

#### My Fellow Citizens:

Protecting open space is critical to sustaining a healthy Commonwealth. Upon taking office I significantly increased the amount of money devoted to the land conservation programs of the Executive Office of Energy and Environmental Affairs (EEA). I did so because I believe that what we preserve is just as important as what we build. I am pleased that the EEA agencies, working in concert with land trusts, land owners, municipalities, and many other partners, are off to a terrific start. The land preservation they have accomplished this year is an investment that will pay enormous dividends to the Commonwealth and its citizens for generations to come.



We have a lot of work to do to build and restore parks and to preserve the woodlands, farms, and wildlife habitat that contribute so much to the quality of life here in the Commonwealth. Given the dedication and hard work of Secretary Bowles's land acquisition team and the many organizations and individuals that are our partners in land protection, I am confident that we will do our part to safeguard these vital natural resources for our future generations.

Sincerely,

Deval L. Patrick Governor

#### Citizens of the Commonwealth:

Over the past five decades tremendous amounts of land in Massachusetts have been developed. According to Massachusetts Audubon, growth has at times consumed more than 44 acres a day of open space. We have converted land for subdivisions and other uses as if it were in endless supply, putting our air and water at risk and consuming far more energy than if we had grown more compactly and protected more land from development.

The Patrick Administration is taking action to conserve our natural resources and decrease our energy consumption by reducing the amount of land we consume and by permanently protecting key parcels of land. I am proud to say that in our first year alone EEA and its many partners conserved more than 24,000 acres of land – 66 acres a day.

The land protection efforts of the Commonwealth have been so productive over the last year due to the leadership provided by Governor Patrick, who has launched the largest land conservation program in the state's history. The \$50 million of state capital funds spent in this first year is a 55% percent increase in land spending over the previous administration's annual average. Moreover, this figure does not count other funds devoted to land protection. For example, in Fiscal Year 2008 (FY08), more than \$4 million dollars derived from the Massachusetts Water Resources Authority (MWRA) bond funds, \$3.9 million in federal dollars, and just under \$1.4 million in land stamp funds brought total spending to just under \$59 million.

With these funds, EEA is working to meet the **three conservation priorities** Governor Patrick identified for land spending:

#### Commonwealth Urban Parks

Creation of significant urban parks in the Commonwealth's Gateway Cities, as well as new or expanded urban parks in all our cities over the next four years

#### • Commonwealth Habitat Reserves

Protection of at least 10 large unfragmented ecosystems across the state

#### Commonwealth Working Landscapes

Conservation of prime agricultural and forest lands that support local sustainable agriculture and forest industries.

In addition to unprecedented financial resources, cooperation characterizes the Patrick Administration approach to land conservation. In FY 08 alone, the 223 projects executed by EEA and its agencies were complemented by more than \$32 million in funding from land trusts, conservation organizations, and municipalities. Millions more were invested by these organizations and conservation-minded landowners.

On the legislative front, this year marked the most successful implementation of the Commonwealth's "No Net Loss" Policy in its 10-year history. In the 2007-08 legislative session, EEA worked collaboratively with legislators and municipalities to ensure that land dispositions under Article 97 of the state Constitution resulted in no loss of protected open space overall. While 51 bills removed 318 acres from protected status, 364 acres of equal or greater value were protected as mitigation. An additional seven bills that would have taken 181 acres out of Article 97 protection and only replaced them with 57 acres were vetoed or left unsigned. In addition, Governor Patrick signed four bills that brought 437 acres of state institutional land (Department of Mental Health and Department of Corrections) under Article 97 protection.

I am proud of the accomplishments of our land program to date, and as you look over this report on our FY08 efforts, I hope you are as pleased as I am. I look forward to continuing to work together to preserve our heritage in natural landscapes, recreation areas, and working lands in the years to come.

