



# Land Protection under the Patrick-Murray Administration 2007-2010

Executive Office of  
Energy and Environmental Affairs



Fall 2010



Citizens of the Commonwealth:



Four years ago, recognizing that protecting open space is critical to sustaining a healthy Commonwealth, I made a campaign promise to increase land conservation. I have honored this commitment. All told, between January of 2007 and January of 2011 state agencies will have invested an unprecedented \$218 million to preserve working landscapes, protect critical habitat, and create or restore urban parks. These three priorities, which I established along with Energy and Environmental Affairs Secretary Ian Bowles and his staff, continue to guide our land conservation efforts.

Outlined in this report are the many great things that have been accomplished as a result of this unparalleled commitment. Let me cite just two impressive statistics that illustrate the extent of what has been accomplished. First, more than 75,000 acres of land have been conserved over the past four years. Second, 52 brand new parks have been created in addition to the 62 existing parks that have been restored across the Commonwealth.

I believe that this effort represents government at its best—wise investment of resources for the benefit of all. Not just those who can enjoy a new park today, but also those who will have clean water to drink, healthy local produce to eat and local wood products to use, pristine nature to enjoy and study and the many other benefits of our investments for many years to come.

Many are deserving of credit for the work of the last four years and I want to express my thanks for this terrific outcome to all of our open space conservation partners—non-profit organizations, landowners, and municipalities—as well as the staff of the EEA agencies. These land protection successes are testament to their efforts.

In conclusion, I encourage every citizen to support and assist this partnership in land and natural resource conservation so that we can leave a legacy of wonderful parks, protected wildlife habitat and working farms and forests for future generations. I also urge people to go take a hike, play in a park or otherwise take advantage of the wealth of opportunities made possible by our open space investments.

Sincerely,

A handwritten signature in dark ink, which appears to read "Deval Patrick". The signature is stylized and fluid.

Deval L. Patrick,  
*Governor*

My Fellow Citizens:

I share Governor Patrick's pride and sense of accomplishment in what we have achieved in pursuit of his three conservation priorities—creation or renovation of urban parks, preservation of working farms and forests, and protection of our best ecosystems. As documented in this report, the funding Governor Patrick made available over the past four years has been used very judiciously. More than 75,000 acres of land have been protected—54 acres a day—including 16,478 in fiscal year 2010 alone.

This historic effort was accomplished with a combination of more than \$218 million in federal and state funding as well as tens of millions more from land trusts, municipalities, and landowners. Indeed, collaboration has been essential to completing 1,718 projects over the past four years.

As you will learn from this report, the accomplishments of the past four years are quite varied and the work of many contributors. For example, in support of our objective of preserving working landscapes the staff of the Agricultural Preservation Restriction Program at the Department of Agricultural Resources protected 95 working farms comprising 5,760 acres at a cost of more than \$38 million. The important contribution of these farms to a fresh, local food supply and a vibrant rural economy are now guaranteed into the future. These efforts are part of a comprehensive "buy local" initiative that has for the first time in decades stabilized the number of farms and farmland acreage and increased the contribution of local food across the Commonwealth. When you recognize that in addition to state staff, the farmer, the municipality, and local land trusts played a role in many of these projects you begin to get a sense of the many deserving of recognition for the projects featured in this report. With your support EEA will continue to pursue the creation and restoration of urban parks, protection of critical habitat and conservation of prime agricultural and forest lands. The Patrick–Murray Administration is committed to continued and robust investment in land preservation in order to leave a land conservation legacy that we can be proud of.

Sincerely,



Ian Bowles  
*Secretary*



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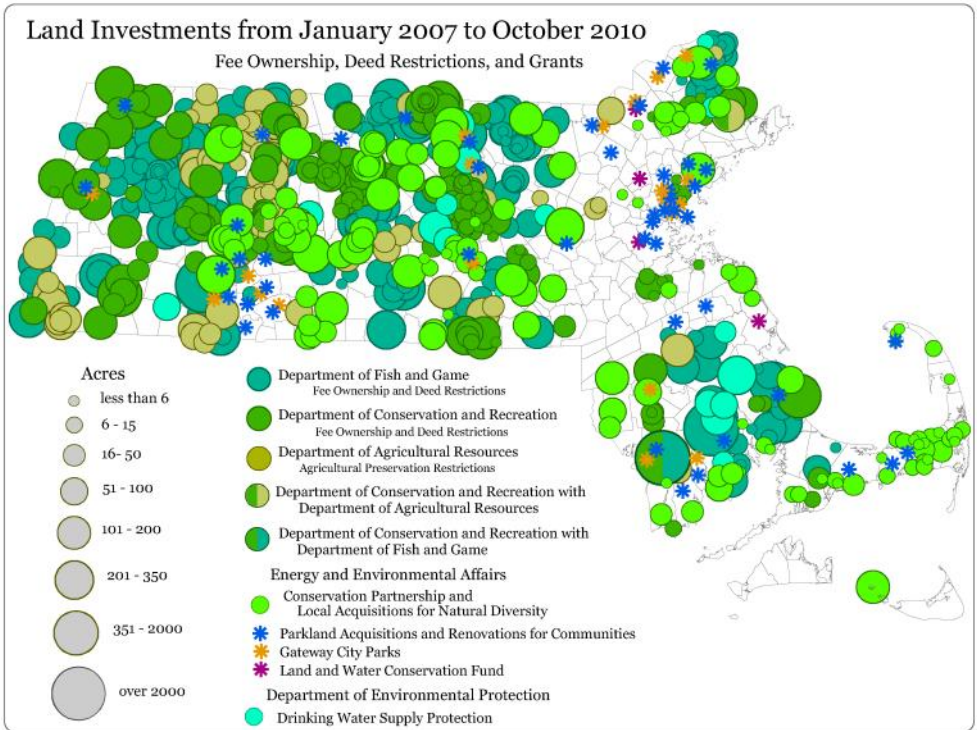
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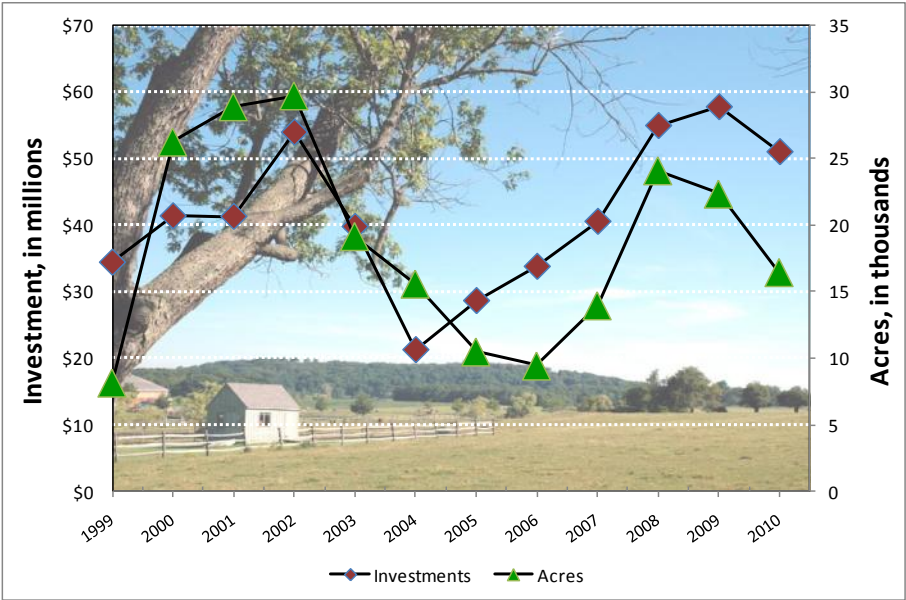
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## Land Protection Achievements of the Patrick-Murray Administration 2007–2010

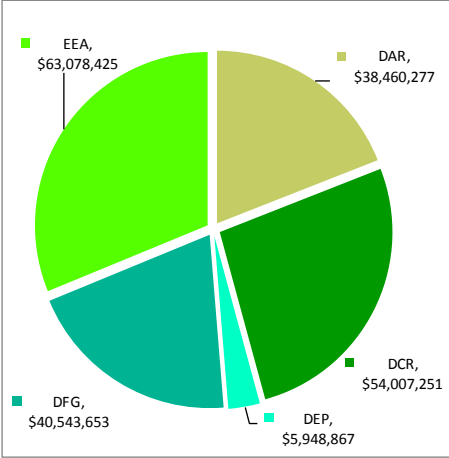
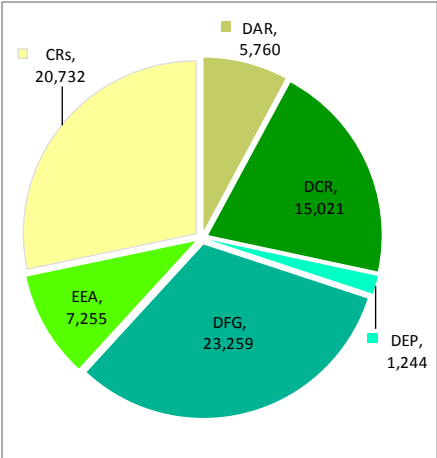
As outlined in the charts and tables below, the investment in land conservation made by the Patrick-Murray Administration is unprecedented. By increasing land spending to \$50 million annually, focusing on three key land priorities, and enhancing conservation partnerships Governor Patrick set the stage for a renaissance in land conservation and park creation. More than 75,000 acres (more land than the entire town of Plymouth, which is the largest in the Commonwealth) have been conserved over the four year term and 114 parks have been created or restored, many in underserved neighborhoods in the Commonwealth's 51 cities. These parks provide a new or improved place for outdoor recreation for an anticipated 1 million visits per year, more than half of these to the newly created parks. In addition, of the acres conserved more than 14,000 have been pristine habitat within the ten Habitat Reserves designated by the Patrick-Murray Administration—among the best large natural landscapes left in the state. This is equivalent to adding holdings the size of the Mt. Greylock Reservation to the Habitat Reserve system.



