

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.

SIGN IN SHEET

Mohawk Trail Woodlands Partnership Project January 06 2015

First Name	Last Name	Town/ Organization	E-mail Address	Initial Here
Hank	Art	Williamstown		
Doug	Bruce	Berkshire Natural Resource Council		DB
Tom	Brule	Florida		YRB
Greg	Cox	Hawley		GAC
Dicken	Crane	Windsor		
Cheryl	Dukes	Buckland		CD
Larry	Flaccus	Shelburne		LJ
Kyle	Hanlon	BRPC North Adams		Kyle
Jay	Healy	Charlemont		
Jeff	Hutchins	MFA		JH
Fred	Jajko	Cheshire		FJ
Drew	Jones	HooRWa		
Stacy	Kontrabecki	Buckland - Alternate		
Dan	LaBonte	Savoy		
Carl	McKinney	Clarksburg		CM
Jim	Moore	Conway		JM
Jeff	Neipp	Leyden		JN
Joe	Nowak	Adams		JN
Arthur	Pantermehl, Jr	Ashfield		AP
Jim	Perry	Deerfield River Watershed Association		JP
Mark	Phelps	New Ashford		MP
Walt	Quist	Rowe		WQ
Keith	Ross	MA Society of Foresters		KR
Whit	Sanford	Shelburne - Alternate		WS
Art	Schwenger	Heath		AS
Scott	Sylvester	Colrain		SW
Mary	Vilbon	Shelburne Falls Areas Business Association		MV
Gisela	Walker	Franklin Regional Planning Board		
		Berkshire County Business Representative		
		Monroe Select Board		
Alyssa	Larose	FRCOG		AL
Kimberly	MacPhee	FRCOG		
Peggy	Sloan	FRCOG		PS
Thomas	Matuszko	BRPC		TM
Jaclyn	Pacejo	BRPC		
Wendy	Ferris	Franklin Land Trust		
Rich	Hubbard	Franklin Land Trust		
Robert	O'Connor	EOEEA		
Stephanie	Cooper	EOEEA		
Deirdre	Raimo	Forest Service Liaison		DR

Aylesworth, Ryan
Western MA
Pub Lands Alliance
~~XXXXXXXXXX~~

Adam
Mary
Victoria
Praw
FRT
FRCOG