

DRAFT

AMENDMENT
FOREST LEGACY NEEDS ASSESSMENT
MASSACHUSETTS
BERKSHIRE PLATEAU



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PROPOSED AMENDMENT FOREST LEGACY NEEDS ASSESSMENT MASSACHUSETTS

I. Objectives of the Proposed Amendment

This proposal seeks to add a new Forest Legacy Area (FLA) by amending the *Forest Legacy Needs Assessment – Massachusetts* (Archey, 1993) to include the Berkshire Plateau, a predominantly forested region in west-central Massachusetts. Designation would advance the goals of the FLA by allowing significant protection to a threatened mountainous ecosystem containing public water supply watersheds that meet drinking water standards; rare, threatened and endangered species habitat (39 state-listed species and 2 federally-listed species); a riverine system that supports both resident and anadromous fish populations; continued recreational opportunities (including the Appalachian Trail administered by the National Park Service); exceptional scenic values and the continuation of traditional forest uses. The ultimate objective of the proposed area is to preserve and enhance the landscape-scale forests of the region through land protection activities and complementing strategies, and to prevent their conversion to non-forest uses.

This amendment would also be in great harmony with past acquisition efforts of state government and private land protection efforts on the Berkshire Plateau.

It should be noted that revised guidelines for the Forest Legacy Program were adopted on June 30, 2003 after the initial program approval in 1993 and subsequent 1996 revision (USDA Forest Service, 2003). The authority to amend the Assessment of Need incorporated in those guidelines constitutes the basis for this amendment.

II. Background

Massachusetts completed an Assessment of Need for the Forest Legacy Program in the spring of 1993, with subsequent approval by the U.S. Secretary of Agriculture, Mike Espy, on August 5, 1993. The Assessment of Need established eligibility criteria for the selection of FLA's within the Commonwealth (Archey, 1993); to be considered for designation as a FLA, lands must:

- A. Be threatened by present or future conversion to non-forest uses
- B. Contain one or more of the following important public values:
 - 1. Scenic resources
 - 2. Public recreation opportunities
 - 3. Riparian/hydrologic areas
 - 4. Fish and wildlife habitat
 - 5. Known threatened and endangered species

6. Known cultural/historic areas, and/or
7. Other ecological values

C. Provide opportunities for continuation of traditional forest uses

D. Reflect important regional values

These criteria will be the basis for the amended Assessment of Need and the inclusion of the Berkshire Plateau FLA.

When drafting the initial Assessment of Need for Massachusetts, the committee decided to recommend that only a small subset be designated as FLA's in Phase I and that additional areas be designated in the future (Archey, 2003; Archey and Scanlon, 2001). Of 16 proposed areas, only five were selected; however, all met the eligibility criteria. As a relatively new program with "meager funding at the program outset" (Archey and Scanlon, 2001), the rationale for starting out with a smaller program was that focused attention in the initial areas would be more effective than a diffuse dispersion of limited program resources. Geographic equity was also a consideration in the selection of the five original FLAs.

Over time, the Forest Legacy Program has enjoyed increasing levels of success and now represents a critical tool for private landowners to prevent their forested lands from conversion to non-forest uses. As of June, 30, 2003, fifteen Forest Legacy projects have been successfully completed in Massachusetts, with nearly 3,000 acres of forestland being protected in perpetuity (Northeastern Area Forest Legacy Program, 2003). With such an impressive record of success and increased Forest Legacy Program appropriations, Massachusetts is ready to extend the benefits of the program to additional areas across the state. Since the initial AON, one additional FLA has been added and an existing FLA has been expanded.

Three of the eligible FLA's that were identified in the original Assessment of Need are located within the presently proposed Berkshire Plateau FLA: Westfield River (Pioneer Valley Planning Commission, sponsor), East Branch of the Westfield River (Massachusetts Department of Conservation and Recreation (DCR), formerly Department of Environmental Management (DEM), sponsor) and Kinne Brook Valley (Hilltown Land Trust, sponsor) suggesting that sound proposals will continue to demand attention. The proposed Berkshire Plateau FLA also shares part of its boundary with the already established Connecticut Valley (Western Valley) FLA.

In addition to the attention this area received in the original Assessment of Need, the impetus for this amendment came from the Massachusetts Chapter of The Nature Conservancy (the Conservancy), a non-profit conservation organization whose mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the land and water they need to survive. *The Conservancy is committed to protecting, restoring and managing biologically*

important lands. The [Massachusetts Chapter has directly protected or] assisted in the protection of more than 15,000 acres in the Commonwealth during the last 35 years. (Barbour et al).

As will be further elaborated in the “Summary of the Analysis Used to Identify the FLA” section (pg. 9), The Nature Conservancy, in conjunction with neighboring states and many partners, engaged in a scientific planning process through which several “matrix forest” blocks were identified within the Berkshire Plateau. Briefly, matrix forests are those forests that are sufficiently expansive to support dynamic ecological processes and to sustain habitat for obligate interior species. Such forests are said to be “matrix-forming” because they provide the underlying architecture upon which a diversity of species and natural communities rely, and under whose umbrella these biological resources can further specialize and adapt to their local environments.

Given the substantial acreage of existing state and federal land ownerships on the Berkshire Plateau, designation of a FLA may be viewed as highly conducive to future protection of habitat over extensive areas.

III. Eligibility Criteria

A. Federal criteria (USDA Forest Service, 2003)

To be eligible for the Forest Legacy Program, the proposed area must meet the following national criterion: Be an environmentally important forest area that is threatened by conversion to non-forest uses.

Individual states are responsible for determining their definition of “threatened” and the definition of “environmentally important forest areas.” States define “environmentally important forest areas” by refining the public values that make up an “environmentally important forest area.”

Environmentally important forest areas shall contain one or more of the following important public values:

*scenic resources;
public recreation opportunities;
riparian areas;
fish and wildlife habitat;
known threatened and endangered species;
known cultural resources;
other ecological values, and/or
provide opportunities for continuation of traditional forest uses.*

B. State Criteria (Archey, 1993)

As mentioned above, the Commonwealth of Massachusetts elaborated the eligibility criteria to also include that an area must:

Reflect important regional values.

State and federal requirements were otherwise identical. An explanation of how each eligibility criteria may be used as an evaluation factor follows.

C. Evaluation Factors

The nominator of a proposed FLA may describe the proposed FLA information utilizing these evaluation factors and provide a persuasive argument for the nominated area. This list is provided as a guideline for nominations, and the essential items are repeated in checklist form in Appendix B.

1. Threat by conversion to non-forest uses

There are various kinds and degrees of threat to valuable forested areas: encroaching housing development, improved town roads, sewer line and power line extensions into undeveloped areas, and fragmentation of land ownership into smaller, less manageable parcels. In determining the threat to tracts, factors to consider include the following:

- a. Area is in danger of conversion to non-forest use within five years.
- b. Area may remain wooded, but will become further fragmented.
- c. Area is currently on the open market/listed by realtors.
- d. Loss of one tract would open the area to further development.
- e. Area is remote, but vulnerable; example: able to pass a percolation test, and frontage on town road.
- f. Area is not under Chapter 61 or other forest management program.
- g. Area may remain wooded but is in danger of being over-harvested.

2. Contains one or more important values:

a. Scenic resources

The scenic aspects of a natural resource area may often be subjective, but there are several means of measuring the special qualities that make a given area stand out. The criteria set out in DEM's Scenic Landscape Inventory and the Massachusetts Scenic Roads Act provide a means of citing scenic qualities. In identifying scenic amenities of a FLA, these factors must be considered:

- Area is listed in DEM’s 1985 Massachusetts Landscape Inventory as “Distinctive” or “Noteworthy” or meets the criteria for such designation.
- Area includes locally important panoramic views and/or exceptional short views.
- Area is situated along a designated scenic road.

b. Public recreation opportunities

Recreational use (especially public access) of a proposed FLA is an important component to be weighed. Documents such as the Massachusetts Statewide Comprehensive Recreation Plan (SCORP) will provide the proponent of a FLA needed information on the relative importance of the following factors:

- Water-based recreation is present – boating, swimming, fishing, rafting, canoeing.
- Trail-based and/or day use recreational opportunities exist – hiking, picnicking, horseback riding, ice skating, cross-country skiing.
- Natural resource recreational activities are available – camping, hunting, nature touring, etc.
- Adjacent land is protected (note acreage).

c. Riparian areas

In an urbanizing state such as Massachusetts, one of the most important forest “products” is water. Proper management of forestlands through establishment of a FLA can increase the quality and quantity of water for the residents of the Commonwealth. Factors to be included in determining the value of riparian areas are:

- Area is situated on a major river or stream recognized by the Massachusetts DEM Scenic Rivers Inventories or Massachusetts Department of Fish and Game (DFG), formerly the Department of Fisheries, Wildlife & Environmental Law Enforcement (DFWELE), Adopt-a-Stream programs, or meets the criteria for inclusion in such inventory.
- Area has extensive (over 300’) river or wetland shoreline.
- Area includes floodplain and natural valley storage components (according to USGS Atlas; FEMA flood hazard maps)
- Area contains a minimum 80’ strip of native trees and shrubs as a natural buffer and sediment filter, per USFS guidelines outlined in *Riparian Forest Buffers* (Welsch, 1991).
- Area contributes to public or private drinking water supply (surface water supplies, well fields (DEP Zone 2)).

- Area contains important wetlands, especially isolated wetlands and/or vernal pools.
- Areas highlighted under BASINS, an EPA water resources evaluation program.

d. Fish and wildlife habitat

Preventing the fragmentation of forest tracts into smaller units is crucial to maintaining viable populations of particular wildlife species. Factors to be considered:

- Area contains outstanding habitat, as evaluated per Massachusetts Division of Fisheries & Wildlife guidelines, and other ecologically recognized criteria for one or more species that include:
 - Forest interior nesting birds
 - Significant populations of resident species
 - Neo-tropical migrant species
 - Areas for resting and feeding of migratory species
 - Forest-inhabiting mammals, reptiles, amphibians and invertebrates.
- Connective habitats, corridors, habitat linkages and areas that reduce biological isolation.
- Known rare, threatened and endangered species.

As urbanization and fragmentation of forestlands continue, the need to give special attention to threatened species of fish, wildlife and plants increases. Areas nominated for the Forest Legacy Program should be inventoried for such natural habitats that may contain imperiled species, considering the following: area contains plant or animal species on Massachusetts State list as Endangered, Threatened or of Special Concern (consult Massachusetts Natural Heritage and Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, or federally-listed species).

e. Known cultural resources

Obtain material evidence of the earlier human occupation in Massachusetts comprising a unique and irreplaceable resource, including historic features and vernacular landscapes. Factors to consider:

- Area contains recorded archeological site; e.g. burial, midden, fire pit, or artifacts of Contact, Woodland or Archaic periods.
- Area includes historic features; e.g. charcoal kilns, church or village sites, cellar holes, battle sites, historic roads, paths or lookouts.

f. Productive soils

Of the 3.2 million acres of forests in Massachusetts, nearly 67% are classified as “prime”, based on the productive soils upon which they grow. This classification system is useful in determining the importance of individual tracts within a FLA:

- Area contains soils of “Prime”, “State” or “Local significance” for agriculture.
- Area contains soils of “Prime”, “State” or “Local significance” for forestry.

g. Other ecological values

In addition to the characteristics already outlined, an area may exhibit additional or exceptional conditions that are important and add to the quality of the nominated FLA, such as:

- Area supports a mix of ecological communities (biodiversity).
- Area includes ecological communities that are dwindling in Massachusetts, such as vernal pools, mature riparian floodplain forest, and pine barrens.
- Area contains old growth forest (natural area).
- Area provides watershed/water supply protection.

3. Provide opportunities for continuation of traditional forest uses

Maintaining traditional forest uses is important in a FLA in that it permits owners to remain on the land without requiring high-cost services (schools, street clearing and repair) by the town. Some of the values generally associated with forest preservation include: water quality, climate moderation and air quality, biological diversity, landscape character, recreation, and forest products. Factors which reinforce these values include:

- a. Area will remain available for sugarbush operation, cordwood or timber management under a Stewardship Plan.
- b. Area will continue to serve watershed and water filtration role.
- c. Area will continue to provide outdoor recreation opportunities.

4. Reflect important regional values

Through careful selection, FLA’s should provide units that have regional, not just local significance. The features and functions of these units should include:

- a. Linkages for recreational values, such as trails, especially along river greenbelts, mountain ridges and parcels which connect existing publicly-owned lands.
- b. Public access to boating and swimming relative to the needs of local population centers and the effects of projected land use change.
- c. Public or private drinking water supply protection (ground or surface water).
- d. Scenic qualities having their basis in the traditional New England natural and cultural landscape.

IV. Designation Requirements for Forest Legacy Areas

It should be noted that a FLA nomination is a written narrative utilizing elements as listed below. Other pertinent items may be included, but the points listed below must be included.

- D. Location of each geographic area on a map and a written description of the proposed Forest Legacy Boundary;
- E. Summary of the analysis used to identify the FLA and its consistency with the Eligibility Criteria;
- F. Identification of important environmental values and how they will be protected and conserved in each FLA;
- G. The conservation goals or objectives in each FLA;
- H. List of public benefits that will be derived from establishing each Forest Legacy Area;
- I. Identification of the governmental entity or entities that may hold lands or interests in lands (State grant option) or may be assigned management responsibilities for the lands and interests in land enrolled in the program (Federal option); and
- J. Documentation of the public involvement process and analysis of issues raised.

V. Proposed Forest Legacy Area

A. Location of Proposed FLA Geographic Area and Written Boundary Description (Appendix A)

Appendix A contains a series of maps showing the geographic location of the proposed FLA as well as some of the analysis used in its identification. Figure 1 depicts the high priority matrix forest blocks identified by The Nature Conservancy in Western Massachusetts. As shown in Figure 2, the proposed FLA would include five of these matrix forest blocks, which represent extensive acreage of remote forest in high condition as determined by an assessment of intactness, forest community structure, composition, and ability to support ecological processes. Figure 3 was included in the original *Forest Legacy Needs Assessment—Massachusetts* (Archey, 1993) and reflects the high percentage of forest cover in the towns of the Berkshire Plateau, as well as per capita acreage of forest cover.

Figure 4 is a map of the proposed FLA, comprising approximately 380,000 acres (Sadighi, 2003), showing the proposed boundary as well as the protected open space and public access within it. Figure 5 shows current land use cover, which is overwhelmingly forestland. Figure 6 depicts the steep slopes within the Berkshire Plateau (shown where elevation contours are close together). Significant water resources are demonstrated in Figures 7 and 8, including streams (as well as wetlands), public water supplies, reservoirs, and other Outstanding Resource Waters, which are selected on the basis of socioeconomic, recreational, ecological, and/or aesthetic values.

Rare, threatened and endangered species habitat locations are not depicted in map form as the Massachusetts Natural Heritage & Endangered Species Program, compilers of such data, do not want locations publicly revealed because of potential habitat damage from specimen collectors or the simply curious. Biological resources are generally depicted in Figure 9, which shows the substantial amount of supporting landscape identified through the BioMap analysis conducted by the Natural Heritage and Endangered Species Program within the Massachusetts Division of Fisheries and Wildlife.

Finally, a text description of the boundary is also included in Appendix A.

B. Summary of the Analysis Used to Identify the FLA and Consistency with Eligibility Criteria

Summary of Analysis and Narrative of the FLA

The Berkshire Plateau, a highly visible mountainous area, roughly 25 miles east to west and 25 miles north to south, represents one of Massachusetts' western highlands, known for its dense forests, high quality fisheries, scenic valleys, and prominent mountain ridges.

The Westfield River Watershed area (which is the main constituent of the Berkshire Plateau) is unique for its integration of intact forest and aquatic

systems. Four “Matrix Forest” areas, ranging from 20,000 to 100,000 acres, have been identified and the upper reaches of the watershed offer exceptional habitat for coldwater fisheries and juvenile Atlantic salmon. The lower reaches of the main stem provide high quality spawning habitat for three species of migratory fish (American shad, Blueback herring and Sea lamprey) (Finton, 2003). A fifth matrix forest block was identified to the northeast of the aforementioned four blocks.

Definition and selection of the matrix forest blocks was a collaborative process initiated by The Nature Conservancy, but involving many conservation organizations, government agencies, external scientists, and others from a wide geographic area. *The Massachusetts Chapter, cooperating with [its] neighboring states and many partners, has been engaged in a scientific planning exercise that has ranked regional forest resources. Within the Lower New England/Northern Piedmont ecoregion – an area that stretches from Maryland to Maine and comprises parts of 12 states, TNC identified several large forest blocks (“matrix forests”) on the Berkshire Plateau as being among the highest priorities for conservation. These blocks represent the highest quality and least fragmented areas of their kind in the Northeast, and thereby represent biodiversity of global significance (Finton, 2003).*

Matrix forest blocks were identified and prioritized on a basis of size, condition, and landscape context. While matrix forests must be large enough to support dynamic ecological processes and withstand stochastic events, not all matrix forests have necessarily persisted in a high-quality condition. Thus size is a prerequisite, but improving condition may be a restoration goal for matrix forests that were identified as top conservation priorities. Taking several factors into account—including both species requirements and scale of disturbance—the minimum size for matrix forests was determined to be 15,000 acres.

Intact forests of over 15,000 acres are noted on Figure 1, Appendix A. Matrix forests coincident with the proposed amendment include: October Mountain (49,387 acres), Middlefield-Peru (107,421 acres), Otis (20,875 acres), Tekoa (25,243 acres), and Whately (41,622 acres)—totaling over 240,000 acres (Figure 2, Appendix A). Interestingly, it should be noted that all other high priority matrix forests in western Massachusetts are coincident (at least partially) with other established FLA’s and include: Mt. Washington/Mt. Riga, Northern Taconic, Warwick/Royalston and Quabbin.

Much of the densest forest cover in Massachusetts is found in this region of the Commonwealth. A map was included in the original *Forest Legacy Needs Assessment—Massachusetts* (Archey, 1993) that demonstrates the importance of the forest resources of the proposed FLA to Massachusetts (see Figure 3, Appendix A).

K. Lombard et al. (2003) state that, *The Westfield River Watershed contains over 200,000 acres of primarily intact and mid-successional forest that provides a link between the forests of northern New England with those of southern New England and the mid-Atlantic states to the south. This forest protects high quality wetlands and riverine systems, and provides opportunities for movement of wide-ranging species across the landscape as well as high quality breeding habitat for interior nesting neo-tropical migrants.*

Both in designating “matrix forests” and strategizing for optimal management, *A seven-step framework for developing regional plans to conserve biological diversity, based on principles of conservation biology and ecology, is being used extensively by The Nature Conservancy to identify priority areas for conservation* (Groves, C.R. et al. 2002).

In 1993, 43 miles of the East, Middle and West branches in the towns of Becket, Chester, Cummington, Middlefield, and Worthington were designated as the first National Wild and Scenic River in Massachusetts. Thirty-five additional miles were proposed by the state and recommended by the National Park Service for inclusion in the designation in 2002. On the whole, this landscape provides a critical opportunity to conduct broad-based biodiversity conservation (Finton, A.D. 2003). The Northeast Region of the National Park Service states, *Protection of land along the riverfront should be seen as the primary goal in managing the river. The proposed segments should also be reevaluated to determine if they could be reclassified to Class A waters* (National Park Service 2002).

The forest cover is substantial, comprising approximately 85 percent of the proposed FLA (Sadighi, 2003), including deciduous, evergreen, and mixed forests as well as forested wetlands. These lands are clothed in northern hardwoods in the northern tier, consisting of American beech, black and yellow birch, sugar and red maple, hemlock, and frequent representation of other species such as white pine, red oak, black cherry, white birch, and northern white ash, blending to a transitional hardwoods forest consisting in great part of red oak, hickory, maples and white pine in the southern tier.

Elevation ranges from 185 feet in the lowest valley bottoms to nearly 2,300 feet along the highest points on the ridgeline. Slopes are characteristically steep – 20 to 40 percent, with frequent outcroppings of ledge and bedrock, especially on the upper slopes and along the ridgetops.

Soils are tills: heterogeneous mixtures of sand, silt and clay, often underlain by hardpan and bedrock, close to the surface. Consequently, the watershed soils do not have much soil moisture storage capacity and after storms steep slopes are typically “flashy”, underscoring the need to keep the landscape in protective forest cover.

There are unique terrestrial and aquatic resources in the Berkshire Plateau including:

1. The highest waterfall in Hampshire County, Glendale Falls, and other beautiful falls such as Shaker Mill Falls and Center Pond Falls,
2. Unique scenic geologic features such as the Chesterfield Gorge, gorges in Gardner State Park, on Shaker Brook, and the spectacular Windsor Jams,
3. And one of the largest wilderness areas remaining in Massachusetts.

Additionally there are animal and plant resources uniquely associated with these habitats:

1. The state- and federally-listed species previously referred to,
2. Mammals requiring extensive unbroken range including: black bear, bobcat, fisher, mink, and moose,
3. Neo-tropical migratory songbirds and interior nesting birds,
4. Re-introduced Atlantic salmon, and
5. Timber rattlesnake.

Under the section “Benefits to Protecting and Preserving Open and Recreational Space,” the draft *Westfield River Watershed Open Space and Recreation Plan* (PVPC, 2003) highlights several of the benefits which are aligned with this proposal and the aims of the Forest Legacy Program:

Open space allows for the attentive management of the watershed, which is essential to ensure we have clean water, clean air, fish and wildlife habitat, recreational opportunities, and tranquility and solitude. Resource management also provides essential products, such as paper, wood, and agricultural products, and provides direct economic returns to the region’s communities, landowners, and workers.

Under the section *Preservation of Sensitive Environments and Open Space*, the Berkshire County Regional Plan (BRPC, 1999) summarizes strategies which are in harmony with this proposal:

- *Preserve and improve the ecological integrity of important natural environments and resources: surface water and watersheds, forested areas critical wildlife and plant habitats, wetlands, prime agricultural soils, flood prone areas, aquifers and recharge areas, steep slopes, and mountain tops.*
- *Maintain and improve the overall water quality and quantity of the Berkshire’s surface and ground waters.*
- *Enhance the protection and management of open space in order to provide wildlife habitat, protect natural resources, provide recreational opportunities, maintain scenic views, and maintain the character of the Berkshires.*

Protected open space in the proposed FLA comprises approximately 140,000 acres (Sadighi, 2003) or about 35 percent. Of this acreage, approximately 110,000 acres are permanently protected, representing nearly 30 percent of the total Berkshire Plateau FLA. These lands are held by a diversity of entities, including all levels of government (federal, state, and municipal), private non-profit organizations, and private landowners.

Consistency with Eligibility Factors

The nomination of this FLA is consistent with the eligibility criteria and evaluation factors that have been stipulated by the federal and state governments. Identification of environmental values appears in subsequent sections, but the high degree of threat of conversion is documented here as one of the primary motivations for this proposal.

Threat of conversion to non-forest uses

Forest lands in the Berkshire Plateau face increasing fragmentation of large parcels through residential development. Periodically, waves of development have parcelized the landscape and currently we are seeing another surge in development of second homes, with particular value being placed on scenic views available from relatively high elevation lands. As can be seen in Figure 5 (Appendix A), while the Berkshire Plateau remains primarily forested, there are significant development pressures at several points around the periphery. These urban centers are likely to impinge on the forested landscape of the Berkshire Plateau without efforts to identify and protect those lands that should remain forested. Such an encroachment would affect the scenic resource, the viability of traditional forest uses such as forestry and recreation, and public values such as large-scale wildlife habitat, public water supply protection, and overall ecosystem integrity that large intact forest tracts support. Conversion of land to non-forest uses and increased parcelization will have induced effects: along with clearing for housing will come sewer lines in some instances, and septic fields in others. In all instances, roads, driveways and power lines will further convert the landscape with deleterious effects on wildlife species having the need for extensive, unbroken ranges. Access for recreation, especially hiking and hunting, will be adversely affected and some portion of the landscape will be off-limits to any public use, through posting.

The urgency regarding land protection on the Berkshire Plateau is echoed by a number of organizations both in general and specific terms:

1. The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife observes that, *The relatively large quantity of currently protected open space in the state is not sufficient to conserve all biodiversity* (Barbour et al., 1998).
2. Referring generally to the Berkshire Plateau, H. Barbour et al. (2001) in *Our Irreplaceable Heritage*, find that, *Proportionately, this ecoregion has the most Supporting Natural Landscape of all the ecoregions, due to its many large, unfragmented blocks of forest.*
3. The Massachusetts Audubon Society in (Steele, 1999) encourages organizations to *Support initiatives designed to encourage land acquisitions in Priority Habitats as outlined in The Nature Conservancy and Massachusetts Natural Heritage and Endangered Species Program's recent report "Our Irreplaceable Heritage..."*
4. Likewise, The Trustees of Reservations echoes the sentiment in the western highlands when it admonishes land protection efforts to *Protect scenic and ecological values of undeveloped ridgelines and hilltops, further, Protect all aquifers and surface water supplies that will be needed for the next hundred years* (Wollansak, 2003).
5. *The Westfield River System illustrates the remarkable geographic contrast that makes Massachusetts so unique. While the upper reaches of its three main branches emanate from steep forested hills and wooded valleys, the lower sections of the main stem flow through flat farmland and increasingly urban areas. In terms of fisheries restoration: In April of 1989, thousands of salmon par and fry were stocked in the Westfield as part of the effort to restore Atlantic salmon which has not lived in the basin for over 200 years* (Bickford and Dymon, 1990).
6. In the original *Forest Legacy Needs Assessment – Massachusetts* (Archey, 1993), the need to conserve the land base of the Commonwealth is articulated: *Most forest landowners in Massachusetts retain ownership of their property for less than ten years and the goals of each successive landowner often differ. In monetary terms, the development potential of forest land in Massachusetts almost always exceeds its value for forestry uses. These factors make preservation of our forests a difficult task.*
7. This concern is later echoed in an article in the magazine *Massachusetts Wildlife* (Archey and Scanlon, 2001): *The Bay State has lost more than 20,000 acres to development over the past 30 years, and despite the recent downturn in the economy, this trend continues unabated today. Accompanying this direct loss of forested habitat and adding to its environmental impact is a consistent reduction in the average size of the*

forested parcels that remain: average parcel size of forested land has declined from over 30 acres to under 10 acres over the past three decades.

