

# Newsletter of the Massachusetts Land Trust Coalition

November 19, 2005  
Volume 5, Number 19

*"After you have exhausted what there is in business, politics, and so on -- have found that none of these finally satisfy, or permanently wear -- what remains? Nature remains."*  
-- Walt Whitman (1819-1892) American poet --

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## News

## "MAKEPEACE TALKS BREAK DOWN"

- From Page A12 of *The Standard-Times*, November 18, 2005.

### Rigidity of state hurts land deal

The disappointing news this week from a coalition of conservation groups that talks had broken down with A.D. Makepeace Company over a plan to protect more than 2,500 acres of globally rare pine barrens and coastal pond habitat was like the forest and bogs themselves -- murky and hard to understand.

But it is definitely not good news for the public that a plan under discussion for five years has evaporated.

It would be easy to point the finger at Makepeace, the private developer and owner of more than 12,000 acres of some of the last remaining unprotected wilderness in southeastern New England. But that wouldn't be accurate.

The roadmap to conservation fell apart, in part, because of the rigidity of a state agency. The talks were close to being completed in the last few months. Makepeace and the conservation coalition, which included Mass Audubon, the Nature Conservancy and the Coalition for Buzzards Bay, had nearly inked a deal to set aside land in Plymouth and Wareham that contain some of the most untouched pine barrens left in North America, a landscape that resembles the forests the Pilgrims found when they came ashore.

Enter the state Natural Heritage and Endangered Species Program officials, who are part of the state Division of Fisheries & Wildlife, who bluntly informed Makepeace that whatever the deal was with the Southeastern Massachusetts Conservation Partnership, it would not necessarily be counted in Makepeace's favor in the permitting process for its housing development under the Massachusetts Environmental Policy Act.

This seems a foolish and counterproductive statement. Wouldn't it have made sense for the state agency to look favorably on a plan to protect some of the finest examples of wild habitat where endangered plants, moths and turtles live?

Conservationists had urged the state officials to call a three-way meeting between Makepeace, the partnership and state officials so that the officials could see the land protection plan. The plan included several transfers of development rights, a new technique to the region allowed under Plymouth bylaws and being considered in Wareham. The technique would have allowed Makepeace to set aside for permanent protection the most treasured land around Halfway Pond, near Myles Standish State Forest and along the Agawam River, in exchange for an ability to develop more densely -- with more houses clustered together -- in another area of the company's holdings. This is exactly the kind of SMART growth this region needs.

But that meeting never took place. A failure of diplomacy. By issuing its press release this week, the conservationists are trying to wake the community to the danger that there is no longer a plan to protect a vast area that sits atop one of the cleanest and largest single-source aquifers in the state. Makepeace's new leadership has expressed a desire to preserve land, but the public must now keep the pressure on Makepeace.

And the state needs to look at the role it played. Clumsy bureaucracy in the face of a working collaboration has endangered the public good.

## STATE LEGISLATURE ADJOURNS: LEGISLATIVE UPDATE

- *From the Beacon Hill Weekly Roundup*

*By Christopher Hardy, Mass Audubon Director of Legislative Affairs*

The Massachusetts House of Representatives and Senate adjourned from formal sessions this week. For the remainder of the calendar year, the two branches will meet in informal sessions to process non-controversial matters.

This is the first year of the biennial session: bills carry over automatically into 2006. Upon returning to formal sessions in January, legislators will make plans for the fiscal year 2007 state budget and other policy objectives. Activity will reach the fever pitch in late spring, as the session's termination on July 31, 2006 approaches and next fall's election campaigns are unfurled.

### **Senate Waives Overhead Fees for Endangered Species and Water Supply Protection Funds**

The Senate provided statutory waivers from administrative overhead fees for two critical conservation funds, the Department of Conservation & Recreation (DCR) Water Supply Trust Fund and the Natural Heritage & Endangered Species Fund, in the Senate's fiscal year 2006 supplemental budget. The House passed its version of a supplemental budget in late October.

