

## **Mohawk Trail Woodlands Partnership (MTWP) Advisory Committee Meeting**

September 17, 2019

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

Staff: Tom Matuszko (BRPC), Peggy Sloan (FRCOG), Bob O'Connor (MA EEA), Alyssa Larose (FRCOG)

Members Attending: Hank Art (Williamstown), Greg Cox (Hawley), Dicken Crane (Windsor), Larry Flaccus (Shelburne), Kyle Hanlon (BRPC), Jay Healy (Charlemont), Stacy Kontrabecki (Buckland), Chris Egan (MA Forestry Alliance), Beth Girshman (Conway), Ed Munch (Peru), Jim Niedbalski (Hoosic River Watershed Association), Joe Nowak (Adams), Jim Perry (Deerfield River Watershed Association), Mark Phelps (New Ashford), Walt Quist (Rowe), Art Schwenger (Heath), Bill Dornbusch (Colrain), Jeffrey Thomas (Lever, Inc.), Gisela Walker (Franklin Regional Planning Board), Melissa Patterson (Franklin Land Trust)

Others Attending: Dwayne Breger (UMass Amherst), Professor Rick Peltier (UMass Amherst), Marc Caluwe (Caluwe, Inc.), Lyndsey Nystrom (MA DCR), M. Ferguson (Buckland Board of Health), Larry Parnass (Berkshire Eagle), Tim Crane (TCEnergy), Elaine Peteroy (Franklin Land Trust)

#### **1. Introductions**

The meeting commenced at 6:02 p.m. A round of introductions followed.

#### **2. Review and Approval of June 18, 2019 Meeting Notes**

K. Hanlon motioned to approve the June 18, 2019 MTWP Advisory Committee Meeting Notes. A. Schwenger seconded the motion.

J. Healy asked what is meant by agricultural use when referring to the Conservation Restrictions (CR) in the notes for the June 18, 2019 meeting. P. Sloan clarified that in the model CR, some of the forest could be converted to agriculture/crop land.

The motioned passed unanimously.

#### **3. Presentation on the Forest Legacy Program to Conserve Forests**

B. O'Connor introduced Lindsay Nystrom from the Massachusetts Department of Recreation and Conservation (DCR). The U.S. Forest Service (USFS) gives money competitively to each state, and Nystrom coordinates the program in Massachusetts. Nystrom presented an overview of the Forest Legacy Program. The program is administered by the USFS and one DCR staff person. It is a voluntary program; states aren't required to participate, but 49 states and 3 territories participate. Massachusetts has participated in the program since 1993. The mission is to protect important forest land that is threatened by conversion, either through an outright purchase or through a Conservation Restriction (CR). Approximately 2.6 million acres of forest have been protected Nationwide and sustainable forest management is encouraged.

Up to \$7 million in funding can be awarded annually through a competitive National application process. A state can submit up to 3 applications each year, which are then ranked nationally and funded by appropriation. In order to participate, a State needs to complete an assessment of need and identify important areas as forest legacy areas. Projects must be within a forest legacy designated area.

Nystrom showed a map of the original forest legacy designated areas in MA from 1993. At the time, land trusts and conservation organizations proposed areas that were geographically and ecologically diverse, but were small in geographic area. This limited what could be accomplished with the program. Over the years, the State has amended the needs assessment to add new areas to make funding available to more land owners. The most recent amendment was for the Western Mass forest legacy area, which does not include the MTWP region.

Project funding is highly competitive and typically land considered for a project must be threatened by conversion, rising population, or residential growth including second home development. The program is ideal for properties that are actively managed and that provide economic returns through timber or recreation, and that provide important ecological values, through wildlife habitat, public water supply protection, scenic, historic areas, or that would complement an existing conserved area or strategic plan.

Massachusetts has been successful in receiving funding. So far 30 projects have been funded for a total of \$35 million protecting roughly 175,000 acres on over 119 properties. CRs have been completed on parcels as small as 7 acres to over 3,400 acres. Most are around 200 acres. Many completed projects are located in the northern and central part of the state, in the Berkshires, and in the CT River Valley.

Nystrom reviewed the requirements of the program. 25% of the total project cost must be a non-federal match. This can come from donations or through a state grant or funding. CRs and fee acquisitions must be held by a government entity; a land trust can only hold it if no federal dollars are going towards the acquisition. Properties must be at least 75% forested and agriculture is allowed if under 25%.

The USFS is involved in the process and reviews the required due diligence, including title work, title insurance (unless acquired by the State), appraisal, which must be done to Federal standards, and appraisal review. Forest Legacy can't pay more than the appraisal amount. CRs must be monitored annually and must have a Forest Stewardship Plan recorded with state and renewed every 10 years. A baseline documentation report for all properties is also required.

DCR is in the process of updating the State's Assessment of Need to create new forest legacy areas in the east and southeast, where there are still large unprotected forest tracts that are under development pressure. This is an opportunity to also designate MTWP region if towns are interested in joining. The process to join can take a while but some of the work already completed through the MTWP planning process shows the high value of the forests in this area. Further outreach to towns would be needed, including a public meeting to explain the program and see if people are interested.