In summary, approximately 70 percent of the proposed area lacks formal, permanent protection, leaving much of it vulnerable to development of residences, utilities and new roadways including a proposed Massachusetts Turnpike exit, and the induced development which will inevitably follow—including fragmentation of forested parcels, leading to fragmented habitat, thereby impeding the healthy functioning of large forest ecosystems and complicating protection efforts. Within the forest, threats include the spread of non-native weed species that suppress indigenous plant species, land management practices that do not support biodiversity and impoundments and water withdrawal practices that impact passage of both resident and migratory fish. In short, the threat of conversion to non-forest uses is substantial and the proposed area meets the requirement.

C. Identification of Important Environmental Values and Means for Conservation

Important Environmental Values

1. Scenic resources
 - a. The Berkshire Plateau is one of the most highly visible, and largely undeveloped, forested mountain regions in Massachusetts, with elevation high points that rise nearly 2,300 feet. This area is visibly prominent from the Massachusetts Turnpike (I-90), running east-west in the southerly reaches of the plateau and I-91 which runs north-south, just to the east of the plateau, with numerous state highways that cross the plateau, including Routes 8, 9, 20, 112, and 116.
 - b. Development potential, including towers on higher elevations is substantial, but for the most part as yet unrealized, and posing great threat to the Berkshire Plateau's continued undeveloped state.
2. Public recreation resources
 - a. The Westfield River's three branches allow outstanding canoeing, kayaking and cold-water fisheries access and as above, the Forest Legacy Program can afford the means by which access and viewshed protection can occur.
 - b. Substantial trail systems presently exist for the lower reaches of the Westfield River (Bristow, 2002) and can benefit substantially both from the standpoint of protecting the existing trail system and presenting new opportunities to extend or construct new trail systems.

- c. The Berkshire Plateau has significant acreage that is protected as open space and accessible to the public (Figure 4, Appendix A).
- d. The Appalachian Trail, a footpath that continues for more than 2,000 miles and traverses 14 states, bisects the western portion of the Berkshire Plateau.

3. Riparian areas

- a. Public water supply protection is one of the greatest benefits of retaining land in forest; there are numerous water supply points within the Berkshire Plateau (Figure 8, Appendix A). Additionally there are public water supplies outside the proposed FLA that are dependent on the Berkshire Plateau watershed, with the City of Springfield as an example.
- b. An extensive network--approximately 1,000 miles (Sadighi, 2003)--of rivers and streams have their origins on the Berkshire Plateau, draining generally south easterly (see Figure 1, Appendix A). Even those that do not directly impact public water supply have profound effects, both quantitatively and qualitatively, on fisheries and the quality of recreationally used streams, wetlands and lakes.
- c. *The Westfield River System illustrates the remarkable geographic contrast that makes Massachusetts so unique. While the upper reaches of its three main branches emanate from steep forested hills and wooded valleys, the lower sections of the main stem flow through flat farmland and increasingly urban areas* (Bickford and Dymon, 1990).
- d. Forty-three miles of the East, Middle and West branches of the Westfield River were designated as the first National Wild and Scenic River in Massachusetts; 35 additional miles were proposed by the state and recommended by the National Park Service for inclusion in the designation in 2002.
- e. Mentioned as a factor in determining the value of riparian areas (p. 5), the Westfield River has been recognized by both the Massachusetts DEM Scenic Rivers Inventories and Massachusetts DFWELE Adopt-a-Stream Program.
- f. The Berkshire Plateau comprises a number of significant wetlands, as shown on Figure 7 (Appendix A).

4. Fish and wildlife habitat

- a. Though rare, threatened and endangered species habitat will not be revealed in map form (as discussed above), the Massachusetts Natural Heritage Atlas: 2000-2001 Edition (Szczebak et al.,

- 1999), shows considerable habitat acreage, especially associated with riparian zones.
- b. Protection of intact, large-scale habitats is especially important for wide-ranging species such as black bear and fisher– the kind of habitat in ample evidence on the Berkshire Plateau.
 - c. Neo-tropical migrant songbirds rely on the unbroken western Massachusetts forested habitats, again the sort of habitat that is abundant on the Berkshire Plateau.
 - d. In terms of fisheries restoration: *In April of 1989, thousands of salmon par and fry were stocked in the Westfield as part of the effort to restore Atlantic salmon which has not lived in the basin for over 200 years* (Bickford and Dymon, 1990).
5. Cultural resources – Though local libraries have information on indigenous archaeology, it is fragmented and incomplete. Clearly, one of the early tasks is to more completely identify these sites using guidelines in the State Antiquities Act (MGL Ch. 9, § 26-27C) administered by the Massachusetts Historical Commission.
6. Productive soils
- a. Most of the soils fall into the category of Prime II and III for the production of timber, with a lesser amount in Prime I. These estimates are taken from *Forest Productivity in Massachusetts* (MacConnell et al., 1991). This indicates a productivity range of 85 to 155 cubic feet per acre per year.
 - b. As discussed under water resources, one of the forest’s greatest values is protection of watershed soils, a function best served by keeping the land in forest cover. This is particularly crucial on steep slopes (which can be seen on Figure 6, Appendix A where the contour lines are close together).
8. Other ecological values — Beyond that which is covered in previous sections, the case may be made that the Forest Legacy Program promotes the linkages of public and private lands in a protected greenway with enormous benefits for large-scale habitat, again rarely encountered in Massachusetts.

Means of Protecting and Conserving Environmental Values

1. Acquisition of full-fee ownership of land is appropriate for tracts within the Berkshire Plateau FLA, but acquisition of conservation easements is preferred, as the purchase dollars go further.

2. In the case of conservation easements, acquire development rights on all proposed tracts, especially the rights to subdivide, construct buildings and control utility right-of-way locations.
3. Timber rights retained by the landowner should be conditioned by using “Best Management Practices” contained in the *Massachusetts Forestry Best Management Practices Manual (Kittredge and Parker, 1999)* for alleviating soil erosion. Timber harvesting is permitted, but shall be described in a Forest Cutting Plan approved by the appropriate Massachusetts Bureau of Forestry Service Forester.
4. Acquire access rights on all tracts. Exceptions might be made by the Forest Legacy Committee prior to negotiations. For example, municipal watershed protection or rare, threatened or endangered species habitat protection may represent situations where access would be reasonably restricted.
5. Abide by the full timber harvesting buffer requirements of the *Massachusetts River Protection Act*.
6. Restrict the development of existing or proposed mining; excavation of mineral, sand and gravel pits should be for the sole use of the landowner. No commercial development will be allowed.
7. Prohibit the disposal of waste, hazardous material or unregistered vehicles on the properties. Likewise, any previously disposed waste, hazardous material or unregistered vehicles shall be removed prior to negotiations.
8. Prohibit the use of signs and billboards on all properties, except to state the name and address of the property owner and/or provide Forest Legacy information including information on boundaries. A “For Sale” sign would be allowed, as well.
9. Existing dams, water impoundments or similar structures shall be allowed to remain provided they are consistent with the Massachusetts Office of Dam Safety, or may be removed. No new dams, impoundments or similar structures shall be allowed.
10. Prohibitions included are industrial, commercial activities, except forestry and limiting mining.

D. Conservation Goals of the Berkshire Plateau Forest Legacy Area

As noted in the introductory section on “Objectives of the Proposed Amendment,” the designation of this FLA would provide an additional tool to protect the important public values identified as criteria of the Program. Land protection efforts and other strategies to safeguard and provide public benefits would be greatly enhanced through the Forest Legacy Program’s financial and technical assistance in identifying and protecting important forested tracts. As discussed in *the Forest Legacy Needs Assessment – Massachusetts* (Archey, 1993), the future of forest resources relies on several critical issues: forest fragmentation, availability of timber to the wood products industry, impacts

on wildlife, sustainable forestry, and conserving the land base. This FLA strives to address each of these issues, particularly “Conserving the Land Base.”

Through designation, it is the goal of this FLA to protect the identified public values and to enhance the expansive forest resources of the Berkshire Plateau FLA through focused land protection efforts as well as forest stewardship and restoration. First and foremost, the primary goal of the area is to prevent conversion of forested lands to non-forest uses.

E. List of Public Benefits to be Derived from Establishing the Berkshire Plateau Forest Legacy Area

Clearly, the proposed Berkshire Plateau Legacy Area meets eligibility criteria on page 5 and exemplifies the important environmental values, all of which constitute resources whose protection translates into direct public benefits. While the environmental benefits were treated more specifically above, a general discussion of the benefits to society that would be derived from designation of the Berkshire Plateau FLA follows.

Extraordinary public benefits associated with the protection of the Berkshire Plateau include:

1. Scenic resources

Extremely visible high elevation lands constitute a viewshed from both easterly and north-south vantage points. Whether from the standpoint of the wooded ambiance associated with mountain views for year-round residents or as a tourist destination, the Berkshire Plateau imparts a quality-of-life dimension that is extraordinary.

In Quantifying Public Benefits on Private Forestland in Massachusetts, a report from the Massachusetts Forest Stewardship Program, Campbell et al. (2000) made the following observations about statewide scenic resources: *Private forestlands cover roughly half of the Massachusetts landscape. In this sense they are valuable to society for enhancing the quality of life: they buffer the visual severity of development and urban sprawl; they muffle sounds of traffic and human activity. Trees are central to society’s notion of scenic beauty and numerous studies show that people prefer landscapes with trees.*

The Berkshire Regional Planning Commission (BRPC) in its regional plan (1999) states, *Mountain ranges, farm landscapes, lake shorelines, scenic views and corridors are highly desirable to developers. Towns have several options for scenic resource protection measures including*

purchasing easements or development rights, designation of scenic roads, and regulation through zoning and subdivision control regulations. The Scenic Mountains Act, unique to the Berkshires, is a law designed to protect prominent ridgelines and mountaintops from development that could degrade the scenic and environmental qualities (Archey, 1974). See Appendix C for a description of its provisions. Under this Act, the Berkshire County towns within the proposed FLA have the authority to enact local regulations. Note that the base elevations for applicability of the Scenic Mountains Act vary by watershed:

1. Farmington/Housatonic.....1,500 feet
2. Westfield.....1,600 feet
3. Deerfield.....1,700 feet
4. Hoosic.....1,800 feet

2. Water resources

Perhaps one of the most valuable functions of forested land in Massachusetts is its ability to capture, store and release water gradually. Whether releasing water to public water supplies or to streams, wetlands and other open water bodies, the watershed protection function of intact forestland is one of the most worthy of safeguarding under the Forest Legacy Program. Again, Campbell et al. (2000) point out: *Given that two-thirds of the state is covered by forests, and of these, 78 percent are privately owned (2.4 million acres), it is safe to say that these landowners' decisions to conserve or convert their forests will greatly influence the quality of the public drinking water supply.* Figure 8 (Appendix A) depicts some of the Outstanding Resource Waters of the Berkshire Plateau, including public water supply features.

3. Wildlife habitat

According to Campbell et al. (2000), *“Massachusetts is naturally diverse in plant and animal life, with a total of 2,040 native species, not including invertebrates (Barbour and others, 1998); roughly 90 percent of these use our extensive native forest ecosystems for part or all of their life cycle needs (Swain, personal communication).*

Campbell et al. further note, *State-listed rare species number 424 and are found in a variety of natural communities (Barbour and others, 1998); roughly one quarter of these occur in forested settings (Swain, personal communication). Seventy-four percent of known rare species occurrences are on private lands (Barbour and others, 1998), though experts don't have the data to say how many of these are private*

forestlands. However, this estimate points to the important role private landowners must play in protecting biological diversity in this state. In the majority of cases protection means not developing land...

Massachusetts Natural Heritage and Endangered Species Program recognizes this in *Our Natural Heritage* (Barbour et al., 1998): *Citizens of Massachusetts are national leaders in the movement to conserve biodiversity. The conservation of this great variety of life is a priority for many, especially those who recognize the many values it offers the Commonwealth. Residents, conservation organizations, and the Legislature have protected biodiversity through model legislation, land acquisition and management and innovative conservation tools.*

The BRPC (1999) echoes this more locally: *The mountainous forested landscape is ideal habitat for many large mammals, including black bear, moose, bobcat, deer, fisher, coyote, and beaver. Other inhabitants of the forested landscape include small mammals, reptiles, amphibians, game birds, songbirds and insects. The most important factor in maintaining viable populations of these animals is protection of their habitat. Maintaining large, unfragmented tracts of forestland is critical to the promotion and support of these species. Development in forest areas such as road and house construction, as well as indiscriminate timber cutting, reduces the quantity and quality of forest habitat.*

High elevation habitats are not widely distributed in the Commonwealth, thus the species that rely on these habitats are relatively uncommon as well. That, coupled with the inherent landscape fragility of such places (thin soils and steep slopes), and their exposure to meteorological extremes, makes these habitats particularly vulnerable.

4. Forest products

As can be seen in Figure 5, the proposed FLA is predominantly forested. The forested portion comprises over 85 percent of the Forest Legacy Area (Sadighi, 2003), including deciduous, evergreen, and mixed forests as well as forested wetlands. *The majority of forestland in Massachusetts (2,382,500 acres) or 76%, is owned mostly by individuals. Further, Between 1980 and 1996, the population of Massachusetts increased by 7%, the number of housing units increased by 16%, and the amount of developed land increased by 30%, indicating that most development is residential sprawl, probably into forested areas* (MacConnell et al. 1991).

Forest production carries both public and private benefits. As the basis of the local wood economy, society benefits through stable jobs for its citizens, state and local tax revenues, and the ripple effect that occurs

as earned dollars are spent within the economy. Private benefits accrue when forest products yield an income to the landowner, though often this revenue offsets property taxes and other carrying costs of undeveloped forestland. One might argue that the income is only a private benefit when it exceeds the carrying costs of the land (Campbell et al., 2000). One could also argue that all other forest values accrue more often, and to a greater extent, to the public. Forest management clearly presents economic opportunities, but often can enhance non-timber values of the forest as well.

The regional plan for Berkshire County (one of the three counties partially encompassed in the proposed FLA boundary) recognizes this, *In western Massachusetts, forests contribute significantly to the economy and environmental quality. While many recognize the necessity of providing wood products for residential and commercial use, forest management is rarely seen as an important tool for providing recreation, water and wildlife opportunities (BRPC, 1999).*

Sustainable harvesting practices serve to keep land in working forests by providing income and a tax offset while compatibly protecting the forested landscape of the Berkshire Plateau, as fostered by the Forest Legacy Program.

5. Recreation

Walking, hiking and skiing usually require trails for moving efficiently through the woods. Massachusetts offers thousands of miles, both on private and public lands. A conservative estimate from one regional study (National Park Service and Appalachian Mountain Club, 1991) reports that of 2,522 miles of Massachusetts trails documented from their survey, 586 miles (23 percent) occur on private lands. Because of the make-up of our landscape, the majority of these trail-miles would cross a forested landscape. About half of the trail-miles crossing these privately owned lands are permanently protected and allow legal access by the public; the other half permit access through informal verbal, handshake or license agreements (Evans, personal communication) (Campbell et al., 2000). Along the Westfield River's three branches, its tributaries, and other waterways, there are also numerous opportunities for canoeing, kayaking, swimming, and fishing at public access sites. The famed Appalachian Trail also bisects the western portion of the Berkshire Plateau, and provides an excellent opportunity for hiking.

As mentioned above, there are additional eligibility criteria that this FLA meets and which also represent a source of public benefits. The threat of conversion has been clearly demonstrated above, and the public would benefit from inclusion in the Forest Legacy Program as a means of abating the threat. By

providing private landowners with a means to protect their property, FLA designation would help preserve the forested landscape of the Berkshire Plateau. Further, this area represents an opportunity to continue traditional forest uses and preserve many associated values, including biological diversity, water quality, climate moderation, air quality, landscape character, recreation, and forest products.

Finally, because of the scale of the proposed FLA, most of the environmental benefits identified are ones that are bestowed on a regional scale. Additionally, the area emerged as containing some of the best forests in an assessment that reviewed forest ecosystems across an extensive geographic region that included parts of 12 states, and as such contains forests of regional importance.

F. Identification of Governmental Entities that May Hold Lands or Interests in Lands

As listed in Section C, there are myriad means by which the environmental and public benefits can be protected within the Berkshire Plateau FLA. Consistent with the state grant option, land or interests in land acquired under the Forest Legacy Program may be held by any appropriate public entity. Therefore, eligible entities are limited to units of municipal and state government or the U.S. Forest Service. Through management agreements the governmental interest holder may share management responsibility with other partners.

G. Documentation of the Public Involvement Process and Analysis of Issues Raised

Documentation of Public Involvement

There has been substantial outreach regarding this FLA proposal. Documentation of outreach materials and public response to the nomination can be seen in Appendix E. A list of the various meetings and other forms of public information exchange follows.

* On April 8, 2003 Rob Warren of the Massachusetts Chapter of The Nature Conservancy presented to the Massachusetts Forest Legacy Committee a preliminary proposal recommending that the *Forest Legacy Needs Assessment—Massachusetts* (Archey, 1993) be amended to include the Berkshire Plateau FLA, of which The Nature Conservancy would be sponsor. The Committee encouraged an expansion that would link the Yokun Ridge FLA to the west with the Connecticut Valley “Western Valley” FLA to the east and also recommended an expansion to the north. In communicating with other constituents in the Berkshire Plateau, however, it was found preferable to not connect the proposed FLA to the existing Yokun Ridge FLA. Furthermore, in additional conversations with administrators of the Forest Legacy Program, it was determined that an amendment would be preferable to an expansion (even though the proposed

Berkshire Plateau FLA partially shares a border with the Connecticut Valley (Western Valley) FLA). The Massachusetts Forest Legacy Committee's recommendation to expand the area northward was incorporated in a revised FLA boundary.

* On May 1, 2003 the proposal was presented and discussed at a public meeting of the Westfield River Wild and Scenic Advisory Committee. Attendees of this meeting represented a variety of conservation interests, including local land trusts, state-wide land trusts, the National Park Service, planning commissions, and the public at large (see agenda attached in Appendix E). The attendees expressed enthusiasm for the proposal and cited the advantages of securing additional funding to protect the important forest resources of the region. No specific suggestions for modification to the proposal were made.

* On May 2, 2003 letters were sent to the Boards of Selectmen and Conservation Commissions in each of the 33 towns that are entirely or partially within the proposed FLA (see mailing list in Appendix E). The purpose of this letter was to inform town officials of the Forest Legacy Program in general and this proposal more specifically, and to open dialogue regarding the details therein. Included within the letter was contact information for Warren Archey and Rob Warren; to date no suggestions for modifying the proposal have been made, although there have been a number of conversations to respond to questions and to clarify the program and this proposal.

* Also on May 2, 2003 letters were sent to a number of organizations and agencies with an interest in the Berkshire Plateau region. The purpose of this letter was again to inform these groups about the Forest Legacy program as well as this particular proposal to nominate the Berkshire Plateau as a FLA. Many have provided letters of support for this nomination.

* The offices of Congressman Olver, Senator Kennedy, and Senator Kerry were each briefed on the proposal to amend the Massachusetts Needs Assessment. Senator Kerry and Congressman Olver pledged letters of support, which have since been received and incorporated in the amendment.

* During the weeks of May 5 and 12, 2003 in a series of meetings Rob Warren and Frank Lowenstein of The Nature Conservancy met with individuals from the following groups and discussed the proposal: consulting foresters, environmentally active citizens, state foresters, land trusts, and a forest landowners cooperative. All voiced support for the proposal.

* On May 29, 2003 a draft amendment to the *Forest Legacy Assessment of Need—Massachusetts* was submitted for review and comment to the Massachusetts Forest Legacy Committee and to the Forest Legacy Program Manager for the Northeast region, Deirdre Raimo. Ms. Raimo responded with

comments regarding the proposal on July 15, 2003; the Amendment document was edited per her suggestions.

* On July 16, 2003 Tim Abbott of The Nature Conservancy presented information about the Forest Legacy Program and the Berkshire Plateau FLA proposal to the Town of Lenox Board of Selectmen, a body that later submitted a letter of support.

* In July & August, 2003, various media outlets were contacted and articles appeared in or aired on the following sources:

- * *Berkshire Advocate* – South
- * *Berkshire Eagle*
- * *Boston Globe*
- * *Conservation Across the Commonwealth* (TNC’s newsletter)
- * *Daily Hampshire Gazette*
- * *Highland Happenings* (TTOR’s Highland Community Initiative newsletter)
- * NPR News
- * New England Cable News
- * *Sentinel and Enterprise*
- * *Springfield Republican*

In addition to containing information about the Forest Legacy Program and Nomination, some of the media coverage also announced and summarized public meetings at which the proposal would be discussed.

* A final draft of the Berkshire Plateau FLA Amendment document was submitted to Mike Fleming, Massachusetts Forest Legacy Coordinator on October 9, 2003 for distribution to the Massachusetts Forest Legacy Committee.

Analysis of Issues Raised

Through an extensive outreach process, few issues have emerged. As mentioned above, an initial question that surfaced was whether the Berkshire Plateau FLA should be treated as an amendment or an expansion. If treated as an expansion, there was further consideration of whether the FLA would expand one existing FLA or perhaps connect the Yokun Ridge FLA and the Connecticut Valley “Western Valley” FLA. Through subsequent conversations with the Forest Legacy sponsor of the existing area; Deirdre Raimo, the Northeastern Area Forest Legacy Program Coordinator; and Rick Cooksey, National Director of the Forest Legacy Program; it was determined that an Amendment would be the most appropriate type of proposal to submit on behalf of the Berkshire Plateau FLA. Primary reasons included that this FLA’s goals may be slightly different from either of the established areas, as would the sponsor. In addition, the descriptions

of the other FLAs do not adequately characterize the outstanding resources of the Berkshire Plateau FLA.

Initially, maps were created that depicted boundary options for an area that was slightly restricted in scope versus a more expanded version. Both the Massachusetts Forest Legacy Committee and the Westfield River Wild and Scenic Advisory Committee preferred that the FLA boundary be more inclusive. Their recommendations were incorporated. General consensus allowed the boundary to be drawn early in the process and was drawn in a way that merged the technical requirements of the Forest Legacy Program with the ecological analysis of The Nature Conservancy and input from others.

There has been substantial public support and interest in participating in the program. To date, letters of support have been received from twelve towns (submitted by their Boards of Selectmen, Conservation Commissions, or both), eight conservation and forestry organizations, and four agencies or elected officials (Appendix D). Many others have verbally or in informal correspondence expressed enthusiasm for the proposal. Upon learning of efforts to designate this FLA, several individuals have inquired about the program and how they might get involved.

Media coverage of the Berkshire Plateau nomination has been widespread, including several outlets with large circulation as well as Internet postings. For example, an article appeared in the Boston *Sunday Globe*, which has a circulation of approximately 700,000.

The only criticism that the proposal received from the media was an editorial published in a regional periodical that serves part of the Berkshire Plateau (Berkshire *Eagle*). The editorial demonstrated confusion about what the program does and how it relates to designation of a National Forest. Two response letters were published that clarified the program and its benefits, including one jointly signed by The Nature Conservancy and Berkshire Natural Resources Council, sponsor of the Yokun Ridge and Taconic Range FLAs (Appendix D).