A House-Senate conference committee will be established soon to resolve differences between the two branches' spending plans. Both branches have adopted a joint order that allows them to return to a special formal session in December, if an agreement can be reached by then. If more time is needed for negotiations, the appropriations bills will be carried over into the next calendar year.

The Natural Heritage and Endangered Species Fund collects voluntary donations made on state income tax forms from over 30,000 tax filers annually, as well as fees paid by applicants whose development projects require state review of potential impacts to rare species habitats. The Water Supply Trust Fund collects fees from Massachusetts Water Resources Authority customers for watershed protection at the Quabbin and Wachusett reservoirs.

Under state finance law, indirect (or overhead) costs are assessed against all expenditures made from all non-budgeted special revenue and trust funds, unless an explicit exemption applies. When both the Water Supply Trust Fund and the Natural Heritage and Endangered Species Fund were moved off-budget and made 'not subject to appropriation', they fell into the category of 'non-budgeted special revenue funds'.

The MWRA Board has refused to sign a memorandum of understanding between DCR and MWRA that would implement several watershed protection programs, including land acquisition in the area that protects drinking water quality, until a waiver of indirect costs has been resolved. Governor Romney earlier committed to waive

indirect costs for the Natural Heritage & Endangered Species Fund for FY2005 and FY2006. The Governor's commitment ends this fiscal year. The assessment of overhead fees diverts limited funds from their intended purposes - contrary to the wills of donors, developers, and ratepayers, alike. We will lobby the House-Senate conference committee to grant full waivers for the Natural Heritage & Endangered Species Fund and Water Supply Trust Fund.

**Editor's Note:** The Senate also postponed consideration of the Jones-Stanley bill (renumbered H4491) that would mandate a new process for disposition of "surplus" public lands.

## US SENATE TAX BILL GOOD NEWS FOR CONSERVATION RESTRICTIONS

- From the Land Trust Alliance

On Thursday, Nov. 17, the US Senate passed a tax bill that included a significant expansion of the deductions available to landowners who donate a conservation easement to a land trust. Thanks to the great work of land trusts throughout the country, not only did we block the Joint Committee on Taxation proposal to eliminate tax deductions for conservation, but we have won support for a dramatic expansion of that incentive!

We are also pleased to report that this Senate bill includes some much-needed appraisal reforms but does not contain unreasonable restrictions on conservation easements. The Senate bill does not include any new limitations on the size or composition of conservation easements on land, or any new requirements for donees accepting those easements.

The bill provides for extending the carry-forward period for tax deductions from 5 to 15 years and raising the cap on conservation deductions from 30 percent of a donor's income to 50 percent - and to 100 percent for farmers and ranchers. The bill also includes a variety of changes in law affecting charities and charitable contributions, including a significant tightening of the rules on donations of easements for the protection of historic structures, and tightening of the rules on appraisers and appraisals of all donated property (including conservation lands and easements). The details of what the Senate passed are posted on our website:

[www.lta.org/publicpolicy/s2020\\_easements.pdf](http://www.lta.org/publicpolicy/s2020_easements.pdf) (WARNING! 2.2MB pdf download file! Editor)

This story is far from over. The House counterpart of this bill does not include the conservation incentive, and getting the House to accept the Senate provision will not be easy. A final decision could be made in the next month, and we will need your help to influence it.

Sincerely,

Rand Wentworth, President  
Land Trust Alliance  
[ProtectPrivateConservation@lta.org](mailto:ProtectPrivateConservation@lta.org)

For the complete text of the Senate tax bill, go to:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_bills&docid=f:s2020pcs.txt](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s2020pcs.txt)

The relevant sections are under:

TITLE III--PROVISIONS RELATING TO CHARITABLE DONATIONS  
Subtitle B--Reforming Charitable Organizations  
Part I--General Reforms

## THREE MORE MUNICIPALITIES PASS CPA

Waltham, Weymouth and Northampton all adopted the Community Preservation Act in local elections on Nov. 8. This brings the number of communities which have adopted the Act to 103.