Ian A. Bowles Secretary

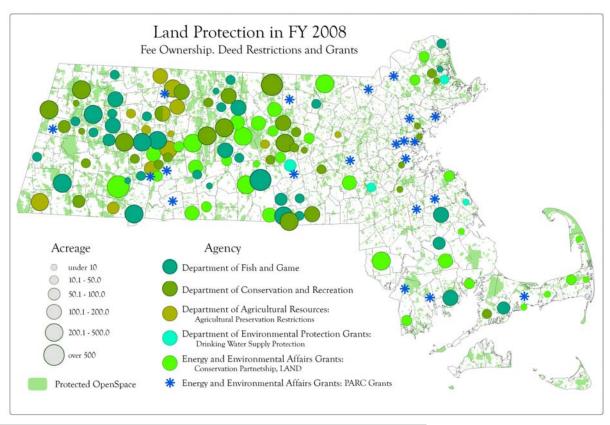


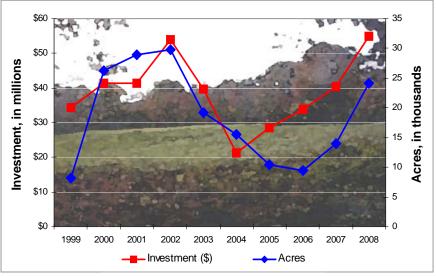
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#### 2008 Land Protection – Summary

In Fiscal Year 2008 (FY08) a total of 24,104 acres were protected through EEA action, almost double the acreage conserved in FY07. In FY08, \$54.9 million was expended on 223 projects that protected 13,819 acres through grants, fee purchase, and conservation and agricultural preservation restrictions. An additional 10,285 acres were preserved through EEA approved conservation restrictions. As these and other recent conservation projects are mapped and included in the open space inventory total land conserved should exceed 1.2 million acres by the end of FY09.





Via Expenditure	13,819	
Via Restrictions	10,285	
TOTAL	24,104	
Expenditures		
Bond Funding	\$49,471,332	
Land Stamp	\$1,366,485	
MWRA	\$4,046,000	
TOTAL	\$54,883,817	

Acreage Preserved

FY08 Expenditures by Project Type				
	Funds	Percent	Acres	Percent
Grants	\$17,598,348	32%	2222	16%
Restrictions	\$17,368,750	32%	7052	51%
Fee Acquisitions	\$18,003,300	33%	4545	33%
Administrative Costs	\$1,913,420	3%	N/A	N/A
TOTAL	\$54,883,818		13,819	

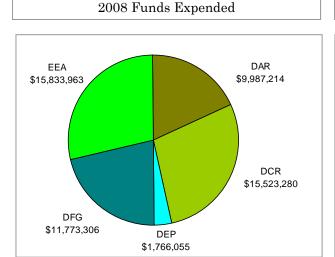
In FY08 expenditures were almost evenly split by project type. About 1/3rd of the funding was used for each method of land acquisition; outright or fee-simple purchases, acquisition of conservation restrictions, and grants to municipalities and conservation groups for land protection.

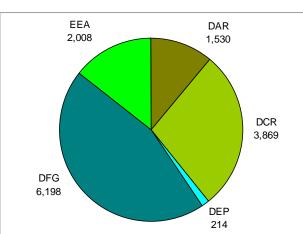
The state was able to protect far more land by acquiring restrictions than by purchasing parcels outright. The state spent an average of \$1,900/per acre on restrictions versus \$3,600/per acre on fee simple purchases. In addition to enabling the state to use funding efficiently by permanently protecting more than 3 times as much land per dollar, restrictions allow parcels to remain in private ownership, on the tax levy, and in many cases in active farming or forestry use.

Grants are the most expensive form of land expenditure per acre, but the difference in cost is far less – about \$4,900/acre – after accounting for \$7.2 million in Park Acquisition and Renovation for Communities Program (PARC) grants to municipalities for park restoration and construction.

#### **EEA and Agency FY08 Land Accomplishments**

EEA and four of its agencies played a key role in realizing the Patrick Administration's FY08 land conservation goals. This section outlines agency funding, key programs, and achievements.