VI. Literature Cited

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VII. Appendices

A. Berkshire Plateau Range Legacy Area maps and Boundary Description

Figure 1 – Massachusetts Matrix Forest Blocks

Figure 2 – Proposed FLA Boundary with Matrix Forest Blocks

Figure 3 – Forest Density by Town (Archey, 1993)

Figure 4 – Protected Open Space/Public Access

Figure 5 – Forest Cover and Land Use

Figure 6 – Elevation Contours

Figure 7 – Wetlands

Figure 8 – Outstanding Resource Waters and Public Water Supply

Figure 9 – BioMap Data

Boundary Description

B. Forest Legacy Tract Evaluation Checklist

C. BNRC Newsletter – Scenic Mountains Act

D. Letters of Support

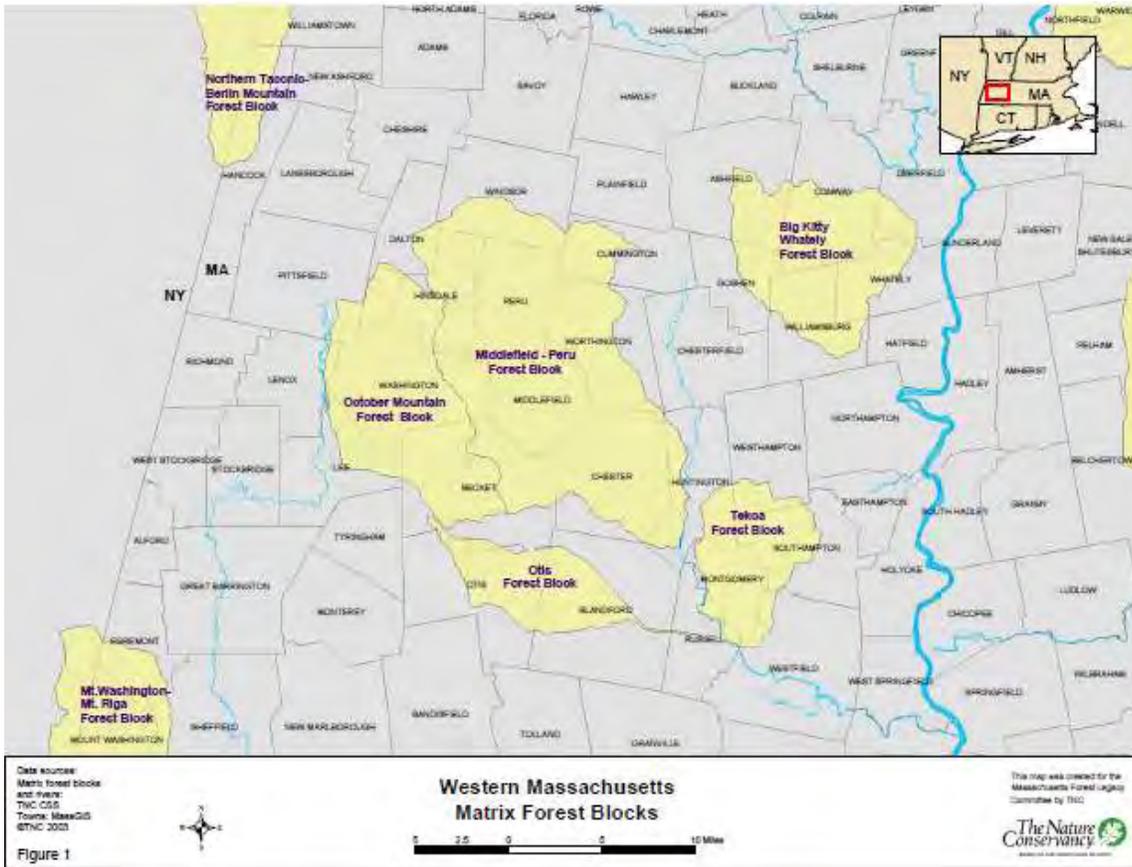
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- Congressman John Olver
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- Board of Selectmen, Town of Cummington
- Board of Selectmen, Town of Dalton
- Board of Selectmen, Town of Deerfield
- Board of Selectmen, Town of Lenox
- Board of Selectmen, Town of Whately
- Board of Selectmen and Conservation Commission,
Town of Williamsburg
- Conservation Commission, Town of Blandford
- Conservation Commission, Town of Huntington
- Conservation Commission, Town of Lanesborough
- Conservation Commission, Town of Savoy
- Conservation Commission, Town of Worthington
- The Hilltown Land Trust
- Massachusetts Department of Fisheries, Wildlife, and
Environmental Law Enforcement
- Massachusetts Division of Fisheries and Wildlife
- Massachusetts Executive Office of Environmental Affairs

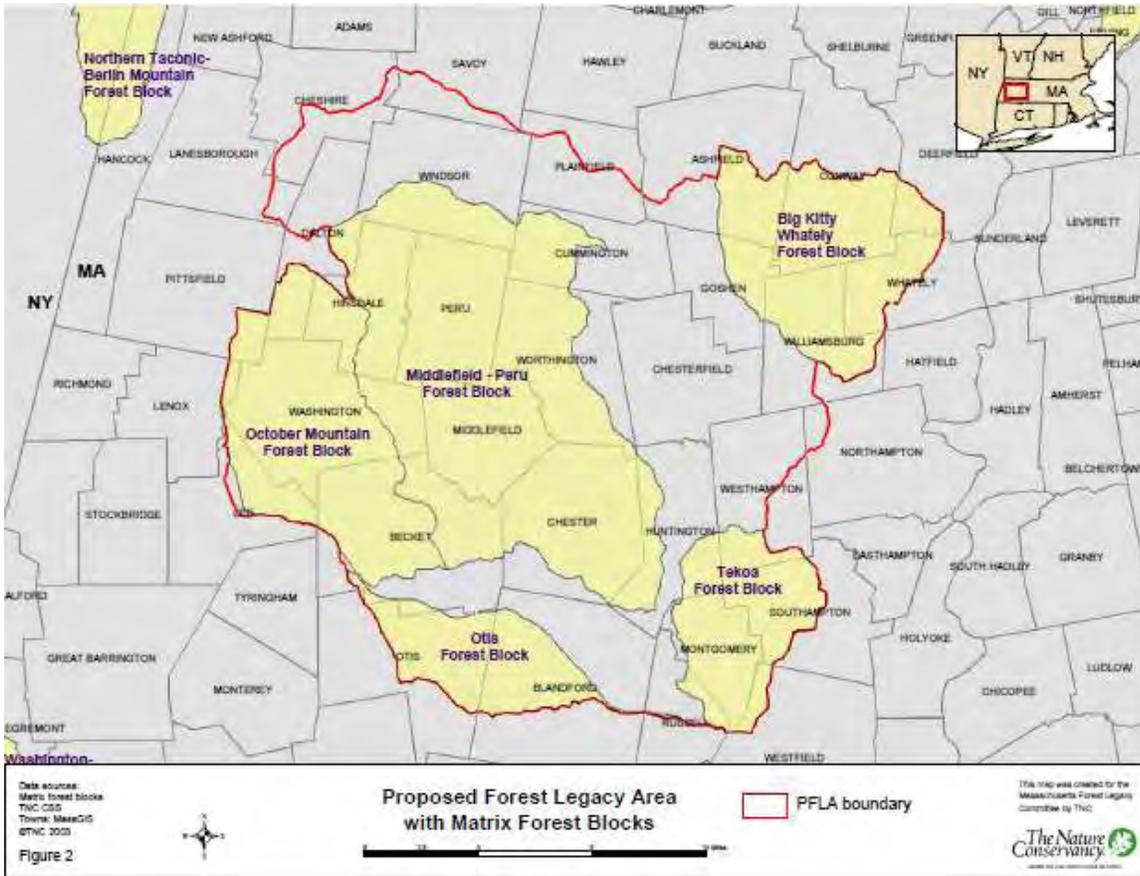
- Massachusetts Forest Stewardship Program
- Massachusetts Woodlands Cooperative
- New England Forestry Foundation
- Pioneer Valley Planning Commission
- The Nature Conservancy
- The Trustees of Reservations
- Westfield River Watershed Association
- Westfield River Wild & Scenic Advisory Committee

E. Public Involvement Process Documentation

- MA Forest Legacy Committee—minutes from April 8, 2003 meeting in which amendment was presented and approved
- Agenda from May 1, 2003 Westfield River Wild and Scenic Advisory Committee meeting
- Agenda from May 16, 2003 Town of Lenox Board of Selectmen
- Media Coverage—Announcements and Feature Articles
- Public Outreach Materials
- Sample Informational Letter
- Mailing List of Conservation and Forestry Interests
- Mailing List of Boards of Selectmen and Conservation Commissions of Towns within the Proposed Forest Legacy Area

Appendix A





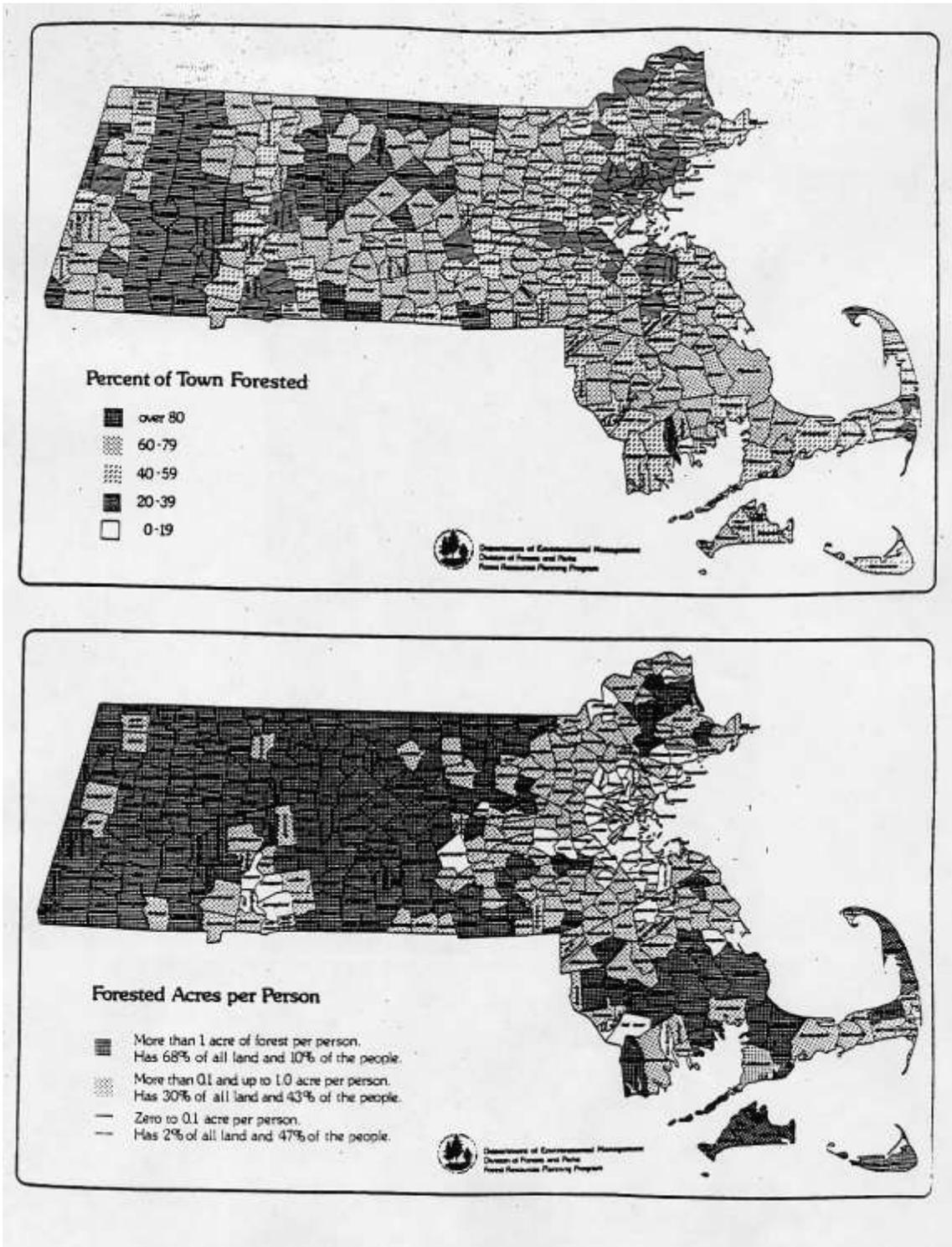
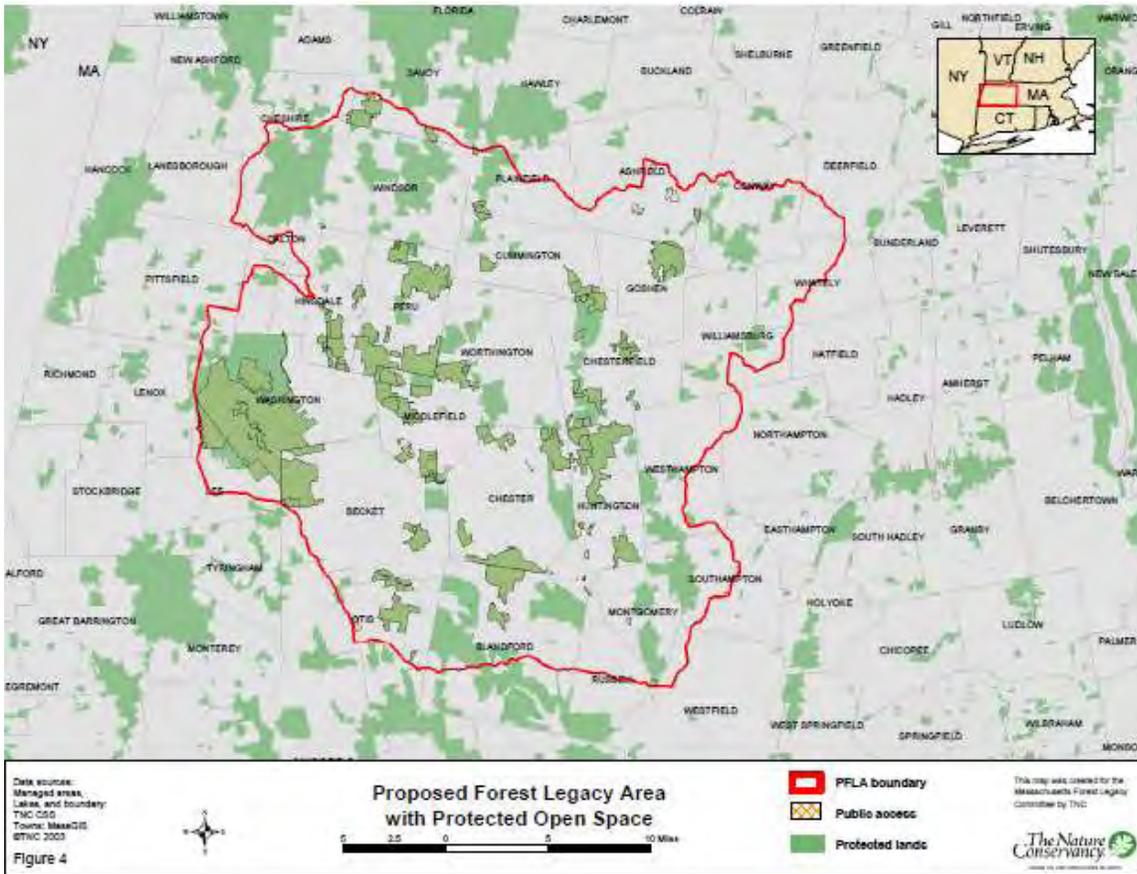
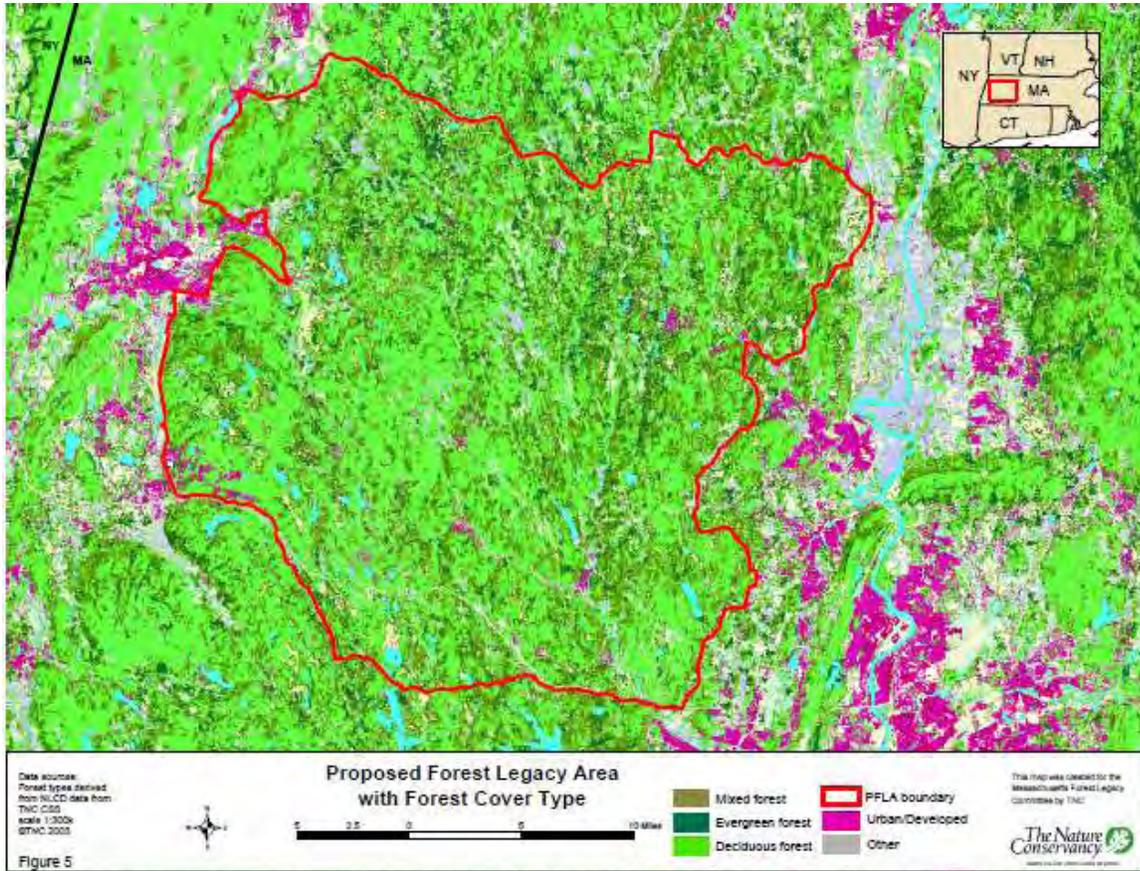
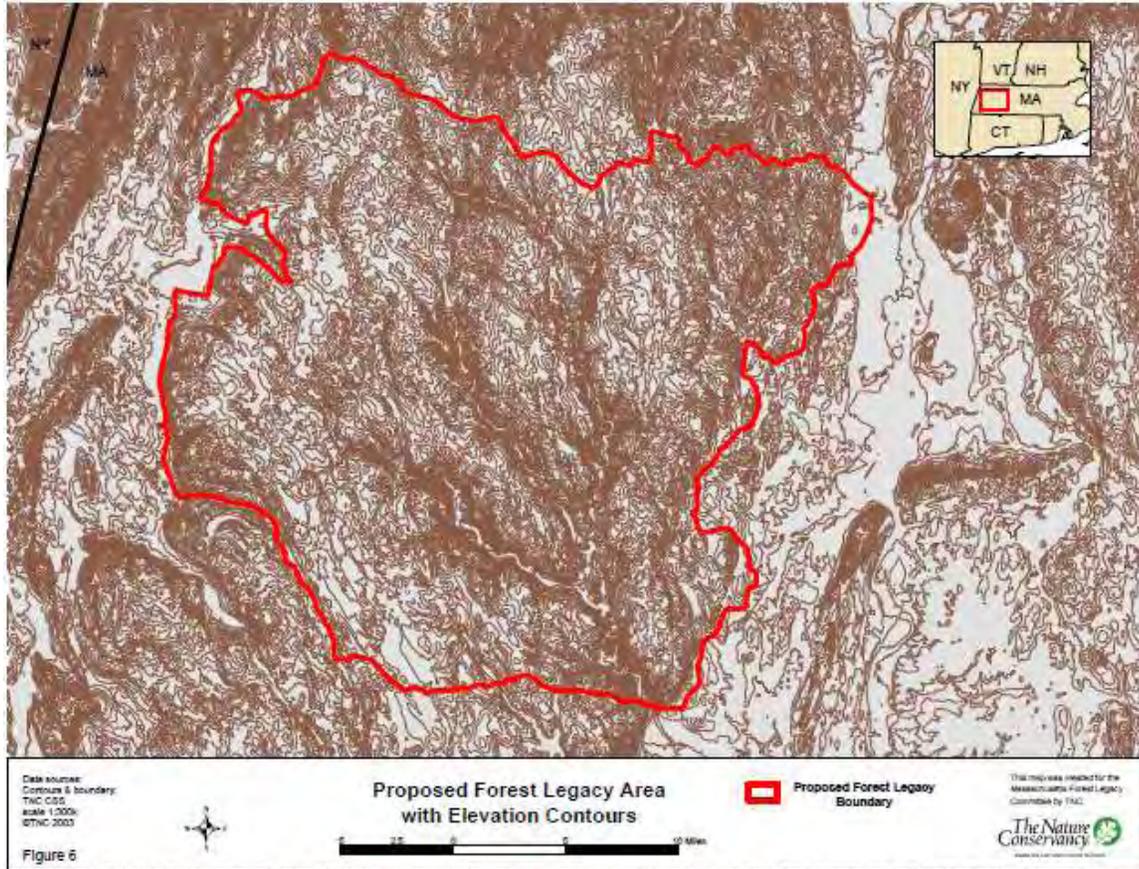
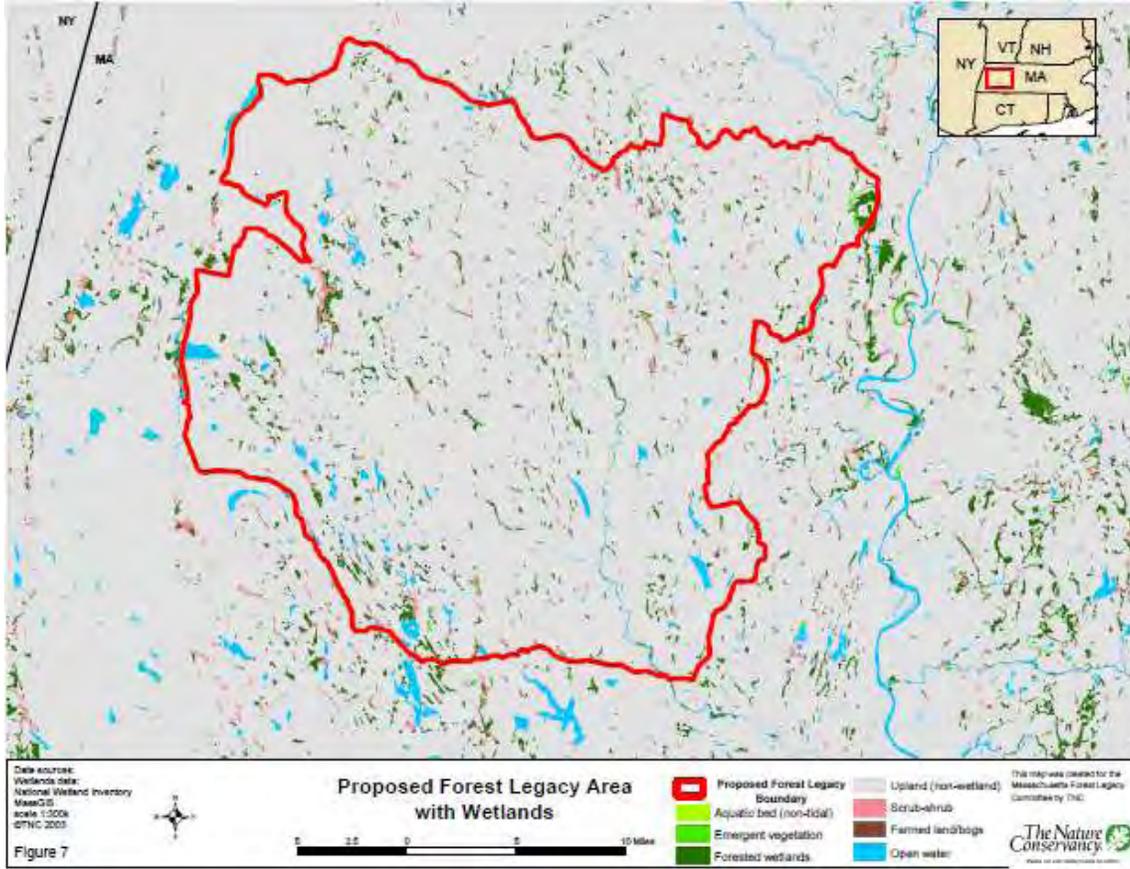


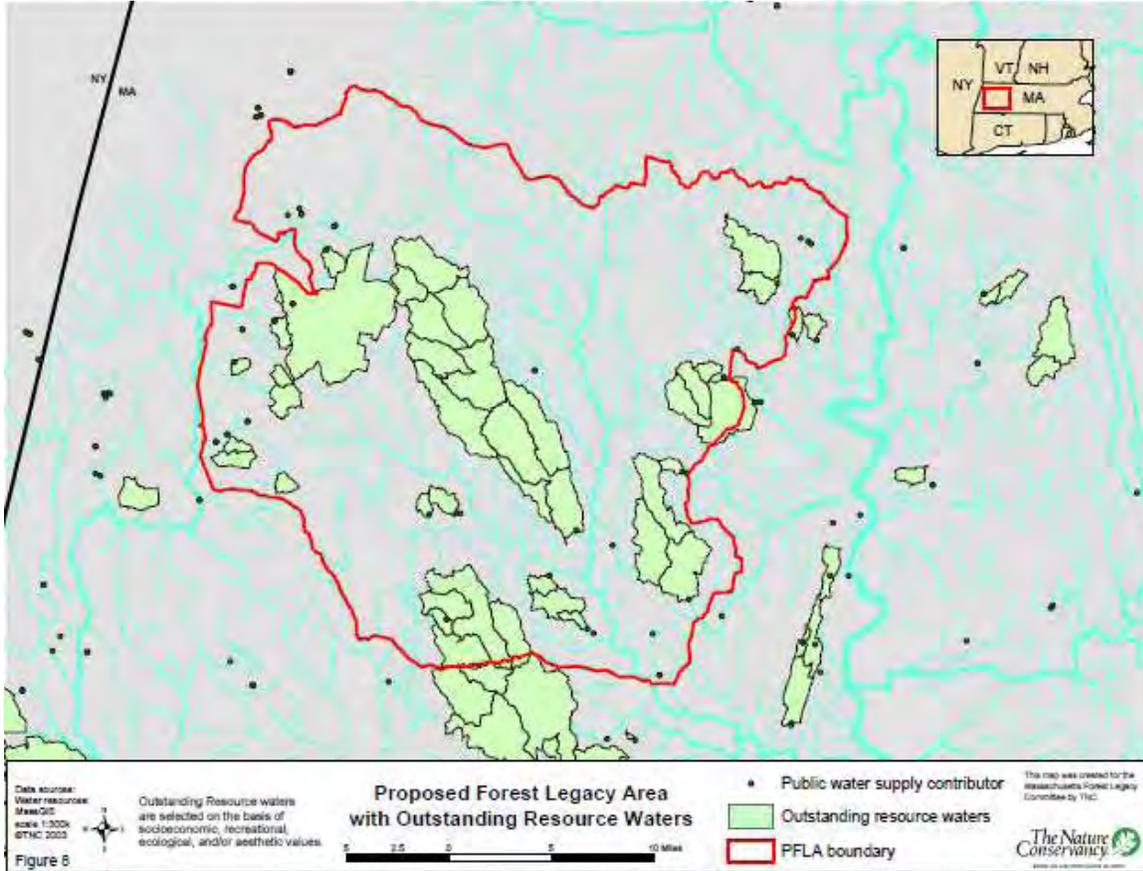
Figure 3.











