

Mohawk Trail Woodlands Partnership (MTWP) Advisory Committee Meeting

June 18, 2019

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

Staff: Tom Matuszko (BRPC), Peggy Sloan (FRCOG), Alyssa Larose (FRCOG), Deirdre Rose (USFS Liaison)

Members Attending: Hank Art (Williamstown), Rick Chandler (Ashfield), Greg Cox (Hawley), Larry Flaccus (Shelburne), Kyle Hanlon (North Adams), Stacy Kontrabecki (Buckland), Beth Girshman (Conway), Ed Munch (Peru), Jim Neidbalski (HRWA), Joe Nowak (Adams), Jim Perry (DRWA), Mark Phelps (New Ashford), Walt Quist (Rowe), Whit Sanford (GSFABA), Art Schwenger (Heath), Janet Sinclair (Buckland – Alternate), Jeffrey Thomas (Lever, Inc.), Melissa Patterson (FLT)

Others Attending: Heather Clish (Appalachian Mountain Club), Kurt Gaertner (MA EEA), Bruce Lessels (Zoar Outdoor), Anne O'Connor (Williamstown)

1. Introductions

The meeting commenced at 6:07 p.m. A round of introductions followed. J. Sinclair announced she would be tape recording the meeting.

2. Review and Approval of February 5, 2019 Meeting Notes

A. Schwenger motioned to approve the February 5, 2019 MTWP Advisory Committee Meeting Notes. M. Phelps seconded the motion. The motioned passed unanimously, with W. Sanford and J. Thomas abstaining.

3. Presentation on Supporting Outdoor Recreational Tourism & Managing Recreation Areas in Public & Private Ownership

M. Patterson introduced Heather Clish, Director of Conservation and Recreation Policy at the Appalachian Mountain Club (AMC), and Bruce Lessels, owner of Zoar Outdoor. H. Clish said she was asked to address three topics: how does AMC work with communities and partners to advance recreation; how does AMC manage recreation across multiple land ownerships; and AMC's views on the bill introduced in MA legislature to create an Office of Outdoor Recreation. B. Lessels has been involved with the State legislation on the Office of Outdoor Recreation and will cover this last topic.

H. Clish provided an overview of AMC, which works in the areas of conservation, recreation, and education to promote the protection and enjoyment of the outdoors for all ages. AMC is best known for its huts, lodges, and trail management. Overall AMC manages 1,800 miles of trails across public and private land, including the Appalachian Trail. Trails are located in backcountry areas, but also, increasingly, in urban areas and places closer to population centers. Clish provided examples of how AMC works with communities and partners to promote economic opportunities. In the White Mountains, AMC works with local guides, outfitters, etc. to promote the recreational assets of the area

to visitors but also as a draw for new residents to locate there. AMC also provides maps and helps to create trails in communities. The Bay Circuit Trail is a 220 mile trail around Boston that links open spaces in communities, and travels through private and public land. One lesson for managing trails across ownership types is to let property owners dictate the use of the trail on their land.

A theme across all of AMC's long-distance trails is an alliance of volunteers in the local communities who serve as a liaison with the landowners and the towns. They can help trouble shoot, answer questions and if needed, or help relocate a section of trail. Clish noted the New England Trail (NET) as an example. AMC manages the MA portion of the trail while in CT, the State Forest and Parks Department is the primary manager. National Parks Service is involved and brings staff, funding, promotion and branding. About 50% of the 200 mile trail is on private land and is maintained as a footpath. A full time staff person is the primary contact for landowners and works to nurture those relationships. In Northfield, a landowner decided to host a cabin. The landowner manages it, while AMC promotes it and handles reservations.

Clish stated that AMC is experimenting with making community connections. Recently they worked with the City of Holyoke to hire a crew of teenagers as part of a summer employment opportunity. All of the teens who participated last year are coming back this year. AMC also works with colleges and university outing clubs, and organizes an outdoor symposium in the region. On the NET, the National Parks Service hosts an artist in residence program that helps get more people interested in the trail. A poet in residence program attracts people from New York City, etc.