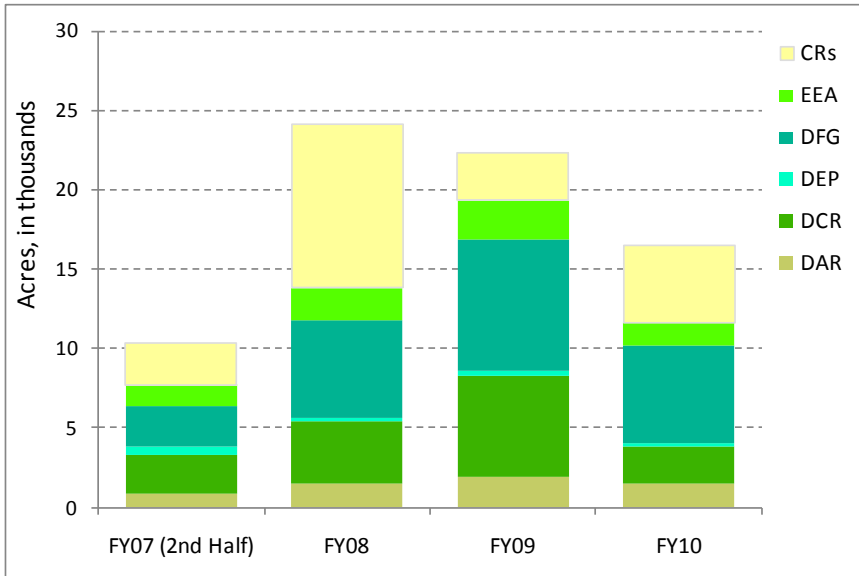
As the graph above demonstrates, funding levels under Governor Patrick represent the greatest sustained investment in land conservation over the past 12 years, as well as the largest amount of land permanently protected since the early 2000's. Even with consistent investment, however, the acreage of land protected varies due to shifting priorities as well as differing opportunities. FY08 was a banner year for private Conservation Restrictions,



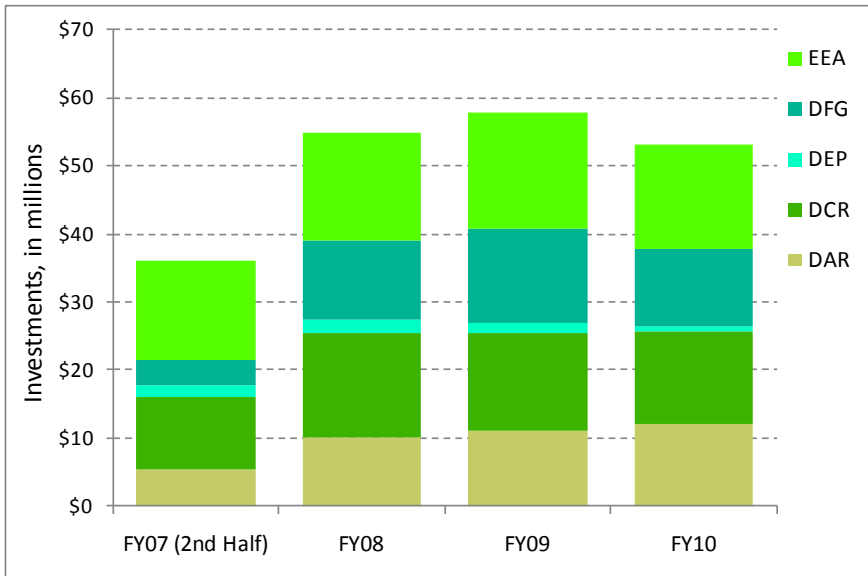
due to the end of favorable federal tax treatment, which made for a great deal of acreage preserved at no cost to the state. FY09 also saw impressive results in acres preserved because of a number of big conservation restriction projects, including the Southeastern Massachusetts Bioreserve (4,100 acres) and the Fitchburg water supply project (1,800 acres). In FY10, EEA priorities shifted toward park creation and restoration, including \$5 million in bond funding for DCR’s Neponset Greenway and George’s Island projects, which did not preserve any additional acreage, while only one large project (New Bedford water supply, at 3,100) closed that year. In addition, the continuing fiscal challenge resulting from the economic downturn finally took its toll on the Commonwealth’s land initiative,



CHARTS 1 & 2: Acres Protected (left) and Expenditures (right) by Agency: 2007–2010



Acres Protected (top) and Expenditures (bottom) by EEA and its Agencies: 2007–2010



CHARTS 3 & 4: In summary—from January 2007 thru June 30, 2010—a total of 73,271 acres were protected by EEA and its agencies at a cost of \$202,038,473.

resulting in a 10 percent reduction (\$5 million) in bond funding. Nonetheless, the 2007–2010 record of the Patrick-Murray Administration on park and land investments stands out in comparison to past efforts.

Thus far, EEA has conserved 1,278 acres in FY11 at a cost of \$16.7 million. This figure

includes 880 acres protected by the LAND Program at a cost of \$6.3 million and 374 acres protected by the Conservation Partnership Program at a cost of \$485,540. In addition, the PARC Program has invested \$7.8 million and the Gateway City Parks Program \$1.1 million to create or restore 28 parks. PARC grants have also funded two land acquisition projects totaling just over 24 acres. Finally, the Department of Fish and Game has closed on several projects thus far this fiscal year conserving 218 acres at a cost of just over \$1 million. Moving beyond expenditures, Secretary Bowles has already signed conservation restrictions permanently protecting 412 acres since July 1, 2010.

### Lawrence, Spicket River Greenway

A grant from EEA's Gateway City Parks Program of \$2.6 million enables the City and Groundwork Lawrence to finalize the design and construct about 2.5 miles of paths along the Spicket River from Manchester Street Park to the outfall of the Spicket River into the Merrimack River. Envisioned by the community as an "emerald bracelet" the

Greenway will connect neighborhoods and six existing parks—including the recently completed Manchester Street and Dr. Nina Scarito Parks, which were both funded through EEA's PARC Grant Program. The Greenway was first envisioned by the community over ten years ago as a means of providing access to the distinctive environmental features of North Lawrence and achieving a number of other goals including river restoration, neighborhood revitalization, civic engagement, improved public health, and increased recreational opportunity.



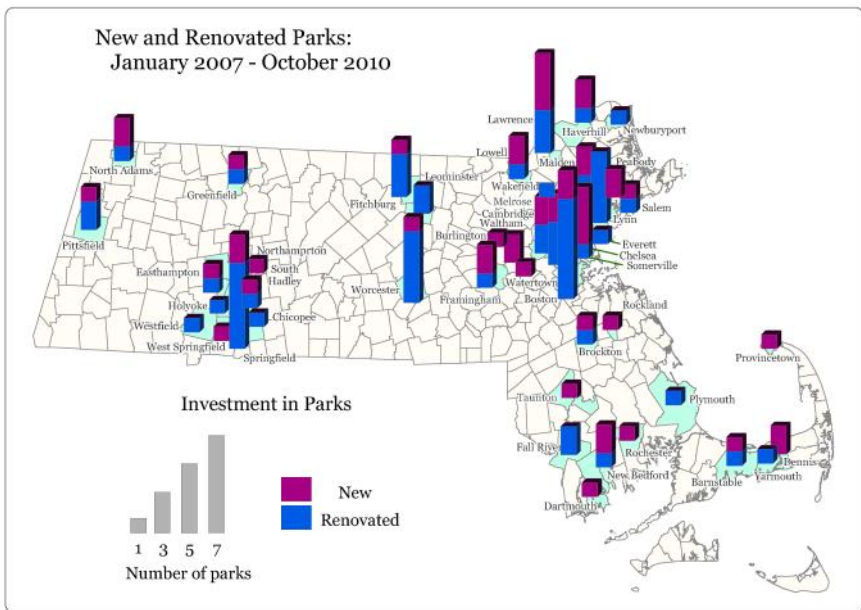
## Land Priorities

### COMMONWEALTH URBAN PARKS

Providing good parks in urban neighborhoods has been one of three land funding priorities for the Patrick-Murray Administration. In supporting parks in urban neighborhoods, particularly the Gateway Cities, the Patrick-Murray Administration recognizes that access to parks and recreational opportunities plays a crucial role in making the Commonwealth's cities attractive places to live and work. While Massachusetts enjoys a wealth of rural and suburban landscapes—scenic beaches, mountains, fields and forests—the majority of Massachusetts residents live in urban areas. High-quality parks and green spaces are essential to the quality of life in our cities, and go hand-in-hand with "smart growth"—providing incentives for businesses to locate and expand within the Commonwealth's urban centers. Urban parks also help promote environmental equity—ensuring that lower income and minority neighborhoods have access to natural resources that are readily available in other areas of the Commonwealth.

## Four Year Highlights:

- ◆ Passage of \$25 million in environmental bond authorization for Commonwealth Urban Parks and \$53 million for PARC
- ◆ Establishment, as authorized in the environmental bond bill, of the Gateway City Parks Program to focus additional investment on the creation or restoration of parks in underserved urban neighborhoods. To date the program has provided grants to help cities acquire land for two parks, design 18 parks, and build or restore eight parks.
- ◆ Neponset River Esplanade Park designed and constructed at a cost of \$5.3 million
- ◆ Creation of 52 new parks and restoration of 62 parks as shown below
  - ◇ \$33.2 million in PARC funds to complete 128 projects in 44 communities
  - ◇ \$13.1 million in Gateway City Parks Program funds for projects in 22 cities



## Salem, 15 Peabody Street Park



The PARC Program provided a grant of \$321,299, the City invested \$242,000, and the U.S.EPA contributed site cleanup funds in order to create this new .38 acre public park on a former brownfield site. Located along the South River, the adjacent Harbor Walk provides park visitor's access to Palmer Cove and Winter Island, two of Salem's larger parks. The park is located in Ward 1, Salem's most dense neighborhood, with the largest concentration of low-income and minority families in the

City. The preliminary design of the site was a collaboration between the City, Salem Sound Coastwatch, and a team of Tufts University Urban and Environmental Planning and Policy graduate students and the final design was done by UTILE and Vine Associates.

## Boston and Milton, Neponset River Esplanade Project

The Neponset River Esplanade project in Boston (Mattapan and Hyde Park) and Milton, a \$5.3 million dollar project, provides a continuous multi-use trail connection to the existing Neponset River Trail and five MBTA stations as well as a wide range of recreation opportunities for the adjacent urban neighborhoods and the region. In August 2010, the construction of multi-use pathways along Truman Parkway and the Neponset River (approximately three miles) was completed along



with other parkland improvements including river overlooks, benches, picnic tables, and information kiosks. The Francis D. Martini Memorial Band Shell was renovated with repair and sealing of the exterior, accessible bathrooms, and updating of the plumbing, electrical and mechanical systems. Future phases of the project will include renovation of the Truman Parkway Field Office, the Neponset Esplanade extension linking the Martini Shell to the Neponset Valley parkway, and an extension of the Lower Neponset River Trail linking to the Neponset Esplanade between Central Avenue in Milton and Mattapan Square. This will complete the river walk between Castle Island and the Blue Hills.

## Taunton, “Mill River” Park

EEA’s Gateway City Parks Program recently announced a \$983,000 construction grant to convert a portion of an existing City parking lot into a public park along the Mill River in



downtown Taunton. Following a design produced with an FY10 Gateway City Parks grant, the project includes plantings to treat storm water, construction of a recreational trail, and creation of a green space. The design also installs a state-of-the-art low impact development system to treat storm water, which was previously flowing from the large parking lot directly into the Mill River. In addition, plans include a wider unpaved buffer to the river and replacing invasive species with native plants. Finally, a \$158,609 PARC grant and an additional \$81,707 raised by a local friends group will be used to add a skate park to the site.