## COMMENT DEADLINES ON STATE LAND MANAGEMENT PLANS

- From Heidi Ricci, Senior Environmental Policy Specialist, Mass Audubon

Several important documents affecting management of state lands are presently undergoing review. Here is a list of upcoming deadlines with links to more information.

**Stewardship Council Draft Oversight Strategy** comments due by November 28th

[http://www.mass.gov/dcr/sc\\_oversight\\_strategy.pdf](http://www.mass.gov/dcr/sc_oversight_strategy.pdf)

Submit comments to:

The Department of Conservation and Recreation  
Stewardship Council Oversight Strategy

Attention: Lauren Curtis

251 Causeway Street 9th Floor

Boston, MA 02114

Fax (617) 626-4999 or e-mail

[lauren.curtis@state.ma.us](mailto:lauren.curtis@state.ma.us)

For more info: [http://www.mass.gov/dcr/stewardship\\_council.htm](http://www.mass.gov/dcr/stewardship_council.htm)

**DCR Central Berkshire District Plan** comment deadline on the is December 2, 2005. This plan covers 18 properties, over 31,000 acres of state land, and sets forth management goals for the next 15 years.

<http://www.mass.gov/dcr/news/cbc.htm>

[kris.massini@state.ma.us](mailto:kris.massini@state.ma.us)

The Division of Fisheries and Wildlife is also extending its comment period on its **Berkshires Highlands regional plan** to Dec. 2. This is the 20 year management plan for 33 properties encompassing 36,000 acres.

[http://www.mass.gov/dfwele/dfw/dfwpdf/dfw\\_berkshire\\_fmz\\_first\\_draft.pdf](http://www.mass.gov/dfwele/dfw/dfwpdf/dfw_berkshire_fmz_first_draft.pdf)

FYI, here is a link to the DFW Forest Management Guidelines (a key background document supporting the Berkshire Highlands Plan and other forthcoming DFW plans):

[http://www.mass.gov/dfwele/dfw/dfwpdf/dfw\\_forest\\_mgt\\_guide.pdf](http://www.mass.gov/dfwele/dfw/dfwpdf/dfw_forest_mgt_guide.pdf)

Submit comments to:

John J. Scanlon

Forest Project Leader

MassWildlife Field Headquarters

1 Rabbit Hill Road

Westborough, MA 01581

[John.Scanlon@state.ma.us](mailto:John.Scanlon@state.ma.us)

**Mount Everett Summit Resource Management Plan** (DCR) comment deadline November 30.

<http://www.mass.gov/dcr/stewardship/rmp/downloads/mtEverettPublicNotice.pdf>

Submit comments to:

Leslie Luchonok  
Director RMP Program, DCR  
136 Damon Road  
Northampton, MA 01060  
[leslie.luchonok@state.ma.us](mailto:leslie.luchonok@state.ma.us)

#### COMMENT ON NEW MASSHIGHWAY DESIGN MANUAL

- From Heidi Ricci, Senior Environmental Policy Specialist, Mass Audubon,  
[hricci@massaudubon.org](mailto:hricci@massaudubon.org)

To: Advocates for Wetlands and Watersheds

You are invited to a meeting with representatives of MassHighway and their consultants to review and discuss the new MassHighway Project Development & Design Guidebook (Formerly the Highway Design Manual).

When: Tuesday, December 6, 2005, 3:00-4:30 PM

Where: MACC's office at MassAudubon's Habitat wildlife sanctuary,  
Juniper Road, Belmont

There is no need to RSVP.

This Guidebook affects every aspect of how road construction or repair projects funded by the state are designed, including width and roadside clearing, drainage, wetlands, historic and community character, pedestrian and bicycle use, and many other topics related to the environmental impacts of roadways.

This meeting will provide an opportunity to understand the new Guidebook and to discuss it with MassHighway and their consultants. The document is expected to be issued in final form very soon. This is an opportunity to provide comments and suggestions before the document is finalized.