Since 2003, AMC has been acquiring land in the Maine Woods region to create a series of trails and lodges. Trail development was important to creating places where people felt comfortable in a backcountry setting. AMC has also set aside land it owns in Maine as an ecological reserve to protect the headwaters of native brook trout, and manages a portion of its land as working woodlands. Harvest operations are Forest Stewardship Council certified, and the goal is to grow big trees. The amount harvested helps pay for taxes. AMC also receives revenue through selling carbon credits. Early on, AMC forged relationships with towns in Maine to become a player in expanding the network of tourism operators and collaborating to promote the region. The region has a patchwork of ownership – The Nature Conservancy, AMC, State land, Katahdin National Monument, private easements – that together conserve an area almost the size of the White Mountain National Forest. AMC is now offering to build trails on other properties.

Clish answered questions from MTWP Committee members. She noted that perpetual access on private lands is not always guaranteed. Often AMC works with land trusts or the State to put an easement on the land or purchase it outright, which is the only way to have perpetual access. Other times they just have agreements with landowners. A question was asked about liability concerns being an impediment on private property. Clish answered that in all of the states they work in, the Recreational Use Statute protects landowners from liability as long as they are not charging for access to their land. There is interest in creating a revolving fund for landowners to help defray legal costs to defend themselves if they do get sued, but so far there has not been a need for it.

AMC tries to make it clear in their maps and publications that when crossing private land, trail users need to be respectful. A question was asked whether it is unusual for a non-profit to pay property taxes on conservation land, as AMC does in Maine. Clish answered that AMC is exempt from paying taxes in many places, but will get more information about the situation in Maine. A comment was made that in New York, it is common for private driveways to provide access to State lands. Guidebooks provide information on how to use private lands. Trailheads and trails on private land are more common than people may think.

Clish turned the presentation over to B. Lessels to talk about the proposed Office of Outdoor Recreation (OOR). Lessels explained that the idea came out of the relicensing process for the Deerfield River, where a balancing of interests is needed. The lack of a State entity to represent outdoor recreation became apparent. DCR manages State land, but there is no statewide entity that promotes and advocates for recreation. Thirteen states have offices of recreation. Recreation is important for a number of reasons, including promoting a high quality of life that attracts new residents. Senator Hinds and Representative Blais sponsored a bill which was just reported to the Senate Ways and Means Committee. The proposed office would be under the MA Executive Office of Energy and Environmental Affairs (EEA) and would have one staff person to begin with. This person would create different alliances and collaborations. An example could be the Deerfield River, which is heavily used from the VT border through Charlemont. A plan is needed for how to manage river use and deal with issues like littering and private property use. The Office of Outdoor Recreation could spearhead such an effort. Another benefit could be sharing of best practices, which is not currently promoted in the State. The OOR could also support outdoor recreation as an economic driver and an engine for healthier communities in the State.

A question was asked about what rules and regulations exist for using the Deerfield River. B. Lessels answered that whitewater companies have to follow regulations about how many people they can take on the river at a time, and must use helmets and life jackets. Similar regulations are needed for the tubing companies. Mountain biking is an example of where best practices could be helpful including information on trail building to avoid erosion as well as information to address liability issues. W. Sanford noted that the GSFABA has worked to combine arts and outdoor recreation, and could use more support. An Office of Outdoor Recreation could help provide stability for the chambers and business associations. A MTWP Advisory Committee member commented that in Vermont, tourism training is provided to businesses by the VT Extension program. H. Clish noted that there are best practices for waste management, dealing with traffic, etc. to ensure protection of the natural resource base, which is critical. The need for help in the region with managing traffic, parking, signage, bathrooms, and other infrastructure to support growth in tourism was echoed by other MTWP Advisory Committee members.

Concern was expressed about the OOR only having one staff person. It was noted that details still need to be worked out, but that the person would need to work collaboratively with stakeholders. The OOR would also file an annual report on the state of outdoor recreation in MA. There was a consensus among the Committee that the Office of Outdoor Recreation should be housed in Western MA. T. Matuszko thanked H. Clish and B. Lessels for coming to the meeting and presenting.

4. Update on Select Board meetings, Preliminary Discussions of Bylaws for MTWP, and Next Steps

It was announced that as of June 10, 2019, 11 towns have voted to opt-in to the Mohawk Trail Woodlands Partnership, making the Partnership official. A round of applause followed. Staff are working on visiting the remaining towns over the next few months. All of the towns to date have opted-in through Select Board votes. J. Sinclair asked why towns are not sending the vote to Town Meeting. A key reason provided by MTWP Advisory Committee members was that it did not require a financial commitment from the town. Several MTWP Advisory Committee members discussed how the Select Boards were briefed in their towns ahead of the meetings. They were provided with materials that made it clear that it could be a Select Board vote or Town Meeting vote. Some towns chose to have an informational meeting first, then a vote at the next Select Board meeting. In Adams the meeting was televised. Votes were taken at a posted public meeting and that outreach about the project resulted in few concerns. J. Sinclair asked if it's possible for a community to opt-out. P. Sloan answered that the legislation does not specify an opt-out provision. Town representation on the MTWP Board is important as they will be making decisions on how any funding received is spent on different projects and activities.