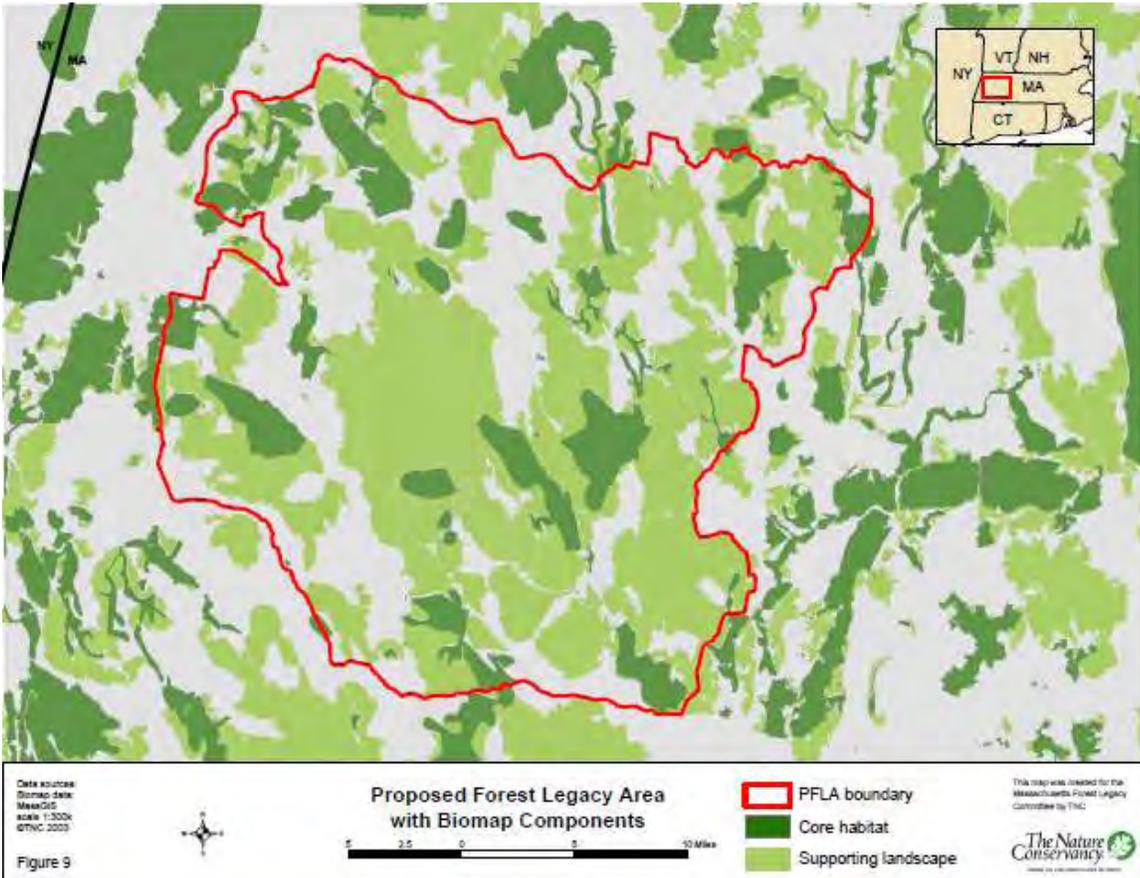


Figure 9

BOUNDARY DESCRIPTION: BERKSHIRE PLATEAU FOREST LEGACY AREA

Beginning in the Town of Hinsdale at the intersection of Route 8 and Route 143 on Route 8,

Thence northerly on Route 8, crossing into the Town of Dalton, to Orchard Road, a distance of 2.92 miles,

Thence northerly on Orchard Road to Route 8-A/9, a distance of .7 miles,

Thence westerly on Route 8-A/9 to Tower Road, a distance of .66 miles,

Thence northerly on Tower Road to Raymond Road, a distance of .07 miles,

Thence westerly on Raymond Road to Pleasant Street, a distance of .15 miles,

Thence southerly on Pleasant Street to Florence Street, a distance of .09 miles,

Thence westerly on Florence Street to Prospect Street, a distance of .10 miles,

Thence southerly on Prospect Street to Deming Street Extension, a distance of .06 miles,

Thence easterly on Deming Street Extension to Pleasant Street, a distance of .10 miles,

Thence southerly on Pleasant Street to High Street, a distance of .39 miles,

Thence westerly on High Street, passing through the Town of Pittsfield and continuing into the Town of Lanesborough, to Gulf Road, a distance of .72 miles,

Thence westerly on Gulf Road to Route 8, a distance of 1.81 miles,

Thence northerly on Route 8, crossing into the Town of Cheshire, to Church Street, a distance of 5.50 miles,

Thence easterly on Church Street to East Main Street, a distance of miles .57,

Thence easterly on East Main Street to Windsor Road, a distance of .69 miles,

Thence easterly on Windsor Road to Sand Road, a distance of 2.61 miles,

Thence northerly on Sand Road to Fales Road, a distance of .12 miles,

Thence northerly on Fales Road to Route 116, a distance of miles 1.05 miles,

Thence easterly on Route 116, crossing through the Towns of Savoy and Plainfield, and into the Town of Ashfield, to its junction with Route 112, a distance of 18.31 miles,

Thence northerly on Route 112/116 to its fork with Route 116, a distance of 2.12 miles, Ashfield, and Conway and into the Town of Deerfield

Thence easterly on Route 116, crossing through the Town of Conway and into the Town of Deerfield, to Interstate 91, a distance of 13.05 miles,

Thence southerly on Interstate 91, crossing into the Town of Whately, to Route 5, a distance of miles,

Thence southerly on Route 5 to Swamp Road, a distance of 1.20 miles,

Thence southerly on Swamp Road to Chestnut Plain Road, a distance of .63 miles,

Thence southerly on Chestnut Plain Road to Dickinson Hill Road, a distance of .36 miles,

Thence westerly on Dickinson Hill Road to Masterson Road, a distance of .79 miles,

Thence southerly on Masterson Road to Haydenville Road, a distance of .91 miles,

Thence southerly on Haydenville Road to the Whately-Williamsburg town line at Mountain Road, a distance of 1.80 miles,

Thence southerly on Mountain Road, along the shared border with the Holyoke Range Forest Legacy Area, to Mountain Street, a distance of .80 miles,

Thence southerly on Mountain Street to Hatfield Road, a distance of 1.94 miles,

Thence westerly on Hatfield Road to Route 9, a distance of .52 miles,

Thence westerly on Route 9 to South Street, a distance of 1.68 miles,
Thence southerly on South Street to the Williamsburg-Northampton town line at Audubon Road, a distance of 2.12 miles,
Thence southerly on Audubon Road to Kennedy Road, a distance of .26 miles,
Thence southerly on Kennedy Road to Chesterfield Road, a distance of 1.7 miles,
Thence westerly on Chesterfield Road to Montague Road, a distance of .67 miles,
Thence southerly on Montague Road, crossing into the Town of Westhampton, to North Road, a distance of 1.29 miles,
Thence southerly on North Road to South Road, a distance of 1.78 miles,
Thence southerly on South Road to Route 66, a distance of 1.36 miles,
Thence westerly on Route 66 to Edwards Road, a distance of .20 miles,
Thence southerly on Edwards Road to Laurel Hill Road, a distance of 1.09 miles,
Thence easterly on Laurel Hill Road to Southampton Road, a distance of 1.26 miles,
Thence southerly on Southampton Road to the Westhampton-Southampton town line and Cold Spring Road, a distance of .18 miles,
Thence southerly on Cold Spring Road to Rattle Hill Road, a distance of .72 miles,
Thence southerly on Rattle Hill Road to Wolcott Road, a distance of .92 miles,
Thence easterly on Wolcott Road to Pomeroy Meadow Road, a distance of .29 miles,
Thence southerly on Pomeroy Meadow Road to Route 10/College Highway, a distance of .54 miles,
Thence southerly on Route 10/College Highway to High Street, a distance of .16 miles,
Thence southerly on High Street to Fomer Road, a distance of 1.23 miles,
Thence westerly on Fomer Road to Russellville Road, a distance of .37 miles,
Thence southerly on Russellville Road, crossing into the Town of Westfield, to Montgomery Road, a distance of 3.52 miles,
Thence southerly on Montgomery Road to West Road, a distance of .92 miles,
Thence southerly on West Road to Interstate 90, a distance of 1.35 miles,
Thence westerly on Interstate 90, crossing into the Town of Russell, to Route 20, a distance of 1.18 miles,
Thence westerly on Route 20 to Interstate 90, a distance of .51 miles,
Thence westerly on Interstate 90 to Route 23, a distance of 1.57 miles,
Thence westerly on Route 23, crossing through the Town of Blandford and into the Town of Otis, to Route 8, a distance of 13.92 miles,
Thence northerly on Route 8, crossing into the Town of Becket to Route 20, a distance of 5.73 miles,
Thence westerly on Route 20 to Interstate 90, a distance of 3.80 miles,
Thence westerly on Interstate 90, crossing into the Town of Lee, to Maple Street, a distance of 1.95 miles,
Thence westerly on Maple Street to East Street, a distance of .36 miles,
Thence northerly on East Street to Bradley Street, a distance of 1.73 miles,
Thence northerly on Bradley Street to Woodland Road, a distance of .36 miles,
Thence northerly on Woodland Road to the Lee-Lenox town line at October Mountain Road, a distance of 2.87 miles,
Thence northerly on October Mountain Road, crossing into Pittsfield to New Lenox Road, a distance of 1.86 miles,

DRAFT

Thence northerly on New Lenox Road to William Street, a distance of 2.96 miles,
Thence easterly on William Street to Division Road, a distance of 1.47 miles,
Thence northerly on Division Road, along the Pittsfield-Dalton town line, to Pleasant View Drive, a distance of 1.40 miles,
Thence easterly on Pleasant View Drive to Gertrude Road, a distance of .18 miles,
Thence northerly on Gertrude Road to Greenridge Drive, a distance of .10 miles,
Thence easterly on Greenridge Drive to Edgemere Road, a distance of .07 miles,
Thence northerly on Edgemere Road to South Street, a distance of .13 miles,
Thence northerly on South Street to Grange Hall Road, a distance of .69 miles,
Thence easterly on Grange Hall Road to Robinson Road, a distance of 1.52 miles,
Thence easterly on Robinson Road to Curtis Street, a distance of 1.66 miles,
Thence easterly on Curtis Street to Main Street, a distance of .29 miles,
Thence southerly on Main Street to Maple Street, a distance of .06 miles,
Thence easterly on Maple Street to Route 8, a distance of .09 miles,
Thence northerly on Route 8 to the point of beginning, a distance of 2.91 miles.

DRAFT

Appendix B

Massachusetts Forest Legacy Area Evaluation Checklist

Area: _____
 Location: _____ Acres: _____

1. THREATENED BY CONVERSION TO NON-FOREST

	<i>parcels</i>			<i>entire Legacy area</i>
	<i>#1</i>	<i>#2</i>	<i>#3</i>	
<i>a. Type of threat</i>				
danger of conversion in less than 5 years				
wooded, but may become further fragmented				
currently on the open market/listed by realtors				
security of 1+ sites now will stem further developmt.				
remote, but frontage on town road w/good perc. rate				
not under Ch. 61 or other forest use provisions				
wooded, but danger of high-grading				
other				
SUBTOTAL				
<i>b. Factors affecting acquirability</i>				
owned by willing seller(s)				
owner(s) understands less-than-fee acquisitions				
25 % match available (town/state/land trust)				
may be available at below FMV (bargain)				
SUBTOTAL				

2. CONTAINS ONE OR MORE PUBLIC VALUES

<i>a. Scenic resource</i>				
in MA Landscape Inventory as "distinctive" or "noteworthy"				
locally imp. panoramic/shore views				
along designated scenic road				
SUBTOTAL				
<i>b. Public recreation opportunities</i>				
water-based recr: boat/swim/fish/raft/canoe				
trail-based/day use recr: hike/picnic/horseback ride/skate/x-c ski				
nat. res.-based recr: camp/hunt/nature tour				
adjacent land protected (note acreage)				
SUBTOTAL				
<i>c. Riparian/hydrologic resources</i>				
on major river/stream in DEM inventory or DFWELE Adopt-a-Stream				
extensive (over 300') river shoreline				
flood plain/ natural valley (groundwater storage/recharge)				
80' min. of trees/shrubs as natural buffer & sediment filter				
contributes to drinking water supply				
wetlands				
SUBTOTAL				
<i>d. Fish and wildlife habitat</i>				
outstanding habitat for one or more spp. that include:				
forest interior nesting birds				
signif. populations of resident spp.				
neo-tropical migrant spp.				
resting/feeding areas for migratory spp.				
forest inhabiting mamms./repts./amphibs./inverts.				
connective habitats: corridors/linkages/reduces biological isolation				
SUBTOTAL				

	<i>parcels</i>			<i>entire Legacy area</i>
	<i>#1</i>	<i>#2</i>	<i>#3</i>	
<i>e. Known threatened and endangered species</i>				
plant/animal spp. on MA state list as E.T or SpecialConcern				
federally listed plant/animal spp.				
connective habitats: corridors/linkages/reduces biological isolation				
SUBTOTAL				
<i>f. Known cultural resources</i>				
recorded archeological site				
historic features				
SUBTOTAL				
<i>g. Productive soils (US-SCS Techn. Guide)</i>				
productive agricultural soils				
productive forest soils				
SUBTOTAL				
<i>h. Geology/physiography</i>				
unique features: Holyoke Range, etc.				
mineral				
SUBTOTAL				
<i>i. Other ecological values</i>				
provides a complex of ecological communities (bio-diversity)				
includes contracting area of ecological communities				
has old-growth forest				
provides immediate watershed/water supply protection				
SUBTOTAL				
3. PROVIDE FOR TRADITIONAL FOREST USES				
continued sugarbush/cordwd/timber mgmt. under Stewardship Plan				
continued watershed/water filtration role				
continued outdoor recr. opport.				
SUBTOTAL				
4. REGIONAL VALUES				
linkages for recr., especially connecting public lands				
public access to boating/swimming				
public/private drinking water supply protection				
traditional scenic qualities				
SUBTOTAL				
5. OTHER PROGRAM CONSIDERATIONS				
public visibility				
public support				
first year cost				
five year cost				
parcels #1-#2-#3				
lead organization's ability to deliver				
GRAND TOTAL				

Appendix C



COMMUNITY RESOURCE DEVELOPMENT A MASSACHUSETTS HERITAGE

DEDICATED TO IMPROVING THE ECONOMIC, ENVIRONMENTAL,
NATURAL AND HUMAN RESOURCES IN MASSACHUSETTS COMMUNITIES.

Volume XI

December, 1974

Number 4

LANDMARK LEGISLATION — The Scenic Mountains Act

Warren E. Archey*

INTRODUCTION

The environmental protection of mountain regions, a long-overlooked part of the effort to preserve sensitive natural areas, is beginning to get the attention it deserves from the nation's lawmakers.

A milestone in this endeavor is Massachusetts' Berkshire Scenic Mountains Act of 1974. Going beyond land-use controls for mountains enacted by Palo Alto, California and Salt Lake City, Utah, the Massachusetts law is the first state legislation which takes into consideration the entire spectrum of interests served by regulating development in mountainous areas.

The act is directed toward several purposes, including the prevention of pollution and erosion and the preservation of natural scenic qualities. Specifically, the act, which was signed by Governor Francis Sargent on August 14, 1974, enables towns and cities in Berkshire County to designate mountain regions and adopt regulations for those regions in order to "protect watershed resources and preserve the scenic qualities of the environment."

Berkshire County legislators filed the original bill and, in its final form, it received their unanimous support. The law leaves to local governments the critical decision-making power. For instance, in deciding which areas to designate as protected mountain regions, they may take into consideration soil characteristics, elevation and slope.

The mountains affected by the legislation, the Berkshires, were created by natural forces 350 to 400 million years ago. Glaciation, occurring 10,000 to 12,000 years ago, gave them their contemporary shape. Man is new on the scene, geologically speaking, and even newer is his appreciation of mountain resources. This farsighted legislation, with percep-

tive and diligent implementation by local communities, can preserve this fragile landscape for future generations.

Chapter 842

THE COMMONWEALTH OF MASSACHUSETTS
In the Year One Thousand Nine Hundred and Seventy-Four

AN ACT REGULATING CERTAIN ACTIVITIES IN MOUNTAIN REGIONS OF BERKSHIRE COUNTY.

Whereas, The deemed operation of this act would tend to defeat its purpose which is to provide forthwith for the protection of mountain regions of Berkshire County, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

SECTION 1. Chapter 131 of the General Laws is hereby amended by inserting after section 39 the following section:

Section 39A. A city or town in the county of Berkshire which accepts the provisions of this section may designate its conservation commission or, if having none, the board of selectmen or a town or the mayor in a city, to carry out the provisions of this section. The designated agency shall adopt reasonable rules and regulations relative to the mountain regions situated within the territorial limits of such city or town, to protect watershed resources and preserve the natural scenic qualities of the environment. . . .

SECTION 2. This act shall take effect upon its passage.

HOUSE OF REPRESENTATIVES, AUG 2, 1974

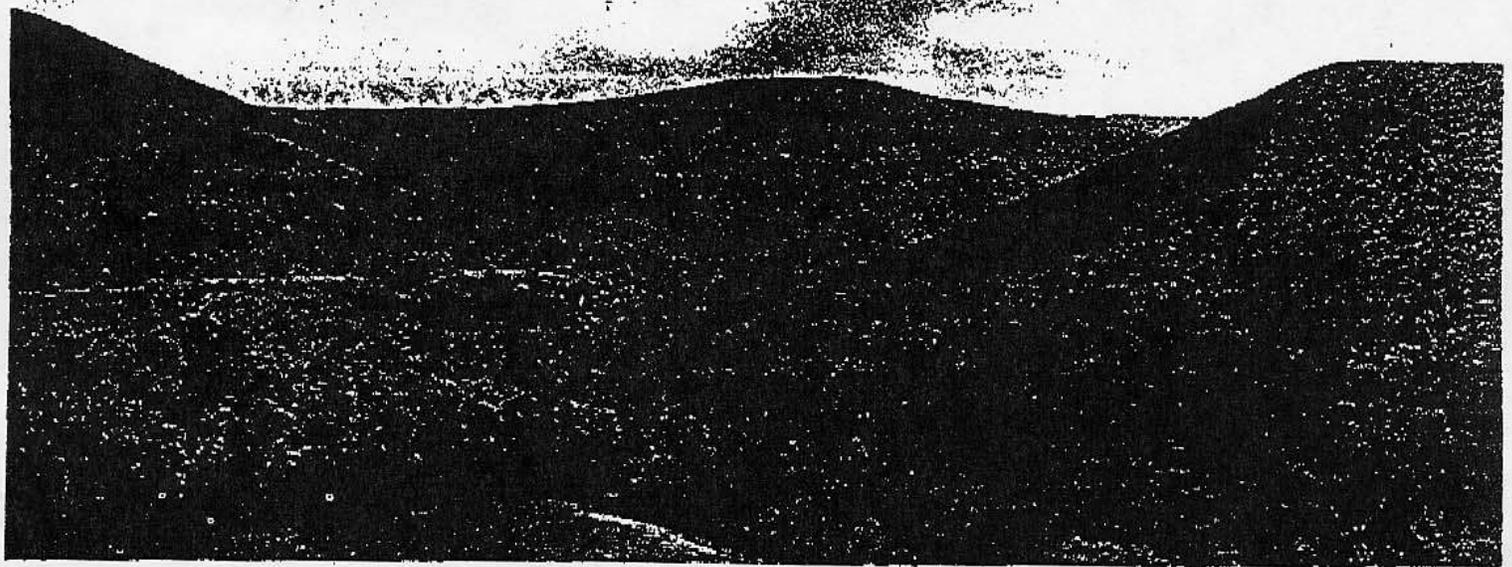
Bill passed to be enacted, *[Signature]* Speaker
of the House of Representatives

Bill passed to be enacted, *[Signature]* President
of the Senate

August 14, 1974
Approved by the Governor and 26 minutes, P.M.
[Signature] Governor



*Regional Community Resource Development Specialist
Berkshire County Extension Service
Pittsfield, Massachusetts



William H. Tague. Berkshire Eagle. Pittsfield, Massachusetts

THE ACT

This act, while restricted now to Berkshire County, has statewide, indeed national, implications for the future.

The law's origin goes back to late 1973 when the Berkshire Natural Resources Council (BNRC) hired an attorney, Natalie West, to draft legislation designed to protect Berkshire mountain regions. The executive director of the BNRC, George S. Wislocki, underscored the urgency of this undertaking at that time: "Mountain regions are critical to the overall fabric of life in this county. Wherever you look, there are mountains. But unless measures are taken, they will be exploited, particularly by second-home development."

Very simply, the act enables Berkshire County cities and towns to delineate their own mountain regions and then exercise control over their development. Development within these regions must be reviewed by a town's conservation commission at a public hearing. The commission can then place conditions on development in line with the wording of the law, to "... protect watershed resources and preserve the scenic qualities of the mountain regions."

Essential to the process of drafting legislation was an open meeting in early 1974 designed to measure public response to the provisions of the act. This meeting, co-sponsored by the BNRC and the Cooperative Extension Service, and held in Pittsfield, led to the redrafting of the legislation. In the words of Mr. Wislocki, the meeting "... was an exemplary exercise in participatory planning." More than 120 persons, many of them representatives of Berkshire County conservation commissions, were especially eager to see how the act could affect their individual towns.

The BNRC engineers, Robert G. Brown and Associates of Lee, Massachusetts, provided a map which showed those areas likely to be affected by the law. Since the act was designed to protect mountaintops, the rationale used was to determine the average elevation of towns within the six watersheds in the county, then to determine the "base elevation" above mean sea level for each of the watersheds.

These were as follows:

Farmington River Watershed	—	1500 feet
Housatonic	" "	— 1500 feet
Westfield	" "	— 1600 feet
Deerfield	" "	— 1700 feet
Hudson	" "	— 1700 feet
Hoosic	" "	— 1800 feet

A map depicting mountain regions based on the base elevations criteria is shown in Figure 1.

In many towns these base elevations were felt to be realistic by those attending the meeting, but in others, especially those in the eastern plateau area of the county, a literal application of the base elevations was found to encompass a very large percentage of the town's area. The act, by design, accommodates this problem by allowing a town flexibility in determining mountain region boundaries. The act states, "If the hearing authority (generally the conservation commission) determines that the regulations of certain areas which have elevations lower than the base elevation is necessary to accomplish the purposes of this section, the hearing authority may include those areas in the proposed mountain regions. If the hearing authority finds that regulation of certain areas above the base elevation would not accomplish the purposes of this section, the hearing authority may exempt those areas from the proposed mountain regions."

The base elevation provision in the act was the source of most of the contention at the meeting. This provision was changed to defuse the contention, but the base elevations are still retained in the act to give towns a framework reference or a starting point upon which to make refinements.

