towns. As in the Forest Stewardship Program, this program encourages landowners to assess their property, but may exclude smaller landowners and does not help provide for implementation funds to enhance wildlife habitat. Additionally, some of the towns within the 21-town project area are not within the Northern Hardwood focus area and landowners within them are unable to participate.

Conservation of Land for Sustainable Forestry

Agricultural Preservation Restriction Program - The Massachusetts Department of Agricultural Resources has an active program of purchasing agricultural preservation restrictions (APR's) on active farmland that is comprised primarily of prime agricultural soils or soils of statewide importance. The property involved must also be no more than 2/3's wooded. Much of the land in this focus region does not meet these requirements, especially land that has historically been managed for forest products.

MA Land Conservation Tax Credit - Rewards landowners who donate their land or place a conservation restriction on it with a State tax credit provided the land is determined by the State to be eligible, based upon its natural resource values. The program pays landowners up to 50% of the appraised donated value of the restriction or land, or \$75,000 whichever is less. This program is currently very popular statewide and has a two year waiting list. In addition, landowners typically need to spend roughly \$5,000 in due diligence costs (appraisal, survey, legal representation, etc.) to take advantage of the program.

MA Landscape Partnership Program - The MA Executive Office of Energy and Environmental Affairs' Landscape Partnership Program will pay up to 50% of the appraised value of land or a Conservation Restriction. This program, however, has a requirement that the application involve a minimum of 500 contiguous acres, and that the interest in land (e.g. Conservation Restriction) be held by more than a single entity (e.g. State, town and/or land trust). The Franklin Land Trust has successfully utilized this program to conserve working woodlands in the region but the projects are very complex and take several years to come to fruition. The successful projects also relied on multiple funding sources, including bargain sales and donations by some of the involved landowners and grants from foundations.

US Forest Legacy Program - The U.S. Forest Service's Forest Legacy Program has been suggested as a potential source of funding for working woodland Conservation Restrictions rather than the proposed Special Designation (see Chapter 7). The program provides funding

for the acquisition of Conservation Restrictions on working woodlands in eight designated forested regions in Massachusetts. The 21-town region is currently not a designated region. However, with limited funding and a priority placed on large areas of forested land, the Forest Legacy program is extremely competitive nationwide. Massachusetts land trusts seeking Forest Legacy funds must aggregate as many smaller parcels of land as possible, and include multi-state partners if possible. While doable, these projects can take many years to assemble, and carry no guarantee of success for the years of effort.

Appendix E: Advisory Committee Members, Meeting Agendas and Minutes

**Mohawk Trail Woodlands Partnership Advisory Committee Appointments
2014-2015**

Franklin County

Ashfield – Arthur Pantermahl

Buckland – Cheryl Dukes (Stacy Kontrabecki – Alternate)

Charlemont – Jay Healy

Colrain – Scott Sylvester

Conway – Jim Moore

Hawley – Greg Cox

Heath – Art Schwenger

Leyden – Jeff Neipp

Monroe – Select Board

Rowe – Walt Quist

Shelburne – Larry Flaccus (Whit Sanford – Alternate)

Franklin Land Trust – Wendy Ferris

Franklin Regional Planning Board – Gisela Walker

Forestry Representative – Jeff Hutchins – Massachusetts Forest Alliance (MFA)

Forestry Representative – Keith Ross – MA Society of Foresters

Environmental Representative – Jim Perry – Deerfield River Watershed
Association

Business Representative – Mary Vilbon, Executive Director – Greater Shelburne
Falls Area Business Association

Berkshire County

Adams – Joe Nowak

Cheshire – Fred Jajko

Clarksburg – Carl McKinney

Florida – Tom Brule

New Ashford – Mark Phelps

North Adams – Kyle Hanlon

Savoy – Dan LaBonte

Williamstown – Hank Art

Windsor – Dicken Crane

Berkshire Natural Resource Council – Doug Bruce, Stewardship Manager

Berkshire Regional Planning Commission – Kyle Hanlon

Environmental Representative – Drew Jones – Hoosic River Watershed Association

Mohawk Trail Woodlands Partnership 2014

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	September 17, 2014	Location:	Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA
Time	6:00-8:00 p.m.	Room:	1 st Floor Ski Lodge
		Facilitator(s)	Peggy Sloan, FRCOG & Tom Matuszko, BRPC
		Call in # PIN	N/A
ATTENDEES: Mohawk Trails Woodlands Partnership Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, A. Larose, K. MacPhee, T. Matuszko, J. Pacejo, W. Ferris & B. O'Connor			

Agenda items	Estimated Time	Key Person
1. Introductions, Overview of Project & Role and Responsibilities of the Advisory Committee	6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
2. Review and Discussion of Project Goals & Key Framework Elements	6:30 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
3. Review of Purpose of Plan and Content & Presentation and Discussion of Draft Project Background Section	7:10 p.m.	T. Matuszko, BRPC & K. MacPhee, FRCOG
4. Working Forest Renewable Heating Initiative Study & Update on U.S. Forest Service Liaison	7:30 p.m.	B. O'Connor, EOEEA
5. Review & Discussion of Draft Provisions of Model Conservation Restriction	7:40 p.m.	W. Ferris, FLT
6. Other Updates, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn	8:00 p.m.	P. Sloan, Planning Director – FRCOG

This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting.



Berkshire
Regional
Planning
Commission



Mohawk Trail Woodlands Partnership Advisory Committee Meeting

September 17, 2014

Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA

P. Sloan, FRCOG and T. Matusko, BRPC

The meeting started at 6:04

1. Introductions, Overview of Project & Role and Responsibilities of the Advisory Committee (6:04 p.m.):

P. Sloan introduced the project partners. Meeting attendees then introduced themselves, the town they represent, and their background related to the project.

Sloan provided a brief overview of the project, including the study area, as shown on the 20 town map provided at the meeting. The intent of the project is to increase forest based economic development and conservation, increase the recognition of the region, and to bring more state and federal resources to the region from the U.S. Forest Service and EOEEA.

A key question for the committee is should we proceed with a federal designation. The hope is that committee members will take information back to Select Boards and town members and discuss whether we should proceed.

A key comment from the public outreach was that an "Advisory committee" should be created to ensure that the project will maintain a community focus, and decisions are driven by communities.

It is hoped that the committee will help with the following:

1. Determining the key features of any legislation
2. Developing a plan including specific project and policy recommendations
3. Assist with drafting legislation if enough communities are interested
4. Reporting back to your community to give them your thoughts and view points on how the project is proceeding.

Once the draft plan is finished, regional meetings will be held as well as meetings with Select Boards. It is hoped that the town representative could be part of the Select Board meeting.

The Advisory Committee will meet 3 or 4 times. An effort will be made to keep meetings focused.

T. Matusko went over meeting protocols. The project team will try to keep the meetings flowing, get the committee materials in advance, and request that committee members look at materials before meetings. With an Advisory Committee we will get a diverse set of opinions – an exciting aspect. Members need to respect the opinion of all committee members, staff and guests. Please try to have one conversation at a time.

BRPC and FRCOG will be co-facilitators. The hope is to reach consensus on issues. The goal is to get a strong product that represents the will of the communities. This is an exciting opportunity to have communities from both counties meeting since this does not happen often. If we can't get consensus, then members will be asked to vote.

We would like to get meetings started on time and to end on time unless the group wants to continue longer. Once there is agreement on an issue it should not be revisited unless the group agrees to revisit.

2. Review and Discussion of Project Goals & Key Framework Elements (6:19 p.m.):

T. Matuszko presented the project goals. The handout provided to meeting participants prior to the meeting lists the project goals. The goals are the broad themes for the project. They are listed in no particular order. Tom read through all of the goals.

Tom explained that the goals were developed as a result of the public meetings and additional work that has been done. Extensive regional plans were also just completed – Sustainable Berkshires and Sustainable Franklin County – which included extensive public processes and outreach.

The goals try to cover the main themes – economic development, land conservation, community sustainability, and bringing in additional technical resources. The goals will set a framework for the plan. They are supposed to be broader but will help provide a framework for more specific recommendations.

Tom asked for comments from the committee on the goals. Discussion followed:

The goals talk about working forests, and then talk about conserving forests, but all forests are working. The goals need to highlight when we are talking about harvesting as an important tool and not mince words. Let's recognize that all forests are working and provide support for all types of forests.

Tom M. - the intent was to not limit the project to harvesting, but to include it.

A committee member agreed with the previous comment. If people look at the history of stewardship that the state has done so far it has been negligent. They have not logged in 50 years, forests are subject to blow down, there is growth of scrub brush which can fuel fires. State forests need to be harvested and managed, not tucked away and unproductive and just pretty to look at. If these become lazy forests it will harm us.

There is a distinction between lazy forests and lazy management. All forests are working but not all management is beneficial. There is lazy management, not lazy forests. Distinction is in the management. Forests still are providing oxygen and water supply protection.

Tom M. - the intent was to provide resources to landowners about forest management, to aim for the best forest management that we can.

There is a tension here that has been brought up in terms of working forests/landscapes and preservation. As the president of a rural management association, I hear differing points of view about land – some people support working lands, others want to see land left alone. Some lands should be actively managed by not managing them, such as old growth forests. One size doesn't fit all. Educating the community and public is very important to accomplish these goals. Around this table we may agree but there are people out there who think that when they hear a chainsaw the environment is being damaged. What is missing is how do we educate the public?

Generally in agreement, education is lacking, young children are not taught about forestry. My children had the benefit of growing up on a farm but their peers in school don't have that experience.

Tom M. – We will craft a specific goal about educating the public.

What about the percentage of conserved land?

Tom M. – We will talk about that.

Feasibility study for wood pellet plant is missing from goals. There should be a goal relating to the production of local renewable energy to reduce reliance on foreign oil/gas etc.

Do you plan on identifying existing resources for technical assistance? If UMass has educators, Williams College, how much do they do with the general public? We don't want to duplicate.

Tom M. - Yes, we will be identifying resources as much as possible in the plan.

Who will provide the technical resources, education etc.?

Tom M. – We will try to figure out who. Part of the plan will be identifying resources.

Related to resources – it is great to “support” CRs, but support is a weak word. Want to see identify funding for CRs.

What type of funding are we identifying? For communities to sustain tax deductions or implementing the program?

Funding to purchase CRs from landowners.

Tom M. – We would like to get some type of payment to communities out of this program for impacts.

Peggy S. – Also there has been a lot of discussion about at what point is too much conserved land in a town? We want to identify new revenue streams but also give towns more control about land being conserved.

My main concern is what will be the tipping point for conserved land? I don't know how much more we can absorb in the next 10-15 years. I want to focus on where our town will be down the road. We just went through the land partnership program in Leyden with 11 landowners, and the only partnership with the state was the money they provided to the landowners for the conservation .

Tom M. – We are still at exploratory phase, but will need to figure out how the partnership will work. One thought is to set up a committee like this one to provide input to the funding agencies. We have discussed the idea of having communities having a say after a certain percentage of land is protected. It could be up to the town about additional land conserved and priorities for funding.

I would like to see more flexibility in CRs so new landowners can play a big part in how that community will grow.

Tom M. –The CR will be worthy of a lot of discussion and we will be working out those details.

Bob O-Connor – I went to a lot of community meetings, and they changed my thoughts about conservation because your towns have a lot of unmet needs, and we should focus on economic development. We want to have someone from our department be more involved, but not to be more involved than what you want it to be. More than just passing out money.

Tom M. – The framework elements start to get into details.

What input does DCR have in this? A lot of what we read through, isn't that the responsibility of DCR? They have foresters to help landowners?

Bob O. – DCR is part of the puzzle, there are also farmers with forests, etc. We see this as a way for the different agencies at EOEEA to work together to provide services that make sense. Other agencies are also involved.

Tom M. – With a designation we are hoping that the State pays greater attention to this region. We have heard from the meetings that the State is cutting staff, foresters etc. We hope that this will provide us with additional services.

Peggy S. – If there are specific recommendations that the committee would like to make to improve forestry practices, we would bring that back to DCR.

About the viable proposal, my understanding of this is what we are trying to achieve a proposal to the U.S. Forest Service?

Tom M. – We are trying to get a viable proposal that benefits the municipalities. That is the main mission.

To whom is the proposal being made to?

Tom M. – If we want to get federal funds to help with this, then the Federal government (U.S. Forest Service) needs to be asked into this area. In order to do that, we need the State legislature to sign on. So the proposal will go to the communities, then bring it to state, then the federal government. We have a long way to go. The goal is to get a viable proposal for communities.

So is there no interest from the EOEEA office if the feds aren't interested?

Tom M. – We hope to get more money from the State, but also would like to get some from the federal government. We are told that the U.S. Forest Service doesn't spend a lot in MA right now.

If we can't agree on federal ownership there can still be a plan B where we are working together with the state.

Bob O. – Yes we are in this to work with the communities if there is some way that the state can help.

My concern is that with federal money comes federal control. Is there going to be a guarantee where their control stops? Will rules be inflicted on us?

Peggy S. – The parameters will be within the legislation which will give a framework for what is acceptable and what is not. We have heard repeatedly that land should remain in private ownership. We will discuss whether there should be any federal ownership or not.

Not talking about federal ownership, but if they put money towards this, will they want control over the whole area?

Peggy S. – Our understanding from the forest legacy program is that no additional regulations apply.

I'm nervous about the designation, how much control will they have going forward?

I'm here representing SFABA. I'm most interested in the economics of this and what the State and federal government can help with economic development, improving the forests and environment. I don't want that to get lost in this discussion about conservation. Also we have particular issue in terms of rural areas - we get short thrift from the State, and are judged on urban ideas and perspectives on what we should and should not be doing. This partnership could be a real model helping all of rural MA and New England. I am familiar with the Conte Refuge, it has been a boon even though invisible, and has helped the economy.

It would be stronger if this is positioned as a model that could be picked up by other regions.

My concern is that we have not had a lot of impact dealing with our own legislature in Boston, if strings are attached how will we have an impact on the federal government?

Tom M. – Hopefully some of these "string" issues will be resolved as we work through this. There will be an element of risk that will be incurred, but hopefully we can build a proposal where the benefits will outweigh potential risks.

Is this an all or nothing proposition? If not all of the towns want to go through with it, can some still choose to?

Peggy S. – We are waiting to see which towns are interested and then we will evaluate whether or not it makes sense to proceed. We have never said we need to have x number of communities.

Should include the forest serving as flood control in the goals, this is very important for towns.

Peggy S. – We will make changes and send out another draft for the next meeting.

P. Sloan then passed out the Framework. The purpose is to guide legislation for designation. A couple original elements dealt with state actions, and we felt these deserved a separate section in the plan with the recommendations, so these were removed.

P. Sloan went through the elements. Discussion followed:

Element #2, can we edit it to say no net loss of tax dollars? It is my understanding that Chapter 61 reduces taxes. If we lose one parcel we get a cut in taxes.

Should clarify private “tax-paying” ownership, not non-profits/ tax-exempt ownership.

I’m an assessor in my town, and every time a house is built it costs us money. We don’t ask them to pay the difference.

My concern is we have no room to grow. We cannot lose any tax revenue, we have no room in our budget.

So if someone built a house in town, then your school costs go up?

In this region we have declining enrollment so we would welcome more students.

Peggy S. – It would be difficult to define no net loss. But we will discuss a provision to give towns a choice in land protection. We will probably have more demand than funding for CRs.

If the taxes lost by conservation is made up for by PILOT money, than there is no net loss. I can see where no net loss is a reasonable thing.