## Boston, Restoration of Georges Island

In FY10 the Department of Conservation and Recreation completed a multi-year project to significantly enhance the facilities on George's Island, located within the Boston Harbor Islands National Park Area, including:

- ◆ Renovation of the Administration Building (the brick building in the photo) for use as a Visitors Center, conference space, restrooms, gift shop, administration office, and caretaker housing. Energy conservation measures were installed throughout building;
- ◆ Installation of a new Shade Shelter adjacent to the Administration Building to provide much needed shade and to house a new full service food concession;
- ◆ Construction of a modular Maintenance Facility, featuring a 30kW photovoltaic array on the roof to power the Visitors Center;
- ◆ Installation of the new play structure in the picture below;
- ◆ Rehabilitation of the generator building to house PV battery storage and back-up generators; and
- ◆ Site work including native planting, seating, all new utilities to buildings, and period lighting.



## COMMONWEALTH WORKING LANDSCAPES

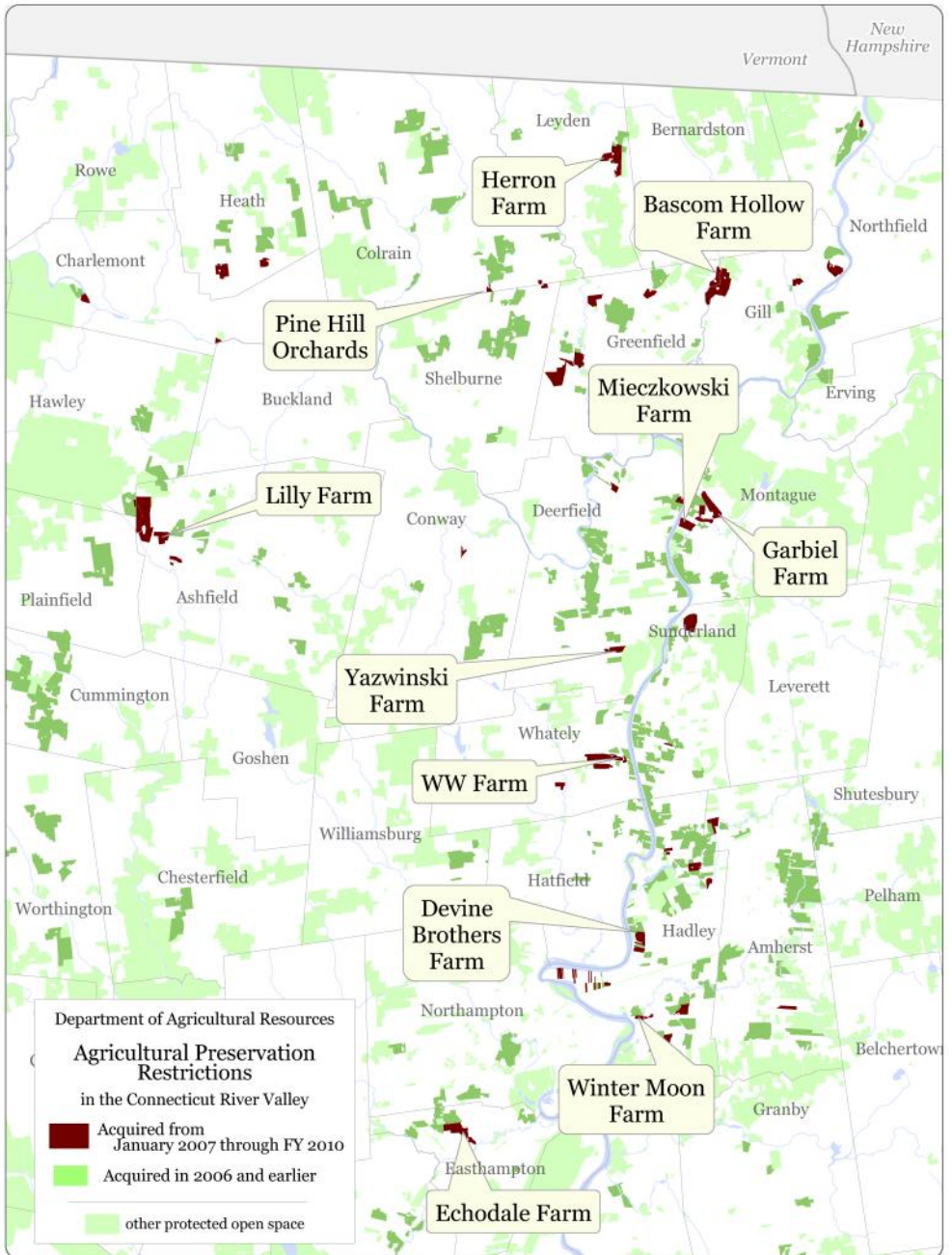
The second major land conservation goal of the Patrick-Murray Administration is preservation of prime agricultural and forest land that is critical to ecological integrity and supports local sustainable agriculture and forest industries, contributing more than \$1 billion annually to Massachusetts' rural economies. More than 121 million board feet of timber are sustainably harvested in Massachusetts annually, with the potential to create a large market for locally grown forest products that are harvested, produced, and sold in Massachusetts. These lands are also critical to the character and scenic beauty of many rural Massachusetts cities and towns.

The agriculture sector's re-birth is one of our Commonwealth's best success stories. Statistics from the USDA show that the number of farms and farm revenue in Massachusetts increased more than 27 % from 2002 to 2007, largely due to the successful "buy local" movement. DAR's farmland conservation policies and programs are playing a critical role in promoting a vibrant agricultural sector and ensuring the continuation of this positive trend. In addition to protecting 95 farms in the past four years, DAR has aided the expansion of farm stands and farmers' markets, including the recent announcement of funding for a large permanent farmers' market in downtown Boston.

### Four Year Highlights:

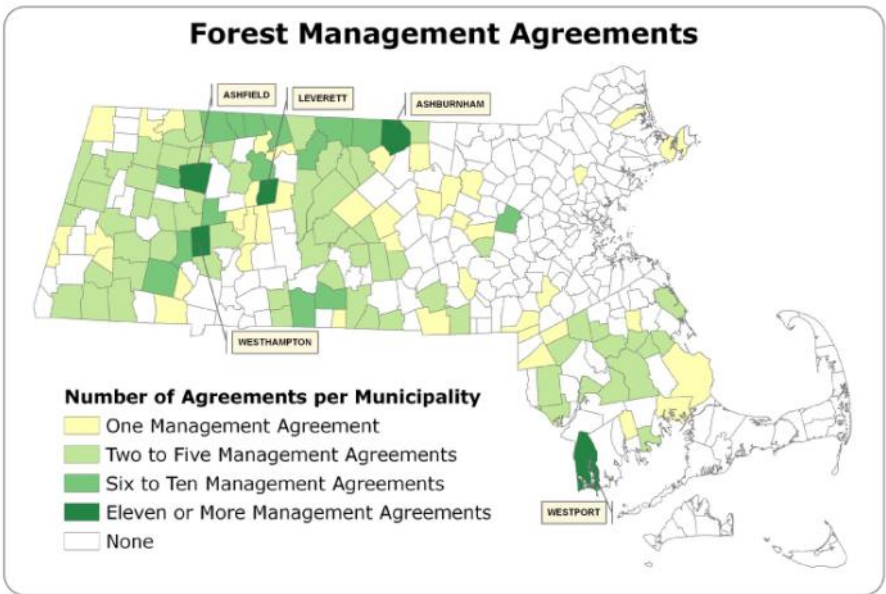
- ◆ Thousands of acres of working landscapes, including lands actively managed for forest products, were permanently protected through EEA expenditures.
  - ◇ The Agricultural Preservation Restriction (APR) Program lived up to its reputation as one of the Nation's best. The Program completed 95 projects representing an investment of \$38,460,277 and the permanent conservation of 5,760 acres. These include many in the Connecticut Valley as depicted in the map on the following page.
  - ◇ The Farm Viability Program secured five- or 10-year restrictions on more than 5,200 acres, while providing \$3,150,000 in funding to implement innovative business plans on over 60 farms.
  - ◇ DAR launched the new Commonwealth Quality Seal Program. Commonwealth Quality, a brand designed by the Massachusetts Department of Agricultural Resources, serves to identify and market locally sourced products that are grown, harvested and processed right here in Massachusetts using practices that are safe, sustainable and don't harm the environment. This includes produce as well as wood and nursery products.
  - ◇ Of the acres protected via expenditure, 84 percent were forested.
- ◆ The Department of Conservation and Recreation (DCR) launched its Working Forests Initiative with the Massachusetts Farm Bureau and University of Massachusetts Extension School to help encourage quality forestry on private lands by providing incentives for forest landowners.
  - ◇ In exchange for committing to preserve their land for at least 10 years forest landowners with over 51,000 acres of land received forest management planning assistance via private foresters. Over 17,000 acres of these forests also became "Green Certified" via the International Forest Stewardship Council and can market





their products under this label. Cumulatively the Forest Stewardship Program has protected over 111,000 acres of prime forest soils and nearly 33,000 acres of prime agricultural soils.

- ◇ Hundreds of forest landowners are receiving a new publication on estate planning developed by UMass, The Trustees of Reservations, and other partners which includes several case studies of successful forest conservation via estate planning tools such as donations and federal tax deductions.
- ◆ Permanently protected thousands of acres of prime soils—areas with the best potential for farm and forest growth.
  - ◇ Over 7,600 acres of prime farm soils.
  - ◇ Nearly 21,000 acres of prime forest soils.



### Ipswich, Raymond/Maplecroft Farm

To ensure the protection of 245 acres of farmland and valuable habitat along scenic Route 133, DAR and DCR partnered with the Trust for Public Land, the Town of Ipswich and the Essex County Greenbelt Association. Nearly half of this property is actively farmed to grow corn sold at a popular local farm stand. The farm also supports a herd of grass-fed cattle that supplies fresh, local beef. The land contains highly rated agricultural soils, state important scenic vistas, rare species habitat, coastal marshes and wetlands, areas of high archaeological sensitivity and a large trail network—a rare combination of public values.



This complicated protection effort included an APR on 98 acres with a \$1.83 million investment from DAR (in partnership with the federal Natural Resources Conservation Service under the Farm and Ranchland Protection Program), a CR on 133 acres held by DCR with an investment of \$700,000, \$2.1 million from the Town of Ipswich, and \$500,000 raised by the Essex County Greenbelt Association.