Nystrom answered questions from meeting attendees. The impact to taxable land would be on a case by case basis. If land is already enrolled in Ch. 61, then tax revenue would not go down if a CR is placed on the land. A comment was made that State and Federal government are not doing enough to offset the loss of tax revenue to towns when land is placed under protection. Towns should be paid for the

ecological values of protected forests. Small towns are struggling to operate under current budgets. B. O'Connor noted that the MTWP plan includes provisions to support forestry, tourism, and municipalities, in addition to forest conservation. The Forest Legacy program could be a way to fund the conservation piece of the MTWP. The program is voluntary, so towns could decide if they want to participate. Nystrom noted that a public meeting would be needed within the next three months. The meeting could include multiple towns, and not all towns would need to agree to the Forest Legacy designation. As long as there is not opposition, the whole area could be designated.

Nystrom noted that land does not need to be enrolled in Ch. 61, but would require a Forest Stewardship Plan, which is slightly different than a Forest Management Plan. A forest legacy designation for the area would not have to be limited to the towns that have opted in to the MTWP. A forest legacy designation only makes the area eligible to apply for the program. It is a voluntary program and it would be up to a landowner whether they want to sell their land or place a CR on it. This could be a concern for some towns that do not desire more fee-owned conservation land. For CRs, a stewardship plan would have to be approved by a state forester, with annual monitoring occurring to ensure activities are in line with the CR and the stewardship plan.

A discussion followed about whether funding through the Forest Legacy program would be better or worse for a landowner if funding were to become available through the MTWP for CRs. It was noted that the process would be similar for either funding source. However, currently there is no funding for CRs through the MTWP, so the Forest Legacy program would be a way to initially help fund the land conservation piece of the project. If additional funding were to become available, landowners could decide between the two programs. The Committee decided to discuss the Forest Legacy opportunity further at a future MTWP Board meeting. The Committee thanked Nystrom for her presentation.

#### **4. Presentation on the Findings of the UMass Wood Heat & Air Quality Study**

Professor R. Peltier presented his study findings on commercial-scale wood pellet facilities and air quality. Funding for the study came from the Massachusetts Department of Energy Resources (DOER), but the study is an UMass project and the conclusions are Professor Peltier's, and are not the policy of DOER or the State. This was a unique study since there have been very few studies evaluating air quality impacts of commercial wood pellet boilers. The study focused on pollutants that the EPA typically measures, including PM (particulates), NOx (Nitrogen Oxide), and CO (Carbon Monoxide). Sampling has been completed at a half dozen locations. The main objectives of the study are finished, and a final report is nearing completion. Once completed, the report will be shared with the MTWP.

Professor Peltier acknowledged there is still a lot that is not known. The results of this study are specific to modern pellet systems and cannot be applied to other types of boilers. The study doesn't provide advice on whether a pellet boiler is more or less toxic than another type of fuel, such as diesel. There is also not much know about air quality mixtures – when pollutants mix they may become more toxic and affect us differently.

Professor Peltier presented a map of the testing sites. A box truck was renovated into a mobile testing lab that was used mainly at schools during the winter and shoulder season months. The truck collected data 24 hours a day, totaling a few million measurements at different scales and resolutions. Peltier

noted that all air pollution poses a risk to human health, but some exposure is unavoidable. Anytime something is burned, it causes pollutants in the atmosphere. Some level of risk must be accepted, but choices can be made to minimize the risks.

The study resulted in an overwhelming amount of data. Peltier reviewed the results from different testing sites. The overall results of the testing show that pellet boilers emit tiny particles and similar gases as an oil-burning (distillate) boiler. Distillate boiler emissions have known drawbacks – mainly cancer causing pollutants. Pellet emission impacts are unknown and more work needs to be done to determine the air quality and health impacts. Professor Peltier is available to help answer questions for any community considering a pellet boiler.

Peltier then answered questions from meeting participants. He noted that from a public health perspective, when comparing pellets, fuel oil, and propane, propane is probably the best, and fuel oil is the worst. Emissions don't go into the school but are around it. Peltier is not familiar with pellet industry regulations and the study does not have data to support any conclusions about that. D. Breger noted that pellet or wood chip boilers seeking to qualify for Alternative Energy Credits (AECs) from the State need to meet certain criteria. The fuel needs to be clean, with no additives and suppliers need to be approved by DOER.

A question was asked whether there are emissions controls at the source. Peltier noted that at the time of the testing, none of the boilers had scrubbers, but now some do. He is unsure how this changes the pollutant profile. A comment was made that commercial boilers require highly engineered systems compared to residential systems. Have any studies compared commercial vs. residential pellet systems? Peltier answered that the study focused on well-controlled boilers using high quality pellets and did compare commercial and residential pellet systems

Peltier said the UMass study cost \$150,000. A study to look at the toxicity of wood pellet emissions is being worked on now. Peltier noted that he could study indoor air quality in the future as well. If funding was available, more testing can be done with the truck. A question was asked whether burning wood pellets was less polluting than other forms of wood fuel. Peltier answered that there is very little information about the impact of wood chip boilers on community health. It is known that burning cord wood is more toxic than wood pellets because of a difference in the combustion process.