Another way to look at it is no net loss in conservation – swap conservation lands if new conservation is desired, by the town holding the CR. Could be a townwide CR.

Bob O. – At one point we did a study of the 20 towns, if you are in chapter 61 and you sell a CR on your land, then there is no net loss in taxes. If a parcel is not in Chapter 61 than yes there would be a loss.

If we are going to draft a resolution, I would like to see one where the state will give the town a certain amount of money for reaching a threshold of CRs in your town. Get a block of money in lieu of taxes from the state. Vermont does this.

Peggy S. – We had a meeting with our legislators about how to get reliable payments with this designation. We want to brainstorm ideas with you.

The other way to conserve land is if someone is making money on the land, than that conserves the land. Economic viability is something to consider.

Peggy S. – We will try to incorporate the concept of no net loss in revenues.

Should be no state, town, or federal right of first refusal.

Don't get the point of that. Why keep a non-profit group from owning a parcel of land?

Need land to stay in private ownership and pay taxes. With right of first refusal, the land could be taken off of the tax rolls which is a big concern of rural towns.

Concerned that land would end up in the State hands.

Focusing on CRs to be held by the federal government?

Peggy S. – CRs would be held by the state, town or local land trust. Under the forest legacy program the State or town holds the CR.

Working forests – change to forest harvesting.

Add in addition to private landowners, towns might need technical assistance.

Are we just talking about one visitor center? Geographically Charlemont is on the other side of the mountain, and tourists are not going between the two. It would be fairer to have one on each side/county.

Peggy S. – We can certainly recommend this, we hoped to get input on what towns were interested in hosting a tourism facility.

Would the demonstration forest be owned by the US Forest Service?

Peggy S. – We will need to discuss this. Originally proposed that they could own a small amount of land, but we have heard from many communities that they don't want any federal ownership. Perhaps the U.S. Forest Service could lease land or work with a private owner. Need to get consensus.

Can the visitor center be more broad than just a tourism information center? Something that talks about our region as a special place for visitors and residents.

Peggy S. – That's what we heard from several communities that they would combine it with technical resources, education, marketing, etc. We may need to rethink that if there are multiple centers.

SFABA has done some homework on this and can share it.

#6 talks about wood product manufacturing, wouldn't it make sense to put the wood pellet facility under this? We need to get this going in order to accomplish renewable heating conversion. Which comes first? Seems if the pellet facility were developed it would drive demand.

Peggy S. – We also need to have demand to make it feasible over the long term.

There is also the benefit that money stays in the community with wood heat, not specifically stated but important benefit.

Wouldn't it be better to seek other large users as well? Colleges, hospitals, industrial facilities? Create a critical mass.

Tom M. – We thought it would have the most direct benefit for municipalities to offset operating costs.

Would like to see a discussion of short rotation biomass crop production on agricultural lands. Fast growing biomass crops – switchgrass etc. - not just woodchips, for use at a pellet plant. Is there enough wood out there to sustain it? The sustainability aspect needs to be stressed here. Get more proactive about providing a feedstock. In Williamstown we have had more agricultural loss from abandonment than development. Could convert abandoned farmland to biomass crops.

Maybe they could give us a demonstration forest in the Vermont National Forest? They certainly could improve upon its forest management. It's close to us, and has tens of thousands of acres. Those forests are mismanaged.

How many times does anyone around here work on a 2,000 acre parcel? A demonstration project in our area might be on a smaller parcel.

Who is this aimed at? Who are you demonstrating to? What the state does and doesn't do on there land doesn't have relevance to private landowners. If demonstrating to tourists, than that is a different aspect.

Peggy S. – The intent was to demonstrate new best management practices to private forest landowners, such as addressing climate change.

There are ways that this can be accomplished without the U.S. Forest Service owning any land. Once they get a foothold, they are under the tent. The most straightforward thing would be no ownership. They could have a demonstration forest on State land or lease private land, same with the visitor center. This is a common practice. While these things are desirable the federal government does not need ownership.

Is this restricting who private landowners could sell their land to?

Currently the U.S. Forest Service can't purchase land in MA.

As a private landowner don't you want as many opportunities to sell your land? I don't want people telling me who I can sell my land to.

The Forest Service can't buy land in VT without approval of the town. This is a common provision. Same exists in the Adirondack Park. About 98% of those sales go through, but this does give towns the ability to discuss what will happen.

Currently the U.S. Forest Service can't buy land in MA. We wouldn't be taking anything away by not allowing them to purchase land.

Peggy S. – Please take the key elements home, and weigh in about federal ownership.

Maybe we should change "demonstration" to "education." Could get more money, and could be tied into UMass, GCC, MCLA.

Not very far away is the Harvard Forest, a world class demonstration forest. Pouring money into another demonstration forest may be short-sighted.

Peggy S. – If you have specific thoughts send an email to me or Tom so we can report back at the next meeting. These are critical pieces of any proposal.

Tom M. - What is most helpful is whether you think this is a good idea or bad idea, and how to accomplish it? More specifics on how to accomplish is helpful.

3. Review of Purpose of Plan and Content & Presentation and Discussion of Draft Project Background Section (7:47 p.m.)

Tom M. briefly reviewed the purpose of the plan. Peggy asked committee members to send comments on the first section.

Will there be a chart of forested land and how much is protected?

Peggy S. - Yes we will have that.

4. Working Forest Renewable Heating Initiative Study & Update on U.S. Forest Service Liaison (7:50 p.m.)

Bob O'Connor introduced the DOER staff. This proposal reflects the need to connect the dots between conservation, forestry, towns, etc. We started hearing that schools were heated with oil, and that there was interest in heating schools and public buildings with wood. Some communities and the MFA were also interested in pellet manufacturing. We heard that, and EOEEA has come up with a proposal.

The U.S. Forest Service is very interested in this idea (of the designation), and sees it as the way of the future for the forest service. They have funded a part time liaison to work with this group. They are very interested in doing rural economic development.

Technical assistance was a big need identified. In the interim, a grant program emerged from the new farm bill, that wants to look at how whole regions and landowners to do good sustainable management on agricultural and forest land. The state has put together a proposal with the MFA, conservation districts, and state agencies for the grant. We are in the final group of 200 applications, with 100 awards anticipated. It is a \$5 million proposal to help farmers and forest landowners. It includes flood control issues, and includes all towns. If your town is interested in sending a letter of support for the final proposal we would be happy to include it. It is meant to support the small landownerships that make up the landscape.

Bob introduced Dwayne Breger and Rob Rizzo from DOER to present the renewable heating initiative.

DOER's mission is to provide clean and affordable energy to residences, businesses and municipalities. DOER is focused on renewable thermal technologies to help areas that are dependent on oil, in order to reduce cost burden and keep dollars in the economy. Wood heat is a particular focus. Our goals seem to be aligned, supporting renewable energy, committed to reducing GHG emissions, reducing the cost burden of oil heat, and economic development.

DOER is committing \$350,000 to work with the 20-town region and will cooperate in any form that would be effective to help jump start some of this activity to develop wood pellets manufacturing and wood pellet heating in the region. Recognizing this is the beginning, there is an expectation that we could bring additional funding to implement the activities.

This would be in direct partnership with this initiative and the region, the RPAs, and towns.

Five steps to get this going:

This will provide a lot of information to help with the decision making process.

1. Conduct a resource assessment for the 20-town region. Looking at data on forests, cutting plans for past 10 years, and what is currently under Ch 61 and management plans. The consultant will come up with a good estimate of what is available now, and what will be available for a long period of time on a sustainable basis. This will be the first RFP/RFQ. We will make that available to this group.

We want to measure the carbon that is currently being sequestered in the region. We will come up with a good estimate. We will then say what happens if we increase harvesting of wood for heating? This will give an understanding of benefits attributed to forests that aren't always thought of.

2. Complete market analysis and plan for development of a wood pellet manufacturing facility somewhere in the 20-town region. Will require more regional meetings and meetings with stakeholders to get a good understanding of what the concept for a pellet plant would be for the region.

Talk to municipal officials to see what interest there is in converting schools and municipal buildings to wood heat. Then will take a look at the buildings for the potential of converting to wood heat, and will build a database.

Homes and businesses – the consultant will do a survey of homeowners in the region to get an understanding of who is burning wood, what other fuels are being burned, and what the interest is in burning pellets.

3. We will also evaluate the reduction in fossil fuel use, GHG reduction. Also need to look at potential air impacts of increased use of wood heat. There are varying levels of appliances out there in terms of particulate matter. We are talking about the best of appliances, but still need to look at this.

4. Creation of a business plan for the development of wood pellet plant somewhere in this region. Typical business plan, will cover every aspect. Will know from the previous tasks what the size should be. We will ask consultant to not just look at private ownership but also community owned model, such as a cooperative. We are looking for suggestions and input from the Advisory Committee.
5. Final task will be the development of a regional economic impact study to look at what it means to put in a wood processing distribution center in the region, for foresters, truckers, etc. to see how it impacts the economy.

Discussion followed:

Avril Cook operated a facility in Adams, he could come and talk to us.

John Burser putting one together right now?

DOER – The wood pellet facility planned for Wilbraham has been funded. It will be small scale. This project would be on a regional scale, as we see it. The business plan will determine what output is viable. The business study will also address the chicken and egg issues with demand and supply.

Peggy – Will there also be funding to help homeowners, businesses, and communities to convert to wood heat?

DOER – We cannot put a dollar amount on it now, but yes, we would like to help build a plant, and fund conversion. We are doing that through current grants. But this would be targeted to this region. The studies would roll out over the next months, to help inform some decisions for the designation process.

What about getting the harvesting equipment – chippers – to the forest landowners? This is expensive equipment.

DOER – Yes this could be included.

Are you just looking at this region?

DOER – The intent was to do economic development here, but we don't have limits, we could look outside of the region. The idea would be to keep it as local as possible within the 20-town region.

Bob O. – DOER liked this proposal because it is full circle – the wood comes from this region, and goes back to the communities. It could be a model for other regions.

On the conversion side, will you be looking at chip systems as well? This would not support a pellet plant but could be an important part of the equation.

DOER - We will take in data about wood chip demand.

Rather than reinventing the wheel, there was an article in today's paper that Burlington is now 100% powered by renewable resources. Important lesson to be learned from that. There are still plenty of trees in northern VT.

DOER – The studies are an important foundation for starting the effort.

I worked with Gordon Boyce to have studies done for the heating systems at all Mohawk Schools. One of them, Hawlemont, has applied to DOER for a grant to convert. Concentrating on one school, then will work on others. I can provide copies of the studies.

DOER – We have read them all, and have received a partial application from Mohawk which we can discuss after the meeting.

Bob O. – The goal of this project is to work together as a group of communities to make progress.

DOER – We don't want to do this by ourselves, we want to engage with you, the Advisory Committee, and FRCOG and BRPC.

Is this contingent on the designation? Can we be involved regardless of how the designation goes forward?

DOER - This is not contingent on the designation, but we hope it can provide information for the process.

EOEEA - This study is a commitment by the State to look at wood heat conversion and pellet manufacturing in your region, and is not tied to the designation. These studies will happen.

How long until you hire a consultant?

Our region has lost so many jobs (Sprague, GE), we need to work on these issues (energy cost, transportation issues) so that it does not happen again. Our energy needs to be as cost effective here as it is in South Carolina. We need to look at existing rail lines for transportation.

VT is a "ready resource" that is "right up the road". Let's look beyond our borders.

6. Other Updates, Next Meeting Date & Other Topics:

Discussion on Conservation Restrictions was tabled until next meeting. The potential date for the next meeting is November 19. Tom asked that committee members email him and Peggy with their thoughts re: the proposed elements.

Approved by the Advisory Committee on November 19, 2014

Committee members agreed that Berkshire East was a good location for meetings and that the 6-8 PM time slot also worked well. One committee member said that Leyden Town Hall might also be available if we are unable to book Berkshire East during the ski season.

Meeting adjourned at approximately 8:20 PM.

Mohawk Trail Woodlands Partnership 2014

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	November 19, 2014	Location:	Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA
Time	6:00-8:00 p.m.	Room:	1 st Floor Ski Lodge
		Facilitator(s)	Peggy Sloan, FRCOG & Tom Matuszko, BRPC
		Call in # PIN	N/A
ATTENDEES: Mohawk Trails Woodlands Partnership Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, A. Larose, K. MacPhee, T. Matuszko, J. Pacejo, W. Ferris & B. O'Connor			
Agenda items	Estimated Time	Key Person	
1. Introductions	6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
2. Review and Approval of September 17, 2014 Meeting Notes	6:05 p.m.	P. Sloan, FRCOG	
3. Review and Approval of Revised Chapter 1 including Project Goals	6:10 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
4. Review & Discussion of Draft Provisions of Model Conservation Restriction	6:20 p.m.	W. Ferris, FLT	
5. Review & Discussion of Key Framework Elements	6:50 p.m.	P. Sloan, FRCOG	
6. Review and Discussion of Draft Chapter 2, Study Area, Chapter 3, Public Participation Process, & Chapter 4 Economic Development Impacts	7:15 p.m.	T. Matuszko, BRPC & A. Larose, FRCOG	
7. Update on U.S. Forest Service Liaison, Renewable Heating Initiative Study, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn	7:50 p.m.	P. Sloan, FRCOG & B. O'Connor, EOEEA	
<p>This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting.</p>			
			



Mohawk Trail Woodlands Partnership Advisory Committee (“Committee”) Meeting

November 19, 2014

Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA

Co-Facilitators - P. Sloan, FRCOG and T. Matuszko, BRPC

The meeting was called to order at 6:04 pm.

1. Welcome and Introductions

P. Sloan provided welcoming remarks. Meeting attendees introduced themselves and the town or organization they represent.

2. Review and approval of September 17, 2014 meeting notes

Jeff Neipp made a motion to approve the minutes. Mark Phelps seconded the motion. All committee members present were in favor, with one abstention. The motion passed.

3. Review and approval of Chapter 1 including Project Goals

P. Sloan commented that Chapter 1 was sent out via email and that the committee’s suggestions were incorporated into this new draft. Mark Phelps made a motion to approve Chapter 1 in final draft form. Kyle Hanlon seconded the motion. All committee members were in favor. The motion passed. P. Sloan remarked that the committee’s work is largely done on Chapter 1, although additional comments may be incorporated at a later date based on feedback from the regional and community meetings that will be held once a Draft of the entire “Plan” has been completed.

4. Review and Discussion of Draft Provisions of Model Conservation Restriction

W. Ferris from the Franklin Land Trust explained that the model CR document provided to the Committee was a summary of the key elements and that the actual model Conservation Restriction (CR) is 20 pages. W. Ferris stated that CRs are legally binding documents. The CR, which runs with the land, extinguishes some rights of a property while maintaining others. However, the land is still on the tax rolls, is still privately owned, and can still be actively used. The holder of the CR is responsible for monitoring that land. In this case, landowners are being paid for the CR. FLT worked to make the CR as flexible as possible and has tried to address the Committee members’ needs and concerns into this draft. P. Sloan commented that people wanted to see a lot of flexibility over the long term, as different property owners had different interests and the CR should be designed for future generations.

Introduction

Q: In the bottom of 1st paragraph, the document says that property taxes will remain with the town at Chapter 61 or 61A rate. Can we revisit this? W. Ferris: Yes, there is no law that says we need to use that Chapter 61 rates. Q: Is there another way to get the PILOT revenue that we are supposed to be receiving now but aren’t? Is there a way to ensure that there is no net loss in dollars for my town?