2008 Acres Protected



#### DEPARTMENT OF AGRICULTURAL RESOURCES

This year, the Department of Agricultural Resources (DAR) conserved more than 1,530 acres of farmland permanently through 27 Agricultural

	APR	Farm Viability
Funds Expended	\$9.5 million	\$1.1 million
Acres Protected	1,530 (permanently)	1,711 (10 years via restriction)
<b>Total Projects</b>	27	21
Communities	18	

Preservation Restriction (APR) Program projects. In addition, 1,711 acres were placed under 10-year agricultural covenants through the Farm Viability Enhancement Program – a condition of program funding.

Land protected by DAR serves the Patrick Administration's objective of protecting working landscapes. One example of the Department's impact can be seen in the Connecticut River

Valley, where FY08 agricultural land protection projects from Gill to Hadley are preserving one

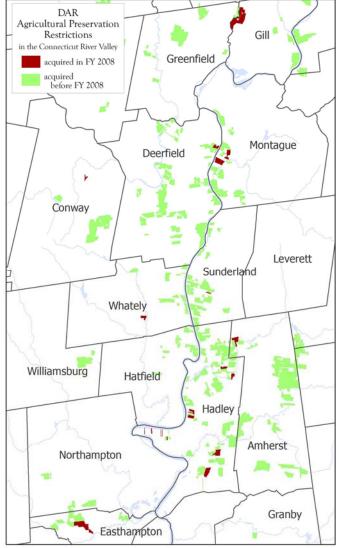
of the most fertile - and scenic - places in

the Commonwealth.

The APR Program is a voluntary program that pays farmers and other owners of targeted 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.

Projects completed by the APR Program this year also provided benefits to financially struggling farmers more quickly than in the past, as the wait time between application and project closing has been reduced from over three years to less than two. APR involves a two-step process whereby farmers submit their land to a board for consideration and, if it is deemed to be of high quality, it is officially "nominated" and approved for appraisal. After the appraisal is complete and the farmer agrees to the price, the board approves the project and it is then closed after all due diligence is completed (title, survey, etc.). The Massachusetts APR program is ranked among the top three in the nation for its fast turn around of federal APR funds.

The Farm Viability Enhancement Program improves the financial bottom line and envi-



ronmental integrity of participating farms through the development and implementation of Farm Viability Plans. These plans, developed by teams comprised of farmers and agricultural, economic and environmental consultants, recommend ways to make farms more efficient, economically viable, and environmentally friendly. More than 99% of the 300+ farms enrolled in the program since its inception remain in business today.

# Commonwealth of Massachusetts Department of Fish & Game

#### THE DEPARTMENT OF FISH AND GAME

An impressive 6,197 acres of key fish and wildlife habitat in 41 towns were protected through the efforts of the Department of Fish and Game (DFG) and its Division of Fisheries and Wildlife (MassWildlife). These lands will be added to over 164,000 acres currently under the care and control of MassWildlife, most of which are Wildlife Management Areas (WMAs).

**Funds Expended** \$11.7 million (includes \$1.4 million in Land Stamp funds)

Acres Protected 6,198

**Total Projects** 55

Communities 41

A listing of the newly acquired FY08 properties is on the web at: <a href="https://www.mass.gov/dfwele/dfw/habitat/land/land/acquisitions.htm">www.mass.gov/dfwele/dfw/habitat/land/land/acquisitions.htm</a>. These properties range in size from a 0.5-acre public recreation access point in Orange to a 2,300-acre Conservation Restriction (CR) in Montgomery and Westfield.

The primary mission of the Department of Fish and Game and MassWildlife land acquisition program is to protect the ecological integrity of the Commonwealth. The agency seeks to ensure biological 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 type 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. DFG also successfully competes for several federal grant programs to supplement its land protection efforts.

In FY08 Conservation Restrictions played a major role in the agency's habitat protection

Photo: Wild Turkeys, Bill Bryne, MassWildlife

efforts. Seven CRs, including the 610-acre East Brookfield gift and the 2,300 acre Westfield Watershed CR, provided protection to over 3,650 acres at a cost of only \$2.9 million. In total, restrictions accounted for 59% of the land protected by DFG this year, but only 26% of the total cost.