## Westminster, Javenpau Working Forest

In 2010 the Town of Westminster acquired three conservation restrictions from one family on 426 acres of working forestland adjacent to the family sawmill, while providing a permanent easement for over one-half mile of the historic Midstate Trail (a 92 mile scenic hiking trail that bisects the state). Town residents, whose rural landscape has been severely impacted by new residential development, responded to an opportunity to protect the largest privately owned landscape in Town. The Town contributed \$232,754 in municipal funds, to augment state LAND funding of \$379,756 and USDA Forest Legacy funding of \$913,530, to complete the CR purchase price of \$1.526 million. The protected land is adjacent to the Town's 440-acre Muddy Pond Conservation Area (containing Mass. NHESP BioMap Core Habitat) and the state's 2,000-acre High Ridge Wildlife Management Area. The CR transactions took place between June 30 and October 7, 2009, culminating a more than five year collaboration among the North County Land Trust, the Town of Westminster, the Massachusetts Department of Conservation and Recreation, and the U.S. Forest Service.



## Outreach and Education of Forest Landowners on Estate Planning Options

Most of the forests of Massachusetts are family forests, owned by over 46,000 families and individuals. Seventy one percent (or 1.2 million acres) of these forests are owned by people that are over 55 years old. In the coming years, these woodland owners will need to make decisions about the future of their land. These decisions will have profound impacts on both their families and on our forested landscapes and the benefits they provide.

**Your land, Your legacy**



Deciding the Future of Your Land  
to Meet the Needs of You and Your Family

THE UNIVERSITY OF MASSACHUSETTS AMHERST · HIGHLAND COMMUNITIES INITIATIVE  
NORTH QUABBIN REGIONAL LANDSCAPE PARTNERSHIP

The Estate Planning Outreach component of the Working Forest Initiative seeks to reach forest landowners and help inform these critical landowner decisions. This component is being implemented through a partnership between UMass Amherst, the North Quabbin Regional Landscape Partnership, and The Trustees of the Reservations' Highland Communities Initiative. The foundation of this outreach effort is the partnership's new publication, *Your Land, Your Legacy: Deciding the Future of Your Land*. The three-year outreach effort includes a regional conference, workshops, internet resources, webinars, and direct mailed information.

## COMMONWEALTH HABITAT RESERVES

At the start of the Patrick-Murray Administration EEA targeted 10 large, undeveloped forested landscapes across the state for conservation in order to protect our most unique large habitats for future generations and to serve as attractive destinations for the Massachusetts “green tourism” industry. These conserved tracts of habitat include mountain tops, wilderness areas, sustainably managed forests and forest reserves, and wild rivers.

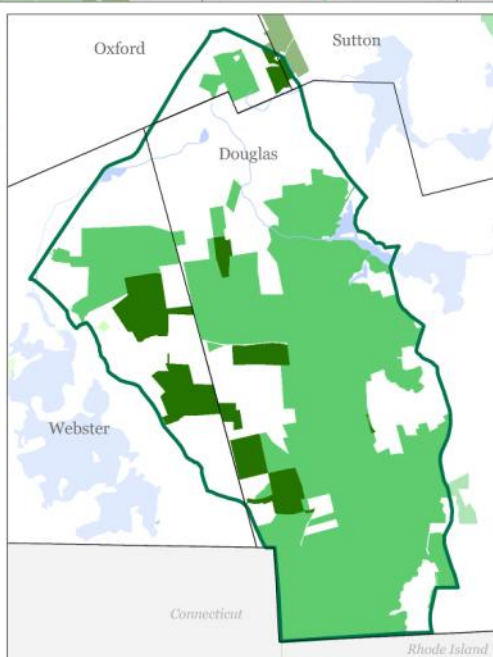
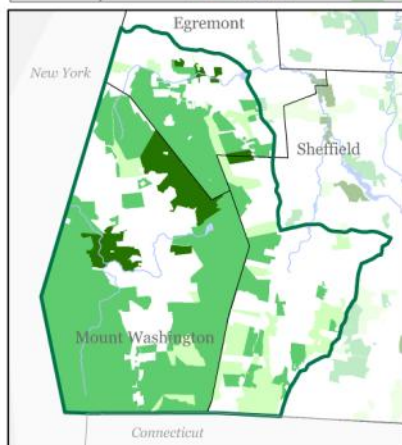
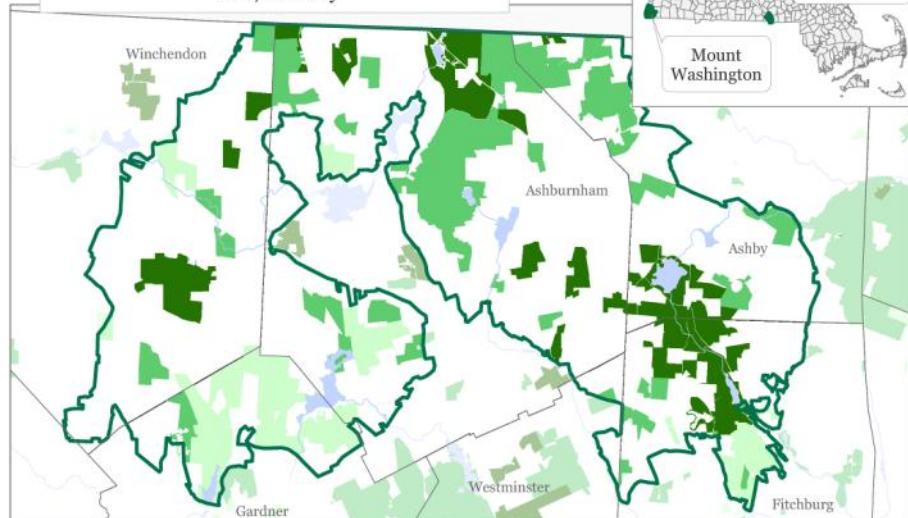
### Habitat Reserve Protection Highlights

- ◆ 14,000 acres in the habitat reserves were protected by state and land trust projects from 2007–2010. In addition, over the past four years the Forest Stewardship Program (via 10 year non-development and forest management agreements with private landowners) added temporary protection to an additional 9,191 acres within the habitat reserves. Together these efforts protect over 9% of the remaining unprotected land within these 10 large landscapes which collectively include 455,000 acres of our most pristine natural land.
- ◆ Approximately 79 percent of the land permanently protected with EEA funding over the last four years was critical habitat land mapped by the Department of Fish and Game’s (DFG) Natural Heritage and Endangered Species Program (NHESP) including:
  - ◇ 12,694 acres of NHESP Priority Habitat;
  - ◇ 23,178 acres of NHESP BioMap\* Core Habitat;
  - ◇ 13,744 acres of NHESP BioMap Supporting Habitat; and
  - ◇ 1,485 acres of NHESP Rare Natural Communities—nearly 2% of the remaining unprotected rare communities in the state.
  - ◇ Over the past four years, 47 percent of land protected via purchase was BioMap Core Habitat compared to 37 percent from 1999 to 2002 and 38 percent from 2003 to 2004.
  - ◇ Over the past four years, 26 percent of land protected via purchase was NHESP priority habitat compared to 19% from 1999 to 2002 and 23% from 2002-2004.
  - ◇ Even year to year over the past four years the percentages of BioMap Core and Priority Habitat have gone up showing a continuing increase in the quality of habitat being protected.

*Note: \* BioMap statistics in this report are based on the original BioMap and not the recently released BioMap2.*
- ◆ Habitat protection is also greatly advanced by the Working Forest Initiative. For example, the 277,000 acres subject to 10-year forest protection agreements under the Forest Stewardship Program (51,000 acres of which were added to the program via forest plans funded by DCR over the past 2 years) protect over 172,000 acres of important habitat including:
  - ◇ 62,000 acres of BioMap Core Habitat
  - ◇ 101,000 acres of BioMap Supporting Landscape
  - ◇ 36,000 acres of NHESP Priority Habitat

## Habitat Protection in Three Reserves

2007 to today



### Land Protected by EEA Acquisition and Deed Restrictions

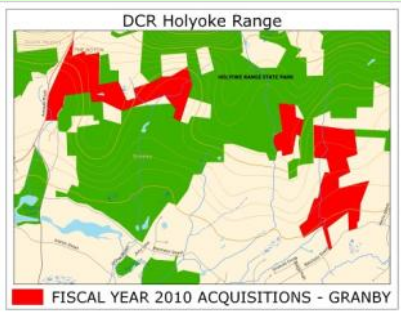
- Protected between January 2007 and today
- Protected before 2007
- Other protected OpenSpace
- Habitat Reserve boundary

## Mount Holyoke Range Habitat Reserve

Rising 1,000 feet in elevation, the Mt. Holyoke Range stretches nearly 12 miles across the Connecticut River Valley from Belchertown to Holyoke. Although the range is surrounded by thousands of acres of farmland and several large communities, it is an undisturbed oasis for wildlife and hikers. The range is unique ecologically and geologically, created some 200 million years ago when lava flowed from the valley floor and is one of the few east-west mountain ranges in the United States. This orientation creates unique north and south-facing habitats that host rare plants and animals.



DCR recently completed two acquisitions on the southern boundary of the state park totaling 267 acres at a cost of \$885,000. Each of the newly acquired parcels fit into the boundary of the park like giant puzzle pieces and buffers the southern facing slope of the Range. These lands are home to plants and animals that are on the endangered and threatened species lists. There are forested wetlands, vernal pools, and streams and ravines that lie within these parcels and can be seen from a number of the existing trails that are now open to the public for pedestrian use. The new ownerships also allow DCR to better control unauthorized vehicle access.

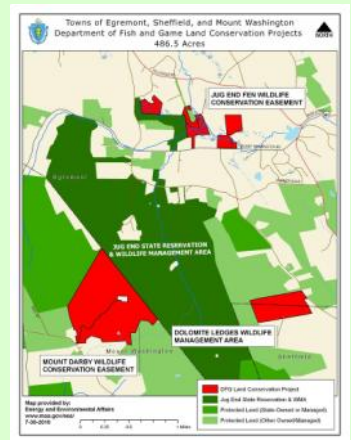


## Mount Washington Habitat Reserve:

Working with a dedicated team of land conservation partners from The Nature Conservancy, the Berkshire Natural Resources Council, the Sheffield Land Trust, and the Egremont Land Trust the Dept. of Fish and Game protected 486 acres of land in the Mount Washington Habitat Reserve in Fiscal Year 2010. These projects include the 85.5 acre Dolomite Ledges Wildlife Management Area (WMA) in Sheffield and Egremont, the 319 acre Mt. Darby Wildlife Conservation Easement (WCE) in Mt. Washington, and the 81.5 acre Jug End Fen WCE in Egremont.

