

Section Six:

An Act of Congress for a Special Designation

Introduction

The centerpiece of the Mohawk Trail Woodlands Partnership vision is attainment of a Special Federal Designation, matched by the Commonwealth of Massachusetts, which would recognize the unique values that come together in the 21 towns of the Northern Berkshires and Hilltowns region. Such a designation, which would require Congressional approval, would need to go beyond the 2019 Shared Stewardship Framework between the state and U.S. Forest Service, to provide seed funding for the MTWP Fund, so that sustainable financing (through a trust fund) envisioned in the state enabling legislation can be operationalized.

This Special Designation would recognize the 21-town region as an important area and create a new model for forest conservation and natural resource based economic development. The proposed designation would not create a National Forest nor would it result in the adoption of the Weeks Act by the state, a requirement to create a National Forest. Rather, the objective of the Special Federal Designation is to enable and support a partnership among the people, nonprofits, businesses and towns with the Commonwealth and the U.S. Forest Service, primarily the State & Private Forestry and Research & Development branches. This Special Federal Designation would recognize the 21-town region as a crucially important forested region – particularly in an era of rapid climate change – and create a new model for forest conservation and natural resource-based economic development.



The 21-town region is important for forest conservation and natural resource-based economic development.

The framework was developed in response to key issues and concerns (see below) raised in the formative years of the MTWP. Throughout the course of the planning process, public input and conversations with stakeholders shaped the elements that a potential Federal designation would need to include. These elements make up the “Framework” (see below) for a new model.



Concerns about costs of municipal services such as road maintenance and the need for better management of State-owned land were two key concerns identified during the public input process.

Key Issues and Concerns

Landowners, municipal leaders, foresters and others identified key issues and concerns related to a Federal designation including:

- Potential loss of local tax revenues for land in Federal or State ownership;
- Potential impact on municipal services such as road maintenance or provision of emergency response services for visitors;
- Lack of reliable Payment in Lieu of Taxes (PILOT) to support town services for existing publicly owned lands;
- Need for the process to be locally driven and supported;
- Lack of information about actual incentives or support that could be provided to the towns, private landowners and forest-based businesses by the U.S. Forest Service and/or the State;
- Need to understand how sustainable the Woodlands Partnership will be, given the budgetary challenges faced by the Federal government;
- Need for the State to better manage and maintain their own forests and recreational facilities;
- Need for reduced regulations to support sustainable forestry;
- Need for flexible Conservation Restrictions that allow landowners to decide whether the parcel should be managed to provide forest products (lumber, firewood, etc.), habitat protection, and/or recreational opportunities and the level of public access;
- Need for towns to be able to review and comment on any legislation proposed for the Federal Designation to determine if they want to participate.

Framework

In response to the Key Issues and Concerns, the following key elements form the basis of the Framework that would guide the drafting of Federal legislation to create a new model for forest conservation and natural resource-based economic development through a Special Federal Designation for the 21-town region.

1. All 21 towns would be eligible for participation but would need to “opt in” in order to receive incentives and to allow private landowners to access funding for Conservation Restrictions (CR).
2. Forest land remains in private tax-paying ownership to generate revenues for the municipality.
3. State and Federal incentives or payments for forest Conservation Restrictions with willing sellers only – no eminent domain and no Federal right of first refusal.
4. Flexible Conservation Restrictions based on a model CR (see Appendix B) that allow for forest management, habitat protection, passive recreation, agricultural activities, or a combination of those activities that are held by the State, town and/or local land trust.
5. Provision of tax incentives or technical assistance programs for sustainable forestry practices to private landowners and towns including preparation of forest stewardship plans.
6. Promotion of forestry, forestry-related manufacturing and/or research for new technologies related to forest-based products by providing State and Federal incentives (e.g. tax credits, grants, etc.).
7. Provision of incentives/funding by the State and/or the U.S. Forest Service to improve tourism infrastructure (recreational trails, access roads, campground facilities), collaborative marketing of the region, tourism business training, and other initiatives.
8. Development of a Visitor/Education/Technical Resource Center (or Forest Center) to provide: (1) public education about forest management and the ecological services that forests provide; (2) technical assistance to private landowners to increase sustainable forest management practices; (3) research and development for wood products and to address climate change and invasive species; (4) a showcase for local wood products; and (5) for tourism services.
9. The Visitor/Education/Technical Resource Center building would be staffed and maintained by a partnership of the U.S. Forest Service and/ or the State under a long-term lease. The building and associated land would be owned by the State, a town, or a private individual.
10. Land for a Demonstration Forest would be leased from the State, a town, or private landowners.
11. Creation of a notification process to municipalities for new Conservation Restrictions on forested land funded by the U.S. Forest Service and/or State agencies and an approval process for Towns where the amount of permanently protected open space exceeds 40% or more of the land area of the town.
12. Establishment of “Municipal Cooperative Agreements” that provide annual grants to participating towns to support municipal services or operations such as road maintenance, or emergency response related to tourism.

A New Model

The proposed model focuses on privately owned forests. One element of the model is to conserve important forest areas using Conservation Restrictions (CR or easement.). Willing landowners could sell their development rights under a Conservation Restriction, which permanently removes the right to develop a property, but preserves the right to conduct forestry operations, farm, log, create trails, or protect habitat. Landowners of qualified projects may be paid an amount close to or at the appraised value of the development potential of their land. This would keep land in private ownership and on the tax rolls while providing the landowner with funding to invest as they see fit. Land with a CR can be sold or passed on to another private owner. For towns, tax revenues collected on land with a CR would, in most cases, be equal to revenues collected from land enrolled in Chapter 6I, 6IA, or 6IB, as these properties were already being taxed at a lower rate, in recognition of the “current use” values of open space, farm and forests. Chapter 6I/6IA/6IB is a State program that reduces property taxes for landowners who agree to keep their land in forestry or farming. Forest management practices for land with a CR in many cases would be the same as those called for under Chapter 6I. Designation under this model would not provide for eminent domain powers by the U.S. Forest Service or result in additional regulations. CRs would be held by the State, a town, and/or a qualified local or regional land trust.

There are several other elements of the proposed model in addition to conservation of forests. The partnership could serve as a focal point to increase technical assistance to private landowners through the U.S. Forest Service, State & Private Forestry, as well as Research & Development branches as well as the state. This technical assistance would be focused on increasing sustainable forestry management practices and would address climate change and invasive species and pests that could threaten forests in the region.



An element of the framework is the provision of grants or technical assistance programs for sustainable forestry practices to private landowners and towns.

This technical assistance could also help with improving the management of state or town-owned forests, a goal that has been the focus of recent grants to create the pilot Forest Climate Resilience Program, in which several MTWP municipalities are receiving climate-smart forest plans (a new type of Massachusetts DCR stewardship plan) for town-owned forests .

Finally, the model would support the financial stability of towns in the region by creating a Trust Fund that is initially capitalized by the U.S. Forest Service and/or the Commonwealth to provide some minimum municipal payment amount. “Municipal Cooperative Agreements” would provide annual grants to participating towns to support municipal services or operations related to the program, such as road maintenance or emergency response related to tourism. This funding to towns could help offset potential increases in municipal services needed, if for example there is a significant increase in tourism, and/or to help offset some of the shortfalls in PILOT payments for publicly owned land.