# THE DEPARTMENT OF CONSERVATION AND RECREATION

The Department of Conservation and Recreation (DCR) added 3,320 acres to the State Forest and Park system in 2008, protecting and enhancing Massachusetts's natural, historic, and recreational resources. More than half – 1,913 – of these acres were within one of the Commonwealth's 10 habitat reserve target areas. Other projects acquired lands within exist-

Funds Expended \$15.5 million (includes

\$4,046,000 in MWRA via DWSP)

Acres Protected 3,869 (548 via DWSP)

Total Projects 56

Communities 28

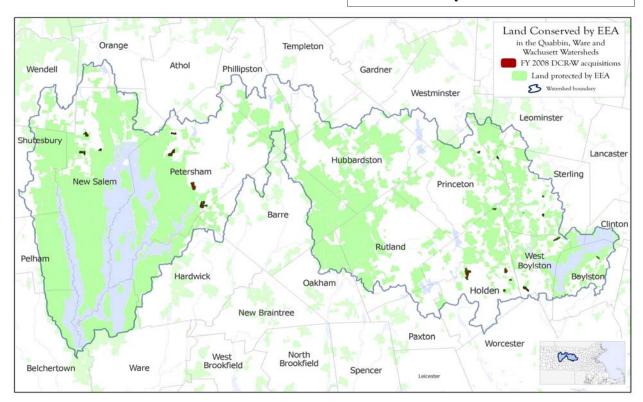
ing state parks, strategically expanded parks and forests by acquiring adjacent lands, or advanced other Department conservation goals.

Within DCR, the Division of Water Supply Protection is responsible for

another important ongoing effort – protection of land around the Quabbin and Wachusett Reservoirs. In FY08, 548 acres were conserved by the Division and the ratepayers of the Massachusetts Water Resources Authority (MWRA) at a cost of \$4,046,000 helping to ensure the long-term quality of this critical water supply.



Winter View of Quabbin Reservoir





ROTECTION

#### THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 FY08 the <a href="Drinking Water Supply Protection Program">Drinking Water Supply Protection Program</a> contributed 214 acres to the Commonwealth's land conservation efforts at a cost of \$1.8 million. This Department of Environmental Protection (DEP) program provides grants to municipalities and public water systems to purchase land or conservation

Funds Expended	\$1.8 million
Acres Protected	214
Total Projects	6
Communities	6

restrictions in order to protect existing public drinking water supplies. As part of a comprehensive approach to protecting drinking water sources since 2005, the Commonwealth has invested over \$5.8 million through the Drinking Water Supply Protection Program to protect 1,372 acres of land.

The Lily Pond Protection Project in Cohasset protected 30 acres of the most vulnerable drinking water recharge area of this water supply at a cost of \$366,850. In addition, most of the land involved in this acquisition is designated BioMap core habitat – a classification that identifies areas most in need of protection to conserve the native biodiversity of the Commonwealth.



## EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – *DIVISION OF CONSERVATION SERVICES*

The Division of Conservation Services within the Executive Office of Energy and Environmental Affairs (EEA) manages a trio of state land programs: the Local Acquisition for Natural Diversity (LAND) Program, the Park Acquisition and Renovation for Communities (PARC) Program, and the Conservation

Partnership Program. Together these programs protected 2,008 acres at a cost of \$15.8 million in FY08. In addition, the PARC program constructed or improved 34 parks in support of the Patrick Administration's Commonwealth Urban Parks Initiative. The Federal Land and Water Conservation Fund (LWCF) is also managed by the Division of Conservation Services. In 2008 the LWCF invested \$1.1 million in 3



Funds Expended	\$15.8 million
Acres Protected	2,008
Total Projects	73
Communities	60

projects located in Ashburnham, Boston, and Northampton.