#### FERN GUIDE BOOK RELEASE PARTY, FRAMINGHAM, DEC. 3

New England Wild Flower Society (NEWFS) is absolutely delighted to announce the publication of the completely revised second edition of the 1956 Cobb classic Peterson Guide to Ferns of Northeastern and Central North America rewritten by Cheryl Lowe and Elizabeth Farnsworth for the Society, now available at <http://www.newenglandwildflower.org>

You are invited to attend the release party on December 3rd, 1-3 at Garden in the Woods in Framingham. Contact: Debra Strick, [dstrick@newfs.org](mailto:dstrick@newfs.org) or 508-877-7630 x 3501

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## Training and Events

## E.O. WILSON LECTURE & BOOK SIGNING, CAMBRIDGE, NOV. 29

"Darwin in the Twenty-first Century."

Lecture and book launch reception with Edward O. Wilson

November 29 at 6:00 pm

Harvard Museum of Natural History

Geological Lecture Hall,  
24 Oxford Street.

Darwinism, more appropriately called evolution by natural selection, continues to roil popular discourse 150 years after the publication of *On the Origin of Species*. To celebrate the release of WW Norton's Charles Darwin anthology, "From So Simple a Beginning," Wilson will connect Darwin's four greatest books (*Voyage of the Beagle*, *On the Origin of Species*, *The Descent of Man*, and *Expression of the Emotions in Man and Animals*) to trace the evolution of his thought, laying the groundwork of what is today a stanchion of modern biology. Dr. Wilson will be available to sign copies of "From So Simple a Beginning" at the reception following the lecture.

Lecture and reception are free and open to the public.

Free parking is available for all of the Museum's evening events at the 52 Oxford Underground Parking Garage adjacent to the museum starting at 5:00 p.m.

Please visit the HMNH web site for directions and additional information. [www.hmnh.harvard.edu](http://www.hmnh.harvard.edu)

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## Grants & Resources

### RELIGIOUS LANDS CONFERENCE REPORT AVAILABLE

The Religious Lands Conference held on Oct. 26 and co-sponsored by the Massachusetts Land Trust Coalition and the Crystal Spring Center was a resounding success. 65 participants from religious communities, land trusts and state agencies spent a day exploring mutual values and discussing approaches to use in seeking conservation of lands owned by religious communities. To receive the Conference Report, email Kathy McGrath at [kmcgrath@massland.org](mailto:kmcgrath@massland.org).

### "GUIDE FOR CREATING A MUNICIPAL OPEN SPACE INVENTORY"

The Essex County Forum - Smart Growth for Livable Communities is pleased to announce the availability of our recently completed guidebook for helping you inventory important open spaces in your community. The guidebook, entitled *Preserving the Future: a Guide for Creating a Municipal Open Space Inventory*, can be downloaded for free at <http://www.essexcountyforum.org/home.html>

Please let us know when you use the guidebook. We are interested in feedback about its usefulness.

Susan Jones Moses  
Smart Growth Circuit Rider  
Essex County Forum - Smart Growth for Livable Communities  
15 Cherry Street  
Danvers, MA 01923  
978-948-3713  
[susanjmoses@comcast.net](mailto:susanjmoses@comcast.net)

## DREAMWEAVER 8 AVAILABLE THROUGH TECH SOUP

- *From Tech Soup News*

Macromedia Dreamweaver 8: Build Sites and Internet Applications

The newly released Dreamweaver 8 is the professional choice for building Web sites and Internet applications. Its visual layout tools, application development features, and code editor enable users to create attractive standards-based sites and applications. Now every member of your development team -- designers, developers, and programmers -- can work in a single integrated environment to create, build, and manage Web sites and Internet applications.

Dreamweaver 8 is available at TechSoup Stock for an administrative fee of \$35. The retail price for this product is typically \$399.

Learn more and place your order: <http://ga0.org/ct/I11tyQs1vzo2/>

View the complete TechSoup Stock catalog: <http://ga0.org/ct/op1tyQs1vzoN/>

## COASTAL & ESTUARINE LAND CONSERVATION PROGRAM

Dear Land Conservation Organization Representatives:

The Coastal Zone Management Office (CZM) has recently learned that NOAA is planning on issuing a Coastal and Estuarine Land Conservation Program (CELCP) Notice of Funding Availability in the very near future. NOAA is currently finalizing the selection criteria they expect to use in their national selection process for this program. The notice from NOAA is expected to give states very limited time to solicit prospective projects, review and rank those projects, and submit their state's nomination package to NOAA. The NOAA deadline for states to submit their nomination packages is expected to be December 30, 2005.