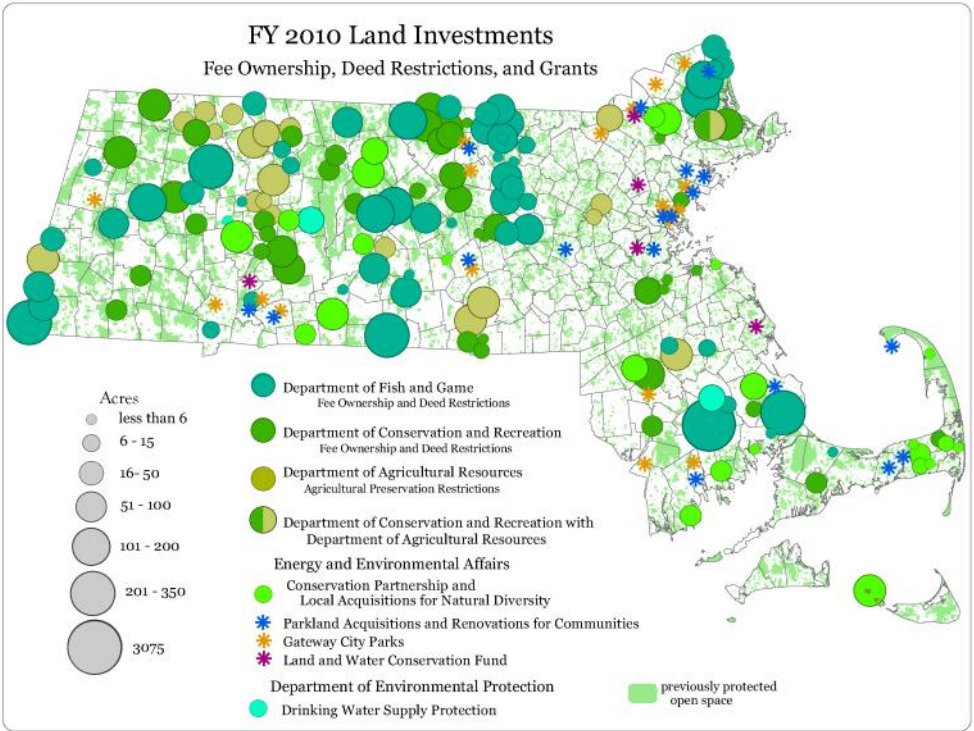
These projects make critical linkages between conservation properties in both Massachusetts and New York State and add to a block of more than 17,000 acres of protected forests, mountain ridges, and wetland habitats in the Berkshire region. The entire region is critically important habitat for all kinds of wildlife and is home to more than 20 rare plants and animals as well as more common wildlife species.

Much of the land protected by these three acquisitions (at a total cost to DFG of \$1.41 million) has been designated by EEA as an Area of Critical Environmental Concern for exceptional wildlife values, and DFW's Natural Heritage and Endangered Species Program has identified much of the property as Priority Habitat for rare species.



# 2010 Land Protection—Summary

In Fiscal Year 2010 (FY10), EEA actions resulted in the protection of 16,478 acres through 375 separate land and park projects. Expenditure of \$53.2 million in state and federal funds on 215 projects protected 11,657 acres and created or renovated 34 parks through grants, fee purchases, and conservation and agricultural preservation restrictions. An additional 4,821 acres were preserved through 160 EEA approved conservation restrictions.



Expenditures	
Bond Funding	\$43,343,829
Land Stamp, NHESP and NRD Trusts	\$1,425,748
MWRA	\$1,580,000
Federal	\$6,821,388
<b>TOTAL</b>	<b>\$53,170,965</b>

Acreage Preserved	
Via Expenditure	11,657*
Via Restrictions	4,821
<b>TOTAL</b>	<b>16,478</b>

*\*Includes the 230-acre Dever School property transferred to DCR care/control in FY10.*

In FY10, expenditures slightly favored grants, a result of increased expenditures on parks infrastructure over years past. Still, approximately a third of

the funding was used for each funding vehicle: outright or fee-simple purchases, acquisition of conservation restrictions, and grants to municipalities and conservation groups.

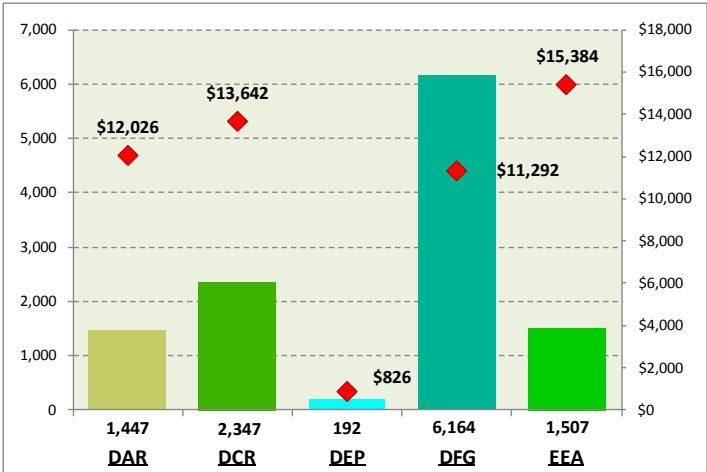
FY10 Expenditures by Project Type				
	Funds	Percent	Acres	Percent
Grants	\$19,865,165	37%	1,078	9%
Restrictions	\$15,036,397	28%	6,685	57%
Fee Acquisitions	\$14,591,897	27%	3,894	33%
Administrative Costs	\$3,677,506*	7%	N/A	N/A
TOTAL	\$53,170,965		11,657	

*\*This includes “due diligence” of appraisal, title, survey, and environmental assessments, as well as “Baseline Documentation Reports” for current and some past CR acquisitions as required for future monitoring. Administrative costs also encompasses staffing including the GIS initiative to upgrade the State’s protected land datalayer and completion of “BioMap2”—the new guide to habitats needing protection in the state.*

The state is able to protect more land per dollar expended via restrictions than by purchasing parcels outright. In FY10 the state spent an average of \$2,184 per acre on restrictions versus \$3,747 per acre on fee simple purchases. Restrictions also allow parcels to remain in private ownership, on the tax levy, and, in many cases, in active farming or forestry use. However, restrictions require a long-term management investment, including infrastructure to maintain baseline documentation, ongoing monitoring, and potential costs associated with corrective action taken against conservation restriction violators. A significant portion of the grant funds were spent on park rehabilitation and investments rather than land acquisition. Park investments, through the Parkland Acquisitions and Renovation for Communities Program (PARC), Gateway City Parks Program, as well as DCR investments in the George’s Island and Neponset Greenway projects, were \$13.1 million of the total \$19.8 million spent on grants in FY10.

## EEA and Agency FY10 Land Accomplishments

*2010 Acres Protected and Expenditures by Agency in Thousands*



EEA and four of its agencies are responsible for realization of Patrick-Murray Administration land conservation goals. This section outlines agency funding, key programs, and results achieved.

## Department of Agricultural Resources (DAR):



This year, the DAR conserved more than 1,447 acres of farmland permanently through 20 APR projects. In addition, 1,886 acres were placed under five- or 10-year agricultural covenants through the Farm Viability Enhancement Program.

	APR	Farm Viability
<b>Funds Expended</b>	\$12,026,495 (including \$3,523,388 in federal funds and \$516,172 in administration costs paid via bond funds)	\$1.1 million
<b>Acres Protected</b>	1,447 (permanently)	1,886 (five to 10 years via restriction)
<b>Total Projects</b>	20	22
<b>Communities</b>	16	22

The **Agricultural Preservation Restriction (APR)** program is a voluntary program that pays farmers of prime agricultural land the difference between the fair market value and the agricultural value of their farmland in exchange for a permanent deed restriction, which precludes development or any use of the property that will reduce its agricultural viability. The program is the oldest one of its kind in the US and has recorded more than 750 APRs that protect almost 65,000 acres over its 30 year history.

### Williamsburg, Dufresne's Sugar House



A \$50,000 Farm Viability grant enabled the purchase of farm equipment and other improvements. A ten year preservation covenant on 22 acres was a condition of the grant.

The **Farm Viability Enhancement** Program helps to preserve key agricultural land while improving the financial bottom line and environmental integrity of participating farms. The program funds projects to make farms more efficient, economically viable, and environmentally friendly and funding is contingent upon covenants with the state to protect land from development for five- and ten-year time periods depending on project funding awards. Farmers who implement the program's business plan recommendations and keep their farms in agricultural use for these time periods are eligible for DAR funding to help expand or improve their businesses with funding for modernizing buildings and equipment such as barns, farm stands, sugar houses, greenhouses, commercial kitchens, tractors, hay equipment or irrigation equipment. Since 1996, 344 farms covering 32,504 acres have received grants totaling \$13.8 million and protected their land with recorded covenants. These farms lease an additional 29,487 acres so the full positive impact of the program is on 61,991 acres. In addition, 73% of farmers invest additional funds which average \$31,791 per farm. More than 99 percent of the farms enrolled in the program since its inception remain in business today.

## West Bridgewater, Anderson Farm



The DAR closed on the 116-acre Anderson Dairy Farm in West Bridgewater this year. APR staff were made aware of the possibility of protecting the dairy farm by the Wildlands Trust of Southeastern Massachusetts. The Anderson Dairy farm is a symbol of West Bridgewater's rural and agricultural heritage as the fields, red barn and cows can be seen from Route 106 or River Street.

Department staff worked with the USDA's Natural Resource Conservation Service to

determine that the project would be a viable farm into the future. In addition, DAR commissioned an appraisal and worked with the Anderson brothers, the Wildlands Trust and the Town of West Bridgewater and its Open Space and Community Preservation Committees to put together a package that was acceptable to the family. The family agreed to execute an Agricultural Preservation Restriction (APR) on their property for \$1,627,000, while obliging a bargain sale of more than \$700,000 below appraised value.

The Town was very supportive and provided \$400,000, while the Wildlands Trust was able secure \$67,000 in privately raised funds and the Commonwealth contributed \$1,160,000 towards the purchase of the APR. This project never would have happened if the family wasn't initially interested in protecting their property in perpetuity or agreeing to sell a restriction below the appraised value. Since the closing, DAR has been approached by other farmers that have shown an interest in the APR program. This protected farm will also fill one of just a few remaining gaps in the Bay Circuit Trail greenway, a 200-mile trail from the north shore to the south shore originally planned more than 80 years ago



## Department of Conservation and Recreation (DCR):

To protect and enhance Massachusetts's natural, historic, and recreational resources the DCR added 2,347 acres to the State Forest, State Park, and

watershed system in 2010.