General Restrictions

Q: On page 1, it refers to specific allowed uses and states that “unless specifically restricted or prohibited within the CR document, the landowner retains right to conduct the following activities...” Why the caveat?

Specific Allowed Uses of the Landowner - #1 Forestry

Q: I think that carbon sales and wilderness management should be included in this section. C: But is that a good use of forest service funds? The goal for this project is a forest-based economy. C: Clean air and water benefit all of us. Q: Would wilderness management prohibit harvesting? C: The focus of this project is for landowners that are interested in forest management. There are other types of resources available which may be more appropriate for conservation purposes. This is focused on economic benefit to community that is tangible. If you open up the pool of landowners to ones not interested in forest management as an economic opportunity for rural communities, then you are diluting the effect of this program. Conservation is important but not what this partnership is about (referring to parcels exclusively devoted to conservation).

Q: Re: #1C Requirement for a Cutting Plan, why does it include cutting for personal use? W. Ferris - We tried to mimic state law for this one. C: Cutting by owner for own use is not subject to the requirement for a cutting plan. C: W. Ferris - We are trying to stay consistent with state law rather than create additional burden but we will research your question.

C: Think about the term of agreement with the landowner. A longer term may reduce the flexibility of the next landowner unless the CR provides for a variety of uses. The typical term of a Forest Management Plan is 10 years. C: As part of the CR you might want to consider every 10 years having some sort of an a la carte menu where landowners can choose what uses they want to allow. It does not lock landowner into one use forever. Let them choose what makes most sense for them. We need that flexibility.

C: What about historic structures on farmland? Can they be used on farmland to augment farmers' income to allow farming to be viable, such as for recreational use or a B&B? C: W. Ferris - Existing structures would not be part of CR. C: Temporary forestry related structures would be allowed without permission and permanent structures with permission from holder.

Specific Allowed Uses of the Landowner - #2 Agriculture

C: If the majority of land remains in forestry, the rest can be turned to agriculture. C: You need flexibility for changing land use. Q: What about temporary CRs? They would allow you to evaluate today what you didn't see before.

C: Re: pesticide use, this item should say "lawful", not reasonable.

Specific Allowed Uses of the Landowner - #3 Recreation

Q: Do commercial recreational businesses qualify? Right now they do not qualify at state level. A: We'll find out. C: This is an opportunity to generate revenue in rural areas and should be permitted. Q: Why would you restrict ATVs? If you are doing it on someone else's land without permission, it is already illegal. C: Snowmobiling has an economic impact in this area. Q: Shouldn't it be up to landowner? C: Typically, all of those things are allowed under a Forest Management Plan. Q: How is it with APRs? Do they allow for altering the use of the land? C: Basically APRs are silent on public access on land.

Specific Allowed Uses of the Landowner - #6 Vegetation Control

C: Invasive exotics were not mentioned.

Specific Allowed Uses of the Landowner - #10 Privacy and Public Access

C: Many people will turn away from the CR because of the requirement for public access. C: B. O'Connor – In the instance of state funding being used, public access is required. If there is a public benefit beyond public access, maybe public access wouldn't be necessary. C: There is a case to be made, that there's a public benefit in terms of clean air and water and responsible management. The towns don't get paid for this. We are benefiting the urban environment. It is more than fair not to allow public access if the private landowner so desires. C: P. Sloan – Perhaps landowners willing to allow public access are prioritized to receive funds, but no landowner is required to have public access. C: B. O'Connor - Maybe there could be a regional trail network and landowners with critical pieces of land could be prioritized.

C: It might be helpful to do a survey on public access and see how people feel about different levels of public access: open access, restricted, limited access. Many landowners are not comfortable with unrestricted access, but might be OK with restricted or limited access. C: T. Matuszko - Should it be required or allowed as a reserve right? Q: How many Landowners would volunteer to have public access? Wouldn't they all say no? C: Snowmobile trails, for example, represent just a tiny sliver of land on someone's property. Maybe we need to limit the access to certain pieces of land.

C: Could we move away from tourism as being the #1 priority? Tourism businesses cost the town money and always follows in economic development conversation. When you bring more people into a community, there's more trash, waste water, parking and infrastructure issues, and these people are not paying taxes. Private business benefits from tourism, but the community does not. C: Regarding tourism, we have the Appalachian Trail in our community. Our town has no gas station, no B&B, nor anything else to benefit our community from tourism.

C: Do we have any say re: cell towers? A: We can look into it.

General Restrictions

C: Turkeys, maple syrup, etc. require some type of housing. Such things should not be restricted. Also, sometimes it makes sense to pave a farm road because of soil conditions. C: This does not allow for division or subdivision of premises? What about heirs who want to hand down the land to the next generation? #6 should be stricken. C: You can create an easement that allows for subdividing. Q: Should we have some limit on how small parcel can be? Q: What if there is a family owned forest and as generations pass, the different heirs have different needs? C: T. Matuszko - We'll do more research on it and see how we can make it work.

Q: Is federal money driving this? Will there be federal jurisdiction over this? A: Not the way we're proposing this. C: Is there a guarantee that the federal government won't come in and change this because their money paid for this? A: This is a long process. We need to bring the 20 page CR document, compliant with state law, forward to the state, and then bring it forward to the U.S. Forest Service. This document will go back and forth. Legislation guarantees as much as we can. C: Send comments on the CR to W. Ferris via email over the next few weeks. The next step will be to incorporate these comments into longer CR. If any committee members want to be involved with the long CR document, please contact W. Ferris.

5. Review and Discussion of Key Framework Elements

An online survey was distributed to gather input on the key elements. There was a limited response to online survey, but it sounds like people need more time and need to be reminded. Online surveys work well for some people, but less well for others. Not everyone has (stable) internet. Make a note on the sign in sheet if you would prefer paper copies of surveys.

C: I liked that it had a response box on the bottom to modify choices. C: I liked that it was brief. C: I would have liked it if I had seen it. C: I would have liked to pick a choice AND provide a comment. C: It would be nice to see the results. P. Sloan noted that the preliminary results indicated that there was agreement that all towns should be eligible.

P. Sloan reviewed the handout on the Key Elements for a Framework and stated that there appeared to be consensus on items highlighted in yellow.

Q: Why can't a nonprofit use this program? C: The whole premise is that land stays in private ownership. C: A nonprofit is private entity. C: Mass Land League is a nonprofit that owns land and pays taxes. Maybe a nonprofit could choose – for example, if we qualify for this we'll pay the Chapter 61 rate. Q: What if a Chapter 61A heir leaves land to a nonprofit that doesn't want to pay taxes? Should/will it be written into the deed? C: Remember that Chapter 61 is a state program and might not be here forever.

Q: What about if someone has a CR and later they sell another restriction on top, restricting the land even more. We may want to disallow that. I mention it because I did it once and it was not well received. C: We need to be careful about what we assume the future landowner will want to do. Heirs may think differently once they realize there's value in the land. We shouldn't always assume it will stay in family.

Q: Who would own and manage the visitor center? C: The intent is that the U.S. Forest Service would staff and fund it. C: Make sure someone is responsible for it. The local community could not afford to take care of it. C: I think it is good to consider this as more than just a visitor center. The Catskills Center is much more substantive than a typical visitor center and is for the whole community, not just tourists.

Q: On #1, would it be by vote of Select Board or Town Meeting vote? C: It would be Select Board vote but they could refer it to Town Meeting. Expect in most communities it would go to Town Meeting. C: Does the town/Select Board have to approve APRs/CRs? A: APRs do not require town approval, but CRs require approval of Select Board and Conservation Commission.

C: On #3, delete the word "federal" in "no federal right of first refusal". C: But now we're infringing on property rights. C: B. O'Connor - That suggested change would supersede Chapter 61. C: We can't do anything about existing state law.

C: I'm not entirely happy with #7, the tourism center. Could we change it to interpretative center? A: What if we crossed out tourism? C: Yes. You could keep Visitor Center, although I

don't think of myself as a visitor. A: P. Sloan - The framework calls for development of a tourism visitor center and/or a technical resource/ education center.

C: On #8, add "improve recreational infrastructure" and/or "sustainable economic activities"

C: We'd like a briefing paper (and FAQ) available and updated constantly. I'd like to be able to put something in our local newspaper and have people briefed so that it is easier when we get to the Town Meeting stage. A: We have a FAQ. We'll try and do a briefing every other month re: where we are in our planning process. C: All town boards should be made aware of this, not just the Select Board.

P. Sloan noted that most Committee Members seem to be in agreement with the highlighted items. We will complete the survey on the other four items and will bring the results back to the Committee at the next meeting.

6. Review and Discussion of Draft Chapter 4 Economic Development Impacts

A. Larose presented an overview of draft Chapter 4 and committee members receive handouts of the chapter. The estimated economic value of each acre of forest in the state is \$1,500. Forests in the 20 town area contribute approximately \$420M to the economy each year. DCR is putting together harvest trend data.

The potential economic impacts of increasing the amount of wood harvested and processed, increasing local markets for wood products, increasing the use of wood for heating buildings, increasing tourism, and accessing or developing ecosystem services markets were presented. Public outreach indicates a strong level of support for economic development consistent with this area's rural character. Additionally, we are hoping this could serve as model for other rural regions facing similar issues. (See Chapter 4: Economic Development Impacts for more information.)

C: The public health aspect is missing, specifically with regard to biomass. If we are going to do wood burning, we need to know more about the impacts. A: P. Sloan – We can add information about health impacts related to renewable wood heat.

Q: Who is the intended audience for this report? A: P. Sloan & T. Matuszko - This report is for the 20 town region to provide information so that towns can decide if they want to part of this designation. It can also be used to make the case for federal designation if towns want to pursue that. The Plan will also outline a new model for forest based economic development and conservation. .

C: The chapter makes it very clear what the condition of this area is and how distressed we really are. The state as a whole is unaware of this.

C: We are constantly fighting the state re: urban/rural values. The state does not pay us properly for what we provide in public benefits. The state should pay with a PILOT or other benefits to towns.

C: In Clarksburg, we used to receive \$30,000/year in PILOT. That amount has decreased to \$23,000 even though the state owns more land. We need a different strategy in how to deal

with PILOT and how much land the state can own in a community. I'm not against conservation, but I have no wiggle room in my budget. C: Private landowners have their right to sell to whomever they want to.

C: What we've identified are not conservation problems. It seems we have a taxing problem with millionaires paying little and large property owners (who may not be wealthy) paying larger share of taxes. A: Get us your ideas re: fixing PILOT program. If you have additional thoughts on economic development chapter, email P. Sloan within the next 2-3 weeks.

7. Update on Grants, US Forest Service Liaison, Next Meeting Date

B. O'Connor gave 3 updates: 1) DOER announced the \$350,000 pellet plant study. The study is moving along. The funding for this will not be affected by the new Governor's Administration. 2) There is a grant application into the Forest Service to work with the region and private landowners to help sell carbon credits. It takes several thousand acres to make it viable. 3) There is a new USDA Regional Conservation Partnership Program between MA Forest Alliance, Mass Audubon, and Franklin Land Trust to help landowners implement habitat projects. The program will be announced soon.

Deirdre Raimo is the new U.S. Forest Service Liaison. She has had a long career with the Forest Service. Deirdre was the NE director for Forest Legacy Program and helped 20 states start a Forest Legacy Program. She has also worked on an inventory of forest pests, marking timber, and a forest easement program (CRs). Deirdre is excited to be working with the Committee. She recently met with 3 directors of Forest Service branches. The U.S. Forest Service does not have any intent of taking a step unless the towns would like to proceed with a federal designation.

The next meeting will be January 6, 2015 from 6-8p.m. at Berkshire East Ski Lodge, Charlemont, MA. The snow date is January 13, 2015.

The meeting adjourned at 8:22pm.

Mohawk Trail Woodlands Partnership 2014

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	January 6, 2015 (Snow Date 1/13/15)	Location:	Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA
Time	6:00-8:00 p.m.	Room:	1 st Floor Ski Lodge
		Facilitator(s)	Peggy Sloan, FRCOG & Tom Matuszko, BRPC
		Call in # PIN	N/A
ATTENDEES: Mohawk Trails Woodlands Partnership Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, A. Larose, T. Matuszko, J. Pacejo, A. Peteroy & B. O'Connor, D. Raimo			

Agenda items	Estimated Time	Key Person
1. Introductions	6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
2. Review and Approval of November 19, 2014 Meeting Notes	6:05 p.m.	P. Sloan, FRCOG
3. Review and Approval of Revised Chapter 4 - Economic Development Impacts	6:10 p.m.	P. Sloan, FRCOG & A. Larose, FRCOG
4. Review & Discussion of Draft Provisions of Model Conservation Restriction	6:20 p.m.	A. Peteroy, FLT
5. Review & Discussion of Survey Results (see attached) & Finalize Key Framework Elements	6:50 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
6. Review and Discussion of Draft Chapter 2 - Study Area & Chapter 3 – Public Participation Process	7:15 p.m.	T. Matuszko, BRPCG
7. Update on Renewable Heating Initiative Study, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn	7:50 p.m.	B. O'Connor, EOEEA, & P. Sloan, FRCOG

This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting. **In the event of snow or icy weather please call 413-774-3167 x133 (Franklin County) or 413-442-1521 x15 (Berkshire County) after 2:00 p.m. to learn if the meeting has been cancelled. Snow date is 1/13**



Berkshire
Regional
Planning
Commission



Mohawk Trail Woodlands Partnership Advisory Committee Meeting

January 6, 2015

Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA

Staff: P. Sloan, A. Larose, M. Praus, T. Matuszko, J. Pacejo, A. Peteroy, B. O'Connor , D. Raimo

1. Introductions:

P. Sloan commenced the meeting with a round of introductions by Advisory Committee members and staff.

2. Review and Approval of November 19, 2014 Meeting Notes:

A motion to approve the November 19, 2014 Advisory Committee notes was made by Art Schwenger from Town of Heath. Kyle Hanlon, from BRPC seconded the motion. The remaining Committee members voted to approve, with one abstention from Joe Nowak from Town of Adams.

3. Review and Approval of Revised Chapter 4 - Economic Development Impacts:

A. Larose reviewed the changes made to Chapter 4 since the Advisory Committee last reviewed the document. After the review, members of the Committee had several questions and comments as follows:

Requested Change: The conclusion section should include language about the importance of the wood industry's future.

Comment: In order to understand how we should improve the wood industry and fix its problems, we need to understand why the sawmills left in the first place – we need to adequately analyze what happened.

Comment: Part of the reason for the decline in saw mills and in the wood industry is the housing decline and over-regulation of the wood industry.

B. O'Connor: There is a study by UMass on wood producers that would be helpful to understand some of the wood industry's problems.

Requested Change: Need to add revision dates to the documents.

Requested Change: On Page 7, poor harvesting practices such as high-grading doesn't just remove the biggest trees, it removes the most valuable, regardless of size.

Question: Is part of the purpose of the plan to offer suggestions to resolve issues that are cited, such as increasing local markets?

Answer: Yes, suggestions will be offered in the Projects and Recommendations section of the Plan.

Question: Can we find ways to influence the State's wood products procurement policy?

Answer: (B. O'Connor) MA EEA has met with State procurement officials, but there are many challenges including dealing with the smaller wood producers in the state, rather than doing business with a larger non-local producer. However, EEA is pushing to get architects to support local wood products in their designs to make it easier for smaller local wood producers. One challenge for smaller local wood

producers is that they sometimes need to be able to better aggregate with other producers in order to meet the demands of larger orders, such as those of the State. Also, in general there needs to be more public education on the benefits and assets of local wood, as well as a buy-local campaign, similar to the buy-local food movement.