## **5. Review and Discussion of Draft Bylaws for the MTWP Board**

D. Rose passed around a handout and requested information on “lessons learned” from MTWP Advisory Committee Members over the course of the past five years of working on the MTWP project. B. O'Connor explained that D. Rose was on a five year contract with the U.S. Forest Service (USFS) to participate in the MTWP project and the contract is now ending. The State will be signing an agreement with the USFS very soon to support the project in four areas – a USFS liaison, outreach, tourism and research. D. Rose has been working on how the Federal government could potentially fund the MTWP and has found three ways it might be possible. She also found the model for the MTWP trust fund, and has been helpful in many other ways to the project. As the project transitions to the MTWP Board, we want to thank her for her help. D. Rose stated that it has been a privilege to work on the project.

P. Sloan passed around hardcopies of the draft bylaws, developed by a subcommittee of MTWP Advisory Committee members with staff assistance. Sloan would like the Committee to read through the draft and suggest edits. Adopting bylaws will be one of first orders of business for the MTWP Board. The bylaws outline the functions and make-up of the Board, and specifies the need to follow State ethics and open meeting laws to ensure transparency. The bylaws also outlines the duties of the officers and standing committees. The Executive Committee will work closely on the day to day operations of the MTWP with the non-profit staff hired to implement the projects. The standing committees reflect the three goals of the MTWP – land conservation, economic development, and municipal financial sustainability. The Board is also responsible for an annual budget and audit. A qualified fund manager will oversee funding received and record keeping. The bylaws also provide for a process to dissolve the partnership. The Appendix includes a list of all eligible towns and regional and state organizations.

The location and timing of meetings will be up to the Board to set. Charlemont has been a good central location to meet. Currently 13 towns have opted in, with roughly half in each county. Sloan will send out the draft bylaws to the towns that have opted in. The Select Board in the towns that have opted in need to appoint a member to serve on the Board. Regional organizations need to appoint members as well. The proposed term for Board members is three years. Towns have until August 2021 to opt-in (two years form passage of the legislation). The next opportunity to opt in would be in another 5 years.

A discussion followed on how to comply with Open Meeting Law when setting an agenda and posting the first Board meeting. Staff will get clarification from Legal Counsel on how to set up the first meeting. In the short term, regional planning staff will continue to support the MTWP Board with meeting logistics and minutes, but eventually these duties will shift to the administrative staff hired by the MTWP Board. Steps that need to happen include passing the bylaws, organizing the Board, securing funding, hiring staff, completing a plan, and developing programs and policies. The regional planning agencies will appoint their own MTWP Board members.

The MTWP Advisory Committee is transitioning to the MTWP Board. Towns that have not opted in to the MTWP will not have a vote, but are welcome to attend meetings. There are also efforts to obtain a USFS staff person for three years. It was noted that the bylaws follow the requirements of the State legislation.

T. Matuszko provided an update on funding. Rep. Mark would like the Federal government to be engaged with the State and commit funds. B. O'Connor said that the State will be announcing funding for town grants very soon and the new secretary of EOEEA is very excited about the MTWP. Town's that have opted in will be eligible to apply for grant funding. The State is also applying for a USFS grant to fund a staff person for the MTWP Board. A regional Municipal Vulnerability Preparedness (MVP) action grant is another possible funding source for forest resiliency, infrastructure, or exploring a carbon credit project.

B. Girshman moved to support the MVP grant application. H. Art seconded the motion. The motion passed unanimously.

S. Kontrabecki noted that the towns of Buckland and Colrain are both bringing an opt-in vote to Town Meeting. She requested help with creating a public forum to help these towns learn about the process before Town Meeting. The first MTWP Board meeting date was tentatively set for January 2020.

**6. Lessons Learned / Committee Member Comment / Public Comment / Other Topics not reasonably anticipated 48 hours in advance of the meeting / Adjourn**

B. O'Connor commented that he and D. Rose will be attending a meeting in Madison, Wisconsin with the USFS research leadership team, who want them to present the MTWP. USFS has 22 research forests around the eastern states, but there is a large gap in this region. USFS is interested in a shared stewardship agreement to help with research in the MTWP region. B. O'Connor will be reaching out about possible research ideas, such as invasive species that are threatening forest resources and what landowners can do. A. Peteroy suggested reaching out to local foresters to see what would be most important to study from their perspective. It may be possible to coordinate with the Hubbard Brook Forest research to study the impacts of climate change and invasive species. Hubbard Brook Forest Service project is studying the effect of dying Ash stands on undergrowth. H. Art suggested coordinating with Harvard Forest and the national ecological observatory network to look toward the next 50-100 years. This area has three forest types, and could be useful for seeing how they are changing. Hopkins Forest in Williamston is seeing shifts in black birch and yellow birch. Plotting out what has happened over the past 85 years on a broader scale would be helpful in looking towards the future.

K. Hanlon moved to adjourn the meeting. A. Schwenger seconded the motion. The meeting was adjourned at 8:14 p.m.