The Local Acquisition for Natural Diversity Program (LAND) provided \$7.2 million in grants to 21 communities, helping to conserve 1,271 acres. The purpose of the LAND Program is to help cities and towns acquire land for conservation and outdoor recreation such as hiking, wildlife watching, fishing, hunting, and cross-country skiing.

The Park Acquisition and Renovation for Communities Program (PARC), which funds the acquisition of land and the construction or rehabilitation of park facilities, provided \$6.9 million in funding for 30 park projects in 22 communities. Parks provided through this program are a key component of the Commonwealth Urban Parks Initiative which seeks to improve quality of life by providing access to open space and recreational opportunities in urban neighborhoods. In addition, 75 acres of land were conserved to provide new parks.

This year's funding for the LAND and PARC programs (\$14 million total) represents the largest expenditure in the history of the programs. The state's funding was matched by \$6.3 million in local money raised by cities and town, land trusts and private fundraising.

Conservation Partnership grants for 17 projects resulted in the conservation of 661 acres at a cost of \$845,000. Conservation Partnership Grants are designed to help non-profit 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.

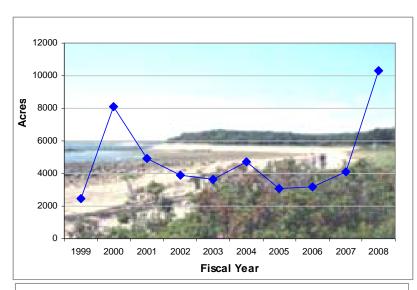
#### Conservation Restrictions

Charged with reviewing Conservation Restrictions (CRs) to ensure they serve a public purpose such as habitat or water resource protection, Secretary Bowles this year approved a record number of covenants safeguarding a wide array of

landscapes. A CR is a legally binding agreement between a landowner and a public agency or private land trust, whereby the owner agrees to limit the use of their property in order to protect certain conservation values. A restriction can be made permanent only through approval of a CR by the Secretary pursuant to Chapter 184. CR's are recorded with deeds and remain with the land permanently even when it is sold.

This year the greatest number of agreements were approved and acres protected since the CR program began in 1967. In

Acres Protected	10,285
<b>Total Restrictions</b>	248



EEA-Approved Conservation Restrictions: Acres Protected by Fiscal Year

11

many cases, landowners donated the CRs to municipalities or private land trusts in order to reap the benefits of a federal income tax provision that expired December 31, 2007. 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.

While the Secretary approves these restrictions, the primary credit for these restrictions is due to the land trusts, conservation commissions, community preservation committees, and landowners of the Commonwealth who negotiated, drafted, and donated these interests in land. Conservation Restrictions approved this year protect land including 600 acres surrounding a pond and abutting a mountainside in the Berkshires; 30 acres in Brewster protecting a brook with an active herring run within a National Historic Register District; nearly 300 acres of significant wildlife habitat on Nantucket; and 140 acres within an Area of Critical Environmental Concern (ACEC) in Central Massachusetts. The future of conservation donations looks bright indeed due to the renewal of the federal tax deduction.



Leonard and Nansi Glick, who donated a 24-acre Watershed Preservation Restriction (WPR) within the Quabbin Reservoir's Hop Brook basin, are representative of many who gave generously of their time, talent, and financial resources in 2008. The Glick gift is one of several WPR donations made by private parties in New Salem (totaling 118 acres) that will collectively leverage the protection in 2009 of an additional 133 acres.

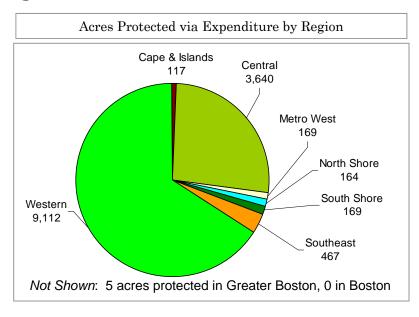
#### **Land Protection Partners**

In FY08 the Commonwealth's investment of \$54.9 million was matched by \$32.2 million from other land protection partners including \$7,126,778 in funding from landowners, \$2,496,881 in funding from non-profit organizations, \$18,649,432 in funding from municipalities, and just over \$3.9 million from federal sources.