In April, 1974, the Joint Legislative Committee on Natural Resources and Agriculture held a hearing on the scenic mountains legislation. Mr. Frederick G. Crane, Jr., chairman of the BNRC and a member of the Commonwealth's Board of Natural Resources, made a persuasive case in support of

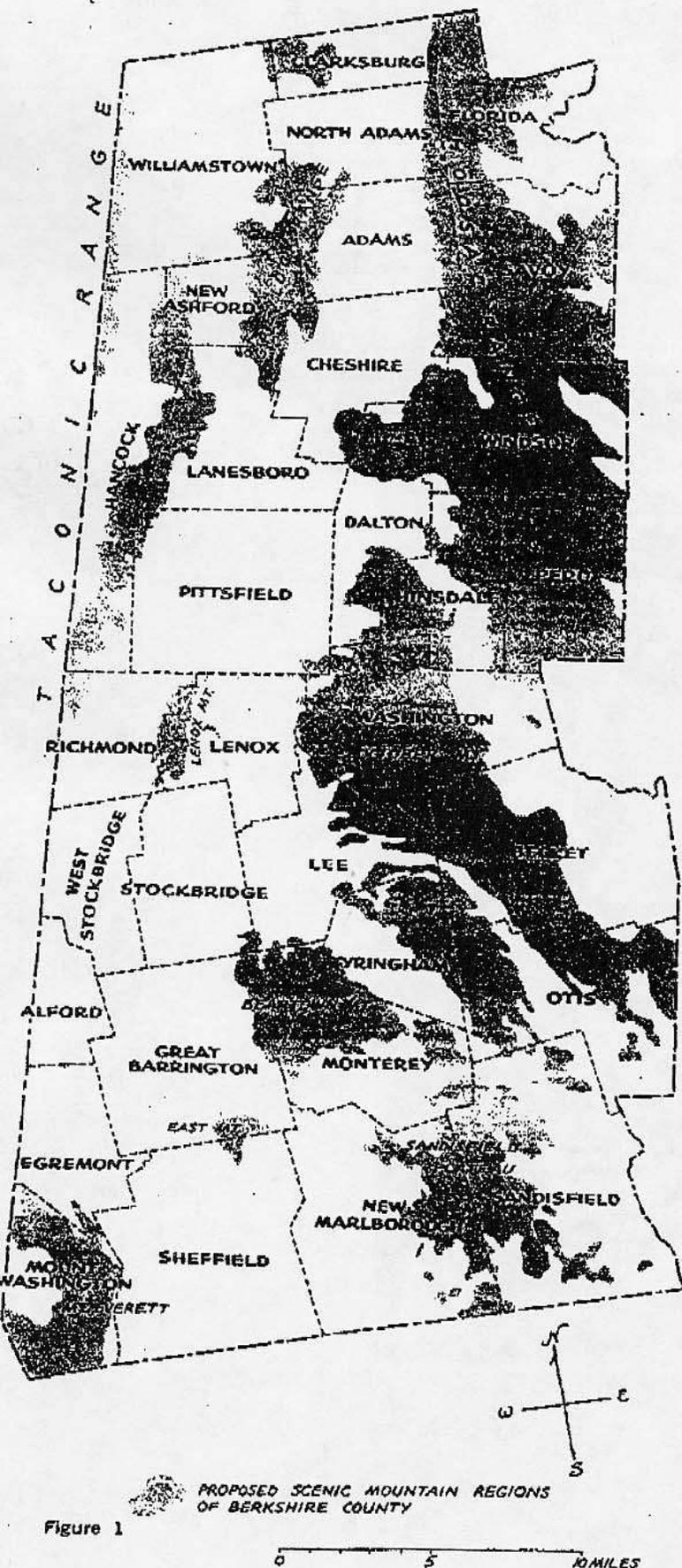


Figure 1

the bill. The following are excerpts from his statement, which stressed the need for protection of the mountains and outlined major provisions of the act:

"Let me begin by quoting a recent editorial from a Berkshire newspaper:

"The Scenic Mountain Act for Berkshire County is a concept that probably should have been conceived years ago. In recent years we have witnessed the ruin of our lakes by enthusiastic, greedy speculators. There is no reason why we should sit back and watch our mountain tops meet with a similar fate. (*Editorial from The Berkshire Courier, January 10, 1974*)

"In past years, most of the development in Berkshire County has taken place along the valley floors. Mountains have been inaccessible. Rocky soils and steep slopes make it difficult to build or grow anything in mountain regions. However, in recent years advances in building techniques have made it possible to perch a home high on a mountain slope, giving the homeowner a sweeping view of the valleys below. As lakeshore frontage is consumed by residential development, demand for second home sites will focus on highland areas. Industrial and residential expansion in the valleys is not possible without additional power, and the shortest path between two points often takes a utility powerline over a mountain. Radio towers and other communications apparatus threaten to clutter the Berkshire skyline.

"Activities which disturb the natural characteristics of mountainsides and mountaintops irreversibly change these environmentally sensitive areas. Excavation, construction, clearing and fill are visible for many miles. Destruction of the natural ground cover can result in severe erosion. Alteration of mountainsides increases the possibility of uncontrolled runoff. Steep, rocky slopes impede adequate sewage disposal. Aquifer recharge areas are usually located at elevations higher than the valley floors, and can be polluted by mountainside development.

"At present, most of the Berkshire mountainsides and mountaintops remain unspoiled and it's easy to enjoy our natural surroundings without considering the need to protect them. However, preserving the natural scenic qualities of the mountains requires careful evaluation of activities which would alter those regions. That old aphorism that cautions against putting off until tomorrow what you can do today has particular significance for the Berkshires: If we don't act to preserve our mountaintops today, we won't be able to act tomorrow. The scenic mountains bill provides a framework for immediate action to preserve the mountains of Berkshire County.

"The Berkshire Scenic Mountains Act would be a regulatory act, not a restrictive or confiscatory act. It would be an enabling act which allows each town in Berkshire County to choose whether or not that town wishes to protect its scenic mountains. Once a town has chosen to adopt the act, the conservation commission could impose conditions on any activity which would alter mountain regions of the municipality. If there is no conservation commission in the city or town, the mayor or board of selectmen would carry out the act.

"The conservation commission would identify important mountain regions in the community. Generally, any land which has an elevation higher than the 'base elevation'

would be considered a mountain region. The base elevation is the mean elevation of the watershed within which the activity is proposed, so the bill would protect approximately the top half of the watershed. In general, designating all areas above the base elevation as mountain regions will include watersheds for much of the county's water supply, many of the steep slopes which are subject to erosion, and highly visible areas of natural beauty. However, the bill provides that the hearing authority may include additional land at lower elevation or exempt land situated above the base elevation if necessary to accomplish the purposes of the act. This flexibility meets the needs of those towns which complain that protecting only the top half of their mountains is not going to protect enough area. On the other hand, certain towns may wish to exclude land situated above the base elevation. The provisions for exclusion are particularly important to those towns which are located in relatively high but flat areas of the county, such as Becket, and my own town of Dalton.

"The boundaries of mountain regions would be adopted by the city council in a city, or town meeting in a town. After the mountain regions have been established, any person who wishes to remove, fill, excavate or alter land in the region must file written notice of this proposed activity with the conservation commission. This requirement does not apply to existing structures, present uses of land, prior approved subdivisions, or land used for lumbering.

"After receiving notice from the applicant, the conservation commission will determine whether the proposed activity may permanently alter the mountain region. If so, the conservation commission will hold a public hearing; if not, the applicant will receive an order which allows him to begin his project.

"If a hearing is held, the conservation commission will consider the potential impact of the activity on the mountain region and may impose conditions to protect public or private water supply, to prevent erosion, to facilitate flood control, or preserve the natural scenic qualities of the mountain regions.

"The scenic mountains bill is the product of months of study and research by the BNRC and consultants hired by the council. It has been written to incorporate the suggestions of the residents in Berkshire County and throughout the Commonwealth."

IMPLEMENTATION OF THE ACT

To illustrate how the act will be implemented, a map depicting the proposed mountain regions of Lenox is shown in Figure 2. Included within the scenic mountains region are watershed lands which serve Lenox's public water supply (double-crosshatched). This map is preliminary only and was developed using the combined efforts of the BNRC, the Conservation Commission, the Planning Board, and the Town Counsel of Lenox.

Elevations were used as much as possible to define the mountain regions. Soil information was especially valuable in determining the boundaries. The Soil Conservation Service (SCS) *General Soils Report, Berkshire County, Massachusetts* was used for this purpose. (See Figure 3).

The criteria used to select boundaries were designed to

include watersheds serving public water supply, steep slopes, highly erosive, shallow soils and—as important as any other criterion—a popularly held belief that the boundaries did indeed define the "mountain region."

The soil survey showed 2 soil types (types 10 and 11 on Figure 3) which delineated shallow soils and steep slopes. The SCS defined general soil area 10 as "shallow to bedrock soils and deep, well drained and moderately well drained, stony soils, with hardpans, on uplands with slopes greater than 15 percent." General soil area 11 is defined as "shallow to bedrock soils and deep, well drained and moderately well drained, stony soils, with hardpans on uplands with slopes less than 15 percent."

In an effort to obtain further information concerning the use of soil data, the Pittsfield SCS office was contacted. Richard Scanu, soil scientist with SCS explained that "generally in Lenox, soil area 10 included steep slopes which were shallow to bedrock and highly erosive (especially so, on the steepest slopes). In this soil area there are some inclusions of deeper soils, but these have a hardpan which restricts vertical movement of water. Soil area 11," he said, "had the same problems except that soils were not as steep. Both of these soil areas are severely limiting in terms of intensive development and should be avoided."

With this information in hand, the group chose 1250—1400 feet as the elevation criterion for the Taconic Range. Again, the specific contour used in any given area depended on the soil conditions encountered (according to the soil survey), the presence of a watershed serving a public water supply, and whether the area could reasonably be determined mountainous. The Taconic Range is in the west part of town and is locally known as Lenox Mountain. On the east side of Lenox the elevation selected was 1100—1200 feet. Here again the contour line delineated areas having steep slopes and shallow soils. This area included October Mountain and is, incidentally, part of the southern extension of the Green Mountains.

THE FUTURE

For the further implementation of the act, model regulations are being drafted now by the BNRC for use by Berkshire towns. Funds were made available for this purpose by the Boston based *Fund for the Preservation of Wildlife and Natural Areas*. These are expected to be available in late March and again, the public forum will be used to incorporate conservation commission ideas into the final version.

The act itself may be in for a slight overhaul soon. Mr. Wislocki has proposed minor amendments which will be acted on in the next legislative session. The most needed amendments though, according to Mr. George Darey, Lenox Conservation Commission chairman, concern the requirement of a two-thirds vote at town meetings and the placing of utilities on the exempted list. He sees a simple majority requirement as more reasonable and favors inclusion of "utilities' mountain activities" within the jurisdiction of the act.

The Berkshires are a unique visual asset to the Commonwealth, so unique in fact, that the visual amenities can be translated into economic benefits. This is especially true when one considers that each tourism season in the Berkshires, summer, fall and winter, is based to a greater or

sser degree on the mountains. As many have said before,
"good ecology is good economics."

This act recognizes the sensitive nature of mountain land-
scapes with their steep slopes, shallow and highly erosive
soils, fragile vegetative communities, watershed values, and
aesthetic qualities. With luck, local political authorities galvan-
ed by individual initiative, will consider the act a welcome
addition to the meager arsenal of protective devices available
for conservation in Massachusetts.

Copies of the Scenic Mountains Act, implementation guidelines
and the regulations (pending) may be obtained from George
S. Wislocki, Executive Director, Berkshire Natural Resources
Council, 8 Bank Row, Pittsfield, Ma. 01201.

Correction: Vol. XI, September, 1974, No. 3, pg. 2 . . . the
Caratunk Wildlife Refuge at Seekonk owned by Massachusetts
Audubon Society should read: . . . the Caratunk Wildlife Re-
fuge at Seekonk owned by The Caratunk Wildlife Trust and
managed and operated by The Audubon Society of Rhode
Island.

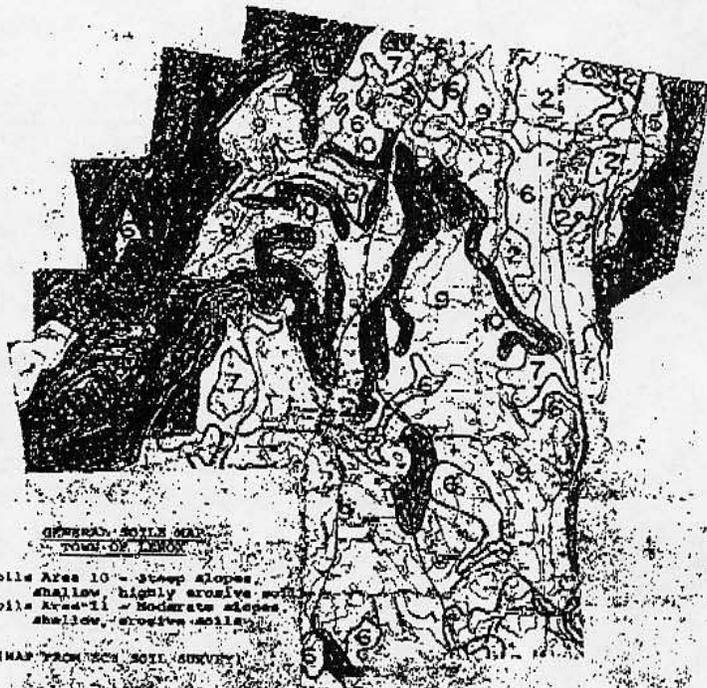


Figure 3

Editorial Board: Regional Community Resource Development Spe-
cialists: Arnold C. Lane, Cape Cod Extension Service, Deeds and
Probate Building, Railroad Avenue, Barnstable 02630; Warren E.
Archey and Dick L. Boyce, Berkshire County Extension Service,
46 Summer Street, Pittsfield 01201; Pardon W. Cornell, Bristol
County Agricultural High School, Center Street, Segreganset
02773; Ralph H. Goodno, Essex Agricultural and Technical In-
stitute, 562 Maple Street, Hawthorne 01937; H. Peter Wood,
Franklin County Extension Service, Court House, 425 Main St.,
Greenfield 01301; Christos C. Mpelkas, Norfolk County Agri-

cultural High School, 460 Main Street, Walpole 02081; Michael
V. Sikora, Plymouth County Extension Service, High Street, Han-
son 02341; Lewis A. Hodgkinson and Frederick B. Glebel,
Worcester County Extension Service, 36 Harvard Street, Worces-
ter 01608 and Regional Community Resource Development
Agents Thaddeus J. Kuczewski, Bristol County Agricultural High
School, Center Street, Segreganset 02773 and James T. Williams,
Middlesex County Extension Service, 105 Everett Street, Concord
01742; John H. Noyes, Department of Forestry and Wildlife
Management, Univ. of Massachusetts, Amherst 01002, Editor.

Issued by the Cooperative Extension Service, A. A. Spielman, director, in furtherance of the Acts of May 8 and June 30, 1914;
University of Massachusetts, United States Department of Agriculture and County Extension Services cooperating.
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Cooperative Extension Service
University of Massachusetts
Amherst, Massachusetts 01002
A. A. Spielman
Director

Cooperative Agricultural Extension work
Acts of May 8 and June 30, 1914

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THE MASSACHUSETTS HERITAGE—DECEMBER, 1974

Direct inquiries to: Cooperative Extension Service,
Holdsworth Natural Resources Center, University of Massachusetts, Amherst, Mass. 01002

Appendix D

Massachusetts Chapter

205 Portland Street, Suite 400
Boston, MA 02114-1708
617.227.7017/Voice • 617.227.7688/Fax

Mr. Warren Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

July 3, 2003

Dear Mr. Archey:

As the sponsoring organization of this amendment proposal, The Nature Conservancy strongly supports the designation of a Berkshire Plateau Forest Legacy Area.

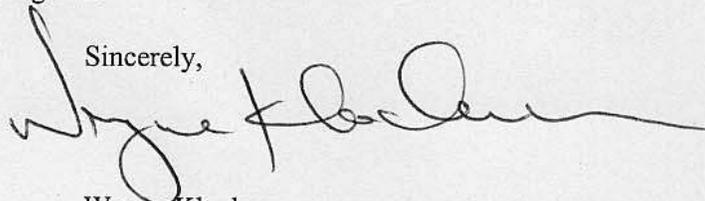
Cooperating with our neighboring states and many partners, the Massachusetts Chapter of The Nature Conservancy has been engaged in a scientific planning exercise that has ranked regional forest resources. Within the Lower New England/Northern Piedmont ecoregion—an area that stretches from Maryland to Maine and comprises parts of 12 states, TNC identified several large forest blocks ("matrix forests") on the Berkshire Plateau as being among the highest priorities for conservation. These blocks represent the highest quality and least fragmented areas of their kind in the Northeast, and thereby represent biodiversity of global significance.

By definition, these matrix forests are large forested areas that, if protected and allowed to regain their natural condition, will maintain ecological processes and provide habitat necessary to support many natural communities and species populations—especially those that require interior forest conditions. We feel fortunate that in Massachusetts we have a second chance to conserve our forested landscape; many of the species that occurred in our state's original forests have returned now that our forests have regrown. The Nature Conservancy will be working with partner organizations and agencies to develop innovative strategies to ensure that the biodiversity of these forested areas is conserved for future generations.

The Nature Conservancy is an international non-profit conservation organization whose mission is to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Designation of a Forest Legacy Area could bolster the protection of these most expansive forest resources in Massachusetts by transfusing efforts with an additional (and critically needed) source of funding. The Forest Legacy Program could help towns, foresters, and conservation organizations identify and protect those parcels that are most threatened by conversion to non-forest uses and that are most germane to the healthy, functioning forest ecosystem.

On the whole, the Berkshire Plateau provides a critical opportunity to conduct broad-based biodiversity conservation, and the Forest Legacy Program could promote land protection activities that would help abate the threats to these remarkable resources. The Nature Conservancy enthusiastically supports the designation of this Forest Legacy Area that encompasses so many of the resources highlighted as key criteria and values for the Forest Legacy Program.

Sincerely,



Wayne Klockner
Director, Massachusetts Chapter

JOHN KERRY
MASSACHUSETTS

United States Senate
WASHINGTON, DC 20510-2102

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(617) 565-8519

August 27, 2003

The Honorable Ann M. Veneman
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

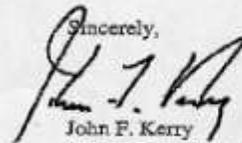
Dear Secretary Veneman:

I write regarding the possible designation of the Berkshire Plateau as a Forest Legacy Area.

The Nature Conservancy discovered during its ecoregional planning process that the Berkshire Plateau was one of the most intact forest ecosystems across a ten-state region. In order to protect the Plateau, the Nature Conservancy seeks to designate the area as a Forest Legacy Area that will help to ensure the protection of water supplies and to sustain the forest economy.

The Forest Legacy Program was created to preserve and protect forests to ensure that they would not be exploited or converted to non-forest use. The Berkshire Plateau's designation as a Forest Legacy Area would ensure its long-term integrity and would allow for the continuation of traditional forest uses in the Plateau.

I respectfully request that you give the Nature Conservancy's nomination full and fair consideration. Thank you.

Sincerely,

John F. Kerry
United States Senator

JFK/mfh

PHOTO: JOHN F. KERRY © 2003 BY JEFFREY M. HARRIS
WWW.PHOTOGRAPHY.COM
PRINTED ON RECYCLED PAPER

JOHN W. OLVER
1ST DISTRICT, MASSACHUSETTS

COMMITTEE
APPROPRIATIONS

SUBCOMMITTEE
TRANSPORTATION AND TREASURY
Revenue Matters
INTERIOR

ASSISTANT WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-2101

PLEASE REPLY TO:

□ 1027 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2101
(202) 225-6335
(202) 225-1324 FAX

□ DISTRICT OFFICE:
57 BAYVIEW STREET
SUITE 310
MILWAUKEE, MA 01940
(413) 532-7070
(413) 532-6643 FAX

□ CONG. FEDERAL BUILDING
78 CENTER STREET
PITTSFIELD, MA 01201
(413) 442-0848
(413) 442-2792 FAX

□ 403 MAIN STREET
PITTSFIELD, MA 01420
(413) 342-6722
(413) 342-8154 FAX

August 19, 2003

Bill Rivers, Region 4
DECR Bureau of Forest Development
Division of Forests and Parks
P.O. Box 1433
Pittsfield, MA 01202

Dear Bill:

I have reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forest land enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

In fiscally difficult times, this designation could provide a much-needed infusion of funding to protect the forest resources of the Commonwealth. As a member of the House Appropriations Interior subcommittee, I am confident that the Forest Legacy Program is an important tool in conserving the region's forest resources while maintaining private ownership.

I strongly support the designation of the Berkshire Plateau Forest Legacy Program as a means of protecting the qualities of this special place. I appreciate your full and fair consideration of this application.

Sincerely,

John W. Olver
Member of Congress

JWO/rs

PRINTED ON RECYCLED PAPER



OFFICE OF
SELECTMEN
ASHFIELD, MASSACHUSETTS

Warren E. Archey
C/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey,

The Ashfield Select Board has reviewed and supports the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving the ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership, and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area. We look forward to working with you this worthy project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thom Gray".

Thom Gray,
Select Board Chair



Town of Blandford
Massachusetts

CONSERVATION
COMMISSION

Rob Warren
Director of Land Protection
The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

August 7, 2003

Dear Mr. Warren,

After an extensive review of the Forest Legacy Program and the proposed designation of the Berkshire Plateau, we would like to add our support to the program.

As you have identified during the research process, the proposed area contains large tracts of uninterrupted forest land, the protection of which is valuable on several levels. In Blandford, a considerable amount of the proposed area overlaps with drinking-water supply watershed lands, and contains core and supporting habitat areas listed by the Natural Heritage and Endangered Species Program.

Our Commission has been dedicated to doing our best to protect our natural resources, and actively investigate options which will further our long-term goals for the preservation of the area. Last year we rejected a proposal from the State because it proposed *lessening* protection on approximately 13,000 acres of currently restricted watershed land by requiring that all new lands or conservation restrictions paid for with public funding be available to general public access regardless of site specifics and without performing species inventories or impact studies - what we coined a "one-size-fits-all" environmental policy.

We subscribe to the view put forth in *Saving Nature's Legacy* (Noss, Cooperider; Island Press; 1994) that it makes sense to maintain a gradient of access with the most remote and biodiverse areas receiving the least use, with increasing access allowed further from these areas and closer to already developed areas. Ideally these core areas would be allowed to return to a state resembling old growth forest, which attracts species simply not found in younger successional forests (Noss, Cooperider).

We have two State Forests partially in Blandford which provide the typical "weekend warrior" types of uses such as camping, hunting and ATV riding. We hope that the Forest Legacy Program will allow us to work within our community to preserve some open space for wildlife and passive human activities relating to the appreciation of nature, such as hiking and bird-watching.

A revision of our Open Space Plan is nearing completion which will recommend certain priority areas to be maintained as wildlife sanctuaries with limited access. As development continues and pressure increases on remaining open space, we need to strike a sensible balance between public use and the protection of natural resources. The Forest Legacy Program will hopefully be an invaluable tool in helping to maintain this balance, while protecting valuable forest land, watershed land and wildlife habitat. We enthusiastically lend our support to the program.

We thank the program's sponsors for their ongoing interest and dedication to environmental issues, for recognizing the features which make the Berkshire Plateau special and worthy of conservation, and for giving us an opportunity to be part of such a valuable venture.

DRAFT

Sincerely Yours,

Blandford Conservation Commission,
August 7, 2003

Rosemary Arnold, Chair

Chuck Benson

John Caswell

Laura Scalise

Robin Stevens

Pete Sutherland

The image shows four handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: Rosemary Arnold (in cursive), Robin Starzara (in cursive), James P. Sutherland (in cursive), and John Caswell (in cursive).

DRAFT



TOWN OF CUMMINGTON

33 Main Street
P.O. Box 128
Cummington, MA 01026
tel. (413) 634-5354 • (413) 634-5568 fax

June 23, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston MA 02114

Dear Mr. Archey,

The Board of Selectmen of Cummington, Massachusetts wishes to record its support for designation of a Berkshire Plateau Forest Legacy Area, to include the Town of Cummington. We understand that establishment of the Federally-authorized Forest Legacy Area would allow nominations for protection of certain key forested tracts in our region, so that where a nomination was funded by Congress, landowners desiring to establish Conservation Easements could receive financial help with surveying, appraisal and legal costs. We see this program as a potential tool for conserving ecological integrity, protecting water supplies, sustaining the forest economy, and maintaining rural character here in the Berkshires.