In anticipation of the NOAA notice of funding availability, and in an attempt to maximize applicants' time to respond, CZM has posted an RFR on Comm-PASS soliciting projects from state, local, and regional governments.

Recognizing that the NOAA CELCP Guidelines do not allow non-governmental organizations to be the lead project applicant, we are encouraging your organizations to partner with public governmental entities on the development of applications. In order to allow CZM the necessary time to review and rank the projects and assemble the nomination package to NOAA by the anticipated NOAA deadline, the RFR response deadline is 12:30 PM, December 15, 2005. We

apologize for the very short time frame within which prospective applicants will need to respond to the state RFR, but the timeline is beyond our control.

To access the RFR please go to the Comm-PASS web site <http://www.comm-pass.com/> and click on "search" at the top of the screen, then click on "Search for a solicitation", and then type in "env 06 czm 12" in the Document Number box.

Continue to follow the instructions to download the RFR. For additional information, please see the CZM web page at <http://www.mass.gov/czm/czm.htm> and click on the Jobs and Grants icon along the left hand side. If you have any questions do not hesitate to contact me.

David Janik  
CZM South Coastal Regional Coordinator  
2870 Cranberry Highway  
East Wareham, MA 02538  
ph: 508 291-3625 ext.20

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## Jobs

### FOUR POSITIONS AT MOUNT GRACE LAND CONSERVATION TRUST

Mount Grace Land Conservation Trust currently has four exciting job opportunities. Below are brief descriptions, full details can be found at our website: [www.mountgrace.org](http://www.mountgrace.org)

#### **Director of Operations**

Responsibilities include oversight of all aspects of organizational operations, fiscal management, budgeting, human resources, and administration. The Director of Operations will work closely with and reports to our Executive Director and supervises our Program Assistant and Bookkeeper. Minimum five years experience at a senior supervisory level at an organization with at least 10 staff preferred.

#### **Land Protection Specialist**

This position requires excellent and adaptable communication and negotiation skills, and an ability to manage projects through completion including preparation of administrative, financial, and legal documents. Familiarity with US Forest Legacy Program a plus. Applicants should possess degree(s) and/or experience in a natural resource field, law, or land use planning; five years minimum professional experience with land protection projects and/or contract management; excellent written and verbal communication skills; attention to detail; an ability to manage multiple projects and the ability to work some evenings.

#### **Partnership Project Coordinator**

The North Quabbin Regional Landscape Partnership (NQRLP) is an informal coalition of conservation groups and land agencies working together since 1997 to identify, protect, and enhance strategic ecological, cultural, and historic open spaces within the rural landscape of the 26-town NQRLP region in north central Massachusetts. The Partnership Project Coordinator is responsible for coordinating the overall efforts of the NQRLP, increasing the role of municipalities in NQRLP activities, and facilitating land protection projects within identified Priority Project Areas.

### **Membership Coordinator**

We are seeking an experienced membership professional to manage, develop, and expand a responsive and neighborly membership program for our 20-year old organization. Responsibilities include cultivation, solicitation, analysis and stewardship of members and donors; preparation of effective written, graphic, and verbal communications; management of database and related systems; mailings and appeals; event coordination; and newsletter production.

Salaries commensurate with experience. Competitive benefits package. Interviews begin Nov. 28. Positions open until filled. EOE employer.

Full details can be found at our website: [www.mountgrace.org](http://www.mountgrace.org)

### **DEVELOPMENT DIRECTOR, NASHUA RIVER WATERSHED ASSOC.**

Nashua River Watershed Association, an award-winning nonprofit environmental organization in Groton, Mass., seeks Director of Development. Requires experience in individual and corporate fundraising and proven success in major gifts. [www.NashuaRiverWatershed.org](http://www.NashuaRiverWatershed.org). Send cover, resume and salary history to Egmont Associates, [segmont@egmontassociates.com](mailto:segmont@egmontassociates.com), 85 East India Row #24F, Boston, MA 02110, fax 857-449-0011.