Comment: One of our biggest challenges is the lack of rail loading options in our area. We have an east-west rail system, but no way to access it in our area. This is essential to be able to compete in the market, particularly in Boston and other points east. Also, tapping the local market will not be enough to sustain and make viable local wood producing businesses – we will also need to be able to export wood products out of our region.

Requested Change: On Page 12, there needs to be more emphasis on the benefits to the entire State of our area's natural resources. In general, the Plan should emphasize the importance of our region's vitality to the State.

Question: Are the data on Page 2 for per capita income correct and do they include any towns from counties other than Berkshire and Franklin?

Answer: The figures for the 20-town region are just for the twenty towns, not all of the two counties.

P. Sloan asked for a motion to approve the revised Chapter 4, which will include the suggestions from the previous conversation. Whitty Sanford moved to approve Chapter 4. Hank Art seconded the motion. All Committee members approved the motion.

4. Review & Discussion of Draft Provisions of Model Conservation Restriction:

A. Peteroy reviewed the changes to the summary of the Model Conservation Restriction. A discussion and questions followed:

Question: Won't the holder of the CR determine the actual uses as well as criteria for deciding whether a property should be prioritized for conservation?

Answer: Yes, there will be a more detailed document that will include these specificities. The document being reviewed tonight is a summary of the Model CR. There will also be a matrix, which will identify the criteria for prioritizing properties for conservation.

Comment: P. Sloan – We are looking for a smaller group of Committee members to help finalize the CR. Several Committee members were interested, including Doug Bruce, Keith Ross, Deirdre Raimo, and Jeff Hutchins. FLT will work with those members to finalize the complete CR.

Question: Are the roads mentioned on Page 3, #5 to include through roads for subdivisions?

Answer: No, they are only for access to the property itself.

Comment: Staff – The subdivision clause is included to address concerns about land owners being able to leave some forest land for their children.

Comment: In the case where properties might be too small to make commercial logging viable, the land owner might be able to aggregate with adjacent land owners, to make the logging job more financially attractive to a logger.

Comment/Question: There is research that shows that a 10-acre wood lot is large enough to supply a sustainable heating source to a home. Is 10 acres a large enough parcel for this program?

Answer: It is likely that larger parcels might be prioritized over smaller, but there is currently no size limit.

Comment: P. Sloan – The criteria matrix will include various factors to determine which properties should be prioritized over others.

A discussion ensued regarding ATVs on properties. Comments included:

- Exclusions on ATVs are unfair to older land owners who may rely on ATVs to be able to get around their properties. There is precedence for owners to retain the ability to use ATVs on their property.
- A. Peteroy indicated the restriction is intended on recreational ATV use and on ATV courses.
- There needs to be a balance between stewardship and the ability to access the land.
- Typically, ATV abuse is not on the part of the land owner but by outsiders.
- Who would take responsibility to enforce the no-ATV restriction? Maybe the way to go is for an association to do so, such as snow mobile clubs who look after trails.
- T. Brule cited a study on the ATV trail system in West Virginia that could serve as a model for our region.

Requested Change: Page 2 – We should strike the description of allowed recreation but should instead indicate that all material alteration of the land is not allowed.

Requested Change: Page 3, #8 – Add hunting as a reason for motorized vehicle use.

Question: Aren't CRs a document that is negotiated between the CR holder and the land owner?

Answer: Yes, but we are trying to give a baseline of uses. An owner can prohibit an allowed use such as ATVs or hunting on the basis of "right of privacy".

Comment: Perpetuity is a long time. We need to be careful we are not disallowing uses that we will regret sometime in the future. Variables such as innovations and climate change might significantly impact the manner in which we might want to use our properties in the future.

Comment: FLT – This is not a program for everyone. Some land owners might prefer Ch. 61 or other programs.

Comment: If too much land is placed under CRs, the price of the remaining land that could potentially be developed will go up.

Keith Ross provided a description of the concept of carbon sales and carbon storage. A discussion then ensued regarding whether carbon sales should be an allowed use in the Model CR. Comments and questions included:

- Concern about who monitors the performance of the land owner related to their carbon sale agreement.
- Concern about whether the CR holder gets stuck with the terms of the carbon sale agreement if the owner defaults on it.
- P. Sloan – the CR is separate from any carbon sale agreement, but carbon sales could be an explicitly allowed use in the Model CR.

- Concern that if the forest is tied up in carbon storage, trees cannot be harvested. A Committee member countered that this is not true and that you can harvest sustainably as long as you are meeting the baseline terms of the carbon sale agreement.
- We need a balance between supporting working forests and supporting carbon storage.
- T. Matuszko – We should leave as much flexibility as possible in the CR, but it may be that certain elements/uses would be given a higher priority than others under this program.
- Any prioritization of criteria should include the larger context of a property. An example is if a property is rather small, but is adjacent to already conserved land.

Requested Change: Improve language on Page 4, #5. Keith Ross agreed to provide language to the FLT staff.

P. Sloan asked for a show of hands as to how many are in favor of including carbon sales as an allowed use in the Model CR. All but three Committee members were in favor of including carbon sales.

5. Review & Discussion of Survey Results & Finalize Key Framework Elements:

P. Sloan reviewed the results of the survey and how the results contributed to the revised/additional language in the Framework. Questions and comments followed:

Question: What does opting in entail?

Answer: A town can decide whether to participate in the program by a Select Board or Town Meeting vote.

Comment: The U.S. Forest Service is unlikely to want to “play ball” if we limit their ownership of land to only 5 acres.

Answer: P. Sloan – We are using the findings of the survey as a basis for compromise – we want our proposal to reflect what will be best for the 20-town area. The sentiment expressed at the public meetings to date is that communities don’t want to see more land going into public ownership and off the tax rolls.

Question: Doesn’t a private land owner have the right to sell their land to anyone they want – including the Federal Government?

Answer: Under the Weeks Act, private land owners in Massachusetts do not have the right to sell their land to the U.S. Forest Service. It would require State legislation to accept the Weeks Act as part of this program.

Comment: MA Forest Alliance has opposed Federal ownership – and continues to do so – out of concern that land owned by the U.S. Forest Service in other places has been subject to repeated law suits that inhibit the harvesting of trees.

Answer: T. Matuszko – We are trying to address this by limiting ownership to five acres.

Comment: D. Raimo indicated that five acres might be an issue for the U.S. Forest Service. B. O’Connor clarified that the Forest Service is currently looking at a lot of alternative models to land ownership, which D. Raimo confirmed.

Comment: The State and the Federal Government are unable to manage the land they currently own. Putting a demonstration forest on private land would be a better way to highlight good management practices for sustainable forestry.

Comment: Look at the Bangor City Forest as a model of a successful demonstration forest.

Requested Change: Page 2, #9 – We should strengthen the use of local wood products, not just showcase them.

Question: Where is the benefit to the public in this program? How is revenue being generated for the towns who opt in?

Answer: P. Sloan – We will be working on a payment structure for towns in the coming weeks.

6. Review and Discussion of Draft Chapter 2 - Study Area & Chapter 3 – Public Participation Process:

Not addressed at the meeting.

7. Update on Renewable Heating Initiative Study, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting:

Cheryl Dukes reviewed the Tour of New England Pellet Wood Company in Jaffrey, NH report, a tour taken by Cheryl Dukes and Tom Brule. Comments included:

- There may not be an adequate wood supply in the 20-town region for a pellet manufacturer the size of the Jaffrey plant.
- We need to size a plant appropriate to our region but should consider that some export of pellets out of the region might be possible.
- Concern about the many hurdles that need to be overcome in the State to site a pellet plant.
- Concern about the public perception of pellet plants and that biomass projects in other parts of the State have been defeated.
- We need to make sure we not only have the wood to sustainably support a pellet plant, we also need other waste streams, such as that from saw mills.

The next meeting was scheduled for February 3 from 6 to 8 pm with a snow date of February 10, from 6 to 8 pm.

Adjourn: The meeting adjourned at approximately 8:20 PM.

Mohawk Trail Woodlands Partnership 2014

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	February 11, 2015 (Snow Date 3/3/15)	Location: Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA	Facilitator(s) Peggy Sloan, FRCOG & Tom Matuszko, BRPC
Time	6:00-8:00 p.m.	Room: 1 st Floor Ski Lodge	Call in # PIN N/A
ATTENDEES: Mohawk Trails Woodlands Partnership Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, A. Larose, T. Matuszko, J. Pacejo, A. Peteroy & B. O'Connor, D. Raimo			
Agenda items	Estimated Time	Key Person	
1. Introductions	6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
2. Review and Approval of January 6, 2015 Meeting Notes	6:05 p.m.	P. Sloan, FRCOG	
3. Review and Discussion of Draft Chapter 2 - Study Area & Draft Chapter 3 - Public Participation Process	6:10 p.m.	T. Matuszko, BRPC & A. Larose, FRCOG	
4. Discussion of Survey Results for National Significance of 20-town region	6:30 p.m.	T. Matuszko, BRPC & P. Sloan, FRCOG	
5. Finalize Key Framework Elements & Model Conservation Restriction (CR)	6:40 p.m.	P. Sloan, FRCOG & A. Peteroy, FLT	
6. Review and Discussion of Draft Chapter 5 - Municipal Service and Tax Impacts of Forest Conservation and Federal Designation	7:00 p.m.	A. Larose, FRCOG & P. Sloan, FRCOG	
7. Spring Forums & Select Board Meetings, Update on NRCS Grant, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn	7:40 p.m.	T. Matuszko, BRPC, B. O'Connor, EOEEA, & P. Sloan, FRCOG	
<p>This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting. In the event of snow or icy weather please call 413-774-3167 x133 (Franklin County) or 413-442-1521 x15 (Berkshire County) after 2:00 p.m. to learn if the meeting has been cancelled. Snow date is 3/3/15</p>			



Mohawk Trail Woodlands Partnership Advisory Committee Meeting

February 11, 2015

Berkshire East Ski Lodge, 66 Thunder Mountain Road, Charlemont, MA

Staff: P. Sloan, A. Larose, T. Matuszko, B. Domina, B. O'Connor, D. Raimo, A. Peteroy

1. Introductions:

T. Matuszko commenced the meeting at 6:01 PM with a round of introductions by Advisory Committee members.

2. Review and Approval of January 6, 2015 Meeting Notes:

Mark Phelps made a motion to approve the meeting notes of January 6, 2015. The motion to approve was seconded by Kyle Hanlon. A request was made to amend the meeting notes (Section 7) to reflect that Tom Brule also attended the tour of the New England Wood Company in Jaffrey, NH. A request was made to strike the word "trust" from the last paragraph of page 3 of the meeting notes. The Advisory Committee unanimously approved the meeting notes as amended.

3. Review and Discussion of Draft Chapter 2 – Study Area & Draft Chapter 3 – Public Participation Process:

A. Larose reviewed chapter 2 with the Advisory Committee members. A. Larose reviewed the study area, its demographics and natural resources. The Advisory Committee members had several questions and comments as follows:

Question: Do the population projections for the study area include the impact of outmigration of older folks to be closer to their children?

Response: Yes, the projections include outmigration of older folks and at least for Berkshire County there is an in-migration of older folks.

Comment: It would be good to document invasive species in the study area as they relate to biodiversity. Staff will try to incorporate.

Comment: A summary statement for each section would assist readers with understanding the relevance of the information in the context of the larger project. Staff will try to incorporate.

Question: What is a habitat reserve?

Response: A habitat reserve is defined in note 7 on page 5. A habitat reserve is a designation used by the state to prioritize the spending of its conservation funds. The designation has no regulatory impact. Staff will include a map showing the habitat

reserve areas overlaid with a map showing what areas are currently protected if such information is readily available.

Comment: The description of the study area is too negative. The Advisory Committee members requested that the chapter focus on both the positive aspects of the study area in addition to its needs. Staff will modify the chapter; however, the assistance of the Advisory Committee members are needed to identify the positive aspects of the study area that make a compelling argument for this region to be designated.

Comment: One unique aspect of the study area is its ecological diversity in terms of the number of different forest types in a small geographic area.

Comment: Another unique aspect of the study area is that the area has not lost its rural character like so many other areas in the country have (e.g. central Massachusetts).

To summarize the comments for chapter 2, T. Matuszko indicated that staff will revise the chapter to project a more positive tone about the area and to focus on the diversity of the area.

T. Matuszko provided the Advisory Committee with a brief overview of chapter 3. The Advisory Committee members had several questions and comments as follows:

Comment: On page 4 the word “Health” should be changed to Heath.

Comment: A suggestion was made to put the information on public participation in the appendix and not as a chapter of the report. The Advisory Committee members discussed the comment and requested staff to leave the chapter in the report, but to condense the information.

Comment: In order to keep the towns updated of the process, it would be good to have a regular briefing statement provided to the Advisory Committee members. A briefing statement will allow the Advisory Committee members to pass along the information to local media organizations. Staff will continue to provide updates.

4. Discussion of Survey Results for National Significance of 20-town Region:

P. Sloan provided a brief update about the results of the survey. Only seven of the twenty-eight Advisory Committee members responded to the survey. P. Sloan asked the Advisory Committee members to please complete the survey and staff will send out reminders. Advisory Committee members were asked to provide a statement or quote about the significance of the twenty town region (i.e. provide a quote about the significance of this region).

5. Finalize Key Framework Elements & Model Conservation Restriction (CR)

P. Sloan informed the Advisory Committee that the subcommittee continues to work on the model CR and that a draft of the model CR will be distributed for comment at the next meeting. The Advisory Committee members had several questions and comments as follows:

Comment: The CR needs to be flexible and should allow certain uses within a designated envelope. The CR notification process also needs to be streamlined.

Comment: Each state developed its own Forest Legacy conservation restriction so Massachusetts developed its own.

Comment: The model CR should contain a provision that allows owners to take actions in emergency situations.

The Advisory Committee then reviewed changes to the Key Framework Elements and had several comments as follows:

Comment: The Advisory Committee members agreed with the change that prohibits federal ownership of land for the technical resource center. The Advisory Committee also agreed with the change that removed the five acre limit on the size of the federal resource center.

Comment: The Advisory Committee members agreed that the adoption of the Weeks Act is not favored, but that a special designation is preferred instead.

Comment: In # 11 a request was made to change the term "lease" to "lease or other arrangement."

T. Matuszko informed the Advisory Committee that a subcommittee is working on the municipal payment issue. The preliminary thoughts of the subcommittee are to setup a simple payment system with municipalities that opt-in receiving a set base payment and having a second incentive based payment based upon some yet to be determined variable. The justification for the payment is the additional impacts on the community due to the new CRs.

Comment: One of the Advisory Committee members challenged the notion that CRs increase the need for emergency services.

T. Matuszko asked the Advisory Committee members specifically if the money received by the towns should have limitations on what it can be used for.

Comment: Several Advisory Committee members felt that the money should be tied closely to what is trying to be accomplished with the CRs. Several other Advisory Committee members suggested that the limitations would cause the need for reporting requirements and this would impose a burden on some municipalities.

The Advisory Committee discussed where the money would come from to fund the endowment. T. Matuszko suggested that as part of the accompanying legislation there should be a request to the state legislature to establish and fund a trust fund.