Acquisitions protected inholdings within existing state parks, strategically expanded parks and forests by purchasing adjacent lands, unique habitats, outdoor recreation sites,

<b>Funds Expended</b>	\$13,642,416 (including \$1,580,000 in MWRA funds, \$1,248,000 in federal Forest Legacy and Scenic Byways funds, \$639,328 for estate planning and forest management plans and 10-year agreements, and \$465,898 in administration and due diligence costs)
<b>Acres Protected</b>	2,347 (195 acres via Drinking Water Supply Protection and 461 acres via Forest Legacy)
<b>Total Projects</b>	45
<b>Communities</b>	35

protected water supplies, or advanced other strategic conservation goals. In 2010 DCR also assumed responsibility for 230 acres of waterfront land that were transferred to agency custody for conservation purposes from the former Dever State School in Taunton.

In FY10, the DCR's state and urban parks land protection staff successfully protected 37 properties that are now permanently part of the DCR's park system. The DCR spent more than \$10.8 million in capital funding, including \$3.7 million on the Neponset River Greenway Extension Project and \$1.4 million on the George's Island Project, and leveraged over \$2 million in partner contributions and bargain sales. As part of EEA's **Habitat Reserve Initiative**, DCR protected 756 acres and spent \$2,172,000 within the reserves. Finally, DCR protected 461 acres in Ashburnham using \$980,000 from the DCR administered **Forest Legacy Program**. Collectively, these properties help to conserve a variety of significant water resources, rare species habitats, and un-fragmented forestland; support and buffer

### Weymouth, Kibby Acquisition

The Kibby acquisition is a true conservation partnership between state and local government. Twenty years after being first identified as an important Urban Parks acquisition in June of 2010 DCR acquired a conservation restriction on 1.1 acres of privately owned commercial property located directly on the shores of Massachusetts Bay. Immediately thereafter, the Town of Weymouth, acting through its Community Preservation Committee, acquired the restricted fee interest in this site along with a smaller adjacent shoreline parcel. The Kibby project protects 230 feet of shoreline, expands the area of contiguous open space at Abigail Adams State Park by over 10%, and enhances both wildlife values and passive recreation. The Town of Weymouth now manages the property, working in close cooperation with DCR and in a manner consistent with the adjacent Abigail Adams State Park.



existing land and facilities; and add recreational opportunities to the system.

Within DCR, the Division of Water Supply Protection is responsible for another important ongoing effort—protection of land around the Quabbin and Wachusett Reservoirs. Thanks to two gifts totaling 15 acres and funding for watershed acquisitions provided by the Massachusetts Water Resources Authority (MWRA) via consumer sewer and water fees, the Division protected 195 acres in the Quabbin and Wachusett watersheds in 2010.

For the past 25 years DCR (and its predecessor the Metropolitan District Commission) have been actively acquiring land to protect the Quabbin, Ware River, and Wachusett watersheds. Over that time 500 acquisitions have been completed totaling 22,000 acres (5,000 of which are CR's) at a cost to the MWRA of \$127 million. As a result, DCR's ownership of land surrounding the Wachusett Reservoir has increased from 7.9% to 27.4%, with these new acquisitions focused on the most important lands for protecting the reservoir. Due to this protection effort, the EPA issued the MWRA a waiver from the construction of a filtration plant for this water supply system saving MWRA ratepayers approximately \$180 million (estimate made in 2000).

Petersham, Chivian & Jacobson Watershed Acquisition

Dr. Eric Chivian’s and Constance Jacobson’s weathered antique cape looks over the woodlands and meadows that slope toward this headwater pond of the East Branch of the Swift River. Their decision to place a watershed preservation restriction on this acreage reflects a love of, and commitment to, the land that has brought them much needed solace and respite from busy Boston careers—Dr. Chivian as director of Harvard’s Center for Health and the Global Environment, and Constance Jacobson’s work as Assistant Professor at the Art Institute of Boston at Lesley University. Dr. Chivian’s passion for landscape preservation and biodiversity, protection (he recently published *Sustaining Life: How Human Health Depends on Biodiversity*, Oxford Press 2008) extends to his own piece of the Quabbin Reservoir watershed, where he tends to his organic fruit orchard and honey bee hives, and maintains the integrity of a colonial era dwelling. A portion of the 17.5 acres protected in partnership with DCR was conveyed as a charitable donation. This WPR abuts both DCR lands held in fee, and another DCR held watershed preservation restriction property. These protected tracts form a direct contiguous link to the 56,000 acre Quabbin Reservoir Reservation.



DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

Conserving key parcels of vulnerable land in order to prevent contamination from inappropriate land uses is vital to ensuring that the Commonwealth will always have an abundant supply of clean water. In FY10, the **Drinking Water Supply Protection Program** contributed 173 acres to the Commonwealth’s land conservation efforts at a cost of \$510,000. This DEP conservation program provides grants to municipalities and public water systems to purchase land or conservation restrictions in order to protect existing public drinking water supplies. Since

	DWSP	NRD Trust
Funds Expended	\$510,000	\$315,748
Acres Protected	173	19
Total Projects	3	2
Communities	3	2

2005, the Commonwealth has invested more than \$7.7 million to protect 1,917 acres of land in strategic locations across the state as part of a comprehensive approach to protect drinking water sources.

In addition to this focused grant program, many of the other EEA funded acquisition programs help protect land close to drinking water sources. For example, in the past four years over 9,300 acres have been protected in Zones A and B (within ½ mile of our surface public drinking waters)—that is 7% of all unprotected Zone A and 8% of all unprotected Zone B land across the state. This is a significant increase over the percentage of these important lands protected in the recent past. In addition, forest protection agreements via the Forest Stewardship Program protect another 7% of the remaining unprotected land in both Zone A and B.

## Middleborough, Black Brook Corridor

A \$382,812 grant was provided by DEP's Drinking Water Supply Protection Program to conserve 88 acres in the Black Brook Corridor. An additional \$300,000 for this purchase came from funds collected for the protection of rare species habitat as mitigation for development impacts. The property was acquired by the Town of Middleboro, subject to a Conservation Restriction held by The Nature Conservancy, both of which contributed matching funds. This acquisition protects the water quality of the Assawompset Ponds Complex, the state's largest natural water body, which provides drinking water to the Cities of New Bedford and Taunton, and to the Towns of Acushnet, Berkley, Bridgewater, Dartmouth, Dighton, Fairhaven, Freetown, Lakeville, and Middleboro. The property links to hundreds of acres of previously protected open space, including 211 acres protected with the assistance of prior DEP Drinking Water Supply Protection Grants.



When hazardous substances, hazardous materials or oil are released or spilled into the environment then fish, shellfish, wildlife, rivers, wetlands, groundwater, drinking water, and other natural resources can be injured. In such instances, the Energy and Environmental Affairs (EEA) Secretary acts as a “trustee” for the natural resources of Massachusetts. Within EEA, DEP administers the **Natural Resource Damages Assessment and Restoration (NRD) Program** which seeks to recover monetary damages from responsible parties when natural resources are injured and then use those funds for restoration.

### FY 2007 Projects (\$3,710,250)

- ◇ 7.7 acres known as Marsh Island in Fairhaven intended for future marsh restoration
- ◇ 76 acres of forest and wetland habitat by *MassWildlife*, linking properties that provide over 300 acres of contiguous open space
- ◇ 88 acres of forest and wetlands along a tributary to the Acushnet River
- ◇ 21 acres of field, forest, freshwater pond, and marsh along the Acushnet River

### FY 2009 Project (\$175,000)

- ◇ 13 acres including a salt-water pond and coastal marshes populated with Piping Plovers, a small North American shorebird designated as threatened under the federal and state Endangered Species Acts

### FY 2010 Projects (\$315,748)

- ◇ 13.7 acres of pine barrens in Mashpee for wellhead protection and inclusion in the Mashpee National Wildlife Refuge
- ◇ 5.3 acres of forested wetland in Sandwich for wellhead protection contiguous to Conservation Commission properties



## DEPARTMENT OF FISH AND GAME (DFG)

A total of 6,164 acres of key fish and wildlife habitat in 44 towns were protected in 2010, through the efforts of the DFG and its Division of Fisheries and Wildlife

(*MassWildlife*). These lands will be added to more than 180,000 acres currently under the care and control of *MassWildlife*, most of which are Wildlife Management Areas (WMAs).

The primary mission of the DFG and *MassWildlife* **Land Acquisition Program** is to protect the ecological integrity of the Commonwealth. The agency seeks to ensure biological

<b>Funds Expended</b>	\$11,292,054 (including \$1 million in Land Stamp funds, \$110,000 in NHESP Trust funds and \$802,054 in administration, conservation planning, stewardship, and due diligence costs)
<b>Acres Protected</b>	6,164
<b>Total Projects</b>	55
<b>Communities</b>	44

diversity by acquiring the most important fish and wildlife habitat and natural communities and to provide public access to the lands and waters of the Commonwealth for fishing, hunting, trapping, wildlife observation, hiking, and other passive wildlife-related recreation. WMAs include river corridors, wetlands, various types of forested upland, habitat for state listed endangered and threatened species and species of special concern, and high-quality examples of other important habitat types.

Funding for the land acquisition program comes from several sources. The primary funding mechanism is the Commonwealth's open space bond authorization. Fishing, hunting and trapping license buyers also contribute a \$5 fee, known as the "land stamp" to the **Wildlands Fund** for wildlife habitat acquisition as an additional revenue source. Since 1990 the land stamp has provided \$24.7 million in funding resulting in the conservation of over 27,500 acres. DFG also competes for several federal grant programs to supplement its land protection efforts.

### Townsend, Squannacook River WMA

This 78-acre acquisition off Elm Circle in Townsend enlarges the Squannacook River Wildlife Management Area (WMA) and protects roughly 2,900 linear feet of riverfront on one of the best coldwater fisheries in northeastern Massachusetts. The parcel provides easy road access for anglers and naturalists. The property's old gravel pit is known to provide habitat for six rare species and is comprised of many different habitat types, including sandy open areas, ponds, and riverfront.