### **NATURAL RESOURCES ADMINISTRATOR, TOWN OF CONCORD**

The Town of Concord is currently accepting applications for the full-time position of Natural Resources Administrator in the Planning & Land Management Department.

Salary Range: \$47,862 - \$69,400

Application Deadline: Friday, December 16, 2005

#### **Position Purpose:**

The purpose of this position is to perform responsible professional, technical, and administrative work in serving as principal staff and advisor to the Natural Resources Commission, administering wetlands and rivers protection, managing conservation lands and other town properties, conducting environmental reviews, and providing guidance for selected projects by town boards; all other related work as required. Serves as Division Manager to the Natural Resources Division. The Natural Resources Administrator is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

Full job description at:

<http://www.concordnet.org/personnel/employment%20opportunities.html>

### FINANCE & PROJECTS MGR, NATURAL HERITAGE

The Natural Heritage & Endangered Species Program (NHESP), part of the Massachusetts Division of Fisheries and Wildlife is currently recruiting for position of Finance & Projects Administrator

Application Deadline: 12/1/05

Go to <http://www.nhesp.org> at "Jobs/Opportunities" for full job description and application procedures.

### FOUR OPENINGS AT DCR

The Department of Conservation and Recreation (DCR) seeks qualified applicants for several positions:

#### **Director of External Affairs and Parks Partnerships**

The Director of External Affairs and Parks Partnerships of the Department of Conservation and Recreation (DCR) is responsible for strategic direction and management of communications regarding the Department's stewardship activities, programs and policies, and ongoing evolution into a world-class parks, recreation and natural resource agency. The Director directs staff responsible for press relations, legislative affairs, graphics and design, customer service, the Department's website, and public-private partnerships. The Director reports to the DCR Commissioner and serves on the senior management team. For complete job description, go to:

<http://ceo.hrd.state.ma.us/ceo.nsf/42719dc0df11664f85256a2b005f440e/4f2162c4039d55a3852570b20055b864?OpenDocument>

#### **Special Assistant to the Commissioner**

The Special Assistant will work with the Commissioner and the Chief of Staff to advance DCR's key initiatives, coordinate policy development and implementation, conduct special research projects, and, with the Chief of Staff, direct the handling of communications and overall day-to-day operations and coordination of activities (often of a confidential nature) on behalf of the Commissioner's office. For complete job description, go to:

<http://ceo.hrd.state.ma.us/ceo.nsf/42719dc0df11664f85256a2b005f440e/a43bd2e617088e69852570b4005392cb?OpenDocument>

#### **Reserve Manager, Waquoit Bay**

The Director supervises and manages the budget, staff, programs, and natural and man-made resources of the 2,650 acre Waquoit Bay National Estuarine Research Reserve which includes Reserve Headquarters, Washburn Island, South Cape Beach State Park, the Quashnet River Area and other properties. For complete job description, go to:

<http://ceo.hrd.state.ma.us/ceo.nsf/42719dc0df11664f85256a2b005f440e/4134ae362a5ef05b852570900066e500?OpenDocument>

### **Forest And Park Supervisor II - Myles Standish State Forest, Carver**

Monitors and supervises the operation, administration and maintenance of the assigned recreation area including such activities as grounds maintenance, building and equipment maintenance and repair. Participates and patrols recreational areas and facilities to maintain security and ensure compliance with rules and regulations. Participates and supervises assigned staff performing visitor recreation and education services, facility maintenance and resource protection programs. For complete job description, go to:

<http://ceo.hrd.state.ma.us/ceo.nsf/42719dc0df11664f85256a2b005f440e/4257cab22d397e02852570bc006f4d8a?OpenDocument>

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Is your organization a member of MLTC? Check out our list at <http://www.MassLand.org>

You can support MLTC individually by becoming a Friend. Contributions of any amount will help support our work.

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