Sincerely,

James A. Drawe

Michael Holden

Russell L. Sears III, Chair



TOWN OF DALTON

Town Hall
462 Main Street
Dalton, MA 01226-1601

Telephone (413) 684-6111

Fax (413) 684-6107

ANIMAL CONTROL/HEALTH AGENT, Ext. 28
BOARD OF ASSESSORS, Ext. 21
BOARD OF APPEALS, Ext. 29
INSPECTION SERVICES, Ext. 27 or 29
PLANNING BOARD, Ext. 29
TREASURER, Ext. 18

TOWN MANAGER, Ext. 12
TOWN ACCOUNTANT, Ext. 17
TOWN CLERK/REGISTRAR, Ext. 15
TOWN COLLECTOR, Ext. 25
SELECT BOARD, Ext. 11
OTHER BOARDS, Ext. 11

June 12, 2003

Warren E. Archey
C/O The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey:

We have reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

This proposal supports our goals by conserving ecological integrity of this region.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership and we enthusiastically

Warren E. Archey

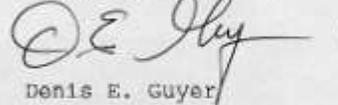
2

June 12, 2003

support the designation of the Berkshire Plateau Forest
Legacy Area.

Sincerely,

Dalton Select Board



Denis E. Guyer
Chairman

DEG/djm



BOARD OF SELECTMEN

TOWN OFFICE BUILDING
50, DEERFIELD, MASSACHUSETTS 01373

July 11, 2003

Mr. Warren E. Archey
C/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey:

The Board of Selectmen of the Town of Deerfield has reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

The Board feels that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership, and the Board supports the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

Mark E. Gilmore
Chair, Board of Selectmen



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

May 19, 2003

Dear Mr. Archey,

The Division has reviewed TNC's proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance, and the Division supports the TNC proposal.

The Division has been actively involved in land acquisition efforts in this region for some time. Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

I do want to stress that a big part of maintaining rural character is maintaining public access to these extensive forestlands. Public recreation, including regulated hunting and fishing, is essential to both the cultural and the ecological character of the Berkshire Plateau. I know that TNC has supported these values in the past, and I look forward to their continued support in this new effort.

The Forest Legacy Program has become an important tool in conserving the region's forest resources while maintaining private ownership, and the Division enthusiastically supports the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

Wayne F. MacCallum
Director

www.masswildlife.com

Division of Fisheries and Wildlife
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (508) 792-7271
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement



Commonwealth of Massachusetts
**Department of Fisheries, Wildlife &
Environmental Law Enforcement**
251 Causeway Street, Suite 400
Boston, Massachusetts 02114
(617) 626-1500
fax (617) 626-1505



June 20, 2003

Rob Warren, Director of Land Protection
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Re: Designation of Berkshire Plateau as a Forest Legacy Area

Dear Mr. Warren:

I have reviewed the proposal to designate the Berkshire Plateau Forest Legacy Area and have discussed the same with the open space protection professionals in my agency's habitat protection program. Our review clearly demonstrates to us the great merit of this proposal and I am pleased to offer the strong support of the newly named Massachusetts Department of Fish and Game for designating the Berkshire Plateau as a Forest Legacy Area.

The Berkshire Plateau contains outstanding natural resources that deserve protection. The Plateau is a relatively unfragmented forest area with a minimum of roads and development. Such a large intact forest ecosystem is very rare in Massachusetts and needs to be preserved. The Plateau area contains habitats for 39-state listed and 2 federally-listed rare species along with excellent fish and wildlife habitats and exemplary natural communities. In addition, the Plateau encompasses many high-quality cold-water streams that support native reproducing trout populations and includes much of the watershed of the Westfield River, a prime target for restoration of the Atlantic salmon. These resources provide significant opportunities for outdoor recreational activities such as hunting, fishing, nature observation, hiking along the Appalachian and the many other trails, as well as scientific studies of the ecosystems in this area.

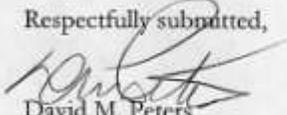
An Agency of the Executive Office of Environmental Affairs
Ellen Roy Herzfelder, *Secretary*



The permanent protection of the resources of the Berkshire Plateau before they are lost to development is very important and the designation of the Plateau as a Forest Legacy area will greatly assist this protection. For the past 15 years, the Department has been very active in protecting lands in the Berkshire Plateau. Several of the Department's High Priority Focus Areas are located in this area and the Department has protected tens of thousands of acres there. However, 70% of the land in the Berkshire Plateau remains unprotected and thus much land protection work remains to be done.

Unfortunately, the current state budget deficit may significantly reduce the amount of money available to the Department for land protection in the next several years. The funding provided by the Forest Legacy Program should provide an important supplement to land protection efforts in the Berkshire Plateau area which is very much needed.

For the above reasons, the Department strongly supports the designation of the Berkshire Plateau as a Forest Legacy Area and we hope that the Forest Legacy Program will approve this proposal.

Respectfully submitted,

David M. Peters,
Commissioner



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
251 Causeway Street, Suite 900
Boston, MA 02114-2119

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER
SECRETARY

Tel. (617) 626-1000
Fax (617) 626-1181
<http://www.mass.gov/envir>

September 16, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey,

The Executive Office of Environmental Affairs (EOEA) supports the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving the ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. This Forest Legacy Area designation will bring increased opportunities for the conservation of these values.

EOEA's mission is to preserve and protect the natural resources of Massachusetts. As the creation of the Berkshire Plateau Forest Legacy Area would be an important tool in conserving the forest resources of the Berkshire Plateau region, EOEA enthusiastically supports the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

Robert O'Connor
Director of Land and Forest Policy

The Hilltown Land Trust

Established 1986

P.O. Box 251 Chesterfield, Mass. 01012

May 21, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey,

We have reviewed in general terms and enthusiastically support the proposal of The Nature Conservancy to designate a Berkshire Plateau Forest Legacy Area. This area includes extensive forest resources of statewide significance as well as all or portions of the nine Hilltowns in Western Hampshire County in which we work.

Identification and protection of key forested tracts within the proposed boundary could help prevent their conversion to non-forest uses, while, at the same time, preserving private ownership. In addition to conserving ecological integrity for this area, tracts of forest enhance rural character, provide protection for water supplies, sustain the local working forest economies and support diverse wildlife habitats. Designation as a Forest Legacy area would help support all of these values.

We are an all-volunteer land trust working to support these same values in a significant portion of the proposed Forest Legacy Area. The Forest Legacy Program could be an important tool for forest preservation in this part of Western Massachusetts. And this would be a landmark use of that program.

Sincerely,



Wilmot R. Hastings, President

*Working to conserve the farms, forestland and other natural resources of
Chesterfield Cummington Goshen Huntington Middlefield Plainfield Westhampton Williamsburg Worthington*



Conservation Commission

TOWN OF HUNTINGTON

HUNTINGTON, MASSACHUSETTS

May 23, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey,

I am writing for myself and the other members of the Huntington Conservation Commission. We have reviewed and we support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving the ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

As Conservation Commissioners, we are very concerned with the preservation of open space and the protection of natural resources. We have been actively involved in the establishment of conservation restrictions on property in our town, and we welcome the opportunity to facilitate more of that kind of protection.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership, and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

Susan McIntosh
Susan McIntosh
Chairperson



Commonwealth of Massachusetts
Town of Lanesborough

MAY 15 2003

Newton Memorial Town Hall
Post Office Box 1492
Lanesborough, MA 01237
Tel. (413) 442-1167
FAX 443-5811

OFFICE OF THE CONSERVATION COMMISSION

May 12, 2003

Warren E. Archery
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archery:

The Lanesborough Conservation Commission has reviewed, and supports, the proposal to designate a Berkshire Plateau Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

This proposal supports the efforts of the Lanesborough Conservation Commission to conserve open space. The Conservation Commission has met resistance to creating an Open Space Plan for the town and is seeking alternative ways and outside programs to preserve areas for their specific value. Inclusion in this program will help to protect the natural beauty of our town and preserve its individual character. Combining the area preserved by the creation of a Berkshire Plateau Forest Legacy Area with other protected areas of our town will insure that future generations will enjoy the landscape and lifestyle that is uniquely "Berkshire".

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

for the Lanesborough
Conservation Commission

TOWN OF LENOX
MASSACHUSETTS

BOARD OF SELECTMEN

TIMOTHY C. DOHERTY, CHAIRMAN
ROBERT T. AKROYD, CLERK
TERRENCE F. FIELD
JANET HETHERWICK PUMPHREY
KIMBERLY REOPELL FLYNN



TOWN HALL - 6 WALKER STREET
LENOX, MA 01240
PHONE: 413 / 637-5500
FAX: 413 / 637-5518
WWW.TOWNOFLENOX.COM

August 8, 2003

Mr. Rob Warren
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

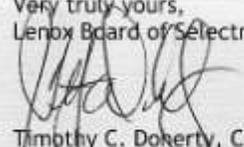
Dear Mr. Warren:

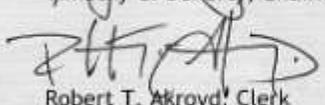
We have reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership, and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Very truly yours,
Lenox Board of Selectmen


Timothy C. Doherty, Chairman


Robert T. Akroyd, Clerk

md



Massachusetts Forest Stewardship Program

433 West Street Amherst, MA 01002
phone: 413-256-1201 FAX: 413-253-5542

a program of DEM-Division of Forests and Parks, with funds from USDA-Forest Service



Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

August 15, 2003

Dear Mr. Archey,

I have reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance and has been identified by the Forest Stewardship Program as a priority area for Program outreach and for supporting Stewardship activity.

The Forest Stewardship Program promotes and supports long term sustainable forest management by non-industrial forest landowners across Massachusetts. Designating the Berkshire Plateau Forest Legacy Area will create further incentives for landowners involved in the Forest Stewardship Program by opening the door for them to permanently protect their woodlands.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

I feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership and I enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

Steve Anderson, Coordinator
Forest Stewardship Program

in cooperation with

Mass. Association of Professional Foresters - Mass. State Forestry Committee - Mass. Forestry Assoc. - Mass. Woodlands Cooperative
Mass. Wood Producers Assoc. - Mass. Tree Farm Committee - Mass. Christmas Tree Assoc. - Mass. Maple Producers Assoc.
The Trustees of Reservations - New England Forestry Foundation - Berkshire-Pioneer RC&D - Pilgrim RC&D
Mass. Division of Fisheries & Wildlife - Mass. Assoc. of Conservation Districts - Mass. Commission on Soil, Water & Related Resources
UMass Extension-University of Mass./Amherst - USDA-Natural Resources Conservation Services - USDA-Farm Service Agency



Massachusetts
Woodlands
Cooperative

May 16, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey,

The Massachusetts Woodlands Cooperative (MWC) enthusiastically supports the proposal to designate the Berkshire Plateau as a Forest Legacy Area.

MWC is a forest landowner management, processing and marketing cooperative that was organized by and on behalf of forest landowners in western Massachusetts. The mission of the cooperative is to maintain the environment and character of western Massachusetts through the protection, enhancement and economic development of one of the region's most plentiful resources, the forest. MWC is an FSC (Forest Stewardship Council) green certified organization that promotes sustainable forestry and preserves the working forest landscapes for future generations. In the process, the Cooperative will protect wetlands, enhance wildlife habitat, reverse the practice of high grading timber, invigorate the local economy and provide educational programs for its members and the general public. The Cooperative currently has 25 members who collectively manage over 3000 acres of forest land. Over the next five years, the Cooperative will gradually increase its membership to around 150 members with over 20,000 acres of forest land.

The Forest Legacy program will identify and protect important forest land within the proposed area boundaries, prevent their development and conversion to non-forest uses and preserve the benefits that forests provide. In addition to conserving the ecological integrity of this remarkable region, tracts of forestland will enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain the rural character of this area. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

The Cooperative believes that the Forest Legacy Program will serve as an important conservation measure for the region's forest resources while maintaining private ownership, and we are very supportive of this effort to designate the Berkshire Plateau as a Forest Legacy Area.

Sincerely,


Arthur W. Eve, President
Massachusetts Woodlands Cooperative

P.O. Box 9660

North Amherst, MA

01039-9660

masswoodlands.coop



**New England
Forestry Foundation**

*Private Forests for the Public Good
Conserving New England's forests for over 50 years*

June 6, 2003

Mr. Rob Warren
Director of Land Protection
The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114-1708

Dear Rob:

The New England Forestry Foundation has reviewed and supports The Nature Conservancy's proposal to designate a Berkshire Plateau Forest Legacy Area. NEFF believes that the Forest Legacy Program can be a useful tool for private landowners and their partner conservation organizations to protect forest resources.

It is clear that TNC has conducted a careful planning analysis of the forest resource and natural habitats in this region to propose a legacy area with such specificity. NEFF would recommend that the Legacy Boundary area be expanded to coincide with municipal boundaries as it will be very difficult to determine on the ground if particular parcels will fall within a Legacy area with such irregular boundaries. Expanding the Legacy area will also offer more landowners the option of considering the Forest Legacy Program for their property - leading, over time, to more conservation opportunities and conserved land.

Two of NEFF's demonstration community forests are located in the proposed Legacy Area, the 276-acre Rice Sanctuary in Peru and the 114-acre Welz-Roberts Forest in Windsor. Using Forest Legacy as a tool to expand on existing protected lands, state, municipal and private would be of ongoing interest to NEFF.

NEFF stands ready as a willing partner with TNC in the implementation of the proposed Legacy Area and individual projects. Please let me know how we can be of assistance.

Sincerely,

Tim Storrow
Deputy Director

/ts

P.O. Box 27 • 450 West River Street • Orange, Massachusetts 01364-0027
Tel. (978) 544-1526 • Fax (978) 544-1528
ncff@neforestry.org • www.neforestry.org

cc: Cynthia Wood, Director of Community Forest Programs, NEFF
Whit Beals, Associate Director of Land Protection, NEFF
Bob O'Connor, EOE



Timothy W. Brennan, Executive Director
26 Central Street, West Springfield
Massachusetts 01089-2787
Tel: (413) 781-6045
Fax: (413) 732-2593
www.pvpc.org

May 9, 2003

Mr. Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey:

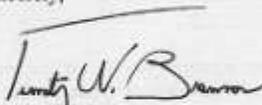
On behalf of the Pioneer Valley Planning Commission (PVPC), I am writing in support of the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest, wildlife, and recreational resources of regional and statewide significance that will benefit from additional funding.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in doing so would preserve the benefits that woodlands provide. In addition to conserving the ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and help to maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

The PVPC, the regional planning agency that plans for 43 communities in Hampden and Hampshire counties including much of the proposed Forest Legacy Area, is the regional planning body for the Pioneer Valley region of Western Massachusetts. PVPC is one of thirteen regional planning agencies in Massachusetts charged with serving member communities and assuring sound use of natural resources. The agency represents a consortium of 43 local governments that have banded together under the provisions of state law to address problems and opportunities that are regional in scope. PVPC serves in an advisory capacity to member communities and to private business groups, performing research and analysis on a wide range of planning areas.

We are convinced that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,


Timothy W. Brennan
Executive Director


Chris Curtis
Principal Planner





Town of Savoy
Massachusetts 01256

720 Main Road
Tel. # 413-743-4290
Fax. # 413-743-4292
Email: slibrary@rnetworx.com

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

May 19, 2003

Dear Mr. Archey,

The Savoy Conservation Commission fully supports the proposal to designate a Berkshire Plateau Forest Legacy Area. It would offer an opportunity for protecting an important ecological area within the town.

The area under consideration for designated within Savoy includes Drowned Land Brook, an important and sensitive wetland area. The National Heritage & Endangered Species Program developed a BioMap, funded by the Massachusetts Executive Office of Environmental Affairs, in which the wetland is recognized as a core habitat area. These areas exemplify biodiverse habitats with the greatest need for conservation.

The town's recently updated Open Space & Recreation Plan identified this southern area of Savoy as being an important wildlife corridor. The extensive tracts of land and diverse habitat make it an important ecological feature. Surrounding residential development poses a tremendous threat to this unique area. Protection of these key forested areas would not only contribute to the viability of the plant and animal species but, would also serve to minimize the effect of development on the watershed and the potential for public health risks associated with septic system contamination.

Forests provide a wide range of public services including recreation, watershed protection, carbon storage, as well as many others. These forests help to maintain the local rural character and ecological health of the area. Loss and fragmentation of the forests directly affects the services they provide. Protection of this important natural resource is vital to these continued services.

The goal of the Open Space and Recreation Plan, endorsed by the residents, town officials, and the conservation commission, to protect all natural resources supporting the health and infrastructure of Savoy would be enhanced by the designation of the Berkshire Plateau Forest Legacy. The Savoy Conservation Commission is very pleased to hear about this proposal for our community.

Sincerely,

A handwritten signature in dark ink that reads "Debra A. Kaczowski".

Debra A. Kaczowski
Savoy Conservation Commission Chairperson



May 15, 2003

Mr. Warren E. Archey
 c/o The Nature Conservancy
 205 Portland Street, Suite 400
 Boston, MA 02114

Dear Mr. Archey:

We have reviewed and support the proposal to designate a **Berkshire Plateau Forest Legacy Area**. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving the ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation of a Forest Legacy Area will bring increased opportunities for the conservation of these values.

The Trustees' work in protecting the special resources of this region dates back to 1906, when we acquired the first of six reservations, now totaling almost 4,000 acres, within the proposed area. In recent years we have been particularly active working with partners to protect the hillfarm landscape of Cummington and Worthington, and in designing a program of ecologically responsible management and public use of our extensive holdings in Windsor. Two years ago, The Trustees launched the Highland Communities Initiative, a program to encourage land conservation and community preservation in the Highlands region, which includes virtually all of the proposed Legacy Area.

We believe that the Forest Legacy Program would be an important tool in conserving the region's forest resources while maintaining private ownership, and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,


 Andrew W. Kendall
 Executive Director

STANDING COMMITTEE

- Ellen M. Surkin
Chair
- James Hunt
President
- Peter H. Creighton
Vice President
- Mary Waters Shepley
Vice President
- F. Sydney Smithers IV
Secretary
- Charles F. Kane, Jr.
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- Raymond J. Kinney, Jr.
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- Peter E. Madam
- Virginia Murray
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- Julia O'Brien
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- Daniel Pierce
- George Pisman
- Henry S. Reeder
- Robert C. Seaman, Jr.
- Ronald Skates
- Norton Q. Stone
- Caroline Standley
- Peter C. Thompson
- R. Angus West
- Jane Wykoff

EXECUTIVE DIRECTOR
 Andrew W. Kendall



OFFICE OF THE
BOARD OF SELECTMEN

TOWN OF WHATELY MASSACHUSETTS 01093

Center School Offices
218 Chestnut Plain Road
P. O. Box 181
Whately, MA 01093

Phone: 413-665-4400
Fax: 413-665-9560

Warren Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

July 24, 2003

Dear Mr. Archey,

We have reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

We understand that identification and protection of key forested tracts within the proposed are boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits woodlands provide, as well as enhancing scenic views, sustaining the forest economy, and maintaining rural character.

In Whately's case, protection for water supplies in the region is an aspect of the Legacy program that is particularly vital, as we are currently reviewing our own protection plan, in light of increasing development pressures in Franklin County.

We feel that the Forest legacy program could be an important tool in conserving the region's forest resources while maintaining private ownership and we support the designation of the Berkshire Plateau Legacy Area.

Sincerely,

Richard E. Smith, Chairman

Alan E. Sanderson, Jr.

Harlan R. Bean



Commonwealth of Massachusetts
Town of Williamsburg

141 Main Street, P. O. Box 447
Haydenville, Massachusetts 01039-0447

Tel: (413) 268-8400

Fax: (413) 268-8409

May 13, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey:

We have reviewed and support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

Eric P. Cerreta
Chairman, Board of Selectmen

David A. Haskell
Board of Selectmen

Christopher S. Morris
Board of Selectmen

William Turner
Conservation Commission Chair
Tree Warden

Paul Jahnlige
Woodlands Trails Committee
Open Space and Recreation Committee

The Town of Williamsburg is an Equal Opportunity Employer.

02
May 29, 2003

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

Dear Mr. Archey:

The Worthington Conservation Commission has reviewed and we support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance.

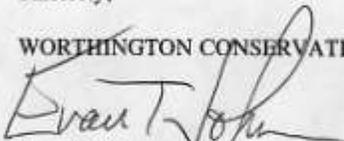
Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve the benefits that woodlands provide to our community. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

As a local Conservation Commission with limited funding, this proposal supports our goals preserving land while conserving our financial and environmental resources.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership and we enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

WORTHINGTON CONSERVATION COMMISSION



Evan T. Johnson, P.E.

F:\000\02\LTR\Archey-ETJ.doc



WESTFIELD RIVER WATERSHED ASSOCIATION, INC.

P.O. BOX 1764, WESTFIELD, MA 01086-1764 • TEL: (413) 532-7290

Warren E. Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

21 May, 2003

Dear Mr. Archey,

On behalf of the Board of Directors of the Westfield River Watershed Association, I am writing to express our strong support for the designation of a Berkshire Plateau Forest Legacy Area.

WRWA was founded a half-century ago with the goals of protecting and improving the natural resources of the Watershed, as well as expanding recreational and other land use opportunities for people's enjoyment and for sound ecology. Our Watershed, which includes a substantial fraction of the proposed Berkshire Plateau Forest Legacy Area, contains several of the largest unsegmented forest blocks left in Massachusetts. Preservation of those blocks will help to maintain the ecological integrity of the region, to protect public water supplies, to support anadromous fish restoration projects, and to preserve the region's scenic views.

We feel that the Forest Legacy Program could be an effective tool for encouraging private landowners in the region to make commitments to keep their lands forested. We believe that such commitments will benefit the public good and help to preserve the region's character. We enthusiastically support the designation of a Berkshire Plateau Forest Legacy Area and The Nature Conservancy's participation in the program as a Forest Legacy sponsor.

Sincerely,

Michael A. Young
Michael A. Young
President, WRWA

WESTFIELD RIVER WILD & SCENIC ADVISORY COMMITTEE
P.O. BOX 397 HUNTINGTON, MA 01050

Members:

Becket
Mercedes Gallagher

Chester
Bob Thompson

Chesterfield
Matt Barron

Cummington
Audrey Marcoux
Nancy Childs (alt)

Huntington
Jeff Penn
Ed Grabowski

Middlefield
Carl Lafreniere

Savoy
Debbie Kaczowski

Washington
Doug Poland, Vice-chair
Georgette Keator (alt)

Windsor
Jim Caffrey, Chair

Worthington
Diane Wells

*Commonwealth of
Massachusetts*
Joan Kimball
Mike Parker (alt)

National Park Service
Liz Mikulecky Lacy
Jamie Fosburgh (alt)

*Pioneer Valley
Planning Commission*
Chris Curtis

The Trustees of Reservations
Jocelyn Forbush
Jim Caffrey (alt)

*Westfield River
Watershed Association*
Dan Call
Mason Maronn (alt)

Warren Archey
C/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

May 23, 2003

Dear Mr. Archey,

On behalf of the Westfield River Wild & Scenic Advisory Committee (WRW&SAC), I am writing to support the proposal to designate a Berkshire Plateau Forest Legacy Area. This area contains extensive forest resources of statewide significance, provides habitat for 39 state-listed species and 2 federally-listed species, buffers critical aquatic resources and represent significant opportunities for continued recreational and economic uses.

Identification and protection of key forested tracts within the proposed area boundary would help prevent their conversion to non-forest uses, and in so doing would preserve benefits that these woodlands provide. In addition to conserving ecological integrity of this remarkable region, tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

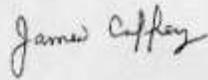
The proposed Berkshire Plateau contains a significant portion of the Westfield River, in which 43 miles is federally designated National Wild & Scenic River with an additional 38.4 miles proposed for an expanded designation. The WRW&SAC was established as an advisory group to jointly manage the Wild & Scenic Westfield River. The Committee is made up of representatives from the towns of Becket, Chester, Chesterfield, Cummington, Huntington, Middlefield, Savoy, Washington, Windsor, and Worthington, as well as the Commonwealth of Massachusetts, the National Park Service, Pioneer Valley Planning Commission, The Trustees of Reservations, and the Westfield River Watershed Association.

This proposal supports our goals by protecting the unique scenic qualities, environment and water quality of the Westfield River and its

corridor. The Forest Legacy Program will help enhance and maintain the corridor's cultural, recreation and economic vitality. The program will help conserve the resources of the Westfield River through voluntary private conservation actions. In addition, the program will help maintain and improve fisheries and wildlife habitat to ensure the continued public enjoyment of wildlife viewing, hunting and fishing.

We feel that the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership. We enthusiastically support the designation of the Berkshire Plateau Forest Legacy Area.

Sincerely,

A handwritten signature in cursive script that reads "Jim Caffrey".

Jim Caffrey, Chair
Westfield River Wild & Scenic Advisory Committee

Appendix E

Massachusetts Forest Legacy Committee Meeting 4/8/03
Meeting Minutes

Location: DFW Westborough Office, large conference room

Attendees: Forest Legacy Committee Members: Bob O'Connor, Christine Berry, Phil Truesdell, Nancy Reed (Loring Schwarz could not attend). Guests: Kristin Foord, Dan Donahue, Chuck Levin, Rob Warren (by phone)

Meeting began 9:25am.

The group reviewed some Forest Legacy Program basic procedures and requirements so that the Committee members and the guests would all be on the same page:

- Annual application process
- Assessment of Need revision (required for new Forest Legacy Areas)
- Existing Forest Legacy Area expansion

Kristin Foord raised the question: Is proximity to a previous federal investment a new requirement/priority for project selection? Nobody was sure; the Committee agreed to find out.