6. Review and Discussion of Draft Chapter 5 – Municipal Services and Tax Impacts of Forest Conservation and Federal Designation:

P. Sloan informed the Advisory Committee that this chapter is still being developed by staff and will be provided to them for comment in the near future.

7. Spring Forums & Select Board Meetings, Update on NRCS Grant, Next Meeting Date & Other Topics not Reasonably Anticipated 48 Hours in Advance of the Meeting/Adjourn

T. Matuszko asked the Advisory Committee for input on the next steps, specifically relating to whether Advisory Committee members felt that their respective Board of Selectmen would be willing to bring this initiative to town meeting this year. The consensus of the Advisory Committee members was that they would not be ready to bring this back to the towns for the upcoming annual town meetings. Some members expressed concerns about rushing the initiative to a vote without public outreach and others felt that the Wired West bonding issue will dominate the town meeting and little time will be left for other matters such as this one.

P. Sloan indicated that the current grant funds will expire on June 30, 2015. Additional grant funds may be pursued to continue this work.

T. Matuszko reiterated the next steps moving forward. (1) Schedule and hold sub-regional meetings, (2) schedule meetings to meet with the Boards of Selectmen, and (3) prepare information material for Advisory Committee members to distribute at the upcoming annual town meetings.

Next meeting: Tuesday, March 24, 2015 with a snow date of March 31, 2015.

The meeting adjourned at 8:07 pm.

Mohawk Trail Woodlands Partnership 2014-15

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	March 31, 2015	Location:	Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA
Time	6:00-8:00 p.m.	Room:	1 st Floor Ski Lodge
		Facilitator(s)	Peggy Sloan, FRCOG & Tom Matuszko, BRPC
		Call in # PIN	N/A
ATTENDEES: Mohawk Trails Woodlands Partnership Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, M. Praus, T. Matuszko, J. Pacey, A. Peteroy & B. O'Connor, D. Raimo			
Agenda items	Estimated Time	Key Person	
1. Introductions	6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
2. Review and Approval of February 11, 2015 Meeting Notes	6:05 p.m.	T. Matuszko, BRPC	
3. Review and Discussion of Draft Chapter 5 - Municipal Services & Tax Impacts and Draft Chapter 6 - Benefits of Partnership with U.S. Forest Service & the State	6:10 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
4. Discussion of Potential Special Designation for 20-town region	6:40 p.m.	D. Raimo, U.S. Forest Service Liaison & P. Sloan, FRCOG	
5. Review and Discussion of Draft Chapter 7 - Framework & Draft Chapter 8 - Projects and Recommendations	7:00 p.m.	M. Praus, FRCOG & P. Sloan, FRCOG	
6. Review & Vote on Final Drafts of Chapter 2 - Study Area, Chapter 3 – Public Participation & Chapter 4 - Economic Development Impacts	7:30 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
7. Presentation on Final Draft Model Conservation Restriction (CR)	7:40 p.m.	A. Peteroy, FLT	
8. Spring Forums, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn	7:55 p.m.	T. Matuszko, BRPC, & P. Sloan, FRCOG	
<p>This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting.</p> <p>In the event of snow or icy weather please call 413-774-3167 x133 (Franklin County) or 413-442-1521 x15 (Berkshire County) after 2:00 p.m. to learn if the meeting has been cancelled.</p>			
			



Berkshire
Regional
Planning
Commission



Mohawk Trail Woodlands Partnership Advisory Committee Meeting

March 31, 2015

Berkshire East Ski Lodge, 66 Thunder Mountain Road, Charlemont, MA

Staff: P. Sloan, A. Peteroy, T. Matuszko, B. O'Connor, D. Raimo, M. Praus, E. Coughlin

1. Introductions

T. Matuszko commenced the meeting at 6:00 PM and asked members of the Advisory Committee to introduce themselves.

2. Review and approval of February 11, 2015 Meeting Notes:

K. Hanlon made a motion to approve the meeting notes of February 11, 2015. A. Schwenger seconded the motion. Joe Nowak and Whit Sanford abstained from voting as they did not attend the meeting. The Advisory Committee approved the Meeting Notes.

3. Review and Discussion of Draft Chapter 5 – Municipal Services and Tax Impacts and Draft Chapter 6 – Benefits of Partnership with U.S. Forest Service and the State

P. Sloan reviewed Chapter 5 with the Advisory Committee members. P. Sloan reviewed the effect of certain conservation measures on land values as well as the percentage of reimbursement for PILOT (Payment In Lieu Of Taxes) payments. All towns experience some shortfall in payments from the State. Also presented were Equalized Per Capita Taxable Property Values (EQV) that reflect the condition of a community's finances. Most town budgets rely heavily on residential property taxes and have limited ability to earn revenue from other sources. Possible impacts on municipal services and infrastructure were outlined that could result from increased tourism and forestry. The Advisory Committee members had several questions and comments as follows:

Question: Why is land with a Conservation Restriction assessed at a higher value than land under Chapter 61?

Response: Each town Assessor calculates the value per acre for land under a Conservation Restriction and this value may be different than the Chapter 61 value. For the 13 towns that had MassGIS parcel level data available, land with Conservation Restrictions had higher values than for those under Chapter 61.

Comment: Some towns use the same value for back land or forest land as land that is not developable. Agricultural land is usually assessed at a higher value, because even with a Conservation Restriction, it can produce some form of income.

Question: Were PILOT payment amounts to towns broken down by acreage?

Response: The average valuation per acre varies considerably, with amounts in Monroe being the lowest. Payments per acre to North Adams were the highest. Staff can add this information to the Chapter.

Question: What about the PILOT payments per acre for the town of Hawley?

Response: The average value per acre for the Town of Hawley was \$808/acre with a PILOT payment of approximately \$8.05 per acre. The town might benefit from a minimum PILOT valuation per acre, such as of \$1,000/acre, or a minimum payment such as \$10.00 per acre.

Comment: The Department of Revenue has different land categories and comes up with a value for assigning PILOT payments.

Comment: You will probably come up with different rates if each town Assessor did their own evaluation.

Question: Why is the town of New Ashford's per capita taxable property value higher than many of the towns in the study area? This does not make sense.

Response: Staff will double check on the New Ashford information. For towns with a higher EQV value there is often a valuable facility, such as the Bear Swamp pumped storage hydroelectric facility in Rowe that increases the value per capita.

Comment: It may be that during the first year, taxes for land under a Conservation Restriction may be lower. However, that land will never require the same services as developed land. In many ways land with a Conservation Restriction is a little endowment to the town that will always pay more in taxes than it requires in services.

Question: Is there any leverage the region could place on the State to increase PILOT payments from the State?

Response: There has been much discussion and efforts to improve PILOT payments. Staff decided to emphasize a different approach focusing on an additional revenue source that would make up the payment shortfall and address other municipal services rather than lobbying to change the PILOT system.

Comment: There are a lot of people who have been working to change the PILOT system and regional school transportation, but it is a tough battle with Boston based policy makers.

Comment: The section on increased road maintenance due to forestry activities should be rewritten. It is not fair to single out a use like that. There are so many other uses that increase demands for road services.

Comment: Table 5-1 on page 4. Make it clear that this information does not include State owned property. Staff will revise this table.

Comment: We should be able to change the paradigm in regards to PILOT payments. Rural regions provide ecosystem services to the entire state. Somehow we should be compensated for these benefits. We should begin the arguments to change the PILOT payment system with our counterparts.

Comment: Taking on the PILOT system might be a fruitless battle that will consume much time and energy. A better tactic to take might be to demonstrate the benefits of ecosystem services and get a value based on those.

Comment: Rather than taking on the PILOT system, we should push for a minimum value per acre. Given the wide range of values per acre, this would help some of the communities by providing a base payment for the town.

Comment: On table 5-2. Add a column showing the PILOT payment amount per acre of land. Staff will revise this table.

Comment: The shortfall from PILOT payments was around \$330,000. This is a token amount of money compared to the entirety of the State budget. The next time a State representative is in town, we should find an opportunity to provide them with a briefing statement to help change the PILOT payment system.

Comment: In Berkshire County legislators are aware of the PILOT payment shortfall. However, they do not have the clout to fix this issue. It is a much larger shortfall on a State-wide basis.

T. Matuszko provided the Advisory Committee with a brief overview of Chapter 6, focusing on state programs similar to the Partnership as well as the successes already achieved by the Partnership including funds from the NRCS. The Advisory Committee members had several questions and comments as follows:

Comment: In the section entitled “Conservation of Land for Sustainable Forestry” on Page 16, there are many other programs that should be added including: the Land Grant program, the community forest program, the NAWCA program for forests and wetlands. Additionally, private philanthropy could play a big role. Private individuals could also donate more than any of these programs. Private money will be critical to provide matching dollars to be able to apply to State and Federal programs. Staff will consider including these additional programs.

P. Sloan asked for feedback on whether the Chapter 6 was too long, and if some programs mentioned in the Chapter should be moved to an Appendix.

Comment: Chapter 6 should be shorter, list the programs in a chart and refer to the Appendix for more details. Staff will work to shorten the Chapter and list details of State and Federal programs in an Appendix.

T. Matuszko stated that some of the comments received about Chapter 6 were that it was too focused on securing funding when describing the benefits, however an important goal of the partnership is to bring resources to the project area to accomplish certain goals. T. Matuszko asked for comment.

Question: This is a question of emphasis in the chapter. Is the U.S. Forest Service interested in municipal financial sustainability for the purposes of better or more efficient forest management?

Response: We should make the argument that the U.S. Forest Service should be interested in sustainable communities. You can't have sustainable forests without financially sustainable communities. One of the negative comments regarding the existing National Forests is that they have negatively impacted the financial health of the communities around them. We want to change that to show that you must have sustainable communities to have sustainable forestry.

D. Raimo stated that sustainable communities are included in the mission statement of the U. S. Forest Service.

Comment: Sustainable communities only relates to economic development connected to forestry, but not outright grants to town.

D. Raimo commented that if the project achieved a U.S. Forest Service Special Designation, sustainable communities could be made a priority.

T. Matuszko stated that based on comments, the Chapter has not made the linkage between municipal financial sustainability and sustainable forestry, that you cannot have one without the other. Staff will try to revise the chapter to address this issue.

Question: Has the NRCS money (from the RCCP program) been targeted and budgeted for the Mohawk Trail Woodlands Partnership towns?

Response: The money will support projects in the 20-town Mohawk Trail Woodlands Partnership project area as well as 8 other towns.

B. O'Connor stated that his office submitted an application for the HUD Disaster Resiliency Grant that has 3 focus areas in the state including the Deerfield River watershed, Hamden County and an area on the coast. The office will know if they have been awarded grant funds by the late fall. This money could be used for road and infrastructure improvements to increase flooding resiliency.

Question: What about public structures? Would a school building that was flood damaged qualify for funding?

Response: Probably, the grant is for housing and communities and natural resources.

Question: How has the Baker Administration been with respect to supporting funding for the environment?

Response: The Governor has a commitment to increase environmental funding by up to 1% of the State budget. He is facing a serious budget shortfall, but is still committed to this increase.

Comment: Based on past experiences with the Conte Wildlife Refuge and the American Heritage Rivers Designation for the Connecticut, funding became available and instead of working together, communities and organizations competed with one another. There is not yet an institution related to the Partnership that would guide the towns and keep members working in the same direction. Such an institution would allow ongoing, on the ground, local coordination with the state and federal agencies so that there would be a real system for conservation and development goals that would also allow the Partnership to adapt through time. There should be some structure for the local communities to work together consistently and in an organized way.

T. Matuszko stated that the project staff team has talked a lot of what they have termed "governance", but nothing has been formalized. Perhaps the Advisory Committee would transform into that governance group that would help to guide decision making. P. Sloan stated that this governance structure requires more discussion and that the staff team was looking for feedback regarding town's interest in pursuing a Special Designation. If communities wanted to pursue a Special Designation, this would trigger drafting legislation and making a decision about a governance structure and how the Partnership could be sustained in the long run. The staff team was waiting for the recommendation of the Advisory Committee before talking with each town about the Special Designation. If the towns want

to pursue a Special Designation, then the Advisory Committee can work with the staff to craft legislation and figure out the governance and funding structure.

4. Discussion of Potential Special Designation for the 20-town Region

D. Raimo discussed the unique features of other Federal Special Designation areas and how they apply to the goals of the Mohawk Trail Woodland Partnership. The Advisory Committee had several questions and comments as follows:

Question: In these models, were there any programs targeted towards improving forestry-based businesses?

Response: The Special Designations are entities not programs, so the entities could choose to spend funds toward forestry if they wanted to. The New Mexico Collaborative Forestry Program was not a designation, but a grant program that required collaboration for funding and funded many forestry projects with success.

Question: What is the most recent Federal Special Designation area?

Response: The most recent Special Designation is the Valles Caldera Preserve which began in 1997. The New Mexico collaborative forestry program, while not a special designation, is even more recent.

Question: Are these Special Designation areas comparable in terms of being rural areas?

Response: The Pinelands and Conte Refuge areas are very rural.

Question: Were the National Heritage Areas designation looked at for applicability to the Mohawk Trail Woodlands Partnership Project?

Response: Yes, these areas were looked at.

Comment: If you want to get funding in the future beyond initial levels, you have to be close to Congressional representatives, show successes like job creation related to the mission of the project, and have something like a "friends group." A few years ago, the friends of the Conte refuge were able to secure all the Land and Water Conservation funds for that year for the Conte Refuge because they were close to Congressional representatives. There has to be a group of people dedicated to establishing and maintaining a track record for the project.

Comment: Congressional delegations are important at the Federal level for appropriations. In Idaho, Cecil Andrus and Frank Church had a lot of clout in helping to establish the Sawtooth NRA. Also, appropriations change based on what party is in power. When Democrats are in power, the emphasis is on saving land. When Republicans are in power, there is more emphasis on mineral resources and timber. There needs to be lobbying power to convince Congress of what we want to do and that isn't always easy.

Question: What percentage of funding in each of the Special Designation areas was private vs. public?

Response: Staff is beginning to research this and hopes to create a business plan.

Question: What money for economic development will come back to the communities themselves?

Response: The initial capitalization would help to provide funding for projects but could also help to make up for PILOT Payment shortfalls and potential impacts on municipal services from an increase in tourism. The amount of funding for CR's or for municipal payments would depend on the initial level of funding. The point of this exercise was to illustrate that there are many models other than a traditional National Forest Service designation. If the U.S. Forest Service was a sponsor or partner, they could help us make Congressional connections to pursue funding to try out this new model in a rural area such as ours.

5. Review and Discussion of Draft Chapter 7 - Framework and Draft Chapter 8 – Projects and Recommendations.

P. Sloan reviewed Chapter 7 Framework and asked for comments.

Comment: Anything subject to appropriation won't work. A new model is a good idea. Getting money up front is important for Conservation Restrictions and for actual capital improvements. For example, the Mohawk Trail school district is looking to switch to renewable wood heat to replace oil heating. Take a chunk of that initial appropriation and designate it as such. That way the towns can see that even if the funding stops or the organization is absorbed by another agency, it will have benefited with some real capital. Maybe these are road dollars or other things that can help the towns understand that a new approach can make sense. As far as the interpretive center goes, it is time to break the traditional "Visitor Center" model. A better approach is to get people out to see how something actually works. A working model is needed, such as a working mill or area of forest land where there is active management or how local forests can provide supplies for a pellet manufacturing facility. We don't need more pavement or rooftops, we need to start moving in a certain direction relative to carbon sequestration and sustainable forestry. It would be a real cool model for this area.