P. Sloan noted that next steps include visiting the remaining towns, setting up a MTWP subcommittee to work on the bylaws, and continuing work to find funding to implement initiatives. Funding is being sought through the State. The Partnership needed to be established first before requesting funding. It would be good to have some State funding before working on the Federal legislation to show that the State is committed. The hope is to eventually have State and Federal funds. D. Rose noted that the U.S. Forest Service is aware that towns have opted in. They are impressed that the Partnership was formed through a grassroots effort and is interested to see how the Partnership will help conserve private forestland. P. Sloan noted that community outreach identified a need for a program comparable to the Agricultural Preservation Restriction (APR) program for smaller forestland owners. The hope is to provide funding for Conservation Restrictions (CR) to protect forest land, and for forest management plans. Built into the legislation is the goal of supporting sustainable forest management. The U.S. Forest Service could also provide assistance with research on climate change.

K. Gaertner spoke from the State perspective. He noted that it would make sense to locate the Office of Outdoor Recreation in Western MA, and that there is currently an Off-Highway Vehicle Coordinator stationed in Springfield. He noted that funding has been desired for the MTWP project from the beginning, and he will be briefing the new Secretary of Energy and Environmental Affairs on the project shortly. The Secretary is familiar with this area and is supportive of the effort. The State is also monitoring the agreement relative to U.S. Forest Service participation in the Partnership to provide technical assistance and funding.

Discussion followed concerning the land conservation targets of the Partnership. P. Sloan noted the intent of land conservation is to be tax neutral and would prioritize Ch. 61 parcels. The target of 2,100 acres was based on the draft business plan and the desired amount of funding. The details will be up to the members of the Partnership Board. The participating communities will be part of the governing body

that will make those decisions going forward. All programs will be limited to participating towns or landowners in participating towns.

A question was asked if the CRs mandate forest management. P. Sloan noted that the intent was for the CR to be flexible and provide for a wide variety of uses, such as water supply protection, carbon storage, building materials, and even agricultural use if needed. M. Patterson provided an overview of a Forest Stewardship Plan, which is completed by a consulting forester and takes into account the landowners goals. It does not require a harvest, it is driven by the goals of the landowner to get the highest and best use of the forest during that period of time. G. Cox explained the three Ch. 61 programs. Ch. 61B does not allow harvesting unless a management plan is in place. The other Ch. 61 programs require management to grow trees and if harvested must follow State forestry laws.

T. Matuszko said staff are working on a template letter to communicate with Select Boards in towns that have opted-in that outlines a formal appointment process to establish the MTWP Board. P. Sloan noted that a MTWP subcommittee needs to meet to draft bylaws. She noted there will be at least one more meeting of the MTWP Advisory Committee before the formal MTWP Board begins to meet. Visits to towns need to be completed, and bylaws need to be prepared and reviewed by legal counsel. The first meeting of the new MTWP Board will likely be in December or January 2019/20.

5. Committee Member Comment/Public Comment/Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn

H. Art presented a Williams College student project he has proposed to look at Town-owned forested parcels not under the control of the Conservation Commission to see to what extent these parcels could be lumped together for a carbon market project. The project will also look at how current management plans can be altered to have additional carbon sequestration. They are interested in combining lands from adjacent communities as well as land trust lands to increase the acreage under management for such purposes. The proposed project would be completed by students over the Fall semester, with a report in December. Art asked how MTWP might be involved.

J. Nowak said Adams would be interested in joining in the discussion. W. Sanford asked whether Williams College could partner with UMass Amherst on the project so that the two regions are working together on a plan. It was noted that a forest ecologist will be on the MTWP Board. Staff will reach out to UMass for formal appointments.

A. Schwenger passed around new Mohican Mohawk Trail maps.

K. Hanlon motioned to adjourn the meeting. A. Schwenger seconded. The meeting was adjourned.