The invited guests were asked to give short presentations about their proposed new (or expanded) Forest Legacy Area applications.

Chuck Levin of Mount Grace Land Conservation Trust (MGLCT) presented his organization's proposal to expand the existing North Quabbin Forest Legacy Area. He said the proposed expanded area fits the MA FLP criteria well: high biodiversity values, active forest management, passive recreational opportunities, etc. He said MGLCT is proposing to expand the existing area because they have identified worthy projects outside the current boundaries. The proposed expansion area is threatened by increasing fragmentation from residential development; the pressure is apparent and land values are increasing.

The Committee was asked to weigh in on the proposed North Quabbin FLA expansion, and consensus was reached that it was a valuable addition and an application should be completed.

Kristin Foord of EOE and Dan Donahue of the Norcross Wildlife Foundation presented their proposal for a new FLA in six towns in south-central MA, to be called the Quinebaug Forest Legacy Area. They mentioned that this area has largely been ignored by land trusts and state agencies over the past few years, but not because it does not have high resource values. Much of the area is Biomap core or supporting natural landscape. The area seems to just have fallen under the radar. The development pressure in the area has not been great, but is increasing – the door has been opened. However, because most of the area is still rural, significant opportunities exist to protect large areas of forest. Land prices are still affordable, although rising. Several large unprotected land holdings exist, such as Old Sturbridge Village's forestland and the Southbridge Water Company's holdings, which could be excellent candidates for large Forest

Legacy project applications. Significant opportunities also exist to connect forest blocks in the proposed Quinebaug FLA to large blocks of protected land right across the border in Connecticut. CT's Forest Legacy Area is right across the border. There may be the possibility for multi-state Forest Legacy project applications.

The Committee discussed the proposed new Quinebaug FLA. Consensus was reached that it was a good proposal and an application should be completed.

Via speaker phone, Rob Warren of The Nature Conservancy (TNC) presented TNC's proposal to designate a new FLA to be called the Westfield Forest Legacy Area, which nearly matches the Westfield River watershed boundaries. TNC is also open to the area being submitted as an expansion of the existing Connecticut Valley (Western Valley) or the Stockbridge Yokun Ridge Reserve Forest Legacy Areas. The proposed Westfield FLA was identified by TNC as being of statewide significance through their forest matrix block analysis, a study of the highest quality large roadless forest blocks in New England. TNC plans to contract with Warren Archey to complete the FLA application.

The Committee discussed the proposed new Westfield FLA (or expansion FLA). Consensus was reached that it was a good proposal an application should be completed.

The Committee decided they needed advice from Dierdre Raimo on how all three applications should be submitted (together as one document, or separately?). All three groups plan to be in communication with each other and with Bob O'Connor while preparing their respective applications.

The Committee next discussed how to handle the absence of an official Forest Legacy Coordinator. The position has been vacant since Warren Archey's retirement, although Warren has been on contract to help out. Bob O'Connor mentioned that Mike Fleming, formerly with the Watershed Initiative, which has been dissolved, might be interested in taking on the Forest Legacy Coordinator responsibilities. Bob moved that the Committee pursue Mike Fleming as their first choice for Coordinator. Nancy Reed seconded the motion.

The Committee also discussed the possibility of inviting Steve Anderson of DEM and the Forest Stewardship Program, to join the Forest Legacy Committee. The Committee is currently made up of land protection personnel (except for Bob O'Connor, who represents both land and forestry), and the Committee would like to add balance by adding representation from forestry staff. At least one forester who was already asked has declined to serve on the Committee because he is too busy.

The Committee decided not to set a firm date for the next meeting, because some issues -- such as who will be on the official Committee and who the Coordinator will be -- are yet to be resolved. After these issues are settled, the Committee will set a meeting date, perhaps in June or July.

Meeting ended 11:35.

**Westfield River Wild & Scenic Advisory Committee
Meeting Notice**

Thursday, May 1st, 2003
Chester Village Gallery
Chester, 14 Main Street
6:30-8:30 p.m.

1. Review of April 03, 2003 Minutes	(Action)	(5 min)
2. Treasurer's Report	(Info)	(5 min)
3. Local Updates	(Info/Action)	(20 min)
a. Hinsdale Flats		
b. Rte. 8/Turnpike Exit		
c. Others		
4. Follow-up to Congressman Olver Mtg.	(Info/Action)	(10 min)
5. TNC – Forest Legacy Program	(Info)	(20 min)
6. Westfield River Watershed Open Space Plans	(Info/Action)	(45 min)
7. W&S 2003-2005 Action Plan	(Action)	(10 min)
8. Other Business	(Info/Action)	(5 min)

WRWSAC Members:

Mercedes Gallagher, Becket
 Bob Thompson, Chester (Dave Pierce, alternate)
 Matt Barron, Chesterfield (Denise Cormier, alternate)
 Merrie Bergmann, Cummington (Judy Moore, alternate)
 Jeff Penn, Huntington (Ed Grabowski, alternate)
 Carl Lafreniere, Middlefield (Bill Cunningham, alternate)
 Debbie Kaczowski, Savoy
 Doug Poland, Washington (Georgette Keator, alternate)
 Jim Caffrey, Windsor
 Diane Wells, Worthington
 Joan Kimball, Commonwealth of Mass. (John O'Leary, alternate)
 Liz Mikulecky Lacy, National Park Service (Jamie Fosburgh, alternate)
 Chris Curtis, Pioneer Valley Planning Commission (Matt Delmonte, alternate)
 Jocelyn Forbush, The Trustees of Reservations (Jim Caffrey, alternate)
 Dan Call, Westfield River Watershed Association (Mike Young, alternate)



Selectmen's Meeting

[Home Page](#) | [Public Notices](#) | [Meeting Calendar](#) | [Lenox At-A-Glance](#) | [Town Departments](#) | [Boards & Committees](#) | [Forms & Applications](#) | [Meeting Rooms](#) | [Bylaws & Regulations](#) | [Links](#)

Starts at:

07/16/03 07:00 PM

Location:

Town Hall, 2nd Floor Meeting
Room

Last Updated:

Tuesday, Jul 15, 2003

AGENDA
LENOX BOARD OF SELECTMEN
WEDNESDAY, JULY 16, 2003, 7:00 P.M.
TOWN HALL

Citizen's Open Forum

Acceptance of Minutes and Executive Minutes of June 25

General Government

- One-Day W&M License, Eastover Resort
- One-Day AA License, Sonya Bykosfsky, Community Center
- Town Flag
- Forest Legacy (Tim Abbott, Director, Berkshire's Program)
- CTSB
- Annual Appointments
- Discuss DOR's Room Tax Action (re: Canyon Ranch)
- Approve Town Counsel Contract

DPW

- Approve Chapter 90 Highway Aid Reimbursement Request

Planning/Zoning

- Approve BRPC Service Agreement for Outsource Planner
- Discuss draft Regional Transportation Plan

Police Department

- Approve Amendments to Police Contract

Old/New Business

Calendar

Next Meeting: Wednesday, August 6

ADVOCATE - SOUTH

WILLIAMSTOWN, MA
WEEKLY 20,000

JUN 25 2003

New England Newswatch
193
41

Nature Conservancy proposes Berkshire Plateau for new Forest Legacy Area Lenox tree warden, former Chief of Mass. Bureau of Forestry, assisted the proposal

The Nature Conservancy has sponsored a proposal to nominate the Berkshire Plateau as a Forest Legacy Area. The proposed area begins just outside West Springfield, along the Massachusetts Turnpike, in the Westfield River Basin; it runs north to Cheshire and Savoy and east to Route 91, and its western edge covers the northeastern corner of Lenox and the southeastern corner of Pittsfield.

Nature Conservancy representatives plan to discuss the proposal at the next Lenox Select Board meeting, June 25. The Dalton Select Board, the Lenoxboro and Savoy Conservation Commissions, the Trustees of Reservations and many other communities and environmental organizations have endorsed the proposal.

According to Rob Warren, the conservancy's director of land protection in Massachusetts, the proposed Berkshire Plateau legacy area includes one of the largest remaining areas in the state and some of the largest, most intact forest ecosystems in its region, including four blocks of 13,000 acres or more. (The conservancy divided the country into ecological and geological regions, Warren said, since forests and other ecosystems did not always sleep at state lines. Massachusetts falls into the Lower Northeast and North Piedmont area, which reaches from southern Maine to the northern edge of Virginia and touches parts of 12 states.)

These large, intact ecosystems were rare, Warren said, and the conservancy felt it was important to keep them intact. The Forest Legacy Program offered tools to help many conservation groups in the legacy area.

The Berkshire Plateau has a unique mix of forests, rivers, lakes and wetlands: the highest waterfall in Hampshire County, Gendade Falls, and others; Chestersfield Gorge and other gorges, and the Windsor Farms. And 70 percent of these lands have no protection.

Wide-ranging mammals and interior nesting birds live in these forests: black bear, bobcat, fisher, mink, moose, migratory songbirds, re-introduced Atlantic salmon, freshwater mussels and timber rattlesnakes—39 state-rare species and two federally listed species. This legacy area would help the conservancy protect one of the few expansive forest areas in the state, both for its plants and animals and for the people who make their living from the forests.

Warren Archey, the Lenox Tree Warden, worked with the conservancy on an amendment to the Agreement of Need—Massachusetts (Archey, 1993), for the Berkshire Plateau proposal. They have submitted a draft to the Northeast regional coordinator and the Massachusetts forest legacy coordinator for review. As the chief of the Bureau of Forestry in Massachusetts,

DATE TIME

61 Continued on page 14



WARREN ARCHAY, Lenox Tree Warden, plants a red maple with Scott Jarvis, Paul Mahoney and Bill Wickery, DPV employees, June 19. This is the 10th of 11 trees Archey planted in downtown Lenox, June 18 and 19. He planted 16 trees last year, including silver maple, pear, flowering crab apple, and disease-resistant Elm. Walter Ethis, Tom Whalen of Great Barrington supplied the red maple tree.



Scott Jarvis and Paul Mahoney set the tree in a hole twice the width of the tree's root ball and cut the wire binding the roots.

Forest legacy area in Berkshires

Continued from page 1

Archey also served as a former chairman of the Forest Legacy Committee for Massachusetts until he retired, just over a year ago. Since he retired, he said, he has continued to serve as a consultant to the committee, but he has not been directly involved in its decisions.

The 1990 Farm Bill had provisions for a Forest Stewardship Program, Archey said. The program included the Forest Legacy Program. This program channelled funding through U.S. Forestry Services and handed it down through state and local agencies, to preserve forest lands by buying development rights or, in some cases, buying land outright.

According to U.S. Forestry Services, the federal government may fund up to 75 percent of a Forest Legacy Program, grants, state or local funds provide at least 25 percent of the program.

Archey said participation in a Forest Legacy Area was entirely voluntary. The Forest Legacy Program had no authority to take land by eminent domain. Land owners whose land lay in a proposed Forest Legacy Area chose whether to participate in the program. If they did choose to participate, they continued to own their land and use it for timber, pulp wood, fishing, hiking and other recreation. When the legislature proposed the Farm Bill, they had an interest in keeping the land in traditional forest activities, Archey said.

Forest land supported various industries, protected water supplies, enhanced the view, and gave character to surrounding towns, Warren said. The legacy program would provide Lenox with tools to protect its forests that would not burden the town with any new regulations or management requirements. Also, establishing a legacy area would in no way help to expand National Forest boundaries.

The legacy program more often buys the development rights of forest lands in the legacy area, through conservation restrictions or easements, if land owners choose to sell, Archey said. Sometimes land owners moved or, for some reason, wanted to sell their land, and the legacy area's sponsor agreed to buy it. It was more economical to buy the development rights, though.

Three or four years ago, he said, the Taconic Range became a Forest Legacy Area. In southern Berkshire County, a Forest Legacy Program protects the Yokan Ridge in Lenox. Another covers Stockbridge forests from the Bosquet Ski Area to the Mass. Pike. These were relatively small, as Forest Legacy Areas go, Archey said. Massachusetts originally made modest legacy proposals. Rhode Island and Connecticut had each made half of their state legacy areas.

In 1993, U.S. Forest Services approved the needs assessment for Massachusetts. Ten percent of the state is now eligible to apply for a Forest Legacy Area designation. The state proposes new areas periodically. The Berkshire Natural Resources Council reported every year to the Massachusetts Forest Legacy Committee, Archey said. The committee reported to the federal government for approval.

The state had to approve each new area first, Archey said, and then the local office of Forest Services, in New Hampshire. The request then went through the regional office and down to an office in Washington, D.C., and so finally to the Secretary of Agriculture. The length of time for that trip varied. The application for the Taconic Range took only four months to clear. A proposal to amend or expand a legacy area only traveled halfway up the chain.

Massachusetts had five areas approved in 1993, Archey said. The number has grown steadily. According to the fiscal 2003 second quarter update of the Northeastern Area Forest Legacy, the U.S. Forest Services, as of March 31, has accomplished 14 programs in Massachusetts — spanning 2,468 acres — out of 103 programs across the northeast United States, spanning 190,572 acres.



The Berkshire Plateau A FOREST LEGACY AREA IN THE HIGHLANDS

A new source of funding for protecting forestland may be coming to the central Highlands region, thanks to the Massachusetts Chapter of The Nature Conservancy (TNC), which is sponsoring the designation of a new Forest Legacy Area. If approved, the designated Berkshire Plateau area (see map)—a landscape that is largely defined by private working forests—will be eligible for Forest Legacy program funding.

The Forest Legacy Program is a federal land protection program that was established in 1990 in response to increasing rates of development and fragmentation of forestland across the country. It was designed to protect environmentally important forestlands, without removing them from private ownership.

Within designated Forest Legacy Areas, funds from the Forest Legacy Program can be used to identify and protect forestlands from conversion to non-forest uses through the purchase of conservation restrictions from willing landowners. Properties within a designated Forest Legacy area are eligible for program funding if they offer some public benefit, such as the continuation of traditional forest uses, maintenance of public water supplies, or the protection of ecological and recreational resources.

Since 1993, almost \$4 million in Forest Legacy Program funds have helped to protect 2,154 acres in Massachusetts.

The Berkshire Plateau designation, a proposed Forest Legacy Area that encompasses much of the Westfield River

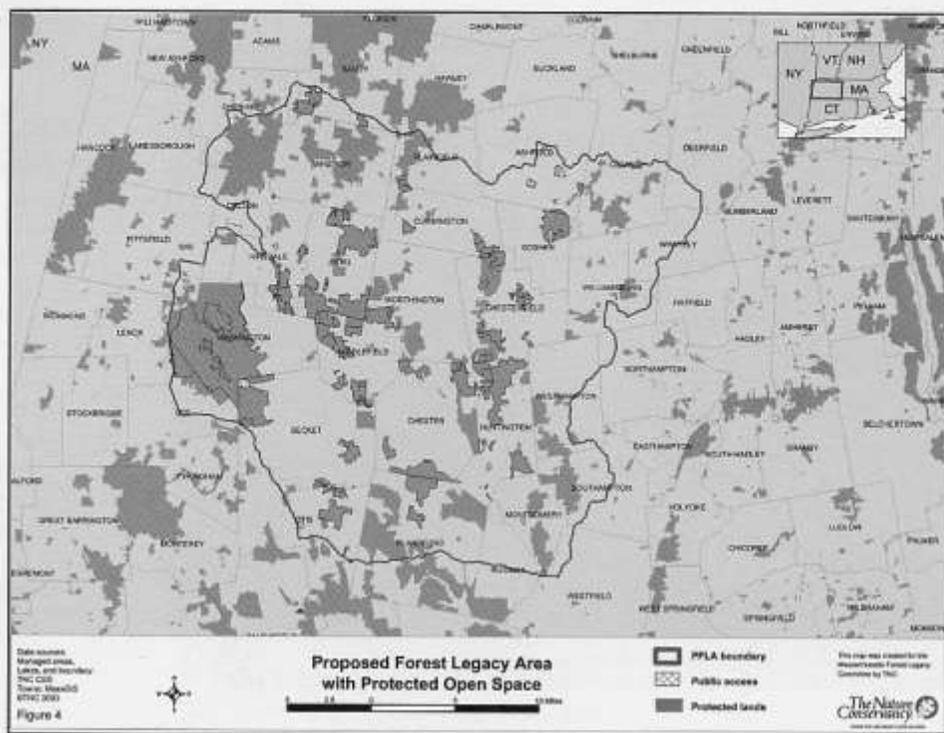


Watershed, would enable landowners in all or part of 33 additional towns to be eligible for Forest Legacy funds. According to TNC, the nominating sponsor, this new area supports some of the largest and least fragmented forest landscapes in the state and New England. Through their scientific planning process, TNC identified this area as a top priority conservation site since it supports 39 state-listed species and two federally-listed species, contains critical aquatic resources, and represents significant opportunities for continued economic and recreational uses.

If the Berkshire Plateau designation is approved, landowners within the designated area will be able to work with the region's sponsor organization, TNC, to submit conservation projects to a state Forest Legacy Committee. This committee is responsible for prioritizing the Forest Legacy applications from across the state and forwarding their recommendation

the forest legacy program: Bringing Federal Funds to the Commonwealth

Western Massachusetts is unique for its integration of forest, aquatic systems, and wetlands. Through The Nature Conservancy's ecoregional planning process, it was found that **some of the largest, most intact forest ecosystems in the Northeast** are here, including five forest blocks, each spanning 15,000 acres or more.



The proposed Forest Legacy area encompasses 380,000 acres in Western Massachusetts. The area provides much-needed habitat for wide-ranging animals, like the bobcat (below).

These forests provide important habitat for wide-ranging mammals and interior nesting birds, keep our water supply clean by buffering rivers and wetland systems, and offer significant opportunities for recreation and economic uses.



However, approximately 70% of the region's forested areas lack formal protection, leaving much of it vulnerable to development, utilities, and new roadways. To more effectively leverage our land protection efforts, The Nature Conservancy has proposed that nearly 380,000 acres in Western Massachusetts be designated a Forest Legacy Area.

The Forest Legacy Program was established in 1990 to promote the long-term integrity of forestlands. Administered through the U.S. Forest Service, it provides funding to protect lands for continuing traditional forest uses, maintenance of public water supplies, recreational opportunities, and integrity of ecological resources.

Within a Forest Legacy Area, willing sellers, often with the assistance of a state agency or land trust organization, apply for Forest Legacy funding through the Forest Legacy Area sponsor. This is used to purchase conservation restrictions on their

property. Landowners retain ownership, but convey development rights to the town, state, or federal entities.

Forest Legacy funds can be used towards 75% of the cost of purchasing the restriction, which allows organizations like The Nature Conservancy to greatly leverage its own funds.

"We're excited about the Forest Service's interest in the area, as the Forest Legacy Program is a key source of land protection dollars," said Director of Land Protection Rob Warren. "If the proposal is accepted, we could begin working with interested landowners soon to protect important tracts." ☺

For more information, or to support our efforts in Western Mass, contact Kathy Spellman at (617) 227-7017 ext. 302

Berkshire Eagle

Forest lands may soon get legacy status

By Glenn Drohan
Berkshire Eagle Staff

Friday, July 18, 2003 -

State and federal officials confirmed this week that the U.S. Forest Service expects to approve plans this summer to designate about 380,000 acres in Western Massachusetts a "forest legacy district," including substantial land in Berkshire County.

The designation would mean the federal government could fund 75 percent of the cost of acquiring development rights from interested landowners in the district to protect forest areas and wildlife habitat.

"This is great," said Todd Warren, director of land protection for the Massachusetts chapter of The Nature Conservancy, which submitted the application for the district. "We're excited about the Forest Service's interest in the area, and state agencies have been supportive. In a few short months, we could have this area designated and could start protecting important tracts."

600-square-mile area

Using a geographic information system analysis, the conservancy identified a roughly 600-square-mile area west of the Connecticut River and north of the Massachusetts Turnpike as having one of the most densely forested areas in Massachusetts.

The new district would be designated as the Berkshire Plateau Forest Legacy Area and would include four large tracts of virtually undisturbed forests of 15,000 acres or more, which the conservancy has designated as priority areas, Warren said.

According to a map provided by The Nature Conservancy, the Berkshire Plateau area would include land in the Berkshire County communities of Dalton, Cheshire, Savoy, Lanesboro, Pittsfield, Windsor, Otis, Hinsdale, Peru, Washington, Middlefield, Lee and Lenox.

Other towns in the district would include Huntington, Montgomery, Westhampton, Blandford, Russell, Ashfield, Williamsburg, Goshen, Cummington, Worthington and Chesterfield.

The forest legacy designation would have limited or no effect on the longer-range proposal to create a national forest in Western Massachusetts, according to Warren and Robert O'Connor, director of land and forest policy for the state Executive Office of Environmental Affairs.

In fact, it could provide two alternatives and two separate funding sources to protect forest land.

O'Connor said boundaries for a proposed national forest have not been mapped, but officials are looking at areas north of the Berkshire Plateau area that would naturally connect with the 350,000-acre Green Mountain National Forest in Vermont.

Officials have said establishing a national forest in Massachusetts could take years, if not decades, while forest protection under the legacy program could start almost immediately.

Massachusetts is one of only seven states that do not have national forests, but it has six forest legacy districts, including two in Berkshire County, the Taconic Range and Stockbridge Yokun Ridge. Under the legacy program, the Forest Service does not buy properties but obtains conservation easements from willing landowners.

The new district would be the second-largest after the Nashua River Greenway near the city of Worcester, which includes 486,000 acres. Other areas are the North Quabbin Corridor, the Connecticut Valley and Estabrook Woods. State officials have also announced plans to apply for an eighth district, Quinebaug Forest, in the towns of Monson, Wales, Brimfield, Holland, Sturbridge and Southbridge.

Under the program, a sponsoring organization, in this case The Nature Conservancy, identifies interested landowners in a district and helps them get paid for federal conservation easements on their properties.

State approval is needed, and the sponsoring organizations must arrange for the additional 25 percent of the cost, which could come from private sources and available state funds.

Since landowners retain ownership in the properties, they stay on the tax rolls, but no commercial development is allowed. The land can still be used for timbering and recreational activities. The Forest Service can take no easements by eminent domain but must work only with willing sellers.

According to The Nature Conservancy, land in the Berkshire Plateau district includes 39 rare species of plant and wildlife, in addition to an abundance of mammals and birds that need large forest tracts to survive.

They include the black bear, bobcat, fisher, mink, moose and a large variety of migratory songbirds.

About 70 percent of forested land in the plateau area lacks formal protection, leaving it vulnerable to development, utilities and new roadways, according to the conservancy. Development could lead to fragmented habitat, leaving smaller forest tracts more susceptible to destruction from insect infestations, blight and natural disasters such as fires and tornadoes.

"Smaller pieces can be wiped out," Warren said.

Other benefits of protecting large tracts of forest land are maintaining scenic views and the rural character of communities and protecting water supplies, he said.

He said the abundance of land already protected in the Berkshire Plateau, either through state ownership or nonprofit land conservation groups, made the area a natural for the legacy program.

Not all the land within a district is eligible for federal funding. According to Warren, properties must be 90 percent or more woodlands and must contain no major roads.

Late-summer approval

Deidre Raimo, Northeast coordinator for the Forest Service Legacy Program, said "it is likely" the Berkshire Plateau area will be approved by late summer.

The designation has already received letters of support from the Selectmen in Ashfield, Cummington, Williamsburg and Dalton, conservation commissions in Huntington, Lanesboro, Savoy and Williamsburg, the Hilltown Land Trust, state Division of Fisheries and Wildlife, Massachusetts Woodlands Cooperative, New England Forestry Foundation, Pioneer Valley Planning Commission, Trustees of Reservations, Westfield Watershed Association and Westfield River Wild & Scenic Advisory Committee.

Berkshire Eagle

Funds for protection are limited

By Glenn Drohan
Berkshire Eagle Staff

Friday, July 18, 2003 -

Just because land is designated as eligible for protection under the federal Forest Legacy program does not mean it will get protected.

In fact, considerably less than 1 percent of the land designated as legacy districts since the program began in Massachusetts in 1993 has actually received federal funding for conservation easements that prohibit development.

'Fierce' competition

"Competition for the funds within this program is fierce," said Theodore "Tad" Ames, executive director of the Berkshire Natural Resources Council in Pittsfield, which is the sponsoring organization for the Stockbridge Yokun Ridge and Taconic Range legacy areas in this county.

The Yokun Ridge area contains 11,630 acres, but only about 400 acres have been protected under the legacy program, according to Ames. The Taconic Range area has 72,740 acres, with about 630 protected under the program, he said.

Statewide, the numbers are similar, with only about 3,000 of more than 624,000 acres in six legacy districts receiving funding, according to Robert O'Connor, director of land and forest policy for the Executive Office of Environmental Affairs.

"It's still very positive," O'Connor said yesterday. "I think we got about \$1.6 million for the legacy program last fiscal year. By increasing the number of areas that can apply, hopefully we will increase the federal funding we get. If one or two projects get done in this area, that's one or two that might not have happened otherwise."

Deidre Raimo, Northeast coordinator for the Forest Legacy program, said about 38 states have joined the program, which was established by Congress in 1990.