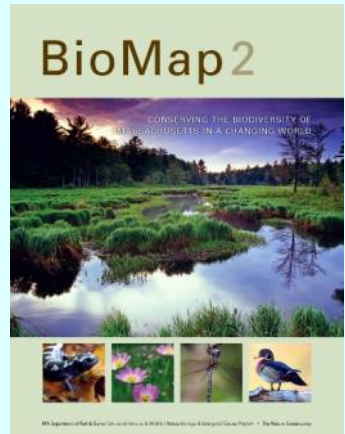


## BioMap2: A Modern Tool to Promote Strategic Land Protection

The 2010 BioMap2 is a collaboration of DFG's **Natural Heritage and Endangered Species Program** and the Nature Conservancy. It updates and combines the groundbreaking BioMap and Living Waters guides which are 7–10 years old by assessing recent land use changes and adding new species observation records. In addition, it broadens the scope to add many other species and

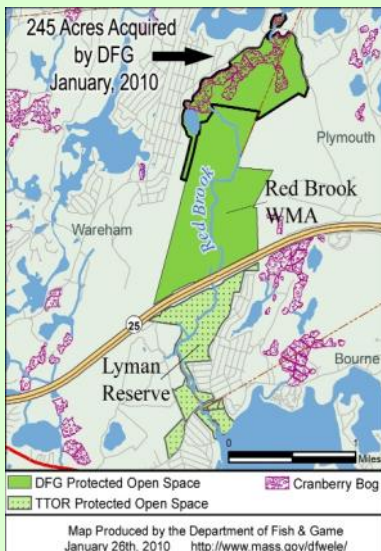


habitats that were included in the



State Wildlife Action Plan (2005). BioMap2 also uses extensive GIS analyses of habitat disturbance such as the CAPS model developed by UMass-Amherst. Lastly, BioMap2 contains analyses of the likely impacts of anticipated climate change on various habitats in Massachusetts. BioMap2 is the premier guide to conserving the biodiversity of Massachusetts in a changing world.

## Plymouth and Wareham, Century Bog



In January 2010 DFG completed its second significant land conservation project with the A.D. Makepeace Company when the agency acquired the 245-acre Century Bog property located in Plymouth and Wareham. Century Bog was the last remaining unprotected reach of Red Brook and is one of the most diverse fish and wildlife habitats in the Commonwealth containing habitat for many common species and 11 rare plants and insects. The Bog abuts the agency's 673-acre Red Brook WMA, which in turn abuts the Trustees of Reservation's 210 acre Lyman Reserve. The entire 4.5 mile length of Red Brook and 883 contiguous acres are now protected. DFG's Division of Fisheries and Wildlife is working with many other groups, including DFG's Division of Ecological Restoration and Trout Unlimited to restore the stream channel and improve prospects for sea-run brook trout, alewives, and other species.



## EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS AND THE DIVISION OF CONSERVATION SERVICES

EEA is responsible for four state land conservation programs and administers

one federal program that collectively invested \$15.4 million in land acquisition and park creation and renovation in FY10.

EEA's Division of Conservation Services manages three of the state land programs: the **Local Acquisitions for Natural Diversity (LAND)** Program, the **Parkland Acquisitions and Renovations for**

<b>Funds Expended</b>	\$15.4 million (including \$2,050,000 in federal Land and Water Conservation Funds and \$1,141,701 in administration costs)
<b>Acres Protected</b>	1,507
<b>Total Projects</b>	84
<b>Communities</b>	50

**Communities (PARC)** Program and the **Conservation Partnership** Program. Together these programs protected 1,507 acres at a cost of \$10.1 million in FY10.

The LAND program provided \$3,457,172 in grants to 11 communities, helping to conserve 751 acres. The purpose of the program is to help cities and towns acquire land for conservation and passive recreation including hiking, wildlife watching, fishing, hunting and cross-country skiing.

### Brewster, Bates Property

The 36-acre Bates property in Brewster was conserved via a \$500,000 LAND grant to the Town of Brewster. This project will add to over 1,000 acres of land already conserved by the Town of Brewster and neighboring Harwich. This is one of the largest blocks of unfragmented forest on Cape Cod, providing important breeding ground for migrant neotropical songbirds. The property falls within the drinking water supply zone for the towns of Brewster, Harwich, and Dennis. Three “ancient ways” will be preserved, including the one pictured, which provide residents and visitors the opportunity for hiking, biking, horseback riding, and other outdoor recreation.



The PARC Program, which funds the acquisition of land and the construction or renovation of park facilities, provided \$5.9 million in funding for 28 park projects in 18 communities. Grants provided through this program are critical to the Commonwealth Urban Parks Initiative, which seeks to improve quality of life by providing access to open space and recreational opportunities in urban neighborhoods.

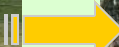


### Chelsea, Island End Park

The City of Chelsea received a \$395,413 grant from the PARC Program that added almost two acres of new parkland to the City. The new park, with 160 feet of frontage on the Island End River, is accessible by public transportation and connects to a boardwalk that provides a continuous pathway from Broadway at the Mary O'Malley State Park along the Mystic and Island End River. The park design was the result of outreach in multiple languages. The park includes walkways, art, landscaping, a shade structure, benches, bike racks and interpretive signage.

### Lawrence, Cronin Park

The before and after photos below show the transformation of Cronin Park. Community garden beds, a basketball court, shade trees, picnic tables, benches, a walking path and an open grassy space were installed. The park is directly across the street from a school that will incorporate the community garden beds into its curriculum. Groundwork Lawrence and the City worked together to utilize a \$258,669 PARC grant to realize this remarkable PARC project.



Conservation Partnership Program grants for 17 projects resulted in the conservation of 681 acres at a cost of \$858,248. These grants are designed to help nonprofit organizations purchase and permanently conserve land for conservation or recreation. Projects are prioritized for funding based on their ability to conserve biodiversity, protect water quality, promote recreation, and preserve working farms and forests. Over the 5 years of this relatively new program, 70 projects have been completed protecting more than 2,000 acres with an investment of \$3 million in EEA funds—a cost of only \$1,500 per acre due to the significant financial contributions made by land trusts and conservation-minded landowners for each project.

### Cummington, Warner Farm

The 131 acre Warner Farm was protected in 2010 via a Conservation Partnership grant of \$55,000 to the Hilltown Land Trust. Located across from the Cummington Fairgrounds, the property was actively farmed from 1779 to 1965.



## North Andover and Boxford, Windrush Farm

The Windrush Farm Conservation Project was the recipient of both an \$85,000 Conservation Partnership grant to preserve 35 acres and a \$500,000 LAND grant to protect 160 acres. Windrush Farm, located in the towns of North Andover and Boxford, is comprised of 195 acres of forests, fields, wetlands, and a rare Atlantic White Cedar Bog. Windrush Farm also contains State-recognized critical wildlife habitat supporting rare and endangered species and land important to protecting the Ipswich River.



The horse farm, which provides equine-assisted therapies to more than 300 children and adults with disabilities, including veterans of war each year, is part of nearly 1,800 acres of contiguous forest. Existing trails serve Windrush Farm Therapeutic Equestrian programs and the public.

In addition to EEA project partners include the Trust for Public Land, Windrush Farm Therapeutic Equestrian, Inc., the Towns of North Andover and Boxford, and the Essex County Greenbelt Association. The partners needed to raise \$3.5 million for the purchase. A combination of Town (Community Preservation Act) and State funding, private foundations, and

468 individual donors contributed to the overall purchase price. Three conservation restrictions will provide a consistent layer of protection across the entire Windrush Farm property. The Essex County Greenbelt Association will hold and monitor all the conservation restrictions and the Towns of North Andover and Boxford will co-hold two of the three restrictions.

The **Federal Land and Water Conservation Fund (LWCF)**, which in 2010 invested \$2,050,000 in five projects, is also managed by the Division of Conservation Services.

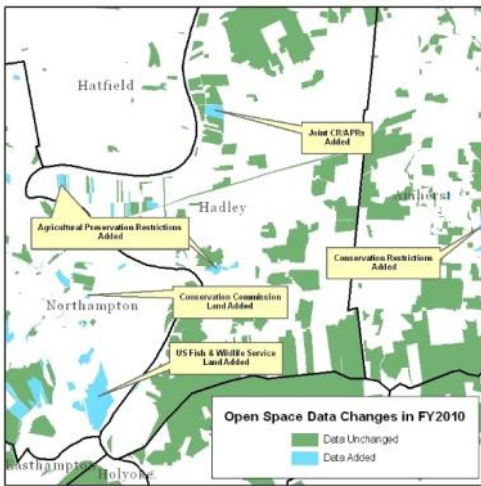
Finally, in 2010 EEA's **Gateway City Parks Program** invested \$2.1 million to create and restore urban parks and had active planning, design, or construction projects in most of the Commonwealth's 22 Gateway Cities. The Gateway City Parks Program works to improve park quality and advance park equity in urban communities by making targeted investments to create park and recreational opportunities. Since communities often lack the resources to site, plan and build parks successfully, the program provides a menu of funding options for all phases of urban park development including acquisition, environmental cleanup, planning and assessment, design, construction, and other park related expenditures.

## Pittsfield, First Street Common Revitalization Project

EEA, through its Gateway City Parks Program, and the City of Pittsfield recently signed a \$1.7 million dollar contract to revitalize First Street Common, a prominent and significant downtown public park. Work will include creation of a promenade along First Street, demolition of the existing playground/picnic area and skate park (which is being relocated to another site in the City), installation of a retaining wall and fence, construction of a new playground, and improvements to the park entrance at Wallace Place.

## Taking Care of Protected Land—EEA’s “Stewardship Initiative”

Over the past three years EEA has undertaken a number of initiatives to enhance stewardship of the 1.2 million acres of protected conservation, water supply, agricultural, park, and other lands the agency is responsible for monitoring. Several of these initiatives involve the Massachusetts Office of Geographic Information (MassGIS). For example, in FY10, MassGIS continued a two-year effort to improve the mapping of protected open space. Education regarding which parcels are protected is often the “frontline” of defense of our



protected open space. MassGIS web-based maps include information critical to educational efforts such as level of protection, public accessibility, as well as important natural resource overlays for drinking water, habitat, and agriculture. Much of this information is sent to MassGIS by municipalities, land trusts and regional planning agencies. In another important innovation, the process for incorporating this information is now streamlined thanks to a new online open space editing tool developed by MassGIS for use by these organizations. Finally, in FY10, MassGIS reviewed, edited and improved open space mapping in 225 municipalities affecting over 27,400 acres. Thanks to these efforts the database now includes 19,900 additional acres of permanently protected open space bringing the total amount of protected open space to at least 1,215,169 acres—more land than is developed in the state. This is the first time in decades that more land is protected than developed.

Another important stewardship accomplishment of the past year was the passage of an Off Highway Vehicle (OHV) law thanks to a consortium of OHV groups, conservation organizations, municipal officials, local and state law enforcement officers, and DCR, EEA and DFG staff led by the Massachusetts Office of Public Collaboration. Un-authorized OHV use on protected open space can be a substantial threat, especially to fragile habitat areas. The new law significantly increases fines for a wide range of violations, enhances safe riding practices, and makes registration of OHV’s mandatory. A trust fund, administered by EEA, will use registration fees and fines to educate users, enhance enforcement, support legal riding areas, and restore damage from unauthorized use.