#### Investments by Region

When examined regionally, it is clear that land important to achieving two of the three Patrick Administration land conservation priorities – habitat reserves and working landscapes – is more common in the lesser developed and more rural Central and Western regions of the Commonwealth.

This pattern is, however, balanced to some extent by investments in Commonwealth Urban Parks and the PARC Program in particular, which spent 60% of its FY08 funding in eastern

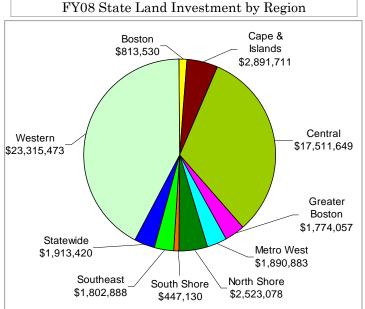


Massachusetts, from the Metro West region to the Cape and Islands.



Brook Street Park in Lawrence

Photo Credit: Groundwork Lawrence



#### **Land Priorities**

#### **COMMONWEALTH URBAN PARKS**

Recognizing that access to parks and recreational opportunities plays a crucial role in making the Commonwealth's cities attractive places to live and work, supporting parks in urban neighborhoods, particularly the Gateway Cities, is one of three priorities for EEA land spending. This is of particular importance because, while Massachusetts enjoys a wealth of rural and suburban landscapes – scenic beaches, hillsides, fields and forests – the majority of Massachusetts residents live in urban areas. High quality parks and greenspaces 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 our urban centers. Urban parks also help promote environmental equity – ensuring that lower income and communities of color have access to natural resources that are readily available in suburban and rural areas.

#### **FY08 Highlights:**

- ⇒ Creation of 16 new parks through the PARC Program
- ⇒ Bond bill includes \$25 million in authorization for Commonwealth Urban Parks and \$53 million for PARC

  Advance the city's
- ⇒ Neponset River Esplanade Park project begun -\$410,000 in design and survey work completed

## Haverhill River Walk "The Bradford Rail Trail Project" - \$400,000

Helped the City of Haverhill acquire 1.1 miles of rail corridor to create a trail along the south bank of the Merrimack River.

Basillere Bridges
Downtown Riverwalk: Expand the Riverwalk
over time, working with property owners and
waterfront developers

Section from *UrbanRiver* Vision Plan featuring Bradford Rail Trail recommendation

proposed Riverwalk plan

Downtown Riverwalk: Reconstruct and expand existing sections of the Riverwalk Bradford Riverwalk: Acquire the land along the

Bradford riverbank between the Comeau and

- Implements <u>Haverhill's Ur-ban River Vision and Action</u>
   <u>Plan</u> previously funded by EEA.
- EEA funds have been coupled with \$2 million in state and federal transportation funding for work on the Haverhill Boardwalk on the north side of the Merrimack River.
- The result will be a 2.5 mile walking loop that benefits Haverhill's downtown, local





Aerial view of Haverhill's future River Walk

#### Worcester Winslow Park Improvements - \$500,000

Winslow Park, a PARC Program project, is a collaborative effort of the City of Worcester and Women Together Now, a group formed by women in the area to make their neighborhood a safe place to live and work. The Park transforms a vacant debris-strewn lot into a useful open space featuring a patio, curving walls with memorials inscribed along their lengths, a community garden, a great lawn, a performance/patio area, site furniture, trees, and plantings.



#### COMMONWEALTH WORKING LANDSCAPES

Conservation of prime agricultural and forest land that supports local sustainable agriculture and forest industries is another of the land protection priorities set by Governor Patrick. These lands are critical to the economic vitality - as well as the character and scenic beauty - of many rural Massachusetts cities and towns, contributing over \$1 billion per year to our rural economies. In addition, more than 121 million board feet of timber are harvested annually in Massa-

chusetts, with tremendous potential for the Commonwealth to increase its harvesting, processing, and manufacturing of native wood. The forests of Massachusetts also have potential to produce biofuels in support of EEA's clean energy agenda.