P. Sloan commented that the Visitor/Education/Technical Resource Center would not be a standard Visitor Center. Public and Advisory Committee member comments have made it clear that people want to focus on the educational aspects of sustainable forestry and ecosystem services, provide an opportunity for research and development on climate change resiliency or new wood products, as well as provide a marketing center for wood products and artisans. The Center could also provide traditional visitor services.

Comment: Conservation Restrictions should not be permanent. We cannot envision the future. A conservation restriction is a one-time shot of money. The CRs should have a time limit of up to 30 years. Families have different needs and may need money from the property in the future. We are trying to build a wood products industry. Start-up funds for young people are not available. We should try to find start-up money for young people

P. Sloan commented that we could possibly set up a loan fund that would be used to help wood-based businesses or grants if there were enough funding. If families do not want to pursue a permanent conservation restriction, there are alternate programs like the farm viability program that uses temporary restrictions (e.g. 10 years), and perhaps a comparable program can be established for forests. The draft CR has been made to be very flexible, allowing for different uses if the land has multiple owners over time.

Comment: It would be helpful to have a discussion about priorities in the project.

Comment: We do not know where funding is going to come from in the future. Do we want to seek a Federal designation if money is going to dry up in the future?

P. Sloan commented that towns have made it clear that the designation should reflect the importance of forestry and ecology in the region and not result in Federal land ownership or additional regulations. If the Partnership and region is able to secure an initial capitalization for the program it will take a regional organization and the towns to manage the program to make it sustainable in the long run. Creating a structure that would also allow for the donation of funds from private sources such as foundations is also possible.

Comment: Points about term easements are valid. For some people, easements are not really what they want to do. However, capital from the CR can be used for silviculture to create in 100 years an incredibly valuable forest that will generate income over time. Term easements given in the 80's on forest land resulted in the land being over harvested and developed once the easement expired. The idea of a term easement is fine, but a long term permanent easement is where the money is and it can help a lot of landowners.

Comment: Job creation is extremely important. Job creation and economic development and tourism might be attractive to other agencies. There is great potential for job creation in some of these industries.

Comment: We should get capital money up front. Job creation should focus on a range of job levels, not just low levels and should bring other people into the area as well.

Comment: I think we need a program that helps landowners no matter what their interests are, not just Conservation Restrictions.

Comment: We have to learn how to generate public benefits through whatever management we do. To get the public to support us, we have to show them how we are benefitting them.

Comment: We have to be careful what we wish for. Economic development might destroy forests. We have to make sure what we end up with is compatible with our goals.

Comment: We need a flexible management structure. We should explore venture capital as a funding source.

P. Sloan asked for comments on whether Committee members thought towns should consider seeking a Special Designation.

Question: If we said no, would we be done?

Response: If the Committee decided not to recommend pursuing a Special Designation, we would meet with the towns to present the Plan and let them know that the Committee recommends that we not pursue a Special Designation. We would finalize the plan and would likely just pursue the projects that have already received funding. We would not craft legislation or try to figure out a governance structures.

T. Matuszko reiterated that the potential Federal funding could be flexible, and that there are new models with similar features to what we are proposing that have worked in other parts of the country. T. Matuszko asked each Committee member to state whether they would like to move forward with seeking a Federal Special Designation.

Art Schwenger: We should move forward. Developing a new model is extraordinary and worth the effort even if it does not work out in the long run. At this point, there are many possibilities for success, in part or in whole.

Kyle Hanlon: This far along, I am comfortable with moving forward, but we need to distill our priorities down to a half a page when we go public. Our natural resources are valuable to us and we need to convey that importance succinctly to the public. We need to get down to 2 or 3 priorities. We must focus or we will never be able to sell this idea.

Joe Nowak: I don't really know what this is going to look like and it's hard for me to ascertain that when I come to these meetings. I wonder about the path that will get us there. It will have to go through the selectmen and a town meeting. What I fear is that we have 20 communities involved and if we do not show a type of solidarity – if we only get 3 towns that are interested and the other 17 are against it, the Feds won't look too well on us, that the idea we are trying to bring to the forefront isn't really liked by the communities. I don't know if it's all or none, but there has to be a good percentage of communities that want to get involved in this. There are differing needs in communities, things may work in some communities that don't work in others. Getting from point A to point B, there are so many off roads. We should move forward - why not?

Walt Quist: I think we should definitely move forward. I think you have an idea of the comments that an average town will have. They are reflective of all the comments I have heard. I have worked in land acquisition for 35 years and heard the concerns at Town Meetings. Very few times did concerns about Federal involvement and ownership come to fruition. But I do think that we have an idea about how the towns in general feel, and some of the cautions, and we should move forward.

Mark Phelps: In my opinion moving forward means that we focus on the individual and focus on the marketplace, and how those individuals react to the marketplace and what motivates them, what's going to motivate the next generation and the generation after that. And so I think we need to be market oriented. I don't want to see us relying on the government. We have to rely on ourselves and not look to Washington. Yes, we will look to Boston and say we are a poor area. Massachusetts needs to recognize that and step up to the plate. They have people working in public office who can help us. I would like to keep it in house in the Commonwealth of Massachusetts. Without getting involved with the Feds, I think we can do it. I would like to see capital come from the private marketplace. If we are going to be successful, we have to be successful in the marketplace. We are trying to build a wood products industry, and that means we must be successful in the marketplace.

Jim Perry: There are so many great things in here and I want to see them continue not one at a time, but managed by a partnership. Whether that is a Commonwealth partnership or a Federal one, whatever can pull this together and make this function over time. Federal partnership is fine. We should keep pursuing this, there are many benefits to landowners.

Larry Flaccus: We should definitely keep pursuing. My biggest concern is the presentation to the public and the public forums. How this is presented is a critical element.

Jeff Neipp: I am willing to move forward, but I am leery of building a partnership with the Federal government. I would rather build a private partnership. I am fine with State involvement because it is closer. There are too many unknowns with Federal involvement.

Keith Ross: Yes, we should move forward.

Greg Cox: I go along with Jay's comment about priorities. This thing is too vague to go to my Town Meeting. It would never survive in my Town Meeting. We need to put numbers on things and a draft budget. The numbers will say what our priorities are and we can debate whether these are right. Without this, the idea is too vague to consider.

T. Matuszko asked for a nod of heads as to whether the committee should have an additional meeting about priorities before moving on to regional and community meetings. The overall response was yes to an additional meeting.

Whit Sanford: I am for proceeding with a Special Designation for a variety of reasons. I have seen it work in other areas. It brings communities together. It provides energy and a reason to work together.

Jeff Hutchins: I do not represent any town, but we are in favor of moving forward with the process. We have made tremendous progress, but it has taken a lot of time. I would hate to see this brought to Town Meetings before it is ready.

T. Matuszko asked for all committee members to e-mail him or P. Sloan with comments about what would be needed before the idea of the Mohawk Trail Woodlands could be brought to Town Meetings.

Comment: Committee members should develop solutions and ideas, not just submit complaints or bullet point comments.

T. Matuszko then continued asking each Committee member as to whether the Mohawk Trail Woodlands Partnership should move forward with seeking a Federal Special Designation.

Doug Bruce: Yes, we should move forward.

Arthur Pantermehl Jr.: It's a loaded question as to yes or no. As far as Federal involvement, I would not be for it. I do not like the finalization of a Federal label. If the money is gone, the government will still have the designation. I think we should pursue this at the State, private and local level. That is what I would submit to my Select Board. Federal grant money would be fine if it helps us locally, but I am not in favor of the Federal designation.

Jay Healy: We talked this afternoon about a "Sapphire" grant for a pellet plant. The government will pay 75% with a four and a half year payback. I don't care if it's the State or the Federal government. The Sapphire grant doesn't mean we will be under the thumb of the State. I think we should go ahead, but I think we need to be a little more clear about what we are doing and more strategic and frame it properly so we don't get killed at Town Meeting with the Federal designation aspect. If we can clarify it and know what we are selling to the Selectmen we should take a look at it.

Scott Sylvester: We have spent a considerable amount of time on the framework. We have a unique opportunity here that I would hate to see us waste. We should definitely go forward. Whether funding is federal, state, or private, it doesn't matter. We have been clear that we want local control and if we don't have local control this will not work for us. We are a unique region and we have unique needs and we have an opportunity to meet a lot of those needs.

Cheryl Dukes: Yes, we should go forward.

Dicken Crane: Since I was a small child, I have a problem taking things literally. When this process started it was referred to as an informational session, but it was really a bunch of questions for us to answer to address a problem. I don't want to go to a Select Board meeting saying we are going to present something, but really we are going to be asking them a bunch of questions. I think we have to be up front that we are creating a proposal and we haven't gotten it completed yet. We are presenting this, and if the towns are in agreement we can move forward, but without the towns being in agreement, we do not have a proposal to present. I think it's important that the towns understand that if they go along, they will not necessarily get money. We have to make it clear that we are making a proposal to get money. It must be clear that this is a two-step process, it is a proposal that might work or might not. The towns will bring up many other issues. I think we have to accept that the towns will have other input. Let's be real with the towns up front that this plan might change. Then the whole thing needs to be put into a package to sell to the Federal government. When this whole process started, I was under the impression that there was already a proposal. It turned out that it was an opportunity to create a proposal. We have to make it clear that this is a work in progress. Realistically, this is not going to sail through every Town Meeting exactly the way it is. There will likely be many good ideas that come out of Town Meetings and what we end up submitting will be slightly different from this. We are the steering committee, but we are not God. They are going to have input and we will have to take that into account. We need buy-in from the towns but also take their suggestions. Yes, we should proceed.

Audience Member: I think it's a good idea to proceed, but we should be careful what we wish for. Make sure everything is compatible with what has been set as a priority.

Ron Coler: I think there are some good points to this proposal, and perhaps it is doable, but the finish line is a bit further away. Some of the concerns that have been raised here, like the reach of the Federal government, is a key concern. Somehow in a preamble you have to address that. Some of the other things relative to term easements, maybe a portion, or 10% could be term easements. This will help to create a winnable project. It is important for towns to listen to their liaison, the success will come down to how well you listen to everyone in this group, because that is what you will hear on the Town Meeting floor, time after time.

P. Sloan concluded by agreeing that this will a two-step process. The towns must weigh in on the idea before legislation is crafted to get buy-in from State and Federal legislators. The group must work to establish its priorities and a draft budget that shows allocations between different goals of municipal stability, land conservation and economic development so folks have an idea of what the direction is and how the private sector could be involved.

Comment: With the whole broadband situation, the idea of governance came up at the last minute and it threw a cog in the wheel. I can understand your strategy on governance, but you will have to have a really good answer for that because every Town Meeting will ask about that.

T. Matuszko reiterated that the governance structure could include a representative from every town, other organizations, and the state agencies – probably similar to what is on the Advisory Committee now.

Question: Is there a ball park figure of a budget for the 20-towns? What is the timeframe for bringing this to the towns for Town Meeting? We talk about 20 towns here. We have a hard time getting four towns together to decide on a school budget. I don't know what will happen when we have 20 towns and we start arguing about a Federal budget for Conservation Restrictions. A few years ago we had a partnership grant for a 1,500 acre Conservation Restriction. I don't think people realize the amount of time that public officials spent on that. The time that went into it was unbelievable. You better be ready.

Response: For regional meetings, we are hoping to go out in late May or early June to present the Plan and draft proposal. Based on feedback from those meetings we will fine tune the proposal into a final draft to bring to each town Select Board in the Fall. We will ask each town representative from the Advisory Committee to come with us to the Select Board to give their recommendations. We will find out how the towns want to proceed.

Question: Would you like to see something on a warrant?

Response: We are not likely ready for warrants. The next step is to meet with Select Boards. We also need to figure out a budget and a governance structure. That level of detail can be brought to Town Meeting. The towns will not want to vote on something without clear details.

Comment: If you go in front of the Select Boards, have an idea about budget. Include the Finance Committee. Unless the Finance Committee and the Select Board work together this will not be successful.

P. Sloan concluded by saying that the next meeting will focus on (1) setting priorities and (2) a general budget including the different categories of programs that could be funded if capital was raised as well as the relationship with a possible federal agency like the Forest Service.

Ryan Aylesworth: I think all the viewpoints have been expressed. This idea is not quite ready for prime time probably, but I am impressed with the group discussion and I think is definitely worthwhile. It's a unique opportunity and it should be taken advantage of.

T. Matuszko and P. Sloan thanked the group for their time and input on the project. B. O'Connor notified the group about reimbursement grants from the state for Open Space and Recreation Plan development.

Next Meeting: Tuesday, May 12 or Tuesday, May 19, 2015.

The meeting adjourned at 8:39pm.

Mohawk Trail Woodlands Partnership 2014-15

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	May 19, 2015	Location:	Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA
Time	6:00-8:15 p.m.	Room:	1 st Floor Ski Lodge
		Facilitator(s)	Peggy Sloan, FRCOG & Tom Matuszko, BRPC
		Call in # PIN	N/A
ATTENDEES: Mohawk Trails Woodlands Partnership Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, M. Praus, T. Matuszko, A. Peteroy, B. O'Connor & D. Raimo			
Agenda items		Estimated Time	Key Person
1. Introductions		6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
2. Review and Approval of March 31, 2015 Meeting Notes		6:05 p.m.	T. Matuszko, BRPC
3. Presentation on Final Draft Model Conservation Restriction (CR)		6:10 p.m.	A. Peteroy, FLT
4. Review and Discussion of Priorities for Forest Conservation		6:40 p.m.	T. Matuszko, BRPC & A. Peteroy, FLT
5. Review and Discussion of Priorities for Special Designation for 20-town region		7:10 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
6. Review & Vote on Final Drafts of Chapter 5 - Municipal Services & Tax Impacts, Draft Chapter 6 - Benefits of Partnership with U.S. Forest Service, Chapter 7 - Framework & Draft Chapter 8 - Projects and Recommendations		7:40 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC
7. Review and Discussion of Draft Management Structure		7:50 p.m.	D. Raimo, U.S. Forest Service Liaison
8. Spring Forums, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn		8:15 p.m.	T. Matuszko, BRPC, & P. Sloan, FRCOG
<p>This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting.</p>			
			



Berkshire
Regional
Planning
Commission



Mohawk Trail Woodlands Partnership Advisory Committee Meeting

May 19, 2015

Berkshire East Ski Lodge, 66 Thunder Mountain Road, Charlemont, MA

Staff: P. Sloan, A. Peteroy, T. Matuszko, B. O'Connor, D. Raimo, E. Coughlin

Members Attending: Tom Brule, Cheryl Dukes, Larry Flaccus, Jay Healy, Jeff Hutchins, Joe Nowak, Jim Perry, Keith Ross, Whit Sanford, Art Schwenger, Scott Sylvester, Gisela Walker

Others Attending: Ryan Aylesworth – Western Mass. Public Lands Alliance; Ron Color – Ashfield; Todd Olanyk – Ashfield

1. Introductions

T. Matuszko commenced the meeting at 6:00 PM and had members of the Advisory Committee introduce themselves.

2. Review and approval of March 31, 2015 Meeting notes:

Gisela Walker moved to approve the Meeting Notes of March 31, 2015. The motion was seconded by Joe Nowak. The Advisory Committee unanimously approved the Meeting Notes.

3. Presentation on Final Draft Conservation Restriction (CR)

A. Peteroy reviewed the final draft of the model Conservation Restriction (CR).

Question: Will windmills be included as an allowable use of the CR?