In addition, EEA and the agencies are working to improve stewardship of conservation restrictions. EEA agencies hold more than 1,100 CR’s on over 100,000 acres of land. The first step in good stewardship is the completion of a “baseline report” that carefully documents the condition of the land when the CR is recorded. In the past five years EEA agencies have completed over 500 baselines. A new policy requires baselines to be completed using land funding for all new projects so that future CR’s all have baseline reports. Finally, EEA and its agencies are working on a CR stewardship policy that will guide the agencies in monitoring CR’s on a regular basis so that landowners will be educated about prohibited activities and violations can be dealt with quickly using the baselines to document changes.

## No Net Loss Policy

In 1998, EOEa released a “No Net Loss” policy for land protected by Article 97 of the MA Constitution—land owned by the state or municipalities and dedicated to conservation, park, farm, water supply or other open space purposes. Article 97



requires a two thirds vote of the Legislature in order for any government property interests dedicated to open space to be converted to another use or for the “care and control” of that land to change hands. The 1998 EOEa policy requires that if Article 97 land must be converted to another use, land of equal natural resource value, fair market value and size be dedicated to Article 97

as mitigation. Over most of the twelve years that the policy has been in place, dispositions of Article 97 land often have occurred without mitigation. However, over the past four years, the Patrick-Murray Administration, working through EEA staff, has effectively implemented the “No Net Loss” policy in both two-year legislative sessions. In the 2009–10 legislative session there were 47 laws passed involving disposing of interests in Article 97 land. A total of 247 acres were authorized to be converted to other purposes and in mitigation 292 acres were required to be added to Article 97 purposes. In the 2007–09 legislative session there were 51 laws passed with 319 acres leaving Article 97 designation and 364 acres added to Article 97 in mitigation. Over the two Sessions, 68% of the laws affected municipal Article 97 land and 32% affected EEA agency land. In addition to these laws, 15 laws were passed in the two Sessions which added land to Article 97 or added protection to existing Article 97 land (via state CR’s over municipal land). These laws protected or added protection to 6,114 acres. This is an extremely successful effort led by the Patrick-Murray Administration which had critical support from staff on the various legislative committees.

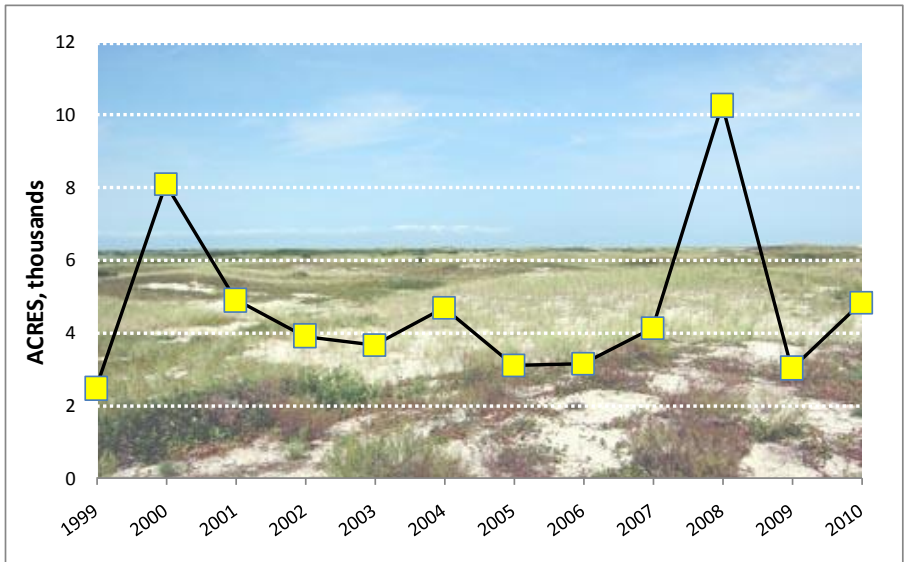


## Conservation Restrictions (CRs)

In 2010 the staff of the Division of Conservation Services reviewed and Secretary Bowles signed 160 restrictions that conserved 4,821 acres of land. These CR's are donated or purchased from conservation-minded landowners by Land

Trusts or Conservation Commissions across the state after a lengthy process of natural resource analysis and negotiation with landowners and often complex fundraising by CR holders. In some cases, CR's are required as mitigation for rare species impacts or by towns as part of the development process. The Secretary of Energy and Environmental Affairs is charged with reviewing CRs to ensure they serve a public purpose, such as habitat or water resource protection. Massachusetts is the only state with this important secretarial review requirement. A CR is a legally binding agreement between a landowner and a public conservation agency or private land trust, whereby the owner agrees to limit the use of his or her property in order to protect certain conservation values. A restriction can be made permanent only through approval by the Secretary pursuant to Chapter 184. CRs are recorded with deeds and remain with the land permanently, even when it is sold.

<b>Acres Protected</b>	4,821
<b>Restrictions</b>	160



In addition, to preserving open space for future generations, CRs afford landowners various tax benefits. Making a donation of a CR can also reduce or eliminate a property owner's estate taxes and reduce future real estate taxes. The Secretary's approval of these restrictions is the final step in a long process of work by land trusts, conservation commissions, community preservation committees, and landowners who negotiated, funded, and drafted proposals, and/or donated land. In FY10, EEA reviewed and approved CR projects that protected hundreds of acres of rare species habitat, historic landscapes and even a coastal island.

## Truro, the Edward Hopper Landscape CR

Edward Hopper was a renowned American artist, who painted many beautiful landscapes, most notably, the rolling hills, hollows, ridges and kettle hole landscapes near his summer home in Truro where he painted for more than 30 summers. The generous donation by brothers Anton and Larry Schifffenhaus and their families' of a 7.3 acre conservation restriction to the Truro Conservation Trust, assisted by the Compact of Cape Cod Conservation Trusts, will preserve not only the historic landscape of Hopper's paintings, but unique habitats including rare coastal heathland, broom crowberry, bayside beach dunes, and portions of the freshwater Cobb's Swamp. In the past 15 years, the Compact has helped neighboring landowners to preserve more than 25 acres of the Hopper Landscape.



## Nantucket, Muskeget Island

An example of remarkable generosity in protecting environmental and historical interests occurred this past year when Muskeget Island, a 244-acre island off the coast of Nantucket, was permanently preserved. Muskeget Island's ownership was split between the town of Nantucket and the Snow family, which had owned and kept it in its natural state since 1895. Its northern shore sand dunes and southern shore marshes and lagoon, designated a Natural

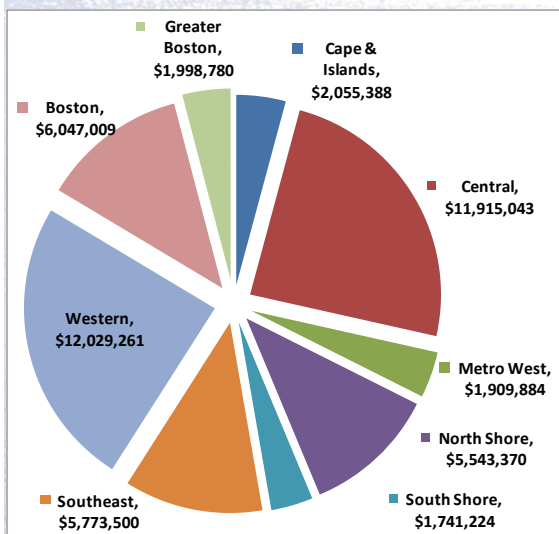
Landmark by the National Park Service in 1980, is the southernmost breeding area for Grey Seals and is the only known place in the world where the Muskeget Vole exists. When Crocker Snow, Jr. and Donald Vaughan Little approached the Nantucket Land Council, offering to place a conservation restriction on 173 acres of their Muskeget land, they challenged the town to place its 54.5 acres under a conservation restriction as well. The town transferred its ownership to the Nantucket Islands Land Bank and granted a conservation restriction to the Nantucket Land Council, ensuring the perpetual protection of this remarkable island. The work of the Nantucket Land Council negotiating between the parties, shepherding authorization through the Legislature twice, and ensuring that both conservation restrictions were coordinated to the satisfaction of the owners and in time to meet Conservation Partnership grant requirements (In addition to the CR a \$52,000 grant was awarded to the Nantucket Land Council for this project.) was truly extraordinary, thus protecting, forever, this amazing island.

## Land Protection Partners

In FY10, the Commonwealth's investment of \$46,349,577 (including \$425,748 from the NHESP and NRD Trust Funds) was matched by \$16,970,408 in funding from landowners, non-profit organizations, municipalities, and other parties. In addition, funding from federal sources amounted to \$6,821,388 in FY10.

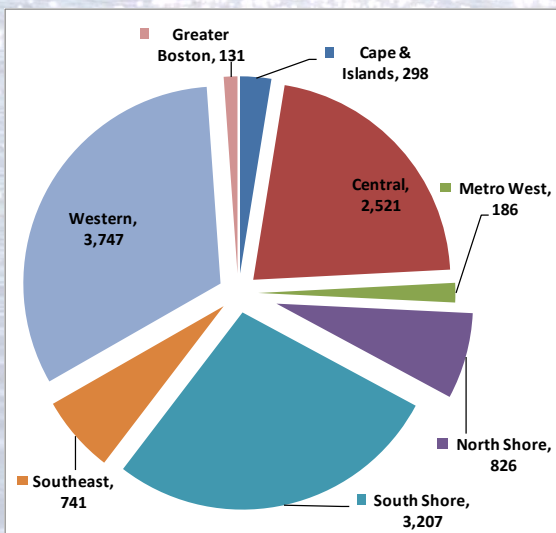
## Investments by Region

The Central and Western regions of the state are home to most of the Commonwealth's habitat reserves and working landscapes. In urban areas, most of the spending went toward park investments and rehabilitation.



*FY10 State Land Investment by Region*

*FY10 Acres Protected via Expenditure by Region*



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Page 29: Bottom, Fitchburg, Scott Reservoir. Photo Credit: Christie Edwards, DFG

Page 30: Muskeget Island, off Nantucket. Photo Credit: Cormac Collier, Nantucket Land Council

Page 31: Top, Truro, Seven Acre CR adjacent to the Edward Hopper House. Photo Credit: Jon Friedman, Truro photographer

Page 31: Bottom, Muskeget Island, off Nantucket, a 244-acre CR. Photo Credit: Cormac Collier, Nantucket Land Council

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The Patrick-Murray Administration wishes to thank all who played a role in the conservation of 16,478 acres in 2010 and more than 75,000 acres over the past four years. This includes several dozen employees of EEA and the Departments of Agricultural Resources, Conservation and Recreation, Environmental Protection, and Fish and Game. In addition, the many employees and volunteers of the Commonwealth's land trusts and environmental organizations were indispensable partners in this accomplishment. Much of this land would not have been preserved without their efforts. Municipal governments and the many volunteers and staff responsible for their conservation efforts were also key participants. Finally, the Commonwealth is grateful to the many landowners across the state who donated property.



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