#### **FY08 Highlights**

- ⇒ Thousands of acres of working landscapes, including lands actively managed for forest products, were permanently protected through EEA expenditures
  - ♦ The APR Program protected 1,530 acres on 26 farms at a cost of \$10 million.
  - ♦ The Farm Viability Program secured 10-year restrictions on an additional 1,711 acres while providing \$1 million in funding to improve the viability of 19 farms.





Echodale, a beautiful and productive 165-acre farm, the largest remaining in Easthampton, was protected. Restoration has begun thanks to the efforts of DAR, DCR, the Trust for Public Land, the City, two young farmers, and 500 individual donors.

Photo Credit: The Trust for Public Land

An example of what can be accomplished through partnership comes from Leyden, where a 166-acre APR was purchased by DAR, 400 acres were preserved by DFG, and the Massachusetts Audubon Society and the Franklin Land Trust also made purchases protecting one of the Connecticut River Valley's most scenic farms.

#### COMMONWEALTH HABITAT RESERVES

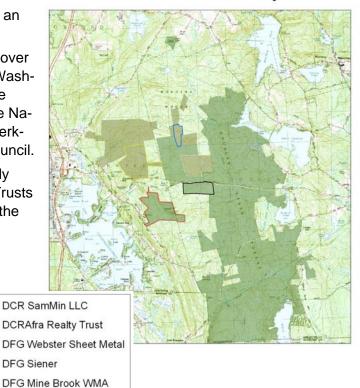
The Commonwealth has targeted 10 large, unfragmented ecosystems across the state for conservation in order to protect our most unique large habitats for future generations and to serve as destination attractions for our emerging "green tourism" industry. These reserves include mountain tops, wilderness areas, sustainably managed forests and forest reserves, and wild rivers.

#### **FY08 Highlights**

- ⇒ Established and targeted conservation resources toward 10 habitat reserves
- ⇒ Protected 6,692 acres in the targeted reserves, 28% of the total acreage protected in 2008
  - ♦ 5,438 acres protected via expenditure

- 1,254 acres protected via approved restrictions in Westfield (269 acres), Mt. Washington (975 acres), and Carver (10 acres).
- Partner organizations are playing an important role
  - CRs have been recorded on over 975 acres within the Mount Washington Habitat Reserve by the Trustees of Reservations, the Nature Conservancy, and the Berkshires Natural Resources Council.
  - The Duke Foundation recently provided \$1 million to Land Trusts to help purchase land within the Habitat Reserves.

#### Douglas SF & Mine Brook WMA Fiscal Year 2008 Projects



In FY08 the Department of Conservation and Recreation and the Department of Fish and Game each acquired 2 parcels in the Douglas Reserve, adding 618 acres of protected land to existing holdings in the Douglas Woods and helping to protect one of the most pristine blocks of forest in central Massachusetts – an area at high risk of development.

DCR Douglas State Forest



Massachusetts and Connecticut partnered to protect 450 acres of habitat for the rare grasshopper sparrow – the General Cigar Property – that straddles the two states. The Massachusetts portion of the reserve, protected by DFG, is in the Town of Southwick.

#### Acknowledgments

The Patrick Administration wishes to thank all who played a role in the conservation of 24,104 acres in 2008. This includes several dozen agency employees from the Executive Office of Energy and Environmental Affairs and the Departments of Agriculture, Conservation and Recreation, Environmental Protection, and Fish and Game. In addition, the many employees and volunteers of the Commonwealth's environmental and land conservation organizations were indispensable partners in this accomplishment and much of this land would not have been preserved without their efforts. Municipal governments and the many volunteer and professional people responsible for their conservation efforts were also key participants. Finally, many land owners across the Commonwealth donated property in 2008, for which the Commonwealth owes them a debt of gratitude.



### Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs

Deval Patrick, *Governor*Ian Bowles, *Secretary* 

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