Response: No, land where windmills could potentially be constructed would have to be removed from the area included in the CR prior to adoption of the CR. This would be worked out with the landowner.

Comment: The word “are” needs to be added to section 2 so that the sentence will read “within the areas that *are* not more than the majority of the acreage being conserved in the CR.”

Response: Staff will revise.

Question: Would a property that was mostly (50% or more) in agriculture be excluded from participation in this program?

Response: Yes, parcels where the majority of the land is in agricultural use would not likely be eligible for this program since the focus is on forestry. The intent of the CR is to conserve forest land. However, comments from the committee indicated the need for flexibility in the CR to allow for preservation of agriculture. Other conservation programs such as the Agricultural Preservation Restriction (APR) could be used in combination with a “forestry” CR to protect agricultural lands on the parcel. Landowners could have a combination of APR and other Conservation Restrictions if the land contained both forest and agriculture.

Question: Do we need the phrase “in any rolling 12 month period” or “for use by the owner on the premises or at his or her primary residence” under section 1C?

Response: No, staff will remove these phrases. There is no additional restrictive use on forestry activities. This summary is referencing the Mass. Forest Cutting Practices Act and its requirements for best management practices (BMPs), and the need for a cutting plan for harvests over a certain size.

Comment: Easements and restrictions have been a perpetual source of controversy. There is no perfect equation for these restrictions. Quantifying the monetary value of the easement is difficult and requires an appraisal, and once adopted becomes permanent. It is not something that landowners should take lightly, it is something that requires great thought.

P. Sloan and T. Matuszko reiterated that the CRs for forest conservation are only one part of the overall program. CR's will not work for all landowners. Property owners should not adopt a CR without significant thought and planning. Additionally, the idea of a term limited restriction through a "Forest Viability Program" was developed to address comments related to hesitation regarding permanent CRs. This program could provide funding for landowners as well as technical assistance without a permanent CR.

Question: Can "property maintenance" be added to accepted uses of motorized vehicles under section 8?

Response: Yes, the intent was not to exclude property maintenance as an accepted use of motorized vehicles. This will be described more fully in the CR document to ensure this use is included.

Question: Why are we requiring town approval for CR's in the proposed program?

Response: The opt-in feature of the program for towns was designed to address concerns over municipal revenue sources that could be affected by CRs. By opting in to the proposed program, landowners in the town can access potential funding. If the amount of conserved land reaches a certain threshold, towns would be able to weigh in about whether to support additional CRs.

Question: Would a landowner be able to remove snags and other dead wood with related ecological value if their land was under a CR?

Response: When a landowner develops a stewardship plan or forest management plan, they can identify wildlife habitat as a goal, which would address this issue.

A. Peteroy reiterated that this CR is only a model CR and will require changes before final adoption by any landowner. However, conceptually, the "bones" of the CR are in place.

4. Review and Discussion of Priorities for Forest Conservation

T. Matuszko introduced the criteria (Forestry, Public Access, and Ecological) that would be used to assess land to prioritize funding for conservation restrictions. T. Matuszko reiterated that these priorities are conceptual and that they need to be developed further.

Question: What separates "productive" from "highly productive" forest soils? Can "diversity of species" be added to the criteria?

Response: These criteria will need to be developed further. Diversity of species will be added to the criteria.

Question: Land enrolled in Chapter 61 is listed as a priority. Should land in Chapter 61A or 61B, or land that only has a 10 year forest management plan also be included for funding priority?

Response: This priority will be revised to list land with a 10-year forest management plan as a priority for funding, not just Chapter 61 lands.

Comment: If these criteria are used for prioritization the word "level" should be added to the criteria to aid in prioritization.

Response: Staff will revise.

Question: Shouldn't priority go to lands that are not enrolled in chapter 61? Chapter 61 lands are already being managed.

Response: Chapter 61 lands are only temporarily protected. The CR would help to address conservation in the long term. In addition, placing a CR on land already in Chapter 61 is not expected to have any impact on tax revenues.

Question: Can "contribution to drinking water supply" be added to the criteria under ecological?

Response: We will examine this and determine criteria that could be added to address this resource.

Question: What if multiple landowners with adjacent parcels below the minimum acreage wanted funding for CRs?

Response: We can revise to include this possible scenario. The intent is to get the largest amount of forested land that will contribute the most to forestry in the future. The protection of "blocks" of parcels owned by multiple landowners will be added as a specific criterion.

Question: Will forest management plans be a requirement of deeds with a CR?

Response: If the deed and CR requires a forest management plan, this would be transferred to the new owner.

P. Sloan noted that the CR program would be designed to be as landowner friendly as possible. Landowners that applied for CR funding and did not receive it could be placed on a waiting list and would be further up the list for funding the next year. Additionally, the governance structure will likely include an Advisory Committee that will review applications for CR funding and determine priorities based on general criteria.

Question: Shouldn't we list all criteria and develop procedures for establishing priorities for CR funding?

Response: We attempted this and it became overly complicated. We are just presenting a simple model for criteria tonight. The criteria will need to be developed further. We will add more examples under each of the criteria. However, the future committee that will review applications for CR funding will likely be responsible for assessing each parcel for potential funding and establishing priorities.

5. Review and Discussion of Priorities for Special Designation for 20-Town Region

T. Matuszko introduced the 5 programmatic topics that would be addressed through the Mohawk Trail Woodland Partnership including natural resource based economic development, natural resource based tourism, municipal financial sustainability, sustainable forestry practices and land conservation. The Community Preservation Act (CPA) was used as model. Some minimum amount could be spent in each of the 5 areas every year. The rest would be spent at the discretion of the governing body.

Comment: Some of these elements come into play as the program gets established. For instance, municipal financial sustainability becomes important after a significant amount of land has been protected.

T. Matuszko reiterated that some of the programmatic elements would receive higher funding amounts based on the priorities established by the governance body. However, based on this model, all of the 5 programs would receive some funding every year.

P. Sloan reiterated that comments from the towns indicated equal emphasis on economic development as well as conservation. One of the first big projects could be the creation of the multi-use "Center" for forestry education, wood product research, marketing of local wood products and tourism/visitor services.

Comment: The language regarding the annual payments to towns sounds just like PILOT (Payment In Lieu Of Taxes). This language should be revised.

T. Matuszko reiterated that the intent is to get a trust fund established with interest earned from the fund used to support annual payments to towns. Staff will work to revise the language to avoid association with the PILOT program which has been an unreliable source of funding for towns.

Question: Is the 10% minimum yearly funding flexible?

Response: Nothing is set in stone. This is a draft proposal to get the Advisory Committee's feedback. A more in depth examination of funding will be needed to determine the initial capitalization that will support a trust fund that would be self-sustaining. The governance board could be set up to allow for greater flexibility in determining funding priorities based on the 5 programmatic elements.

Question: Are these programmatic elements in conflict with U.S. Forest Service funding priorities?

Response: Staff has been keeping the U.S. Forest Service up to date with the activities of the Advisory Committee. No concerns have been raised so far.

Comment: I think that there are certain elements that need to be funded first. Certain activities, such as monitoring, are an obligation when CRs are established and will need to be funded regardless of priorities.

Question: Could town assessors be trained to monitor CRs?

Response: This could be explored, but this activity is typically carried out by land trust staff with experience in CR monitoring.

P. Sloan and D. Raimo stated that staff had met with the 3 branches of the Forest Service to discuss the project. The U.S. Forest Service was positive about progress that has been made. The U.S. Forest

Service Chief will be briefed soon as well. Staff is also working to brief state and Federal legislators so that they will be “in the loop” if the towns decide to pursue Federal funding.

Question: Would only 10% have to be spent on CRs?

Response: 10% is the minimum funding that has been proposed. However, the governance body would determine funding beyond the 10% level. This 10% level is not set in stone. More discussion will be needed to determine whether or not to include minimum yearly funding levels and what level each of the areas should be funded at.

T. Matuszko went through each of the 5 programmatic areas for the Mohawk Woodlands Partnership.

Question: Can a potential grant program that would cover expenses related to CR’s or term easements be added? This would cover things like surveys, natural resource inventories and appraisals.

Response: Staff will add this potential grant program.

Question: Can potential funding levels be added to these programmatic elements to help sell these ideas to the towns?

Response: That is the next step. These programmatic elements are being reviewed conceptually at this time and potential funding levels will be determined at a later date.

Question: Would the governing body have purview over other funding sources outside of the potential trust fund?

Response: More time and discussion will be needed to determine the type and structure of the potential governing body and its purview over funding sources.

Question: Do we have numbers on existing conserved lands? Some of the towns will say that they already have enough conserved lands.

Response: Yes, these numbers are included as an appendix in the report. Some Berkshire County towns will likely not be interested in additional conserved lands. However, many private property owners have expressed a wish to conserve their lands. A check and a balance has been added to this program to address concerns over potential loss of municipal revenue. Towns will be able to weigh in if the amount of conserved lands start to affect their incoming tax revenue.

Comment: I realize it is important to look closely at all aspects of a strategic plan, particularly a newly crafted one. I firmly believe there is no perfect plan. We need to come to some kind of consensus. Until the model is put forth and it is heard by the individuals who will administer and finance it, we will stand at the starting line, idling. When we have so many people with different philosophies, it is difficult to craft a perfect plan.

P. Sloan and T. Matuszko reiterated that the program is designed to be broad to meet many needs. Funding will cover a blend of different programs addressing natural resource based economic development and forestry. P. Sloan asked for comments via email as to whether all 5 programmatic elements should receive equal funding, or if some should be weighted. The next step is to run numbers and determine the amount of Federal and state funding that would be needed to pursue the goals of the project and to allow the program to be sustainable over the long term. The program could also be

designed to attract foundation grants or additional funds beyond any funding allocated through legislation.

Question: Will a yearly “management fee” need to be taken out of the funding to cover those costs of the program?

Response: Yes, potential staff and operating costs will be need to be addressed. The next step is to develop a budget.

Comment: Leave the funding priorities up the future governance. The minute we start putting funding numbers or priorities with the 5 programmatic elements, it will create conflict and argument. By leaving the funding allocations general and up the future governing body, it will allow for greater flexibility.

Comment: We should focus on making a “big splash” in the first few years of funding with targets to get a set number of CRs and establish the multi-use Center. After this, we can focus on other aspects of the program.

Comment: The economic development aspect of this project will be the biggest selling point to the towns.

Comment: Stable municipal payments to the towns from interest earned on from the capitalization of the trust fund is a very important aspect of this project.

Comment: What if the governing body decides to just make municipal payments every year to run down the tax rate? The Forest Service would likely not support this. Maybe during the first 5 years, 50% of funds should be targeted for land conservation, after that the governing body can make its own decisions.

Comment: There needs to be development of how this is a self-sustaining idea and program. Some of the alternative Forest Service designations and their funding models need to be revisited to determine the best structure for the Mohawk Trail Woodlands Partnership.

T. Matuszko reiterated that the establishment of the trust fund is the best model for this. How to get funding for this trust needs to be figured out. P. Sloan stated that the level of initial capitalization that would cover the program costs still needs to be determined. T. Matuszko called for volunteers that would like to be part of a working committee that help to develop a business plan. Staff is working to develop a new scope of work with the state to continue with the process of developing the plan. Over the summer, the business plan could be developed and ready to present to the towns in the fall. Regional meetings and community meetings would take place to determine whether or not towns would like to pursue legislation to create a Special Designation for the 20-town region. P. Sloan asked for 4-5 volunteers for the working committee to email her if they are interested. The working committee will also address funding levels as well as the potential governance structure and make a proposal to be discussed by the full committee next Fall.

6. Review and Vote on Final Drafts of Chapters 5-8

Staff did not have sufficient time to prepare all the final drafts. They will be reviewed at the next meeting in the Fall or voted on via email.

7. Review and Discussion of Draft Management Structure

D. Raimo explained the potential structures of the governing body including how they interact with the Federal government, and funding mechanisms based on past Federal special designation areas. D. Raimo asked for Advisory Committee members to send her any questions via email.

Question: If the Federal government gives funding for CRs, could some of this money be used to jump start the trust fund?

Response: This would depend on whether the authorizing legislation allowed it.

P. Sloan reiterated the draft schedule for the committee. The business plan and draft governance structure will be developed by the working committee over the summer. Advisory committee meetings will resume in Fall followed by regional and community meetings. Staff will send potential dates to the committee to schedule the September meeting. Staff announced that the towns of Charlemont and Heath in the Mohawk Trail Regional School District have received SAPHIRE grants for renewable heating to help them to convert to wood based heat. DOER is nearly ready to hire a consultant to study the amount of wood in the 20-town region that could be sustainably harvested for wood based heat and possibly to support a small scale pellet manufacturing plant. Staff also introduced the DOER Municipal Energy Technical Assistance Grant, which could be used for wood heat feasibility studies or energy audits. The MA Forest Alliance also recently received a grant from the U.S. Forest Service to establish a state wide wood energy action team. The MA Forest Alliance will hire a project coordinator to help with technical assistance regarding wood energy in the 20-town region. Single municipalities or groups of 3 municipalities may apply for assistance. Staff will e-mail additional information and grant applications to the group.

The meeting was adjourned at 7:53 p.m.

Next Meeting: Fall 2015

Mohawk Trail Woodlands Partnership 2014-15

A Plan for Forest-Based Economic Development and Conservation

Meeting: Mohawk Trail Woodlands Partnership Advisory Committee			
Date	October 20, 2015	Location:	Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA
Time	6:00-8:00 p.m.	Room:	1 st Floor Ski Lodge
		Facilitator(s)	Peggy Sloan, FRCOG & Tom Matuszko, BRPC
		Call in # PIN	N/A
ATTENDEES: Mohawk Trails Woodlands Partnership (MTWP) Advisory Committee Members		GUESTS:	REGRETS:
PROJECT STAFF: P. Sloan, A. Larose, T. Matuszko, A. Peteroy, B. O'Connor & D. Raimo			
Agenda items	Estimated Time	Key Person	
1. Introductions	6:00 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
2. Review and Approval of May 19, 2015 Meeting Notes	6:05 p.m.	T. Matuszko, BRPC	
3. Presentation & Discussion on Draft Business Plan for MTWP	6:10 p.m.	P. Sloan, FRCOG	
4. Presentation & Discussion on Draft Governance Structure	6:50 p.m.	T. Matuszko, BRPC & D. Raimo, U.S. Forest Service Liaison	
5. Review & Vote on Final Draft of Chapter 5 - Municipal Services & Tax Impacts, Chapter 6 - Benefits of Partnership with U.S. Forest Service, Chapter 7 - Framework & Draft Chapter 8 - Projects and Recommendations (see attached)	7:30 p.m.	P. Sloan, FRCOG & T. Matuszko, BRPC	
6. Request by Town of Peru to join the MTWP Program	7:40 p.m.	T. Matuszko, BRPC	
7. Fall Forums, Next Meeting Date & Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn	7:55 p.m.	T. Matuszko, BRPC, & P. Sloan, FRCOG	
<p>This meeting is wheelchair accessible. Please call the facilitator with any requests for accessibility. Pizza and beverages will be provided for Advisory Committee Members at this evening meeting.</p> <div style="text-align: right;"></div>			



Mohawk Trail Woodlands Partnership (MTWP) Advisory Committee Meeting

October 20, 2015

Berkshire East Ski Lodge, 66 Thunder Mountain Road, Charlemont, MA

Staff: P. Sloan, A. Larose, T. Matuszko, B. O'Connor, D. Raimo, E. Coughlin

Members Attending: Dicken Crane, Larry Flaccus, Kyle Hanlon, Jay Healy, Fred Jajko, Jim Moore, Jim Niedbalski, Joe Nowak, Arthur Pantermehl, Jr., Charlie Thompson, Walt Quist, Whit Sanford, Art Schwenger, Scott Sylvester, Wendy Ferris

Others Attending: Paul Mark, State Representative 2nd Berkshire District

1. Introductions

T. Matuszko commenced the meeting at 6:05 PM and had members of the Advisory Committee introduce themselves.

T. Matuszko noted two Advisory Committee member changes. Jim Niedbalski has replaced Drew Jones of the Hoosic River Watershed Association and Charlie Thompson has replaced Jeff Hutchins of the Massachusetts Forest Alliance.