"It's competitive, and there certainly are limited funds," Raimo said.

On the bright side, she said, appropriations have grown steadily over the years, reaching a high of \$68 million in 2002. This year, about \$85 million could be appropriated, depending on the outcome of a bill being reviewed by the Joint Appropriations Committee for the House and Senate.

Land to be protected this year includes 213 acres in Egremont and 800 acres in Mount Washington, Ames said.

Fears that the legacy designation could take valuable land off local tax rolls are exaggerated, according to Todd Warren, director of land protection for the Massachusetts Chapter of The Nature Conservancy, the sponsoring organization for the 380,000-acre Berkshire Plateau legacy area, which is expected to be approved by the U.S. Forest Service late this summer.

First, Warren said, landowners maintain ownership of their properties, which mean they are still listed on local tax rolls. Second, he said, much of the land involved is already taxed at a lower rate under the state's Chapter 61 program.

<http://www.berkshireeagle.com/cda/article/print/0,1674,101%7E7514%7E1519140,00.html> 07/18/2003

"This is not to dodge the fact that there will be cases where there will be an impact," Warren said. "But the impact of the reduction of property taxes often goes to the question of how much development capability there would be for a given property."

In many cases, he said, the land could contain small amounts of road frontage, which would severely limit development opportunity. The program also requires 90 percent of a property to contain woodlands, which means significant land within some districts would not be eligible.

'One more tool'

Frank Lowenstein, southern New England/New York director of forest conservation for The Nature Conservancy in Sheffield, called the legacy program "just one more tool in the toolbox."

"There's not a massive amount of funding. Typically, in Massachusetts, one to three projects a year are funded, ranging from a dozen acres to 600 acres," Lowenstein said. "My guess would be, in an ideal world, we're probably going to see 1,000 to 2,000 acres a year protected statewide."

O'Connor agreed.

"There's no intent there will ever be enough money to protect an entire district. It just allows us to find the best projects within an area," he said. "In some years, we might not have any projects, because it's a 'willing seller' thing. But making bigger areas allows us to get better applications and maybe increase the amount of money we get from the federal government."

Of the other legacy districts already established in Massachusetts, the Nashua River Greenway contains 460,000 acres, Estabrook Woods (outside of Concord) 6,887, Connecticut River Valley, 11,760 and North Quabbin Corridor, 61,527.

O'Connor said the addition of the Berkshire Plateau area and proposed Quinebaug Mountain area will mean about 20 percent of land in the state will be designated as legacy districts.

"It's meant to pick the very best land available," he said. "Other states have pretty much designated their entire states as legacy districts. We wanted to be more selective."

Berkshire Eagle

A dubious forest legacy

Monday, July 21, 2003 -

The preservation of forests for wildlife habitat and recreation is a worthy goal, but it's hard to see how designating 380,000 acres of Western Massachusetts as a "forest legacy district" when there is almost no money to acquire development rights from landowners advances that cause. Without money, it's an exercise in semantics. Massachusetts should look suspiciously upon any efforts to create a national forest on the Berkshire Barrier, given the appalling mismanagement of the Green Mountain National Forest in Vermont and all our national forests. The United States Forest Service, now run by a former lobbyist for the forest products industry, manages these forests as tree farms to supply industry with subsidized timber, giving short shrift to environmental concerns and the views of ordinary citizens. Much of the land in question already enjoys protection as state forest land or municipal watershed, and the health of the bear population testifies to its effectiveness. If we really care about the natural values of our forest land here in Western Massachusetts, handing them over to the federal government with no assurance they will not be exploited or mismanaged is no way to protect them.

Tweaking the Brownfields Act

In an ideal world, companies sitting on polluted property would clean up the mess without fear or favor, but in the real world, in the absence of liability relief, companies will, in the words of Representative Peter Larkin of Pittsfield, "wrap the property in barbed wire and watch our inner communities die." The Brownfields Act Mr. Larkin helped author has been instrumental in the reviving of polluted land, and a House revision to that legislation protecting corporations from future liability as long as a site is cleaned to state standards while they own it will further encourage the return of polluted land to good use. Liability relief is complex, as polluters cannot be totally absolved of responsibility and there will be instances when land will only be partially restored in reaching a middle ground acceptable to corporations and communities. This revision, if approved by the Senate and signed into law, provides greater flexibility for all parties, and in the process, places even more responsibility on the state Department of Environmental Protection, which backs the changes. The DEP's work on the Pittsfield PCB cleanup settlement suggests it can handle the responsibility.

<http://www.berkshireeagle.com/cda/article/print/0,1674,101%7E6267%7E1523996,00.html> 08/07/2003

Berkshire Eagle

Many benefits of forest legacy program

Tuesday, July 29, 2003 -

To the Editor of THE EAGLE:-

Glenn Drohan's July 18 piece, "Forest lands may soon get legacy status," was well-written and researched. Unfortunately, The Eagle's editorial response on July 21, "A dubious forest legacy" presents a distorted view of the program.

Drohan quotes Rob Warren and Robert O'Connor: "The forest legacy designation would have limited or no effect on the longer-range proposal to create a national forest in Western Massachusetts." Yet the Eagle editorial ties the two together by blurring forest legacy into a tirade against the U.S. Forest Service.

U.S. Forest Service founder Gifford Pinchot's vision was to create an agency that would help private forest landowners conserve and properly manage their forest lands. And while much of the attention today is focused on the public National Forest System, the U.S. Forest Service division of state and private forestry has quietly fulfilled this vision. Forest legacy and forest stewardship are programs administered by state and private forestry that have an excellent record in Massachusetts. In tandem they work even better: a conservation easement on a threatened parcel of land is purchased through the forest legacy program and an ecologically sensitive management plan is prepared with cost share money from the forest stewardship program. The property remains in private ownership and is managed privately, yet the public goals of watershed and forest protection are fulfilled without added taxpayer expense.

Contrary to The Eagle's editorial comments there is much more to the proposed Berkshire plateau forest legacy area than state forest land or municipal watershed. People enjoy living and working there and much of the forest land is privately owned. Yet suburban sprawl threatens the natural beauty and ecological integrity of this area. For those landowners who choose to protect their land from future development and provide the public benefits that well-managed forest land offers, the forest legacy program is a good tool and worthy of The Eagle's support.

JAMES CAFFREY

Windsor, July 23, 2003

<http://www.berkshireeagle.com/cda/article/print/0,1674,101%7E6268%7E1539245,00.html> 08/07/2003

Berkshire Eagle

Forest legacy works in state

Friday, August 01, 2003 -
To the Editor of THE EAGLE:-

In its July 21 editorial, The Berkshire Eagle questioned how a forest legacy area would advance the worthy goal of conserving our forests. The editorial noted that there is "almost no money to acquire development rights from landowners," and that "handing [the forests] over to the federal government with no assurance they will not be exploited or mismanaged is no way to protect them." We would like to address The Eagle's concerns and correct some misinterpretations of the forest legacy program.

Through the U.S. Forest Service, the forest legacy program provides funding to work cooperatively with landowners to assure that their lands remain a forest. The program expressly prohibits anything other than voluntary participation by landowners. In a typical forest legacy project, a private landowner retains ownership of his/her property, and sells a permanent restriction on their land (called a "conservation restriction"). Conservation restrictions limit use to traditional forest uses, prohibiting future development on the land.

In Massachusetts, conservation restrictions are usually held by an environmental agency of the commonwealth, not the federal government. Federal forest legacy funds can be used for up to 75 percent of the cost of the project. Designation of the new forest legacy area will make landowners eligible for such funding, but will neither compel anyone to participate nor place lands under the management of the federal government.

Despite the current economic climate, funding for forest legacy projects in Massachusetts has been strong. In the past three years, almost \$3.5 million has been appropriated for forest legacy projects in the commonwealth, some closed, some pending, which will protect over 2,200 acres. Of these amounts, 1,795 acres are in Berkshire County, accounting for \$2.2 million in funding.

Finally, it is important to understand the difference between the forest legacy program and the national forest system. The current discussions about a possible national forest in Massachusetts will be neither inhibited nor enhanced if the proposed forest legacy area is designated. The two issues are separate and have quite different pathways to creation.

We remain hopeful that the U.S. Forest Service will share our view of the importance of forest conservation in this region and will approve the new area. Landowners who want to resist the pressure to develop their lands need and deserve this type of assistance. Over time, the development pressures now being felt in South County and other pockets will spread, and saving the very character of the Berkshires will depend in part on conserving its forests.

We hope that the editorial board of The Berkshire Eagle will review this information and consider revising its stance on the new forest legacy area.

WAYNE KLOCKNER

TAD AMES

Pittsfield, July 23, 2003

Wayne Klockner is Massachusetts State Director, The Nature Conservancy. Tad Ames is president, Berkshire Natural Resources Council.

JULY 13, 2003

BOSTON SUNDAY GLOBE

C12 City & Region

US plans to protect W. Mass. forest site

ASSOCIATED PRESS

SPRINGFIELD — About 600 square miles of land in Western Massachusetts is scheduled to be designated a forest legacy district, US Forest Service officials say.

The program provides federal funds for states to buy development rights to privately owned but environmentally valuable timberland, protecting it from commercial, industrial, or residential development. Some managed logging may be allowed.

Creation of the district, proposed for 380,000 acres located primarily west of Interstate 91 and north of the Massachusetts Turnpike, is expected to be approved by the end of the summer, said Deirdre Raimo, the program coordinator in the Forest Service office in Durham, N.H.

The program provides up to 75 percent of the cost to purchase the development rights if the owner agrees to sell. Title to the land remains with the landowner, who must agree to a management plan for the property.

"The program has been around for more than 10 years, but it's starting to pick up steam," said Neal E. Bungard of the Forest Service in Durham. "In the last few years, appropriations have been increasing. It helps the states protect land they might not have had

the resources to protect otherwise."

The property owner can apply directly to the Forest Service to sell the rights, or local, state, or private groups can approach property owners to see if they are interested in selling.

The Nature Conservancy, a nonprofit group, has been active in the program, often recruiting interested property owners and preparing applications for legacy funds.

While all properties within a forest legacy district are eligible, those approved for the program often have a particular environmental value, said Robert L. Warren of the Nature Conservancy.

Priority is typically given to large, unbroken forests; woodlands that adjoin protected forests; forests in which endangered species are found; or forests in a watershed for a water supply, he said.

In Massachusetts, \$1.63 million is scheduled to be spent this fiscal year for three projects, including protection of 213 acres in Egremont and 800 acres in Mount Washington.

Government officials in Ashfield, Cummington, Dalton, Williamsburg, Huntington, Lanesborough, Savoy, and Worthington support the designation.

New England Newspaper
Volume 101, No. 24

Land to be designated forest legacy district

SPRINGFIELD, Mass. (AP) — About 600 square miles of land in western Massachusetts is scheduled to be designated a Forest Legacy district, U.S. Forest Service officials say.

The program provides federal funds for states to buy development rights to privately owned but environmentally valuable timberland, protecting it from commercial, industrial or residential development. Some managed logging may be allowed.

proposed for 380,000 acres located primarily west of Interstate 91 and north of the Massachusetts Turnpike, is expected to be approved by the end of the summer, said Deirdre Rasino, the program coordinator in the Forest Service's Durham, N.H., office.

"The program has been around for more than 10 years, but it's starting to pick up steam," said Neal E. Bangard of the Forest Service's Durham, N.H., office. "In the last few years, appropriations have been increasing. It helps the states protect land they might not have had the resources to protect otherwise."

The property owner can apply directly to the Forest Service to sell the rights, or local, state or private groups can approach property owners to see if they are interested in selling.

The Nature Conservancy have been active in the program, often recruiting interested property owners and preparing applications for legacy funds.

While all properties within a Forest Legacy district are eligible, those approved for the program often have a particular environmental value, said Robert L. Warren of the Nature Conservancy.

Priority is typically given to large unbroken forests; woodlands that adjoin protected forests, such as a state or national forest; forests in which endangered species are found; or forests in a watershed for a water supply, he said.

Forest effort gets U.S. boost

2/6/04

Sizable area in WMass targeted for conservation

By STAN FREEMAN
Staff writer

The U.S. Forest Service is expected to designate nearly 600 square miles in Western Massachusetts as a Forest Legacy district later this summer.

Creation of the district, which is proposed for 380,000 acres that are primarily west of Interstate 91 and north of the Massachusetts Turnpike, would make available federal funds for cash-strapped Massachusetts to purchase the development rights to privately owned but environmentally valuable timberland within the district.

However, property owners must voluntarily sell those rights. The rights cannot be taken from an unwilling seller. The federal program will provide up to 75 percent of the cost to purchase the development rights, although the title to the land remains with the landowner.

The program has been around for more than 10 years, but it's starting to pick up steam. In the last few years, appropriations have been increasing. It helps the states protect land they might not have had the re-

sources to protect otherwise," said Neal E. Burgard, a Forest Legacy specialist in the Forest Service's northeast area office in Durham, N.H.

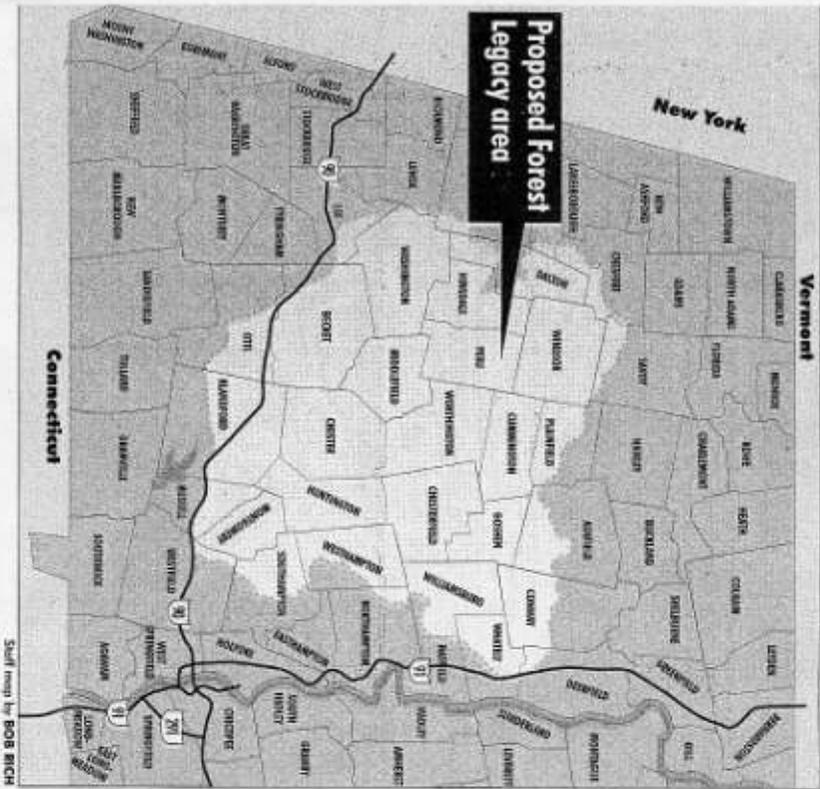
The new Forest Legacy district in Western Massachusetts is expected to be approved by the Forest Service by the end of the summer, said Deirdre Ralston, the Forest Legacy program coordinator in the Durham office.

Established in 1990, the Forest Legacy program has so far provided more than 300,000 acres in 30 states. Through this year, nearly \$270 million has been appropriated for the program.

In Massachusetts, \$1.63 million is set to spend in this fiscal year for three projects, including protection of 213 acres in Egremont and 800 acres in Mount Washington. Previously, a 133-acre property in Hatfield, a watershed important to the town's reservoir, was protected, as was a 400-acre property in Northampton important for wildlife.

Before the development restriction is purchased, the seller

Please see Page B3



Staff map by BOB RICH

THE REPUBLICAN
SPRINGFIELD, MA
DAILY
101,066
SATURDAY
JUL 12 2003

Forests: District created

Continued from Page B1

must agree to a plan for managing the property that would take effect once the easement is in place. No commercial, industrial or residential development is allowed, but managed logging may be.

A property owner can make an application directly to the Forest Service to sell the development rights, or property owners might be approached by local, state or private groups to see if there is interest in selling the rights.

Environmental groups like The Nature Conservancy have been active in the program, often recruiting interested property owners and preparing applications for legacy funds.

Robert L. Warren, of the Massachusetts chapter of the Nature Conservancy, said that while all

properties within a Forest Legacy district are eligible, those that are approved for the program often have a particular environmental value. He said priority is typically given to large unbroken forests, woodlands that adjoin protected forests, such as a state or national forest, forests in which endangered species are found, or forests in a watershed for a water supply.

Designation of the new district is supported by selection of conservation commission officials in Ashfield, Cummington, Dalton, Williamsburg, Huntington, Lanesborough, Savoy and Worthington as well as by groups such as the Hilltown Land Trust, the New England Forestry Foundation and the Pioneer Valley Planning Commission.

Stan Freeman can be reached at stanfreeman@regpub.com

Berkshire Plateau Forest Legacy Area Nomination

What is the Forest Legacy Program?

The Forest Legacy Program is a federal land protection program established in 1990 to promote the long-term integrity of forestlands. This national program, administered by the U.S. Forest Service, provides millions of dollars each year in federal funding to participating states. Funds are used for the identification and protection of environmentally important privately owned woodlands that are threatened by conversion to non-forest uses. Massachusetts formally joined the program in 1993, when our "Assessment of Need" document was accepted by the U.S. Department of Agriculture Secretary. The program provides funding to protect lands for continuing traditional forest uses, maintenance of public water supplies, recreational opportunities, and integrity of ecological resources. Under the Forest Legacy Program, conservation groups working with private landowners can nominate properties for Forest Legacy funding through Forest Legacy sponsors. Those nominations are reviewed at the state and national levels and, if successful, the landowner is paid for granting a conservation restriction over their land to a governmental entity at any level (town, state, or federal). After a Forest Legacy Area is established, there is no obligation to participate in the program—only willing landowners will be affected.

Why Here?

As you know, the Berkshire Plateau has excellent forest resources that could benefit from additional funding to protect them. Indeed, within the proposed Forest Legacy Area is one of the largest roadless areas remaining in Massachusetts. The area within the proposed boundary provides habitat for 39 state-listed species and 2 federally-listed species, contains and buffers critical aquatic resources (including anadromous and coldwater fish habitat as well as overall excellent water quality with some surface waters that meet drinking water standards), and represents significant opportunity for continued recreational (including the Appalachian Trail) and economic uses.

Yet despite these exceptional characteristics, 70% of these resources are unprotected from conversion to non-forest uses. Tracts of forestland enhance scenic views, provide protection for water supplies, sustain the

forest economy, and maintain rural character. Designation as a Forest Legacy Area will bring increased opportunities for the conservation of these values.

What is The Nature Conservancy?

The sponsoring organization, The Nature Conservancy, is an international conservation organization whose mission is to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Through a scientific planning process, we identified several areas of the highest conservation importance; the Berkshire Plateau is a top priority across a 12-state region. Proposing a Forest Legacy Area in this special place is one of the many contributions that we hope to make to preserving the unique qualities of the Berkshire Plateau.

Why Now?

With widespread fiscal "belt-tightening" across the Commonwealth, the Forest Legacy Program can be an important new source of funds previously unavailable to communities in the Berkshire Plateau. And despite shrinking budgets in many government programs, the Forest Legacy Program will likely be a more consistent funding source due to the passage of the 2002 Farm Bill.

What Can You Do?

Public participation is one of the criteria that will be considered in designating this Forest Legacy Area. We would greatly appreciate a letter demonstrating your support for this proposal. If you choose to submit a letter, please send it to:

Warren Archey
c/o The Nature Conservancy
205 Portland Street, Suite 400
Boston, MA 02114

We hope that you will be excited about the prospect of having your community included in this voluntary program. Should you have any questions or concerns, please contact Warren Archey (413.637.2729) or Rob Warren (617.227.7017 x.320).

MASSACHUSETTS FOREST LEGACY PROGRAM

Presented to the Westfield Wild & Scenic River Committee
May 1, 2003

- Origin: 1990 Farm Bill, program implemented in Massachusetts in 1993
 - Issue: Increasing fragmentation of forestland into smaller holding and an increased number of ownerships. MA 1985: 20 A/forest landowner, MA 1999: 20 A/ forest landowner.
 - Issue: State and private land protection organizations unable to keep up with rate of development.
 - Partial solution: Forest Legacy Program, implemented by the US Forest Service, through its State and Private Forestry Program
- Program highlights:
 - Willing seller/ willing buyer, no condemnations powers
 - Favor conservation easements rather than outright ownership to extend funds
 - Cost share: 75% federal with in kind contributions (donations of time/land)
 - Designate a lead agency: Then Governor Weld designated program administration to Massachusetts Bureau of Forestry
 - Form a Forest Legacy Committee (appointed by the Massachusetts Stewardship Committee)
 - Develop "Assessment of Need"
 - Identifies forest values to be protected (wood products, wildlife habitat, recreational opportunities, riparian areas, public water supply, scenic values)
 - Demonstrates clear threat to loss of those resources
 - Identifies Forest Legacy Areas (16 proposed (Westfield River Watershed was one) /5 accepted)
 - Creates a "Forest Legacy Committee" whose function is to screen and forward projects to the US Forest Service
 - Creates "Forest Legacy Area sponsors" whose function is to bring proposals forward in response to an annual request for proposal
- Public participation
 - Program meant to be in harmony with existing public land acquisition programs: DEM/F&W/F&A/MDC and SCORP (State Comprehensive Outdoor Recreation Plan)
 - Program meant to include: local land trusts, regional land trusts, watershed associations, The Nature Conservancy, Trust for Public Lands, Trustees of Reservations, Massachusetts Audubon Society, others

- Proposals are brought forward by groups such as this and showing a demonstrated effort to include input from those many individuals and organizations that would be affected by the acquisition of Forest Legacy Area lands
- Results to date:
 - Of 16 Forest Legacy Areas that were presented for approval, 5 were selected, 1 has been added, and 1 has been expanded
 - Thirty five proposals have been submitted to the Forest Service for funding
 - Fourteen tracts have been funded (the second highest number of any state involved in the program)
 - Area acquired to date: 2,154 acres
 - Four additional tracts have been approved by the US Forest Service for funding (nearly 1,000 acres)
 - The Forest Legacy Committee has approved (but has yet to receive funding) for another 3,000 acres
 - Massachusetts has received nearly \$4 million
 - Land donations (4) for the program have a value of over \$5.8 million
 - Federal funding was sparse at first, but last year reached \$69 million and was divided among 27 states

Board of Selectmen
Town of «Town»
«Address»
«Address2»
«Town», «State» «PostalCode»

2 May 2003

Dear Members of the Board:

We are writing to inform you of our intention to nominate the Berkshire Plateau as a Forest Legacy Area, a proposal that would expand on the already-established Forest Legacy Areas throughout Massachusetts. We would like to briefly explain what the Forest Legacy Program is, and how it could benefit forest resources in your town.

The Forest Legacy Program is a federal land protection program established in 1990 to promote the long-term integrity of forestlands. This national program, administered by the U.S. Forest Service, provides millions of dollars each year in federal funding to participating states. Funds are used for the identification and protection of environmentally important privately owned woodlands that are threatened by conversion to non-forest uses. Massachusetts formally joined the program in 1993, when our "Assessment of Need" document was accepted by the U.S. Department of Agriculture Secretary. The program provides funding to protect lands for continuing traditional forest uses, maintenance of public water supplies, recreational opportunities, and integrity of ecological resources. Forest Legacy designation would in no way facilitate any National Forest boundary expansion.

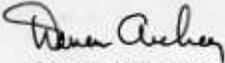
As you know, the Berkshire Plateau has excellent forest resources that could benefit from additional funding to maintain them. Indeed, within the proposed Forest Legacy Area is one of the largest roadless areas remaining in Massachusetts. «Town»'s forest resources are important for many reasons. Tracts of forestland enhance scenic views, provide protection for water supplies, sustain the forest economy, and maintain rural character. Designation of a Forest Legacy Area that includes your town and neighboring communities will bring increased opportunities for the conservation of these values.

The Forest Legacy Program, while providing communities with another tool to protect their local resources, does not burden towns with additional regulations or management requirements. Because properties are protected through voluntary conservation restrictions (legal devices that protect the properties from certain specified uses), current landowners can retain ownership thus leaving the land on the municipal tax rolls. Once the Forest Legacy Area is established, there is no obligation to participate in the program—only willing landowners will be affected.

With widespread fiscal "belt-tightening" across the Commonwealth, the Forest Legacy Program can be an important new source of funds previously unavailable to communities in the Berkshire Plateau. And despite shrinking budgets in many government programs, the Forest Legacy Program will likely be a more consistent funding source due to the passage of the 2002 Farm Bill.

We hope that you will be excited about the prospect of having your community included in this voluntary program. Should you have any questions or concerns, please contact Warren Archey (413.637.2729) or Rob Warren (617.227.7017 x.320). If you would like to show support for this nomination, please send a letter to Warren Archey (c/o The Nature Conservancy at the address on this letterhead) for inclusion in the nomination document.

Sincerely,


Warren Archey, Ph.D.
Research Professor
University of Massachusetts


Rob Warren
Director of Land Protection
The Nature Conservancy

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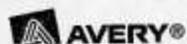
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