2. Review and approval of May 19, 2015 Meeting Notes:

Art Schwenger motioned to approve the meeting notes of May 19, 2015 and the motion was seconded by Jay Healy. Walt Quist and Kyle Hanlon abstained from voting. The Advisory Committee approved the meeting notes.

3. Request by Town of Peru to Join the MTWP Program

T. Matuszko notified the Committee that the Town of Peru had requested to join the MTWP study area, increasing the size from 20 to 21 towns.

Representative Paul Mark addressed the committee, stating that the Town of Peru's desire to join the MTWP study area was expressed by a vote of the Board of Selectmen. Rep. Mark also stated that an oversight early in the MTWP process left Peru out of the process. Jay Healy motioned to add the town to the MTPW. The motion was seconded by Whit Sanford. Discussion was then heard.

Question: Would there be any "detriment" caused by adding Peru to the study area?

Response: Peru definitely compliments the study area, and would add to the resource base in the MTWP. However, if other towns seek to join the MTWP at this point, this would impact the resource allocations, such as those found in the budget that was developed over the summer. Additionally, this would be especially difficult after any potential legislation is filed.

Comment: This has little downside. For communities that "are fearful of the feds," seeing that other towns want to join is a good indication for the project.

Question: How will this impact the existing report and 20-town study?

Response: Staff will not revise the plan due to lack of budget. However, an addendum to the plan, with included statistics about Peru will be included. Moving forward, the business plan, legislation and governance structure would include Peru.

Question: Have other towns expressed interest in joining? This might be a good time to include them.

Response: Some towns have expressed interest, but they are not contiguous to the study area.

The Committee voted to accept Peru into the MTWP study area. The motion passed unanimously. The Town of Peru will have to formally appoint a representative to the committee.

4. Review and Vote on Final Draft of Chapters 5-8

P. Sloan requested a final vote of endorsement of Chapters 5-8 before the Committee and RPA's presents this material on a regional basis.

Art Schwenger motioned to approve the chapters and Kyle Hanlon seconded. Discussion was heard.

Comment: Please revise "Shelburne Falls Area Business Association" to read "**Greater** Shelburne Falls Area Business Association" in Chapter 8, Page 1.

Response: Staff will revise.

The Committee voted to approve the chapters. The motion passed unanimously.

5. Presentation and Discussion on Draft Business Plan for MTWP

P. Sloan presented the draft business plan, stating that the intent is to create a long-term financial structure that will be sustainable after any initial state or federal appropriations. The business plan has a narrative, and a draft budget, where most of the detail is located.

The draft budget for the MTWP is located on page 3 of the handout. The draft federal appropriation request is \$5 million/year over a 4 year period, with a \$1.25 million yearly match over 4 years from the state. The bulk of these appropriations will create a trust fund that will be used to fund projects in the 5 programmatic priorities of the MTWP. These include forest-based economic development, natural resource-based tourism, municipal financial sustainability, sustainable forestry, and land conservation. A non-profit entity in partnership with the USFS and the state is proposed as well. It is assumed in the budget that the non-profit would have two staff members, an executive director and an administrative support staff member. Part of the budget is allocated toward staff salaries.

Four main budget items to be funded are included under the forest-based economic development program. These include a visitor/education/marketing center (that will also house staff members), a forest viability program, a revolving loan fund (RLF), and potential lease payments for the visitor's center.

Payments to towns under the Municipal Financial Sustainability aspect of the plan are based on a payment of \$25,000/year to each participating town for a total of \$500,000 to the region each year. This overall figure of \$500,000 would help to offset the shortfall in state PILOT payments to towns in the 20 town study region, which is approximately \$330,000. These funds could help with road maintenance or providing emergency services.

Question: Are more than two staff proposed?

Response: No, however, it is hoped that at least one high level U. S. Forest Service employee will be located at the multi-function center to help with coordination between the non-profit and the U. S. Forest Service. This employee would be funded by the U. S. Forest Service.

Question: Why does the RLF show up on the budget twice?

Response: This shows up twice due to the fact that loans from the RLF will be repaid; this is both a cost and source of funding. It is hoped that the RLF payments/repayments will balance out.

Comment: The multi-function center could also be used for tourism and to assist with marketing and promotion.

T. Matuszko stated that the budget emphasizes long term sustainability. It is hoped that it would bring in other organizations that would want to add value to the MTWP.

Comment: If we are going to sell this plan to the towns, only \$500,000 for all 20 towns is not a large amount. It seems like the towns are not a big winner in this scheme.

P. Sloan stated that the towns would also benefit from the economic development aspects of the plan as well as in preserving their rural character.

B. O'Connor stated that most of the money in the initial appropriation will go directly to the trust fund. The commitment to placing money in the trust fund under the proposed scheme, will lead to sustainable payments to towns, which is crucial.

T. Matuszko stated that there are additional economic benefits, beyond simple payments to towns. Loans to businesses and an improved market for wood products will benefit residents and town economies.

P. Sloan stated that in the proposed budget, municipal payments are the second highest expenditure after forest-based economic development.

Comment: I think many towns will welcome the municipal payments from the program. They could really use this amount of money.

Question: Would payments to towns have any conditions?

Response: Payments would be limited to certain activities related to the project objectives, such as switching to wood-based heat, road maintenance for tourism, and emergency response. There must be a relationship between municipal payments and the goals and objectives of the program.

Comment: Ecological services provided by our region are an argument we should use to sell this idea to the State. The State would not be as well-off without our natural resources in the Western portion of the state. For too long rural places have had to bear the brunt of the State owning all these lands, but not "sharing in the wealth" so to speak.

Question: How will the governance structure be sustained? There is no line item in the budget.

Response: It would be sustained by the two proposed staff members. They will help to coordinate meetings, etc. Potential staff from the USFS could also help with this.

Question: Are we going to build a new structure for the multi-use center, or will a building be re-used?

Response: This level of detail has not yet been reached. It could be either. Community meetings suggested multiple locations in Charlemont, Shelburne, and in Berkshire County, but these locations would need to be researched further to determine feasibility.

Question: The conservation restriction funds proposed in the budget are enough to conserve roughly 1,800 new acres over five years. This is a cost of about \$1,500/acre. This does not seem realistic.

Response: This is a ballpark figure for purchase of development rights and was arrived at after discussion with local land trusts. It has been suggested that 1,800 acres is not a high enough figure for land conservation.

Question: Will the non-profit be responsible for monitoring of Conservation Restrictions (CR)?

Response: No, this would likely be outsourced to local land trusts. The line item in the budget is to pay land trusts for their monitoring expenses.

P. Sloan asked for additional comments on the draft business plan from committee members to be sent to her via email or phone. Discussion moved to the draft governance structure.

6. Presentation and Discussion on Draft Governance Structure.

T. Matuszko introduced the draft governance structure for the MTWP. This initiative will need a way to make and implement decisions, obtain and manage funds, enter into contracts, and operate the programmatic activities. The proposal includes converting the Advisory Committee into the basic governance structure for the Partnership, but to expand that to include the U. S. Forest Service and the State. The day-to-day administration could be conducted by the proposed non-profit which would support the MTWP. The intent is to maintain strong local oversight by municipalities through the Partnership governance structure. Additionally, an executive committee of the Partnership is proposed. This would include a representative from the U. S. Forest Service, State, two municipal representatives, and a representative for other regional interests, perhaps from economic development or forestry. The executive committee would work closely with the executive director of the non-profit and the U. S. Forest Service staff person. The executive director would be employed by the non-profit. The non-profit would perform the necessary activities to administer the trust fund and would be the day to day coordinator of the MTWP, with the U. S. Forest Service staff, to implement the programmatic priorities. A set of bylaws would need to be developed as well.

Question: Are we trying to set up an RLF? Could this work be outsourced to local Community Development Corporations (CDCs) instead of trying to manage this ourselves?

Comment: Yes, this is the hope. The intent is to use existing groups and organizations to deliver certain programmatic services. The executive director and the advisory committee will have to make the decision regarding which organizations to work with.

Question: Can we include some of these ideas in a narrative form?

Response: Yes, a narrative about the governance structure will be developed.

Question: Will CRs be held by the proposed non-profit?

Response: No, CRs will be held by existing local land trusts, the town or the state. The proposed non-profit will only help to fund the purchase of CR's.

Question: Is this a new model? Which model special designation is closest to what we are proposing?

Response: The closest model is the Boston Harbor Islands National Recreation area, because of the partnership aspect of that project. The Valles Caldera Project is also similar because it had a trust fund.

Comment: The non-profit aspect is appealing as it maintains local control.

Comment: We need to make it clear where authorities lie. To satisfy the towns, they will have to know that local influence is maintained and that the U. S. Forest Service does not have some sort of veto power.

T. Matuszko stated that the intention is to maintain strong local oversight of the MTWP. However, a lot of work with the U. S. Forest Service is still required.

Question: Who manages the trust fund? The proposed 5% interest gained from the trust fund seems high. Similar environmental trusts make less than 1% in interest.

Response: Staff will research this. The non-profit would conduct the administrative responsibilities for the trust fund, such as filing reporting requirements, but the day-to-day investment decisions would be managed by a professional fund manager, such as a bank or an investment firm such as that hired by a retirement system. Details will have to be worked out to help gain as much investment income on this fund as possible. The intent is to maintain long-term viability for this program, and the trust fund is one of the ways to achieve this.

B. O'Connor stated that the group will have to carefully determine the role of the U. S. Forest Service. That will be a big selling point to the U. S. Forest Service. We have to determine how the U. S. Forest Service will add value in participation, beyond the funding we are requesting.

P. Sloan stated that a possible demonstration forest could be a way to integrate the U. S. Forest Service. P. Sloan called for other ideas to be sent to her via email on the role of the U. S. Forest Service.

D. Raimo stated that the U. S. Forest Service could help with planning for the area, to strategize how to make the MTWP's goals real.

Comment: We need to revisit the mission of the U. S. Forest Service.

Comment: Also, what the missions of the three branches of the U. S. Forest Service are.

Question: Is the U. S. Forest Service looking for non-traditional approaches to land conservation and forestry -particularly those that don't involve federal land acquisition?

Response: The U. S. Forest Service is intrigued by our work, but they will need to better understand our non-traditional approach to forest conservation and economic development.

Question: How does the wood processing pellet plant fit into the proposed structure?

Response: This will have to be coordinated by the Advisory Committee. The executive director of the non-profit will hopefully be a skilled grant writer. The feasibility study is a good start. The state could possibly work with the non-profit or other organizations to help implement the pellet plant if feasible. These decisions will need to be made by the MTWP in the future and cannot be answered now.

Comment: Another role for the USFS could be to understand how various grant programs could be made more appropriate to our region. An example is that some federal grant programs must spend 60% of its funds on livestock, which is not applicable to our region. The USFS could help to tweak federal grant programs to allow them to work better in our area.

Comment: Another role of the USFS could be education.

Comment: There is a bifurcation between forest management and the environmental community. A role of the USFS could help to make the connection between forestry and environmental benefits, such as water quality, carbon sequestration, etc. A demonstration forest could be part of this effort.

Comment: A segment of the population does not understand the value of forests and ecological services. This message must be made clear, and connected to how their quality of life is improved.

Comment: Research could be another aspect of the project, both in a proposed demonstration forest and in research on private land.

Comment: One aspect of research could be to compare federal vs. privately owned forests.

Comment: A role for the USFS could be to educate the "urban mindset," sway minds in Boston, and act as a liaison to urban areas.

Comment: Perhaps there could be a regular presence of our group at the Boston Farmer's Market?

7. Fall Forums, Next Meeting and Other Topics

T. Matuszko explained the fall schedule, and asked the group if it was ready to go "prime time" with the plan. The fall schedule will begin with sub-regional meetings in Franklin and Berkshire County, then in winter and early spring, the staff will go to Select Board meetings in each town. The objective is to present the final draft of the plan to towns, and to determine each town's interest in crafting future special legislation.

Question: How does the timing of presenting to Select Boards match up with submitting final proposals to the USFS?

Response: We will be concurrently presenting this material to state and federal legislators. A meeting is scheduled for November with the heads of the three branches of the forest service in the northeast region.

Question: Can you prepare a synopsis of our work so far to help present this idea to towns?

Response: Yes, this will be developed.

Comment: The budget narrative needs to be revised to help sell this idea to the towns.

P. Sloan stated that staff will develop this new language and revise the business plan based on tonight's discussion.

Question: Will legislation be put into a rider, or some other bill?

Response: Authorizing legislation will need to be created. Funding will either come from an appropriation, or from the U. S. Forest Service budget.

Comment: It is my fear that interest in this project might dry up in the future at the federal level, which might make funding disappear.

D. Raimo stated that working with the U. S. Forest Service, rather than relying on legislators might help to alleviate this issue. If they are interested, then it might help to move this project forward. The best strategy is to get the people in the field interested and involved with this project at a grass roots level, and show them how unique this project is. The advantage is that we will be trying to show how the U. S. Forest Service and local communities can work together.

Question: What is the timetable to get funding and complete this project?

Response: Once buy-in is received from the towns, special legislation will need to be drafted. This could occur as early as June of 2016 at the state level, which could possibly lead to approval in late 2016, or early 2017. There are more unknowns with the federal level legislative process, 2017 is probably the most optimistic date that things might move forward at this level, probably later. However, we need to focus on local community interest right now. Additionally, this project will be better received if local Advisory Committee members take the lead on presenting this information to their Select Boards. Sub-regional meetings will take place on Nov. 17th (Berkshire County) and Nov. 18th (Franklin County). Advisory Committee members are urged to attend the sub-regional meetings in their county.

Comment: Another way to sell this project is to be able to show how the U. S. Forest Service can influence forest management across the U. S. without "taking control."

T. Matuszko stated that during talks with the U. S. Forest Service, they were surprised that local communities wanted to work with them. D. Raimo also stated that a mission of the U. S. Forest Service is to address "the nation's" forest, not just national forests. This project is a way to accomplish that.

B. O'Connor stated that the good, positive, and collaborative work of the WTWP has "made it easy" to apply for and get grants. The state has recently received \$837,000 in grant funds through NRCS for voluntary public access and habitat improvement. This builds on another grant that received funds to help landowners improve habitat for declining species. Additionally, EOEEA in partnership with DHCD has recently applied for the HUD National Disaster Resiliency Grant. This grant application has made it through the first round. A nexus was made between the work of this group and resilience of forests to storms, as well as economic development. Several million dollars have been applied for. The state will find out in February if they have been chosen for funding.

Additionally, B. O'Connor stated that the wood products lab in Wisconsin has been developing a nanotechnology process using wood. This could then be used to develop a non-petroleum based plastic.

